

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
DATE OF MEETING: November 21, 2012**

**AGENDA TAB NO. 12**

**SUBJECT TITLE: Interlocal Agreement between the City of Tavares and Lake County for CDBG Funds to be used for Sidewalk and Sidewalk Ramp Replacements**

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**OBJECTIVE:** To enter into an interlocal agreement with Lake County government for the acceptance of the 2012-2013 allotment of the Community Development Block Grant funds in the amount of \$52,500.

**SUMMARY:** At this year's February 7<sup>th</sup> City Council Meeting, Council approved staff's recommendation to apply for available 2012-2013 Community Development Block Grant (CDBG) funding. Last year, the City of Tavares applied for and was awarded a 2011-2012 CDBG allotment in the amount of \$52,500 which was used for a sidewalk project along the east side of St. Clair Abrams Avenue from US Hwy 441 to Caroline Street. The same amount of funding (\$52,500) was awarded this year for replacement of unsafe sidewalks and sidewalk ramps at various locations in the City that meet the requirements of the grant (see attached maps).

**OPTIONS:**

- 1) Move to enter into an interlocal agreement between the City of Tavares and Lake County for CDBG funds in the amount of \$52,500 for sidewalk and sidewalk ramp improvements
- 2) Do not approve the Interlocal agreement

**STAFF RECOMMENDATION:**

Option 1 - Move to enter into an interlocal agreement between the City of Tavares and Lake County for CDBG funds in the amount of \$52,500 for sidewalk and sidewalk ramp improvements.

**FISCAL IMPACT:** 100% grant of \$52,500 with no match required

**LEGAL SUFFICIENCY:** Meets legal sufficiency

**COMMUNITY DEVELOPMENT BLOCK GRANT**

**PARTNERSHIP AGREEMENT**

**BETWEEN**

**LAKE COUNTY**

**AND**

***CITY OF TAVARES***

**FOR**

***CDBG FY 2012-13  
ADA IMPROVEMENTS PROJECT***

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**PARTNERSHIP AGREEMENT  
BETWEEN LAKE COUNTY AND  
CITY OF TAVARES**

This Agreement is made and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between Lake County, a Political Subdivision of the State of Florida hereafter referred to as "COUNTY", and **City of Tavares**, a municipal corporation organized under the laws of the State of Florida, hereafter referred to as "MUNICIPALITY"

**WITNESSETH:**

WHEREAS, the COUNTY has been awarded a Community Development Block Grant (CDBG) from the Department of Housing and Urban Development (HUD) which provides for the development, establishment, and administration of projects to benefit low and moderate income families, aid in elimination of slums or blight, or meet an urgent community development need according to CFR 570 HUD Regulations; and

WHEREAS, said Grant allows the COUNTY to develop partnerships with other governmental agencies and non-profit corporations to administer and implement projects that are eligible for CDBG funding; and

WHEREAS, the MUNICIPALITY has entered into an Urban County Cooperation Agreement with the County, whereby the County shares its annual CDBG entitlement with the MUNICIPALITY because the MUNICIPALITY's low and moderate income population was used to qualify the County for the entitlement; and

WHEREAS, the MUNICIPALITY wishes to use its share of the FY 2012-13 CDBG entitlement for the *St. Clair Abrams Sidewalk Project*; and

WHEREAS, the MUNICIPALITY has agreed to implement the above activity and to be reimbursed for the services in an amount not to exceed \$52,500; and

WHEREAS, the COUNTY has initially determined that the proposed activity will benefit low and moderate income persons;

NOW THEREFORE in consideration of the mutual premises and covenants, the parties agree as follows:

**ARTICLE I  
PROJECT DESCRIPTION**

- 1.1 The MUNICIPALITY agrees to implement this activity as described in detail in **Appendix A, Scope of Services**.

**ARTICLE II  
DISBURSEMENTS**

- 2.1 The COUNTY agrees to reimburse the MUNICIPALITY a maximum amount not to exceed \$52,500 from FY2012-13 Community Development Block Grant (CDBG) funds, as outlined in **Appendix B**, Budget.

**ARTICLE III  
REPORTING**

- 3.1 The MUNICIPALITY shall provide the COUNTY with a monthly report of all activities including a narrative summary of progress and financial statement on expenditures during the report period. Reports may be submitted on the report form attached to this Agreement, **Appendix D**. Reports are due on the tenth working day of each month, unless on an otherwise agreed upon schedule, and shall begin on the effective date of this agreement and continue until all information concerning the project has been received by the COUNTY for close-out.
- 3.2 The MUNICIPALITY shall provide the Lake County Department of Community Services with additional program information as needed.

**ARTICLE IV  
AGREEMENT PERIOD AND TERMINATION**

- 4.1 This Agreement shall take effect on **December 1, 2012**, and shall terminate on **September 30, 2013** unless canceled sooner.
- 4.2 Suspension and termination for convenience:
- a. If the MUNICIPALITY should materially fail to comply with any term of the award, suspension or termination may occur in accordance with 24 CFR 85.43 and in accordance with 24 CFR 85.44. In the event that funds should fail to be or cease to be provided to the COUNTY then the COUNTY may terminate this Agreement immediately.
  - b. Termination for Convenience: Except as provided above awards **may be** terminated in whole or in part only as follows:
    - 1. By the County with the consent of the MUNICIPALITY in which case the two parties shall agree upon the termination condition including the effective date and in case of partial termination the portion to be terminated; or
    - 2. By the MUNICIPALITY upon written notification to the COUNTY setting forth the reasons for such termination, the effective date, and in case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the COUNTY determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the COUNTY may terminate the award in its entirety.

- 4.3 The COUNTY may issue a Stop Order to the MUNICIPALITY which will halt all work on the project in the event that the work is not being done according to Federal guidelines and regulations, the assurances contained herein, or the provisions of this Agreement.
- 4.4 The MUNICIPALITY may not terminate its obligations under Paragraph 11.7-11.9 (Program Income) and may not terminate an Assignment of Proceeds and Grant of Lien without written consent of the COUNTY.
- 4.5. Hearings Appeals: In taking an enforcement action the COUNTY will provide the MUNICIPALITY an opportunity for such hearing appeal or other administrative proceeding to which the COUNTY or MUNICIPALITY is entitled to under any statute or regulation applicable to the action involved.
- 4.6 Effects of Suspension and Termination: Costs resulting from obligations incurred by the MUNICIPALITY clearing a suspension after termination of an award are not allowable unless the awarding agency expressly authorizes them in the nature of suspension or termination or subsequently. Other MUNICIPALITY costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
- a. The costs result from obligations which were properly incurred by the MUNICIPALITY before the effective date of suspension or termination are not in anticipation of it and in case of termination are noncancellable; and
  - b. The costs would be allowable if the award was not suspended or expired normally at the end of the funding period in which the termination takes effect.
- 4.7 Relationship to Debarment and Suspension: The enforcement remedies identified in this section including suspension and termination do not preclude the grantee or subrecipient from being subject to "Debarment".

**ARTICLE V  
INDEMNIFICATION**

- 5.1 The COUNTY and the MUNICIPALITY, in accordance with Section 768.28, Florida Statutes, agree to be fully responsible for their negligent acts or omissions or intentional tortuous acts which result in claims or suits against the other party, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Subrecipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract. The MUNICIPALITY agrees that it is an independent contractor of the COUNTY and not an agent or employee.

**ARTICLE VI  
PROCEDURES FOR INVOICING AND PAYMENT**

- 6.1 All purchasing for consumable, capital equipment, and services shall be made by credit card, purchase order or by a written contract
- a. The COUNTY agrees to make payment and reimburse all budgeted costs as specified in Appendix B available under Federal, State, and County guidelines.
  - b. Requests by the MUNICIPALITY for payment shall be accompanied by proper documentation and shall be submitted to the COUNTY for approval no later than thirty (30) days after the last date covered by the request.
  - c. The COUNTY agrees that it shall pay the MUNICIPALITY within thirty (30) calendar days after proper presentation of invoices and reports approved by the MUNICIPALITY and COUNTY.
  - d. For purposes of this section, copies of invoices, receipts, or other evidence of indebtedness shall be considered proper documentation. Invoices shall not be honored if received by the COUNTY later than thirty (30) days after expiration date of this Agreement.
  - e. The COUNTY may withhold payment of reimbursement requests if monthly reports are not current.
- 6.2 Upon receiving the invoices, reports and other materials, the COUNTY shall review such bid awards, contracts, reports and invoices to determine whether the items invoiced have been completed and that the invoiced items are proper for payment.
- 6.3 Upon determination by the COUNTY that the services or material invoiced have been received or completed, the COUNTY shall authorize payment to the MUNICIPALITY in the amount it determines to be payable.
- 6.4 If applicable, a request to subcontract work or services hereunder shall be submitted in writing and shall be subject to each provision of this Agreement and any contract shall be in accordance with County, State, and Federal guidelines and regulations. A list of all subcontractors shall be provided to the Department of Community Services. This in no way relieves the MUNICIPALITY from any other requirements of this Agreement. Reimbursement requests shall include certification such as the certification shown in Appendix C, Page 2 in the absence of canceled checks for verification. None of the work or services, including but not limited to, consultant services covered by this Agreement, shall be subcontracted or reimbursed without the prior notice to the COUNTY.

**ARTICLE VII  
IMPLEMENTATION AND TIMETABLE**

- 7.1 The parties expressly ratify the activities relating to this agreement and adopt the terms and conditions of this agreement for all such activities beginning October 1, 2012. Expenses incurred during this period will be considered eligible for reimbursement.

- 7.2 The MUNICIPALITY agrees to implement project(s) and comply with the Scope of Services and timetable set forth in Appendix A.

**ARTICLE VIII  
NOTICES**

- 8.1 The MUNICIPALITY and the COUNTY agree that all notices required by this Agreement shall be in writing and delivered by U.S. Mail, electronic mail, by messenger or personally delivered to the office of the duly authorized representative of the MUNICIPALITY or COUNTY as specified herein.

COUNTY :

Cheryl Howell, Housing Division Manager  
Lake County Dept of Comm. Services  
P.O. Box 7800  
1300 S. Duncan Drive.  
Tavares, FL 32778-7800

MUNICIPALITY:

*Chris Thompson*  
Public Works Director  
City of Tavares  
PO Box 1068  
Tavares, FL 32778

**ARTICLE IX  
MODIFICATION**

- 9.1 Any program modification requested by the MUNICIPALITY must be requested at least ninety (90) days prior to the end of the term of this Agreement. No modification to this Agreement shall be binding on either party unless in writing and signed by both parties.
- 9.2 In the event that the Board of County Commissioners approves any modification, amendment, or alteration to the funding allocation, the MUNICIPALITY shall be notified in writing and such notification shall constitute an official amendment.
- 9.3 The COUNTY may, at its discretion and upon provision of proper notice to the MUNICIPALITY, amend this Agreement to conform with changes in Federal, State, and/or County guidelines, regulations, directives, and objectives. Such amendments shall be incorporated by written amendment as a part of this Agreement.

**ARTICLE X  
ASSURANCES**

- 10.1 MUNICIPALITY agrees that it will comply with the following assurances:
  - a. If applicable, the MUNICIPALITY shall inform affected persons of the benefits, policies, and procedures provided for under HUD regulations.
  - b. The MUNICIPALITY agrees further that it shall be bound by the standard terms and conditions used in the Grant Agreement between HUD and the COUNTY and such other rules, regulations or requirements as HUD may reasonably impose in addition to the aforementioned assurances at or subsequent to the execution of this Agreement by the parties hereto.
  - c. In accordance with the Drug Free Workplace Act of 1988, the MUNICIPALITY certifies that it has a policy designed to ensure that the MUNICIPALITY's

workplace is free from the illegal use, possession, or distribution of drugs or alcohol.

- d. In compliance with Paragraph (2)(a) of Section 287.133, Florida Statutes, a "person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids or leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

10.2 The MUNICIPALITY certifies that, to the best of its knowledge and belief that:

- a. No federally appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and It will require that the language of this Paragraph 8.12 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**ARTICLE XI  
FINANCIAL RESPONSIBILITY**

- 11.1 The MUNICIPALITY gives the COUNTY, HUD, and the Inspector General, through any authorized representative, access to and the right to examine all records, books, papers, or documents relating to the project.
- 11.2 The MUNICIPALITY agrees to maintain books, records and documents in accordance with accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided under this Agreement.
- 11.3 The MUNICIPALITY further agrees to provide for audit purposes (upon request) all files, records and documents pertaining to related activities and clientele demographic data contained in this Agreement.
- 11.4 Any funds expended in violation of this Agreement shall be refunded in full from non-Federal resources.
- 11.5 Funding authorization through a Community Development Block Grant shall be used only for eligible activities specifically outlined in this Agreement. In the event material progress is not evidenced nor commenced within the time limitations of this Agreement, as determined by the COUNTY, the COUNTY may terminate this contract.
- 11.6 All funds not expended as a result of the aforementioned deficiency of significant material progress or returned as a result of expiration and subsequent termination of the original funding Agreement shall be used by the COUNTY at its discretion for reallocation to other eligible CDBG activities.
- 11.7 Program income (defined at 24 CFR 570.500) derived from the project, if any, shall be retained by the MUNICIPALITY to be used to recoup costs incidental to generation of the income, such as expendable supplies and labor costs.
- 11.8 If the MUNICIPALITY executes an Assignment of Proceeds and Grant of Lien to the COUNTY specifying the terms of reversion of proceeds from possible future sale of real property, it is incorporated by reference and made a part of this contract.
- 11.9 The COUNTY shall have the right to audit and monitor any program income as a result of a Community Development Block Grant activity.

**ARTICLE XII  
EVALUATION AND MONITORING**

- 12.1 The MUNICIPALITY agrees that the COUNTY may carry out periodic monitoring and evaluation activities as determined necessary by the COUNTY. This Agreement is dependent upon satisfactory monitoring and evaluation of activities and other performance measures, including, but not limited to the terms of this Agreement, comparisons of planned versus actual progress relating to project scheduling, budget, and output measures. The MUNICIPALITY agrees to furnish upon request to the COUNTY or its designees, and make copies and/or transcriptions of such records and information as is determined necessary by the COUNTY. The MUNICIPALITY shall

submit, upon the request of the COUNTY, information and status reports required by the COUNTY or HUD on forms approved by the COUNTY.

- 12.2 A sample monitoring instrument attached as **Appendix E** contains the minimum monitoring measures to be used by the COUNTY. Other measures may also be utilized.

### ARTICLE XIII UNIFORM ADMINISTRATIVE REQUIREMENTS

- 13.1 Governmental subrecipients and the County shall comply with the 24 CFR Part 85 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments":

- a. Section 85.3, "Definitions";
- b. Section 85.6, "Exceptions";
- c. Section 85.12, "Special grant or subgrant conditions for 'high-risks' grantees";
- d. Section 85.20, "Standards for financial management systems", except paragraph (a);
- e. Section 85.21, "Payment", except as modified by State Statute 570.513;
- f. Section 85.22, "Allowable costs";
- g. Section 85.26, "Non-federal audits";
- h. Section 85.32, "Equipment", except in all cases in which the equipment is sold, the proceeds shall be Program Income;
- i. Section 85.33, "Supplies";
- j. Section 85.34, "Copyrights";
- k. Section 85.35, "Subawards to debarred and suspended parties";
- l. Section 85.36, "Procurement", except paragraph (a);
- m. Section 85.37, "Subgrants";
- n. Section 85.40, "Monitoring and reporting program performance", except paragraph (b) - (d) and (f);
- o. Section 85.41, "Financial reporting", except paragraphs (a), (b), and (e);
- p. Section 85.42, "Retention and access requirements for records";
- q. Section 85.43, "Enforcement";
- r. Section 85.44, "Termination for convenience";
- s. Section 85.51, "Later disallowances and adjustments"; and
- t. Section 85.52, "Collection of amounts due".

The COUNTY and governmental subrecipients shall also comply with the provisions of OMB Circular A-133 - Audits of State and Local Governments Non-Profit Organizations; and OMB Circular A-87 - Cost Principles for State and Local Governments.

**ARTICLE XIV  
CONFLICT OF INTEREST**

- 14.1 In the procurement of services by the MUNICIPALITY, the Conflict of Interest provision in 24 CFR 85.36 shall be adhered to as applicable.

**ARTICLE XV  
OTHER REQUIREMENTS**

- 15.1 The COUNTY and the MUNICIPALITY agree to comply with all applicable Federal, State, and County laws ordinances, codes and regulations. Any conflict or inconsistency between the above Federal, State or County guidelines and regulations and this Agreement shall be resolved in favor of the more restrictive. More specifically, the COUNTY and the MUNICIPALITY agree to carry out each activity in compliance with all applicable Federal laws and regulations as described below:

- Public Law 88.352 - Title VI of the Civil Rights Act of 1964
- Public Law 90.284 - Title VIII of the Civil Rights Act of 1988
- Executive Order 11063 as amended by Executive Order 12259
- Section 109 of the Act
- Labor Standards
- National Flood Insurance Program
- Relocation and Acquisition
- Employment and Contracting Opportunities;
- Executive Order 11246 (41 CFR Chapter 60)
- Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 17010)
- Lead-Based Paint
- Use of Debarred, Suspended or Ineligible Contractors
- Displacement
- Conditions for Religious Organizations
- Non-Discrimination Base on Handicap
- Section 504 of the Rehabilitation Act of 1973
- Architectural Barriers Act of 1963
- Environmental Protection Agency Regulations.

- 15.2 The MUNICIPALITY will conform with the rules and regulations set forth under Section 3 of the Housing and Urban Development Act of 1968, (12 USC 1701u), as amended. If the MUNICIPALITY solicits or requests an invitation for bids, every effort feasible will be made to contact minority-owned and women-owned business enterprises for a response to the solicitation or invitation for bidders.

- 15.3 Neither the MUNICIPALITY's program nor the funds provided therefore, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of the Hatch Act, Chapter 15 of Title 5, United States Code

**ARTICLE XVI  
GENERAL PROVISIONS**

- 16.1 The COUNTY and the MUNICIPALITY agree to abide by the provision of Chapter 112.3135, Florida Statutes, pertaining to nepotism in their performance under this Agreement. The COUNTY and the MUNICIPALITY also agree to abide by Chapter 119, Florida Statutes, Public Records and its successors.
- 16.2 This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.
- 16.3 This document shall be executed in three (3) counterparts, each of which shall be deemed to be an original.
- 16.4 Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

**ARTICLE XVII  
INSURANCE AND BOND**

- 17.1 The MUNICIPALITY shall maintain, at all times, the following minimum levels of Insurance and; shall, without in any way altering their liability, obtain, pay for and maintain insurance for the coverages and amounts of coverage not less than those set forth below.
  - a. Worker's Compensation -- in compliance with State and Federal laws.
  - b. Comprehensive Automobile Liability -- \$1,000,000.00 combined single limit of liability for bodily injuries, death and property damage resulting from any one occurrence, including all owned, hired, and non-owned vehicles.
  - c. Comprehensive General Liability -- \$1,000,000.00 combined single limit of liability for bodily injuries, death, and property damage, and personal injury resulting from any one occurrence, including the following coverages:
    - I. Premises and Operations; and
    - II. Broad Form Commercial General Liability Endorsement to include blanket contractual liability (specifically covering, but not limited to, the contractual obligations assumed by the firm); Personal Injury (with employment and contractual exclusions deleted); and Broad Form Property Damages coverages.
- 17.2 The MUNICIPALITY shall provide to the COUNTY original Certificates of Insurance satisfactory to the County to evidence such coverage before any work commences.
- 17.3 The MUNICIPALITY shall name the COUNTY as an additional insured on all policies related to the project, excluding worker's compensation and professional liability.

- 17.4 All insurance coverage shall be written with a company having an A.M. Best Rating of at least the "A" category and size category of VIII.
- 17.5 The MUNICIPALITY's self-insured retention or deductible per line of coverage shall not exceed \$25,000 without the permission of the COUNTY. Such certificates of insurance provide that there shall be no termination, non-renewal modification or expiration of such coverage without forty-five (45) calendar days prior written notice to the COUNTY. In the event of any failure by the MUNICIPALITY to comply with the provisions; the COUNTY may, at its option, on notice to the MUNICIPALITY suspend the project for cause until there is full compliance. Alternatively, the COUNTY may purchase such insurance at the MUNICIPALITY's expense, provided that the COUNTY shall have no obligation to do so and if the COUNTY shall do so, the MUNICIPALITY shall not be relieved of or excused from the obligation to obtain and maintain such insurance amounts and coverages.
- 17.6 The MUNICIPALITY herein attests and certifies to the COUNTY that during the term, January 31, 2011 to the effective date of this agreement, the MUNICIPALITY had all insurance coverages and limits as set forth by the agreement.
- 17.7 The undersigned person signing as an officer on behalf of the MUNICIPALITY, a party to this Agreement, hereby severally warrants and represents that said person has authority to enter into this Agreement on behalf of said MUNICIPALITY and to bind the same to this Agreement, and, further that said MUNICIPALITY has authority to enter into this Agreement and that there are no restrictions or prohibitions contained in any article of incorporation or bylaw against entering into this Agreement.

IN WITNESS WHEREOF the parties hereto duly execute this Agreement as of the day and year first written above.

LAKE COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Leslie Campione, Chairman

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_

ATTEST

\_\_\_\_\_  
Neil Kelly, Clerk of the Board  
of County Commissioners of Lake County Florida

Approved as to form and legality

\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney

**MUNICIPALITY**

ATTEST:

\_\_\_\_\_  
Robert Wolfe, Mayor

\_\_\_\_\_  
Nancy Barnett, City Clerk

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved as to form and legality:

\_\_\_\_\_  
Robert Q. Williams, City Attorney

**APPENDIX A  
SCOPE OF SERVICES**

1. The MUNICIPALITY intends to use its FY 2012-13 Community Development Block Grant (CDBG) funds to **construct ADA Ramps and sidewalks**. More specifically, the improvements include:

- Construct ADA Ramps and sidewalks in various low-moderate areas in Tavares.

2. The MUNICIPALITY will oversee implementation of the project with assistance from the County as follows:

- Construction of sidewalks and ADA ramps.
- Contract for installation of the site improvements.

It shall be the responsibility of the MUNICIPALITY to ensure that all contracted services shall be procured in such a manner as to encourage free and open competition following statutory procurement practices, and, in all contracts for outside labor, to include compliance with federal labor standards, where applicable, and with other federal requirements. The County will assist the MUNICIPALITY to ensure that these requirements are met.

2. Implementation of the project shall proceed according to the Schedule on Appendix A, Page 2.

### Implementation Schedule

Task	Start	Contract Month												End		
		11/12	12/12	01/13	02/13	03/13	04/13	05/13	06/13	07/13	08/13	09/13	10/13			
<b>Design</b>	11/12	X	X													12/12
<b>Interlocal Agreement Approved</b>	11/12	X	X	X												01/13
<b>Bids Requested</b>	01/13			X	X											02/13
<b>Approval of Bids</b>	02/13				X	X										03/13
<b>Enter in to Contract</b>	03/13					X	X									04/13
<b>Construction Begins</b>	04/13						X	X								05/13
<b>Project Closeout</b>	06/13									X						06/12

3. The MUNICIPALITY shall comply with the following other requirements:

- Prior to rehabilitation/construction, Department of Community Services-CDBG Division staff will review and approve specifications and cost allocations.
- The MUNICIPALITY shall include in all advertising and/or promotion a statement that whole or partial funding of the project is supplied by Lake County Community Development Block Grant Funds, or wording to that effect.
- The MUNICIPALITY shall maintain documentation that ensures eligibility and compliance with a National Objective of the CDBG program.
- The Scope of Service may not be changed or modified without prior written approval by the COUNTY.

**APPENDIX B  
BUDGET**

The MUNICIPALITY shall adhere to the following budget in carrying out this Agreement. LINE ITEMS MAY NOT BE ADDED to the Budget during the term of this Agreement.

Category	Line Item	CDBG Funds	Other Funding	Total
Salaries & benefits (service delivery or labor costs only)				
Materials & equipment	1342 LF sidewalk replace	\$25,700		\$25,700
	8 ADA Compliant Ramps @ \$1,500 each	\$18,000		\$18,000
	Eng./Oversight/Design/Permit	\$8,500		\$8,500
	CDBG required sign	\$300		\$300
Consultants & professional services				
Other expenses				
	Tree removal/labor and disposal		\$3,000	\$3,000
	Utility relocations/labor and material		\$4,000	\$4,000
<b>Totals</b>		\$52,500	\$7,000	\$59,500

The MUNICIPALITY may request **PRIOR** approval for Budget line item shifts, except that such line item shifts involving personnel shall not result in an increase in the rate of such salaries. Requests for line item shifts shall be granted by the Lake County Housing Services Division (HSD) as it deems reasonable and necessary for the performance of Services and shall not be deemed approved unless given **IN WRITING** by HSD.

APPENDIX C

REIMBURSEMENT REQUEST FOR CDBG FUNDS

PROJECT NAME: CDBG 2012-13 ADA Improvements Project
Urban County Partner: Tavares

PAYROLL (Must have authorized timesheets and payroll information): \$

INVOICES (Attach all relevant invoices and copies of disbursed checks): \$

EQUIPMENT (Office, etc., along with procurement information): \$

OTHER CONTRACTS (Provide copies of contracts using CDBG funds): \$

REIMBURSEMENT REQUEST TOTAL: \$

Authorized Signature

Date

For CDBG Use Only

ACCOUNT NUMBER ( )

SUBJECT TO PROGRAM INCOME? YES NO

APPROVED PROGRAM SUPERVISOR
SIGNATURE / DATE

APPROVED HOUSING DIRECTOR
SIGNATURE / DATE

NOTES:

**VENDOR/INVOICE FORM**

Account Number ( \_\_\_\_\_ )  
 Project Title **CDBG 2012-13 ADA Improvements Project**  
 To: Lake County Department of Community Services  
 From: **Tavares**

Paid Invoices (Period Covered) from \_\_\_\_\_ To \_\_\_\_\_

List Invoice #	Each Invoice #	Check Number	Vendor Names	Project Total on Invoice
TOTAL				

IN-KIND CONTRIBUTIONS [report if applicable]: Contributions used in completion of project using other than CDBG funds [e.g., labor, materials, financial contributions, etc.]

TOTAL EARNED			\$
LESS RETAINAGE			-\$
TOTAL LESS RETAINAGE – BALANCE DUE			\$
Awarded Funds:	Previous Balance Forward	Reimbursement Amount	Balance Forward
CDBG FUNDS (\$52,500)	\$0.00	\$0.00	\$0.00

**I certify that to the best of my knowledge the data reported in this reimbursement request is accurate.**

\_\_\_\_\_/\_\_\_\_\_  
 Signature and Title Date

SPECIAL NOTE: ALL Invoices and Checks listed above must be attached (as well as any Bidding Information and Contracts). ALL COPIES MUST BE LEGIBLE AND REPRODUCIBLE.

**APPROVAL**

\_\_\_\_\_/\_\_\_\_\_  
 CDBG Program Supervisor Date

\_\_\_\_\_/\_\_\_\_\_  
 Housing Division Manager Date

**APPENDIX D  
CONSTRUCTION MONTHLY STATUS REPORT**

[Goals and accomplishments reported must be measurable and specific to activities outlined in the Scope of Services.]

Urban County Partner: **Tavares**

PROJECT: **CDBG FY 2012-13 ADA Improvements Project**

ACCOUNT NUMBER: ( \_\_\_\_\_ )

REPORT PERIOD \_\_\_\_\_ THROUGH \_\_\_\_\_

Activity	Estimated Start Date	Actual Start Date	Estimated Completion Date	Actual Completion Date

Attach narrative documentation for all activities, if applicable.

**PROJECT GOALS FOR NEXT REPORTING PERIOD:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX E**  
**Sample Monitoring Instrument**

**Sample Monitoring Instrument  
for  
Public Facilities**

<b>Construction activities</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Is there a copy of the contract for professional services?			
Are there copies of all plans and specifications?			
Is there a copy of the Davis Bacon Wage Determination?			
Is there verification of the bid opening?			
Is there documentation of the pre-construction conference?			
Are all monthly reports current?			
Have any requests for Budget changes been properly documented/filed?			
Have all invoices submitted contained the required documentation/backup?			
Are partial payment requests verified by site inspections?			
Are "Change Orders" properly documented and processed?			
Have all payroll requests been verified/adjusted properly?			
Is there a final inspection report preceding final payment?			
Have any/all liens against the contractor been released?			



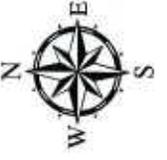
**Legend**

SideWalk Data

PARCELS



**Low Income Map 9**  
Area North of East  
Alfred Street on Dora Ave



**Legend**

- Sidewalk Data
- PARCELS



# Low Income Map 10

Intersection of Orange Ave  
& Palm Way Extending Easterly





# Low Income Map 8

Downtown Tavares  
North of Main Street



# TAVARES Income Median



Theme Basic Variables Current  
 Year Estimates A (2011) Income  
 Household Income Median  
 Household Income by Census  
 Tracts

- █ Above 97000
- █ 62000 to 97000
- █ 40000 to 62000
- █ 25500 to 40000
- █ Below 25500

- Big City Cr
- Medium City Cr
- Small City Cr
- Prim. Hwy
- Secd. Hwy
- Maj. Rds
- Water Bodies
- ▨ Parks
- State Bdndry

Source: Applied Geographic Solutions © 2011.  
 DecisionData is brought to you by DDR, LLC © 2011  
 All Rights Reserved  
 Date: 02/24/12



**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
DATE OF MEETING: November 21, 2012**

**AGENDA TAB NO: 13**

**SUBJECT TITLE: Approval of Street Closure for Santa's Little Helper's Event**

---

**OBJECTIVE:**

To approve a street closure in conjunction with the Santa's Little Helper's event hosted at O'Keefe's Irish Restaurant & Pub on the evening of December 2, 2012.

**SUMMARY:**

"Santa's Little Helpers" Annual Christmas Party is a toy drive for foster children that has been hosted at O'Keefe's Irish Restaurant & Pub for 7 years now. Each year they collect over 500 gifts, from bicycles to electronics. The event is sponsored by Bob Graver, Robyn Hudson, and Andrew & Jennifer O'Keefe.

They have filed the attached Event Application requesting Ruby Street from St. Clair Abrams Ave to Rockingham Ave be closed for the event.

The City of Tavares will be providing limited staff support and services to this event as outlined in the Event application.

Since the event requires a very limited street closing, the event application has to be approved by City Council.

**OPTIONS:**

1. That the City Council approves the street closure reflected in the attached Event Application for the "Santa's Little Helper's" Event.
2. That the City Council not approve the street closure.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the street closure reflected in the attached Event Application for the "Santa's Little Helper's" Event.

**FISCAL IMPACT:**

The fiscal impact will be the provision of the in-kind services provided by the City as requested in the attached Event Application.

**LEGAL CONSIDERATIONS:**

All options are legally sufficient.



America's Seaplane City™

SPECIAL EVENT PERMIT APPLICATION

City of Tavares
201 E. Main Street, Tavares, FL 32778
Phone: (352) 742-6213 Fax: (352) 742-6087



Date Received

Permit Number 12-903

Use this form for any event where the anticipated attendance exceeds 300 people per day.
Examples of Special Events include, but are not limited to: Parades, Festivals, Carnivals,
Runs/Races/Walks, Art Shows, Concerts, Special Musical Presentations, Street Dances, Photography
Shoots, Contests/Competition/Sporting Events and Fireworks Displays.

Council approval is required for Special Events involving street closings, City co-sponsorship or has a crowd
attendance in excess of 2,000 people per day.

Completed application with all necessary attachments is required thirty (30) days prior to the actual event (sixty (60)
days if Council approval is required). For information call (352) 742-6213.

Organization: 2 Local Business "Santa's Little Helpers"

Name/Nature of Event: Toy Drive for Children in Foster Care

Event Category (See attached City Event Policy). Circle appropriate event category:

- (1) City Organized (2) Full City Supported (3) Limited City Supported (4) Non-City Supported

Webpage:

Location of event (Attach Site Plan): Ruby St (Rockingham to the West) (+ St Clair to West)

Table with 4 columns: Date, Set-Up Time, Actual Event Times, Take Down Time. Handwritten entries: 12/2/12, 4:30 to 4:45, 5PM to 11PM, 11:30 to 11:45P.

Has this event been held in the past? [checked] If so, when was the last event? Dec 2011

Individual Contact for Activity/Event: Lou Boigas Email Address: Louboigas@Ad.com

Cell Phone: 352-205-5992 Office Phone: [blank]

Address: 115 S Rockingham Ave Fax: [blank]

Major Sponsor(s): O'Keefe's Irish Pub & Robyn Huston, P.A.

Promoter(s): N/A Cell Phone or Contact #: [blank]

(If different from "Individual Contact") Email Address: [blank]

**Items 1-3 marked yes require City Council approval.**

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. <b>Crowd:</b> Is anticipated crowd size 2,000 or more? Actual anticipated number: <u>325</u>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. <b>Streets/Traffic:</b> Will any street(s) or sidewalk(s) be closed? (If yes, provide location on site plan.) Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with City of Tavares Police Department, Department of Transportation and Emergency Services review and approval.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. <b>Noise:</b> Will there be amplified music or entertainment? If yes, please attach type(s) of entertainment and time(s) of performance(s). Indicate stage location(s) on site plan.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. <b>Fireworks:</b> Is this a public _____ or private _____ display? Applicant must comply with State Law F.S. 791: and NFPA 1123 and obtain any applicable Lake County permit.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. <b>Banners, Signs, etc.:</b> Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. <b>Alcoholic Beverages:</b> Will alcoholic beverages be sold <input checked="" type="checkbox"/> or consumed <input checked="" type="checkbox"/> on the premises? (If yes, please check one or both.) A copy of the Florida Beverages Commission permit is required at the time of application and prior to event approval.<br>Permit Holder: _____<br>Division of Alcoholic Beverages and Tobacco: (407) 245-0785.             | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 7. <b>Security:</b> Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: _____   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 8. <b>Private Property:</b> Does the applicant own the property where the event is to be held? If not, please attach a letter of permission from the property owner.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 9. <b>Public Safety:</b> Will Police and Emergency Services Personnel be requested? (Based on responses to questions, certain Public Safety personnel may be required i.e., Police, First aid, Paramedics, emergency services, fire, etc.) Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety personnel staff necessary to assist with the event. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 10. <b>Tents/Canopies:</b> Will tents or canopies be used? If yes, indicate on site plan the tent size, location and type of surface on which the tent(s) will be installed and intended use of each tent.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 11. <b>Air Conditioning Units/Power Generators:</b> Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? If yes, indicate location of equipment on site plan.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 12. <b>Food/Cooking:</b> Will food be cooked _____ catered _____ on-site during this event? Indicate on site plan the location of vendors and cooking equipment to be used. (Appropriately rated fire extinguishers required.) The applicant is responsible for obtaining required food permits from the Florida Department of Business and Professional Regulation-Division of Hotel and Restaurant Management- 850-787-1395.     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Yes No

13. Sanitary Facilities:

Will temporary sanitary facilities be provided? If yes, indicate location on site plan.

14. Trash: Will additional refuse containers/dumpsters be provided?

15. Insurance Requirement: (Events on City property or City co-sponsored). Please provide the City of Tavares with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured.

16. Request for Use of City Services, Staff or Equipment: Will you be requesting the use of any City services, assistance from any City staff, or use of any City owned equipment? Please note that this request must be approved by the City Administrator and the applicant may incur a cost for the use of these.

Indicate your needs by checking the appropriate box.

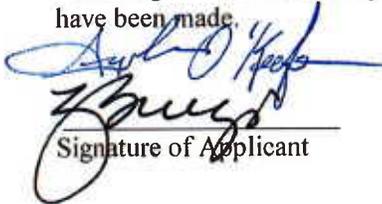
- Trash Pickup \$85/hr
- Trash Containers \$10/day/each
- Stage (4'x8') \$95/day
- First Aid Station \$30/hr
- Police/Security \$30/hr (6 hour minimum)
- Generator \$50/day
- Light Tower \$100/day

- Custodial (Restroom Cleaning) \$30/hr
- Bleachers \$600/day/each
- Fencing/Barricades \$1,350/day
- Port-a-Let (Regular) \$85.00/day/each
- Port-a-Let (Handicap) \$150.00/day/each
- Wash Station \$75.00/day/each
- Other \_\_\_\_\_

**DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED, IF CONDITIONS HAVE CHANGED, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY ADMINISTRATOR AND THE ACTIVITY SHALL CEASE IMMEDIATELY.**

I, the undersigned, will indemnify, defend and hold harmless, the City of Tavares, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

  
Signature of Applicant

10.29.12

10.29.12

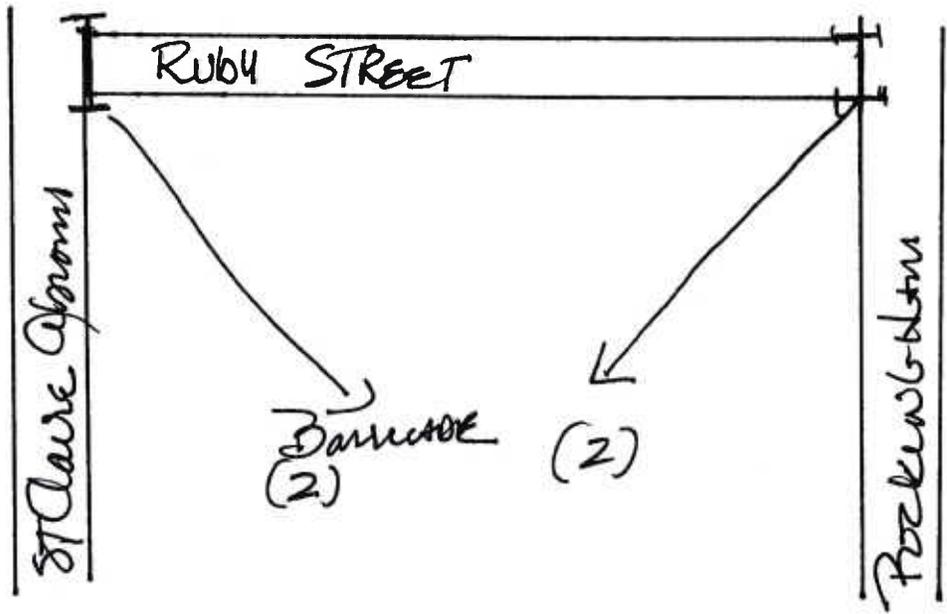
Date

Comments: \_\_\_\_\_

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_



**SANTA'S LITTLER HELPER TOY DRIVE**

**EVENT ITEM COST**

Item	Cost Each	Delivery Fee	Number of Items	Cost
8' Barricades	\$ 12.00		4	\$ 48
4'x8' Stage	\$ 70.00	\$ 25.00	0	\$ -
Portalet - Regular	\$ 85.00		0	\$ -
Portalet - Handicap	\$ 150.00		0	\$ -
Wash Station	\$ 75.00		0	\$ -
Portable Generator	\$ 50.00		0	\$ -
Bleachers	\$ 600.00		0	\$ -
Garbage Bins	\$ 10.00		0	\$ -
Item	Cost Per Hour	Delivery Fee	Number of Hours	Cost
Garbage Pick Up	\$ 85.00		0	\$ -
Restroom Cleaning Service	\$ 30.00		0	\$ -
Light Tower	\$ 150.00		0	\$ -
<b>TOTAL COST FOR EVENT ITEMS:</b>				<b>\$ 48.00</b>

**EVENT PERSONNEL COST**

Personnel	Cost Per Hour	Misc Fees	Number of Hours	Cost
Police Officer	\$ 30.00		0	\$ -
Firefighter w/ First Aid Unit	\$ 30.00		0	\$ -
				\$ -
				\$ -
<b>TOTAL COST FOR EVENT PERSONNEL:</b>				<b>\$ -</b>

**TOTAL ESTIMATE COST: \$ 48.00**



# **SANTA'S LITTLE HELPERS' 7<sup>TH</sup> ANNUAL CHRISTMAS PARTY**

*Come join us in our celebration of love, laughter, and  
sharing during this holiday season.*

**WHEN: SUNDAY, DECEMBER 2, 2012 AT 5:00 PM**

**WHERE: O'KEEFE'S IRISH RESTAURANT & PUB  
115 S. ROCKINGHAM AVENUE  
TAVARES, FLORIDA 32778**

**ATTIRE: FESTIVE HOLIDAY WEAR**

**ADMISSION: A TOY FOR A CHILD**

**HORS D'OEUVRES AND HOLIDAY TREATS  
WILL BE PROVIDED**

**PLEASE BRING A TOY FOR A CHILD**

**(EACH YEAR WE COLLECT OVER 500 GIFTS, INCLUDING  
BICYCLES, BALLS, DOLLS, GAMES, ETC!!!!)**

**Sponsored by: Bob Graver, Robyn Hudson, and Andrew & Jennifer O'Keefe**



**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
DATE OF MEETING: NOVEMBER 21, 2012**

**AGENDA TAB NO. 14**

**SUBJECT TITLE: 2012 UNITED STATES DEPARTMENT OF JUSTICE –  
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)  
DIRECT FOR TWO FACTOR AUTHENTICATION USB DEVICES**

---

**OBJECTIVE:**

To consider the request to apply for and accept funding from the 2011 United States Department of Justice – Edward Byrne Memorial Justice Assistance Grant (JAG) Direct for purchase of Two Factor Authentication USB Devices in the amount of \$1,000.

**SUMMARY:**

The U.S. Department of Justice will be dispersing Edward Byrne Memorial Justice Assistance (JAG) Direct funds through a reimbursable grant. The allotment for the City of Tavares is \$1,000. This funding will be used to purchase a Two Factor Authentication USB Devices to be used by employees of the Tavares Police Department.

**OPTIONS:**

- 1) Apply and accept U.S. Department of Justice – Edward Byrne Memorial Justice Assistance Grant (JAG) Direct funding in the amount of \$1,000.
- 2) Do not apply for the grant

**STAFF RECOMMENDATION:**

Move to apply for the U.S. Department of Justice –Edward Byrne Memorial Justice Assistance Grant (JAG) Direct.

**FISCAL IMPACT:**

100% reimbursable grant with no match requirement

**LEGAL SUFFICIENCY:**

This has met legal sufficiency.

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**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
NOVEMBER 21, 2012**

**AGENDA TAB NO. 15**

**FIRST READING**

**SUBJECT TITLE:     Ordinance 2012-22  
                          Amendment to Comprehensive Plan to include Airport Protection**

---

**OBJECTIVE:**

To amend the Comprehensive Plan to include airport protection as mandated by Florida Statute 163.3177(6)(a)(11), which requires the City's Future Land Use Element be updated to include policies that support the protection of public use airports from encroachment by incompatible uses of lands.

**SUMMARY:**

Florida Statute requires that local governments amend their Comprehensive Plan to include criteria and address compatibility of lands adjacent to public use airports. The City of Tavares Seaplane Base is a licensed public use airport subject to the Florida Statute. The proposed ordinance adopts policy that would bring the City Comprehensive Plan into compliance with the State Statute. A supporting amendment to the City's Land Development Regulations is concurrently under consideration.

**OPTIONS:**

No Council action required at First Reading.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its October 18<sup>th</sup> meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-22.

**STAFF RECOMMENDATION:**

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-22.

**FISCAL IMPACT:** N/A

**LEGAL SUFFICIENCY**

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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**ORDINANCE 2012-22**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,  
AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE  
LAND USE ELEMENT; IDENTIFYING THE CITY OF TAVARES  
SEAPLANE BASE; PROVIDING FOR AIRPORT PROTECTION;  
AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to amend its Comprehensive Plan to prohibit the creation or establishment of airport hazards,

**WHEREAS**, Section 163.3177(6)(a)(11), Florida Statutes, requires the City's Future Land Use Element to be updated to address compatibility of lands adjacent or closely proximate to an airport as defined in Section 330.35, Florida Statutes, and consistent with Section 333.02, Florida Statutes,

**WHEREAS**, the Tavares Seaplane Base constitutes an "airport" as defined by Florida Statutes,

**WHEREAS**, the City of Tavares has advertised as required by law for two public hearings prior to adoption of this ordinance; and

**WHEREAS**, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and

**WHEREAS**, the City of Tavares Planning and Zoning Board, Local Planning Agency, and City Council held duly noticed public hearings providing opportunity for individuals to hear and be heard regarding the adoption of the proposed amendment; and

**WHEREAS**, the City Council has reviewed and considered all relevant evidence and information and testimony presented by witnesses, the public, and City staff; and

**WHEREAS**, the City Council finds this amendment in compliance with Chapter 163, Florida Statutes, and the City of Tavares Comprehensive Plan; and

**WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

48 **Section 2. Amendment.** The City of Tavares Comprehensive Plan, Future  
49 Land Use Element as follows:

50

51 *Goal 2-1: Ensure the compatibility of lands adjacent to or in closely proximity*  
52 *to public use airports as defined in Florida Statutes Section 330.35,*  
53 *for the purpose of protecting the airport from encroachment.*

54

55 *Objective 1-1.1: The City shall implement public use airport protection*  
56 *through the Land Development Regulations for the purpose*  
57 *of preventing airport hazards.*

58

59 *Policy 1-1.1.1. The City shall maintain and enforce through the Land*  
60 *Development Regulations, protections which shall serve to*  
61 *preserve the operation of City of Tavares Seaplane Base.*

62

63 This Ordinance shall take effect immediately upon its final adoption by the  
64 Tavares City Council.

65

66 **PASSED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_,  
67 2012, by the City Council of the City of Tavares, Florida.

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\_\_\_\_\_  
Robert Wolfe, Mayor  
Tavares City Council

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ATTEST:

\_\_\_\_\_  
Nancy A. Barnett  
City Clerk

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_

\_\_\_\_\_  
Approved as to form:  
City Attorney

**THE CITY OF TAVARES NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2012-22 & Ordinance 2012-27 titled as follows:

**ORDINANCE 2012-22**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT; IDENTIFYING THE CITY OF TAVARES SEAPLANE BASE; PROVIDING FOR AIRPORT PROTECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**ORDINANCE 2012-27**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES LAND DEVELOPMENT REGULATIONS; ADDING CHAPTER B SECTION B-12 REGARDING PUBLIC USE AIRPORTS; PROVIDING FOR AIRPORT PROTECTION ZONING; AND PROVIDING FOR AN EFFECTIVE DATE.**

Proposed Ordinance 2012-22 & Ordinance 2012-27 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on October 18, 2012, at 3 p.m.; and
2. Tavares City Council meeting on November 21, 2012, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on December 5, 2012 at 4 p.m. (Second Reading)

All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2012-22 & Ordinance 2012-27 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinances. It is City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department: City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing; if you are hearing or voice impaired, call (352) 742-6433.

Please direct any questions on this proposed ordinance to Jacques Skutt, Community Development Director, at 742-6404.

1 2. Existing billboards may be improved or reconstructed on the same location as they presently exist  
2 provided they comply with the height and size restrictions of the regulation and provided their  
3 conspicuity is not increased. Increased illumination or LED conversion would be prohibited unless the  
4 existing billboard is at least one mile from another billboard. This "grand-fathering" provision will give  
5 existing billboard owners assurance that they will not lose their established billboard rights.  
6

7 3. A billboard may be constructed on a new parcel of property provided it complies with all regulations  
8 and provided one of the existing billboard signs shown on "Exhibit A" is removed. This will insure that  
9 the number of billboard signs within Tavares will never increase.  
10

11 4. The minimum distance between newly located billboard signs has been increased from 1,000 feet to  
12 one mile. This will insure that the visual impact of new billboards, which is trending towards LED, will be  
13 minimized. Over time, the existing pattern of "clustered" billboards at major intersections will transition  
14 towards a characteristic that is more evenly spaced and a less visually intrusive.  
15

16 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance  
17 2012-25.  
18

19 Chairman Adams asked if there was anyone in the audience who would like to make a comment.  
20

21 There were no audience comments.  
22

23 Chairman Adams turned the discussion over to the Planning & Zoning Board.  
24

25 There was discussion among the board members regarding billboard signs and the nonconforming use  
26 policy.  
27

28 John Tanner asked that the Smallwood Sign Co. be granted permission to include their one previously  
29 identified sign in the list of approved signs and that a 5 year sunset policy be incorporated into the  
30 ordinance.  
31

### 32 MOTION 33

34 **John Tanner moved to recommend approval of Ordinance 2012-25 with the addition of one sign  
35 and the inclusion of a 5 year sunset policy. The motion was seconded by Gary Santoro. The  
36 motion carried 6-0.**  
37

### 38 **6) Ordinance 2012-27 – Land Development Regulations Amendment – Airport Protection** 39

40 Jacques Skutt, Community Development Director provided the following staff report;  
41

42 Florida Statute requires that local governments address within their Comprehensive Plan the protection  
43 of public use airports from incompatible uses of lands. This was verbally noted by DCA during their  
44 review of our Evaluation and Appraisal Report last year.  
45

46 This proposed ordinance adds a section to our Land Development Regulations that identifies our  
47 Tavares Seaplane Base as a licensed public use airport and additionally protects it from any  
48 incompatible land uses or structures. This ordinance supports the new airport protection policy of our  
49 Comprehensive Plan that is concurrently under review.  
50

51 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-27.  
52

53 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

1  
2 There were no audience comments.

3  
4 Chairman Adams turned the discussion over to the Planning & Zoning Board.

5  
6 There was discussion about boating and seaplane traffic on Lake Dora.

7  
8 In response to a question regarding additional stipulations, Jacques Skutt confirmed that the proposed  
9 ordinance has been reviewed by the Florida Department of Transportation and no additional  
10 stipulations are required.

11  
12 Mr. Osborn asked if the City limits extend into the lake.

13  
14 Mr. Williams confirmed that by special act of the legislature, the City limits extend into the Lake Dora.

15  
16 **MOTION**

17  
18 **Gary Santoro moved to recommend approval of Ordinance 2012-27. The motion was seconded**  
19 **by John Tanner. The motion carried 6-0.**

20  
21 **7) Ordinance 2012-22 – Comprehensive Plan Amendment – Airport Protection**

22  
23 Jacques Skutt, Community Development Director provided the following staff report;

24  
25 Florida Statute requires that local governments amend their Comprehensive Plan to include criteria and  
26 address compatibility of lands adjacent to public use airports. The City of Tavares Seaplane Base is a  
27 licensed public use airport subject to the Florida statute. The proposed ordinance adopts policy that  
28 would bring the City Comprehensive Plan into compliance with the State Statute. A supporting  
29 amendment to the City's Land Development Regulations is concurrently under consideration.

30  
31 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance  
32 2012-22.

33  
34 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

35  
36 There were no audience comments.

37  
38 Chairman Adams turned the discussion over to the Planning & Zoning Board.

39  
40 **MOTION**

41  
42 **Sam Grist moved to recommend approval of Ordinance 2012-22. The motion was seconded by**  
43 **John Tanner. The motion carried 6-0.**

44  
45 **8) Ordinance 2012-34 – Land Development Regulations Amendment – Floodplain Management**

46  
47 Jacques Skutt, Community Development Director provided the following staff report;

48  
49 The National Flood Insurance Program is a federally-subsidized flood damage insurance program  
50 administered by the Federal Emergency Management Agency (FEMA). In order for residents and  
51 business owners to be eligible to purchase flood insurance, communities must adopt the most recent  
52 Flood Insurance Rate Maps (FIRM) and include within their land development codes policies that  
53 comply with FEMA minimum federal regulations.

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
NOVEMBER 21, 2012**

**AGENDA TAB NO. 16**

**FIRST READING**

**SUBJECT TITLE: Ordinance 2012-27  
Airport Protection-Amendment to Land Development Regulations**

---

**OBJECTIVE:**

To amend the Land Development Regulations to include airport protection from hazards and other similar encroachments by incompatible uses of lands.

**SUMMARY:**

Florida Statute requires that local governments address within their Comprehensive Plan the protection of public use airports from incompatible uses of lands. This was verbally noted by DCA during their review of our Evaluation and Appraisal Report last year.

This proposed ordinance adds a section to our Land Development Regulations that identifies our Tavares Seaplane Base as a licensed public use airport and additionally protects it from any incompatible land uses or structures. This ordinance supports the new airport protection policy of our Comprehensive Plan that is concurrently under review.

**OPTIONS:**

No Council action required at First Reading.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its October 18<sup>th</sup> meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-27.

**STAFF RECOMMENDATION:**

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-27.

**FISCAL IMPACT:** N/A

**LEGAL SUFFICIENCY**

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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**ORDINANCE 2012-27**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES LAND DEVELOPMENT REGULATIONS; ADDING CHAPTER 8 SECTION 8-12 REGARDING PUBLIC USE AIRPORTS; PROVIDING FOR AIRPORT PROTECTION ZONING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to amend the City of Tavares Land Development Regulations to prohibit the creation or establishment of airport hazards,

**WHEREAS**, Section 163.3177(6)(a)(11), Florida Statutes, requires the City's Future Land Use Element to be updated to include criteria and address compatibility of lands adjacent or in closely proximity to an airport as defined in Section 330.35, Florida Statutes, and consistent with Section 333.02, Florida Statutes,

**WHEREAS**, the Tavares Seaplane Base constitutes an "airport" as defined by Florida Statutes,

**WHEREAS**, the City Council intends to comply with Section 163.3177(6)(a)(11), Florida Statutes by imposing height limitations, land use restrictions, and noise restrictions for the areas adjacent or closely proximate to an airport as described herein,

**WHEREAS**, the City of Tavares has advertised as required by law for two public hearings prior to adoption of this ordinance; and

**WHEREAS**, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and

**WHEREAS**, the City of Tavares Planning and Zoning Board, Local Planning Agency, and City Council held duly noticed public hearings providing opportunity for individuals to hear and be heard regarding the adoption of the proposed amendment; and

**WHEREAS**, the City Council has reviewed and considered all relevant evidence and information and testimony presented by witnesses, the public, and City staff; and

**WHEREAS**, the City Council finds this amendment in compliance with Chapter 163, Florida Statutes, and the City of Tavares Comprehensive Plan; and

**WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares; now therefore,

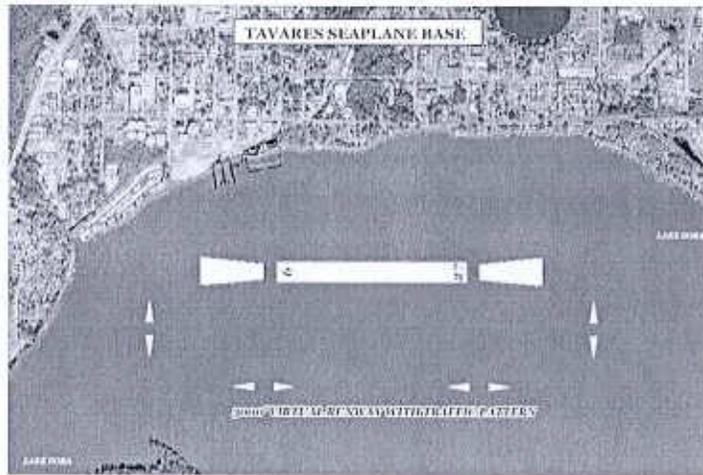
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

1 **Section 2. Amendment.** Chapter 8, Section 8-12 is hereby added to Chapter 8 of  
2 the Land Development Regulations as follows:  
3

4 **Chapter 8 Section 8-12(G). Public Use Airports.**  
5

- 6 (1) Definitions. In accordance with Florida Law, an airport is defined as any area of land or  
7 water designed and set aside for the landing and taking off of aircraft and utilized or to be  
8 utilized in the interest of the public for such purpose.  
9
- 10 (2) City of Tavares Seaplane Base (COTSB). The City of Tavares Seaplane Base is an  
11 FDOT licensed public use airport.  
12
- 13 (a) Landing Area Dimensions. The COTSB landing area measures 3,000 ft by 200 ft.  
14
- 15 (b) Location. The centerline of the COTSB is approximately 1,900 ft from the northern  
16 shoreline of Lake Dora and is further illustrated in Figure 1.  
17
- 18 (c) Protections. The COTSB shall be protected from incompatible land uses and  
19 structural encroachment.  
20
- 21 (d) Additional Information. Additional information regarding the COTSB can be found  
22 in FAA Form 7480-1: Notice of Land Area Proposal Tavares Seaplane Base dated  
23 February 6, 2007.



37 This Ordinance shall take effect immediately upon its final adoption by the Tavares City  
38 Council.  
39

40 **PASSED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_  
41 2012, by the City Council of the City of Tavares, Florida.  
42  
43  
44  
45

46 \_\_\_\_\_  
47 Robert Wolfe, Mayor  
48 Tavares City Council  
49  
50

1 ATTEST:

2

3

4

5 \_\_\_\_\_  
Nancy A. Barnett

6 City Clerk

7

8 Passed First Reading \_\_\_\_\_

9

10 Passed Second Reading \_\_\_\_\_

11

12 \_\_\_\_\_

13 Approved as to form:

14 City Attorney

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
NOVEMBER 21, 2012**

**AGENDA TAB NO. 17**

**FIRST READING**

**SUBJECT TITLE: Ordinance 2012-25  
Amendment to LDR Regulations  
Billboard Signage**

---

**OBJECTIVE:**

To amend the City's Land Development Regulations regarding billboard signs.

**SUMMARY:**

On April 19, 2012, the Planning & Zoning Board recommended that the city's billboard regulations be updated.

On July 19, 2012, City Council directed staff to draft a proposed amendment to the city's billboard regulations that would consider both the number of billboards allowed in the city and the increased visual impact of LED billboards.

On September 20<sup>th</sup>, proposed Ordinance 2012-25 was presented to the Planning & Zoning Board for consideration. The P & Z Board recommended that staff revise the ordinance to consider impacts of technology enabled enhancements to "grandfathered" signs and how these could be minimized. The Board asked that these revisions be brought back to them before they made a final recommendation to Council.

Staff refined the ordinance to address potential enhancements of "grandfathered" signs and the draft ordinance was brought back to the Planning & Zoning Board for reconsideration.

The Planning & Zoning Board recommended approval of the ordinance on the condition that a clause be added that limits to five years the amount of time that a removed billboard sign can retain its "grandfathering" status.

City staff researched sign regulations from a multitude of cities and also investigated the complicated and ever-continuing cases of litigation between billboard advertising companies and local governments. Staff considers the proposed amending ordinance to be "middle-of-the-road" in nature and it includes components that have been adopted by many cities within Florida.

Highlights of the proposed amending ordinance:

1. A revised inventory of existing and "grandfathered" billboard signs was completed and a map of these is attached to the ordinance as "Exhibit A".
2. Existing billboards may be improved or reconstructed on the same location as they presently exist provided they comply with the height and size restrictions of the regulation and provided their conspicuity is not increased. Increased illumination or LED conversion would be prohibited unless the existing billboard is at least one mile from another billboard. This "grand-fathering" provision will give existing billboard owners assurance that they will not lose their established billboard rights unless they remove the sign and do not reconstruct it within five years.
3. A billboard may be constructed on a new parcel of property provided it complies with all regulations and provided one of the existing billboard signs shown on "Exhibit A" is removed. This will insure that the number of billboard signs within Tavares will never increase.

4. The minimum distance between newly located billboard signs has been increased from 1,000 feet to one mile. This will insure that the visual impact of new billboards, which is trending towards LED, will be minimized. Over time, the existing pattern of "clustered" billboards at major intersections will transition towards a characteristic that is more evenly spaced and a less visually intrusive.

**OPTIONS:**

No Council action required at First Reading.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its October 18<sup>th</sup> meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-25 on the condition that a clause be added that limits to five years the amount of time that a removed billboard sign can retain its "grandfathering" status. This change was made.

**STAFF RECOMMENDATION:**

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-25.

**FISCAL IMPACT:** N/A

**LEGAL SUFFICIENCY:**

This ordinance has been approved for legal sufficiency.

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**ORDINANCE 2012-25**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS; BY AMENDING CHAPTER 21, SECTION 21-17, BILLBOARDS, BY UPDATING THE INVENTORY OF EXISTING SIGNS WITHIN THE CITY AND BY INCREASING THE MINIMUM SPACING OF NEWLY LOCATED BILLBOARDS; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 1992, the City of Tavares passed Ordinance 1992-31, that continues to be the basis for the city's billboard regulations within the Land Development Regulations; and

**WHEREAS**, on April 19<sup>th</sup> 2012, the city's Planning & Zoning Board recommended that the city's billboard regulations be updated; and

**WHEREAS**, on July 18<sup>th</sup> 2012, Tavares City Council directed staff to draft a proposed amendment to the city's billboard regulations that would consider both the number of billboards allowed in the city and the increased visual impact of LED billboards; and

**WHEREAS**, this ordinance updates the inventory of existing billboard signs within the city and increases the minimum spacing between newly located billboard signs to one mile thus reducing their visual impacts to the community; and

**WHEREAS**, the City of Tavares has determined these changes are appropriate and in the best interest of the community; therefore;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

**Section 1. Text Amendments**

That the City of Tavares Land Development Regulations be hereby amended as follows:

1 **Section 21-17 Billboards**

2  
3 Billboards advertising services or goods not sold on the property where the sign is erected may  
4 be located in C-2 or C-1 zoning districts only.

5  
6 **(A) Restrictions. Billboards shall be subject to the following restrictions:**

- 7  
8 (1) Billboards shall not exceed thirty-five (35) feet in height from the finished grade to  
9 the top of the sign and shall not exceed four-hundred (400) square feet of sign  
10 area.  
11  
12 (2) Billboards shall not be spaced less than ~~one thousand feet (1000)~~ one (1) mile  
13 apart on the same side of the highway.  
14  
15 (3) Billboards shall be located not less than fifteen (15) feet from the front property  
16 line and ten feet (10') from utility lines and shall be located no closer than five (5)  
17 feet from the side lot lines and on a corner lot shall be located no closer than  
18 one-hundred (100) feet from an intersection.  
19  
20 (4) Billboards shall be no closer than one-hundred (100) feet from any residential  
21 zoning district boundary line.  
22  
23 (5) Billboards shall be oriented toward the roadway or street, away from the  
24 residential districts.  
25  
26 (6) May utilize embellishments of ten percent (10%) of the sign area.  
27  
28 ~~(7) Nothing in these regulations shall prohibit the owner of a billboard to make~~  
29 ~~improvements or otherwise enhance the appearance of an existing billboard.~~  
30 ~~Enhancements and improvements to existing billboards are encouraged~~  
31 ~~whenever possible.~~

32  
33 **(B) Limitation on Number of Billboards and Replacement Procedure.**

34  
35 (1) Limitation on Number

36  
37 ~~A billboard inventory shall be developed which lists all locations of billboard signs~~  
38 ~~for which a City of Tavares sign permit has been issued on or before January 6,~~  
39 ~~1993. The billboard inventory shall be maintained in the office of the City~~  
40 ~~Administrator or designee and shall at all times reflect current information relating~~  
41 ~~to the locations of the billboards. Unpermitted billboards shall be deemed illegal~~  
42 ~~and shall be subject to immediate removal.~~

43  
44 A location map of billboards, existing at the time this regulation was passed, is  
45 attached as Exhibit "A" to this Section.

46  
47 Nothing in these regulations shall prohibit the owner of an existing billboard  
48 shown on Exhibit "A" to maintain or repair the structural framework of the

1 billboard or to enhance the appearance of the billboard through painting, coating  
2 or other similar type of routine maintenance. Improvements of this nature are  
3 encouraged whenever possible.

4  
5 (2) Reconstruction of "Grand-Fathered" Billboards in their Existing Location

6  
7 Billboards listed and maintained in the billboard inventory shown in Exhibit "A"  
8 may be reconstructed within five (5) years of their removal or demolition.  
9 Reconstruction must be done in conformity with the provisions of this section and  
10 in conformity with any applicable local, State and Federal construction codes and  
11 regulations. Section (A) (2) shall not apply to the reconstruction of billboards  
12 shown on Exhibit "A" provided they are reconstructed on the same parcel of land  
13 as the original billboard. Billboards reconstructed on the same parcel shall  
14 maintain the same conspicuity as the original billboard. Enhancements, such as  
15 but not limited to increased illumination and LED sign facing are prohibited  
16 unless the location is in compliance with Section (A) (2). A billboard may be  
17 reconstructed upon the same parcel of land that it occupied on January 6, 1993  
18 and if so reconstructed, shall be required to conform to the construction  
19 standards set forth in this section.

20  
21 (3) Transfer of Rights to Construct a New Billboard at a New Location

22  
23 A billboard constructed on new parcels of land shall be required to conform to all  
24 provisions of this section. A billboard may not be constructed upon a new parcel  
25 of land unless an existing billboard shown on Exhibit "A" is removed and the City  
26 of Tavares sign permit for the removed billboard is transferred to the new  
27 location. It is the intent of this provision that the number of billboards shall not  
28 increase beyond the number existing on January 6, 1993 shown on "Exhibit "A".  
29 A City of Tavares sign permit for a billboard may be freely transferred from one  
30 (1) parcel of land to another, provided the billboard to be constructed on the new  
31 parcel of land fully complies with all the provisions of this section. A City of  
32 Tavares billboard sign permit may be transferred from one (1) permit owner to  
33 another.  
34  
35

36 **Section 2. Severability and Conflicts**

37  
38 The provisions of this ordinance are severable and it is the intention of the City Council of  
39 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of  
40 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the  
41 decision of such court shall not impair any remaining provisions of this ordinance.  
42

43 **Section 3. Effective Date**

44 This Ordinance shall take effect immediately upon its final adoption by the Tavares City

1 Council.

2

3 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012 by the City Council of the  
4 City of Tavares, Florida.

5

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\_\_\_\_\_  
Robert Wolfe, Mayor  
Tavares City Council

10

11

12 First Reading: \_\_\_\_\_

13

14 Second Reading: \_\_\_\_\_

15

16

17 ATTEST:

18

19

20 \_\_\_\_\_  
Nancy A. Barnett, City Clerk

21

22

23 Approved as to form:

24

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28 \_\_\_\_\_  
Robert Q. Williams, City Attorney

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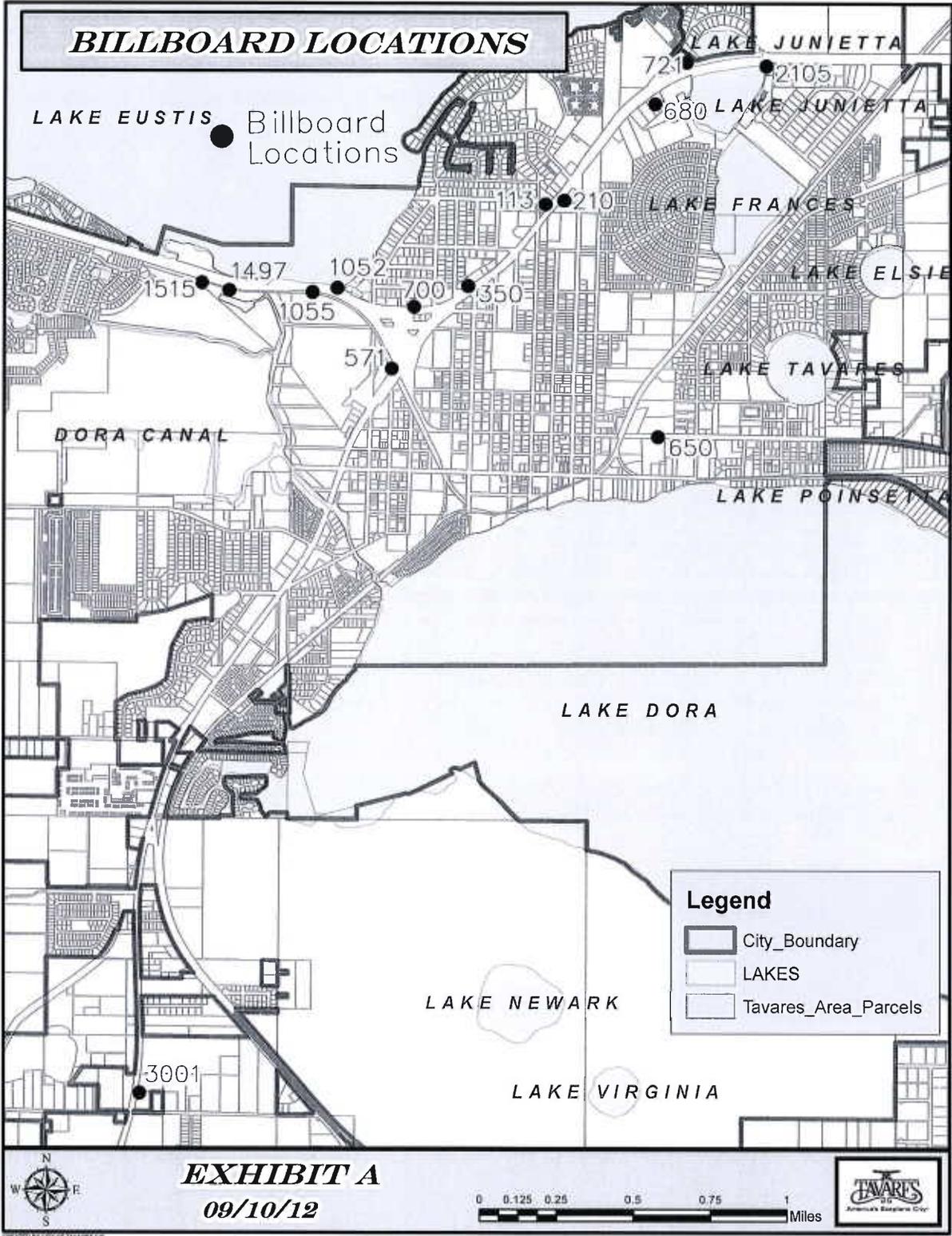
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## Proof

Sep. 05, 2012

**Agency:**  
**Customer:** City Of Tavares  
**Address:**  
**City:** TAVARES  
**State:** FL 32778-1068  
**Phone no:** (352) 742-6211  
**Account ID:** 1023568

**Order ID:** 1203461  
**Caller name:** Michael J. Fitzgerald  
**Fax no:**  
**Sales rep:** Stephanie K Smith

**Purchase order no:**

**Payment type:**

### Newspaper Classified

Title	Class Name	Begin Date	End Date	Size (col x lines)	Color
Orlando Sentinel	Public Hearing Notices	09-10-2012	09-10-2012	1 x 81	No

**THE CITY OF TAVARES  
 NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Tavares will consider at the subject meeting all items being presented at proposed Ordinance 2012-25 listed as follows:

**ORDINANCE 2012-25  
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, TO AMEND THE ZONING MAP OF THE CITY OF TAVARES, FLORIDA, TO REZONE A PORTION OF THE CITY OF TAVARES, FLORIDA, FROM AN A-1 ZONING DISTRICT TO AN A-2 ZONING DISTRICT.**

Proposed Ordinance 2012-25 will be considered at the following public meetings:

- 1. Tavares Planning & Zoning Board meeting on September 20, 2012, at 3 p.m.; and
- 2. Tavares City Council meeting on October 3, 2012, at 8 a.m. (introduction and first reading) or later date to be determined by the City Council meeting on October 11, 2012, at 8 a.m. (second reading).

All meetings will be conducted in the Tavares City Council chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2012-25 may be inspected at the office between the hours of 7:30 a.m. and 3:00 p.m. Monday through Friday at each week of City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinance. The City Council meeting will limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons who wish to speak at the meeting must first obtain a verbal record of the proceedings in writing.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Manager, Community Development Director, at 742-4424.

LAK1203461 09/05/2012

<b>Gross price:</b>	\$ 81.00
<b>Discounts:</b>	\$ 0.00
<b>Net price:</b>	\$ 83.00
<b>Prepaid amount:</b>	\$ 0.00
<b>Amount due:</b>	\$ 0.00

1 FINDINGS

2 This amendment request is considered to be in compliance with the Comprehensive Plan Goals,  
3 Objectives and Policies with the following findings:

- 4
- 5 1. A High Density Future Land Use designation would serve as the most appropriate land use  
6 for the subject property in accordance with Future Land Use policy 1-1.1.6.
- 7
- 8 2. Impacts of the proposed development of the subject property shall be monitored through the  
9 City's Concurrency Management System. (Comp Plan, Chapter 8)

10 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-36.

11  
12 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

13  
14 There were no audience comments.

15  
16 Chairman Adams turned the discussion over to the Planning & Zoning Board.

17  
18 **MOTION**

19  
20 John Tanner moved to recommend approval of Ordinance 2012-36. The motion was seconded  
21 by Gary Santoro. The motion carried 6-0.

22  
23 **5) Ordinance 2012-25 – Land Development Regulations Amendment – Billboard Signage**

24  
25 Jacques Skutt, Community Development Director provided the following staff report;

26  
27 On April 19, 2012, the Planning & Zoning Board recommended that the city's billboard regulations be  
28 updated.

29  
30 On July 19, 2012, City Council directed staff to draft a proposed amendment to the city's billboard  
31 regulations that would consider both the number of billboards allowed in the city and the increased  
32 visual impact of LED billboards.

33  
34 On September 20<sup>th</sup>, proposed Ordinance 2012-25 was presented to the Planning & Zoning Board for  
35 consideration. The P & Z Board recommended that staff revise the ordinance to consider impacts of  
36 technology enabled enhancements to "grandfathered" signs and how these could be minimized. The  
37 Board asked that these revisions be brought back to them before they made a final recommendation to  
38 Council.

39  
40 Staff refined the ordinance to address potential enhancements of "grandfathered" signs and has  
41 submitted these back to the Board for reconsideration.

42  
43 City staff researched sign regulations from a multitude of cities and also investigated the complicated  
44 and ever-continuing cases of litigation between billboard advertising companies and local governments.  
45 Staff considers the proposed amending ordinance to be "middle-of-the-road" in nature and it includes  
46 components that have been adopted by many cities within Florida.

47  
48 Highlights of the proposed amending ordinance:

- 49
- 50 1. A revised inventory of existing billboard signs was completed and a map of these is attached to the  
51 ordinance as "Exhibit A".
- 52

1 2. Existing billboards may be improved or reconstructed on the same location as they presently exist  
2 provided they comply with the height and size restrictions of the regulation and provided their  
3 conspicuity is not increased. Increased illumination or LED conversion would be prohibited unless the  
4 existing billboard is at least one mile from another billboard. This "grand-fathering" provision will give  
5 existing billboard owners assurance that they will not lose their established billboard rights.  
6

7 3. A billboard may be constructed on a new parcel of property provided it complies with all regulations  
8 and provided one of the existing billboard signs shown on "Exhibit A" is removed. This will insure that  
9 the number of billboard signs within Tavares will never increase.  
10

11 4. The minimum distance between newly located billboard signs has been increased from 1,000 feet to  
12 one mile. This will insure that the visual impact of new billboards, which is trending towards LED, will be  
13 minimized. Over time, the existing pattern of "clustered" billboards at major intersections will transition  
14 towards a characteristic that is more evenly spaced and a less visually intrusive.  
15

16 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance  
17 2012-25.  
18

19 Chairman Adams asked if there was anyone in the audience who would like to make a comment.  
20

21 There were no audience comments.  
22

23 Chairman Adams turned the discussion over to the Planning & Zoning Board.  
24

25 There was discussion among the board members regarding billboard signs and the nonconforming use  
26 policy.  
27

28 John Tanner asked that the Smallwood Sign Co. be granted permission to include their one previously  
29 identified sign in the list of approved signs and that a 5 year sunset policy be incorporated into the  
30 ordinance.  
31

### 32 **MOTION**

  
33

34 **John Tanner moved to recommend approval of Ordinance 2012-25 with the addition of one sign**  
35 **and the inclusion of a 5 year sunset policy. The motion was seconded by Gary Santoro. The**  
36 **motion carried 6-0.**  
37

### 38 **6) Ordinance 2012-27 – Land Development Regulations Amendment – Airport Protection**

  
39

40 Jacques Skutt, Community Development Director provided the following staff report;  
41

42 Florida Statute requires that local governments address within their Comprehensive Plan the protection  
43 of public use airports from incompatible uses of lands. This was verbally noted by DCA during their  
44 review of our Evaluation and Appraisal Report last year.  
45

46 This proposed ordinance adds a section to our Land Development Regulations that identifies our  
47 Tavares Seaplane Base as a licensed public use airport and additionally protects it from any  
48 incompatible land uses or structures. This ordinance supports the new airport protection policy of our  
49 Comprehensive Plan that is concurrently under review.  
50

51 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-27.  
52

53 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
NOVEMBER 21, 2012**

**AGENDA TAB NO. 18**

**FIRST READING**

**SUBJECT TITLE: Ordinance 2012-34  
Amendment to the Floodplain Management Regulations.**

---

**OBJECTIVE:**

To rescind our existing Floodplain regulations and to restate new regulations that integrates with the Florida Building Code.

**SUMMARY:**

The National Flood Insurance Program is a federally-subsidized flood damage insurance program administered by the Federal Emergency Management Agency (FEMA). In order for residents and business owners to be eligible to purchase flood insurance, communities must adopt the most recent Flood Insurance Rate Maps (FIRM) and include within their land development codes policies that comply with FEMA minimum federal regulations.

The Florida Division of Emergency Management has developed a completely new model ordinance that is coordinated with the Florida Building Code (FBC) which also satisfies the requirements of the National Flood Insurance Program (NFIP). The proposed ordinance adopts the language of the model ordinance for communities with inland flood hazards. To insure compliance with state and federal regulatory agencies, it has been reviewed and affirmed as appropriate for local approval by the Florida Division of Emergency Management. Deviations from this model ordinance are not encouraged by the State.

The following are important aspects of the proposed ordinance:

1. The new Floodplain Management chapter ordinance has been standardized in Florida and has been written to be enforceable.
2. The new Floodplain Management ordinance (FPM) is coordinated with the FBC. The FBC contains requirements for buildings and structures; the FPM model contains other requirements necessary for consistency with the NFIP. In order to fulfill community commitments to the NFIP, the FPM model requires buildings and structures that are exempt from the FBC and development other than buildings to comply with requirements of the ordinance if located in flood hazard areas. Examples of structures not covered by the Florida Buildings Code but covered by Floodplain Management are playgrounds and agricultural buildings.
3. As written, the Building Official and the Floodplain Administrator are responsible for different aspects of enforcement but the new regulations coordinate these responsibilities.

**OPTIONS:**

No Council action required at First Reading.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its October 18<sup>th</sup> meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-34.

**STAFF RECOMMENDATION:**

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-34.

**FISCAL IMPACT:** N/A

**LEGAL SUFFICIENCY**

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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**ORDINANCE 2012-34**

**AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS RESTATING CHAPTER 14 FLOODPLAIN MANAGEMENT WHICH ADOPTS FLOOD HAZARD MAPS, DESIGNATES A FLOODPLAIN ADMINISTRATOR, ADOPTS PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTS LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; SUBJECT TO THE RULES , REGULATIONS, AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in **Chapter 166**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Tavares and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Tavares was accepted for participation in the National Flood Insurance Program on March 16, 1988 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

**WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

**WHEREAS**, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of City of Tavares that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

**SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

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**SECTION 2. This ordinance specifically amends the City of Tavares Land Development Regulations existing Chapter 14 entitled Floodplain by striking the entire chapter as outlined in Exhibit A and replaces it with the title Floodplain Management and the text as outlined in Exhibit B.**

1  
2  
3  
4  
5 **Exhibit A**  
6

7 Section 14-1 — Definitions  
8

9 ~~The following words, terms and phrases, when used in this chapter, shall have the meaning~~  
10 ~~ascribed to them in this section, except where the context clearly indicates a different meaning:~~  
11

- 12 (A) ~~Area of shallow flooding: a designated AO or VO Zone on the city flood insurance rate map~~  
13 ~~(FIRM) with base flood depths from one to three feet (1' – 3') where a clearly defined channel~~  
14 ~~does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity~~  
15 ~~flow may be evident.~~  
16  
17 (B) ~~Area of special flood hazard: the land in the floodplain within the city subject to a one percent~~  
18 ~~(1%) or greater chance of flooding in any given year.~~  
19  
20 (C) ~~Base flood: the flood having a one-percent chance of being equaled or exceeded in any given~~  
21 ~~year.~~  
22  
23 (D) ~~Basement: that portion of a building having its floor subgrade (below ground level) on all sides.~~  
24  
25 (E) ~~Elevated building: a nonbasement building built to have the lowest floor elevated above the~~  
26 ~~ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers),~~  
27 ~~shear walls, or breakaway walls.~~  
28  
29 (F) ~~Existing manufactured home park or subdivision: means a manufactured home park or~~  
30 ~~subdivision for which the construction of facilities for servicing the lots on which the manufactured~~  
31 ~~homes are to be affixed (including at a minimum the installation of utilities, the construction of~~  
32 ~~streets, and either final site grading or the pouring of concrete pads) is completed before the~~  
33 ~~effective date of the floodplain management regulations adopted by the City of Tavares March 16,~~  
34 ~~1988.~~  
35  
36 (G) ~~Expansion to an existing manufactured home park or subdivision: means the preparation of~~  
37 ~~additional sites by the construction of facilities for servicing the lots on which the manufactured~~  
38 ~~homes are to be affixed (including the installation of utilities, the construction of streets, and either~~  
39 ~~final site grading or the pouring of concrete pads).~~  
40  
41 (H) ~~Flood or flooding: a general and temporary condition of partial or complete inundation of normally~~  
42 ~~dry land areas with:~~  
43  
44 ~~(1) The overflow of inland or tidal waters, or~~  
45  
46 ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~  
47  
48 (I) ~~Flood hazard boundary map (FHBM): an official map of a community, issued by the federal~~  
49 ~~emergency management agency, where the boundaries of the areas of special flood hazard have~~  
50 ~~been defined as Zone A.~~  
51  
52 (J) ~~Flood insurance rate map (FIRM): an official map of a community, on which the federal~~  
53 ~~emergency management agency has delineated both the areas of special flood hazard and the~~  
54 ~~risk premium zones applicable to the community.~~  
55  
56 (K) ~~Flood insurance study: the official report provided by the federal emergency management~~

1 agency. The report contains flood profiles, as well as the flood boundary floodway map and the  
2 water surface elevation of the base flood.  
3

4 (L) Floor: the top of the lower inside surface of an enclosed area in a building, including the  
5 basement, (e.g., the top of slab in concrete slab construction or top of wood flooring in wood  
6 frame construction). The term does not include the floor of a garage used solely for parking  
7 vehicles.  
8

9 (M) Functionally dependent facility: a facility, which cannot be used for its intended purpose unless it  
10 is located or carried out in close proximity to water. Such facilities include, but are not limited to,  
11 docking or port facilities necessary for, the loading and unloading of cargo or passengers,  
12 shipbuilding, shop repair, or seafood processing. The term does not include long-term storage,  
13 manufacture, sales, or service facilities.  
14

15 (N) Highest adjacent grade: the highest natural elevation of the ground surface, prior to construction,  
16 next to the proposed walls of a structure.  
17

18 (O) Lowest floor: means the lowest floor of the lowest enclosed area (including basement). An  
19 unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or  
20 storage, in an area other than a basement, is not considered a building's lowest floor, provided  
21 that such enclosure is not built so as to render the structure in violation of the non-elevation  
22 design standards of this ordinance.  
23

24 (P) Manufactured home park or subdivision: means a parcel (or contiguous parcels) of land  
25 divided into two or more manufactured home lots for rent or sale.  
26

27 (Q) Mean sea level: the average height of the sea for all stages of the tide. It is used as a reference  
28 for establishing various elevations within the flood plain. For purposes of this chapter, the term is  
29 synonymous with national geodetic vertical datum (NGVD).  
30

31 (R) National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a  
32 reference for establishing varying elevations within the flood plain.  
33

34 (S) New construction: structures for which the start of construction commenced on or after the  
35 effective date of the ordinance from which this chapter was derived.\*  
36

37 (T) New manufactured home park or subdivision: means a manufactured home park or subdivision  
38 for which the construction of facilities for servicing the lots on which the manufactured homes are  
39 to be affixed (including at a minimum, the installation of utilities, the construction of streets, and  
40 either final site grading or the pouring of concrete pads) is completed on or after the effective date  
41 of floodplain regulations adopted by a community.  
42

43 (U) Recreational vehicle means a vehicle that is:  
44 a.) Built on a single chassis;  
45 b.) 400 square feet or less when measured at the largest horizontal projection;  
46 c.) Designed to be self-propelled or permanently towable by a light duty truck; and  
47 d.) Designed primarily not for use as a permanent dwelling but as a temporary  
48 living quarters for recreational, camping, travel, or seasonal use.  
49

50 (V) Substantial improvement: any combination of repairs, reconstruction, alteration, or improvements  
51 to a structure, taking place during the life of a structure, in which the cumulative cost equals or  
52 exceeds fifty percent (50%) of the market value of the structure. For the purposes of this chapter  
53 the market value of the structure is:  
54

55 (1) the appraised value of the structure prior to the start of the initial repair or improvement,  
56 or

1       (2)       in the case of damage, the value of the structure prior to the damage occurring. For the  
2       purposes of this definition, substantial improvement is considered to occur when the first  
3       alteration of any wall, ceiling, floor, or other structural part of the building commences,  
4       whether or not that alteration affects the external dimensions of the structure. The term  
5       does not, however, include any project to the improvement of a structure required in  
6       order to comply with existing health, sanitary, or safety code specifications which are  
7       solely necessary to assure safe living conditions.  
8

9       Section 14-2 — Application

10  
11       ~~The provisions of this chapter shall apply to all improvements to real property located within~~  
12       ~~areas of special flood hazard within the city, as those areas are identified by the federal~~  
13       ~~emergency management agency in its flood insurance study, dated March 16, 1988, with~~  
14       ~~accompanying maps and other supporting data, and any revision thereto, which are adopted by~~  
15       ~~reference and declared to be a part of this chapter. No structure shall hereafter be located,~~  
16       ~~extended, converted or structurally altered without full compliance with the terms of this chapter.~~  
17       ~~Further, no land shall be altered without full compliance with the terms of this chapter.~~  
18

19       Section 14-3 — Conflict With Other Provisions

20  
21       ~~This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or~~  
22       ~~deed restrictions. However, where the provisions of this chapter and any other provision of~~  
23       ~~applicable federal, state or local law conflict or overlap, whichever provision imposes the more~~  
24       ~~stringent restrictions shall prevail.~~  
25

26       Section 14-4 — Interpretation

27  
28       ~~In the interpretation and application of this chapter, all provisions shall be:~~

- 1  
2 (A) — Considered as minimum requirements;  
3  
4 (B) — Liberally construed in favor of the city council; and  
5  
6 (C) — **Deemed neither to limit nor repeal any other powers granted under state statutes.**  
7

8 Section 14-5 — Disclaimer  
9

10 ~~The degree of floor protection required by this chapter is considered reasonable for regulatory~~  
11 ~~purposes and is based on scientific and engineering consideration. Larger floods can and will~~  
12 ~~occur on rare occasions. Flood heights may be increased by manmade or natural causes. This~~  
13 ~~chapter does not imply that land outside the areas of special flood hazard or uses permitted~~  
14 ~~within such areas will be free from flooding or flood damages. This chapter shall not create~~  
15 ~~liability on the part of the city or by any officer or employee thereof for any flood damages that~~  
16 ~~result from reliance on this chapter or any administrative decision lawfully made hereunder.~~  
17

18 Section 14-6 — Penalties  
19

20 ~~It is unlawful to violate the provisions of this chapter or failure to comply with any of its~~  
21 ~~requirements, including violation of conditions and safeguards established in connection with~~  
22 ~~grants or variances or special exceptions. In addition, anyone convicted hereunder shall pay all~~  
23 ~~costs and expenses involved in the case. Nothing herein contained shall prevent the city from~~  
24 ~~taking such lawful action as is necessary to prevent or remedy violation.~~  
25

26 \_\_\_\_\_ DIVISION I. ADMINISTRATION  
27

28 Section 14-7 — Administrator Appointed  
29

30 ~~The Community Development Director of the city is hereby appointed to administer and implement the~~  
31 ~~provisions of this chapter.~~  
32

33 **Section 14-8 — Duties of the Community Development Director**  
34

35 The Community Development Director shall:  
36

- 37 (A) — ~~Review all development permits to assure that the permit requirements of this chapter have been~~  
38 ~~satisfied.~~  
39  
40 (B) — ~~Advise permittee that additional federal or state permits may be required, and if specific federal or~~  
41 ~~state permit requirements are known, require that copies of such permits be provided and maintained on~~  
42 ~~file with the development permit;~~  
43  
44 (C) — ~~Notify adjacent communities and the state department of community affairs prior to any alteration~~  
45 ~~or relocation of a watercourse, and submit evidence of such notification to the federal emergency~~  
46 ~~management agency;~~  
47  
48 (D) — ~~Assure that maintenance is provided within the altered or relocated portion of a watercourse so~~  
49 ~~that the flood-carrying capacity is not diminished;~~  
50

1 (E) — Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including  
2 basement) of all new or substantially improved structures, in accordance with Section 14-20.

3  
4 (F) — Verify and record the actual elevation (in relation to mean sea level) to which the new or  
5 substantially improved structures have been floodproofed, in accordance with Section 14-20.

6  
7 (G) — When floodproofing is utilized for a particular structure, shall obtain certification from a registered  
8 professional engineer or architect, in accordance with Section 7-79;

9  
10 (H) — Make necessary interpretations as to the exact location of boundaries of the areas of special  
11 flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field  
12 conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity  
13 to appeal the interpretation as provided in this chapter.

14  
15 (I) — When base flood elevation data or floodway data have not been provided in accordance with this  
16 chapter, obtain, review and reasonably utilize any base flood elevation and floodway data  
17 available from a federal, state or other source, in order to administer the provisions of this  
18 chapter; and

19  
20 (J) — Maintain and make available all records pertaining to the provisions of this chapter.

21  
22 \_\_\_\_\_ DIVISION II. DEVELOPMENT PERMIT

23  
24 Section 14-9 — Required

25  
26 **A development permit, in accordance with Chapter 4, shall be required in conformance with the**  
27 **provisions of this chapter prior to the commencement of any development activities controlled**  
28 **under the provisions of this chapter.**

29  
30 Section 14-10 — Application Procedure

31  
32 **Application for a development permit shall be made to the city on forms furnished by the city prior**  
33 **to any development activities, and shall include, but not be limited to, the following plans, in**  
34 **duplicate and drawn to scale, showing the nature, location, dimensions, and elevations of the area**  
35 **in question, existing or proposed structures, fill, storage of materials, and drainage facilities.**  
36 **Specifically, the following information is required:**

37  
38 (A) — Application stage.

39  
40 — (1) — **Elevation in relation to mean sea level of the proposed lowest floor (including**  
41 **basement) of all structures;**

42  
43 — (2) — Elevation in relation to mean sea level to which any nonresidential structure will be  
44 floodproofed;

1  
2 ~~———— (3) ——— Certificate from a registered professional engineer or architect that the nonresidential~~  
3 ~~floodproofed structure will meet the floodproofing criteria in Section 14-20; and~~  
4

5 ~~———— (4) ——— Description of the extent to which any watercourse will be altered or relocated as a result~~  
6 ~~of proposed development.~~  
7

8 ~~(B) ——— Construction stage. A floor elevation or floodproofing certification after the lowest floor is~~  
9 ~~completed. Upon placement of the lowest floor, or floodproofing by whatever~~  
10 ~~construction means, or upon placement of the horizontal structural members of the lowest~~  
11 ~~floor, whichever is applicable, it shall be the duty of the permit holder to submit to the city~~  
12 ~~a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation~~  
13 ~~of the lowest portion of the horizontal structural members of the lowest floor, whichever is~~  
14 ~~applicable, as built, in relation to mean sea level. Such certification shall be prepared by~~  
15 ~~or under the direct supervision of a registered land surveyor or professional engineer and~~  
16 ~~certified by same. When floodproofing is utilized for a particular building, such~~  
17 ~~certification shall be prepared by or under the direct supervision of a professional~~  
18 ~~engineer and architect and certified by same. Any work undertaken prior to submission of~~  
19 ~~the certification shall be at the permit holder's risk. The city shall review the floor~~  
20 ~~elevation survey data submitted. Deficiencies detected by such review shall be corrected~~  
21 ~~by the permit holder immediately and prior to further progressive work being permitted to~~  
22 ~~proceed. Failure to submit the survey or failure to make such corrections required hereby,~~  
23 ~~shall be cause to issue a stop-work order for the project.~~  
24

### 25 ~~DIVISION III. VARIANCES~~

#### 26 ~~Section 14-11 Variances~~

27 ~~(A) ——— The city council shall hear and decide appeals and requests for variances from the requirements~~  
28 ~~of this chapter.~~

29 ~~(B) ——— The city council shall hear and decide appeals when it is alleged there is an error in any~~  
30 ~~requirement, decision, or determination made by the director of planning and zoning or the~~  
31 ~~planning and zoning board in the enforcement or administration of this chapter.~~  
32

#### 33 ~~Section 14-12 Issuance of Variances~~

34 ~~Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed~~  
35 ~~on the National Register of Historic Places or the state inventory of historic places without regard~~  
36 ~~to the procedures set forth in the remainder of this division, except for Section 14-20(A) and (D),~~  
37 ~~provided that the proposed reconstruction, rehabilitation, or restoration will not result in the structure~~  
38 ~~losing its historical designation.~~  
39

#### 40 ~~Section 14-13 Factors for Consideration~~

1 (A) — In passing upon applications under the provisions of the city council shall consider all technical  
2 evaluations, all relevant factors, all standards specified in other sections of this chapter, and:  
3

- 4 (1) — The danger that materials may be swept onto other lands resulting in the injury of others;  
5  
6 (2) — The danger to life and property due to flooding or erosion damage;  
7  
8 (3) — The susceptibility of the proposed facility and its contents to flood damage and the effect  
9 of such damage on the individual owner;  
10  
11 (4) — The importance of the services provided by the proposed facility to the community;  
12  
13 (5) — The necessity of the facility to a waterfront location, in the case of a functionally  
14 dependent facility;  
15  
16 (6) — The availability of alternative locations, not subject to flood or erosion damage, for the  
17 proposed use;  
18  
19 (7) — The compatibility of the proposed use with existing and anticipated;  
20  
21 (8) — The relationship of the proposed use to the comprehensive plan and floodplain  
22 management program for that area;  
23  
24 (9) — The safety of access to the property in times of flood for ordinary and emergency  
25 vehicles;  
26  
27 (10) — The expected heights, velocity, duration, rate of rise and sediment transport of the  
28 floodwaters and the effects of wave action, if applicable, expected at the site; and  
29  
30 (11) — The costs of providing governmental services during and after flood conditions including  
31 maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and  
32 water systems, and streets and bridges.  
33

34 (B) — Upon consideration of the factors listed above, and the purposes of this chapter, the city council  
35 may attach such conditions to the granting of variances as it deems necessary to further the purposes of  
36 this chapter.  
37

#### 38 Section 14-14 — Conditions for Variances 39

40 (A) — Variances shall only be issued upon a determination that the variance is the minimum necessary,  
41 considering the flood hazard, to afford relief; and in the instance of a historical building, a determination  
42 that the variance is the minimum necessary so as not to destroy the historic character and design of the  
43 building.  
44

- 45 (1) — Variances shall only be issued upon:  
46  
47 (a) — A showing of good and sufficient cause;  
48

1 (b) A determination that failure to grant the variance would result in exceptional  
2 hardship, and

3  
4 (c) A determination that the granting of a variance will not result in increased flood  
5 heights, additional threats to public safety, extraordinary public expense, create  
6 nuisance, cause fraud on or victimization of the public, or conflict with existing  
7 local laws or ordinances.  
8

9 (B) Any applicant to whom a variance is granted shall be given written notice specifying the  
10 difference between the base flood elevation and the elevation to which the structure is to be built and  
11 stating that the cost of flood insurance will be commensurate with the increased risk resulting from the  
12 reduced lowest floor elevation.

13  
14 (C) The city shall maintain the records of all appeal actions and report any variances to the federal  
15 emergency management agency upon request.  
16

17 Section 14-15 Variances Restricted

18  
19 **Variances shall not be issued within any designated floodway if any increase in flood levels**  
20 **during the base flood discharge would result.**  
21

22 Section 14-16 Appeal

23  
24 **Any person aggrieved by the decision of the city council may appeal such decision to the circuit**  
25 **court of the fifth judicial circuit in and for the county as provided by state law.**  
26

27 \_\_\_\_\_ DIVISION IV. FLOOD HAZARD REDUCTION

28  
29 Section 14-17 Generally

30  
31 **In all areas of special flood hazard the following provisions are required:**  
32

33 (A) New construction and substantial improvements shall be anchored to prevent flotation, collapse  
34 or lateral movement of the structure.  
35

36 (B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement.  
37 Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground  
38 anchors. This standard shall be in addition to and consistent with applicable state requirements for  
39 resisting wind forces.  
40

41 (C) New construction and substantial improvements shall be constructed with material and utility  
42 equipment resistant to flood damage.  
43

44 (D) New construction or substantial improvements shall be constructed by methods and practices  
45 that minimize flood damage.  
46

47 (E) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities  
48 shall be designed and located so as to prevent water from entering or accumulating within the  
49 components during conditions of flooding.

1  
2 (F) ~~New and replacement water supply systems shall be designed to minimize infiltration of~~  
3 ~~floodwaters into the system.~~

4  
5 (G) ~~New and replacement sanitary sewage systems shall be designed to minimize or eliminate~~  
6 ~~infiltration of floodwater.~~

7  
8 (H) ~~On-site waste disposal systems shall be located and constructed to avoid impairment to them or~~  
9 ~~contamination from them during flooding.~~

10  
11 (I) ~~Any alteration, repair, reconstruction or improvements to a structure, which is in compliance with~~  
12 ~~the provisions of this chapter, shall meet the requirements of new construction as contained in~~  
13 ~~this chapter.~~

14  
15 Section 14-18 ~~Required Standards~~

16  
17 ~~In all areas of special flood hazard where base flood elevation data have been provided, as set~~  
18 ~~forth in this chapter, the provisions in Sections 14-9 through 14-25 are required.~~

19  
20 Section 14-19 ~~Residential Construction~~

21  
22 ~~New construction or substantial improvement of any residential structure shall have the lowest~~  
23 ~~floor, including basement, elevated no lower than eighteen inches (18") above the base one-~~  
24 ~~hundred (100) year flood elevation. Should solid foundation perimeter walls be used to elevate a~~  
25 ~~structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be~~  
26 ~~provided in accordance with standards of this chapter.~~

27  
28 Section 14-20 ~~Nonresidential Construction~~

29  
30 ~~New construction or substantial improvement of any commercial, industrial, or nonresidential~~  
31 ~~structure shall have the lowest floor, including basement, elevated no lower than eighteen inches~~  
32 ~~(18") above the level of the base one-hundred (100) year flood elevation. Structures located in all~~  
33 ~~A-Zones may be floodproofed in lieu of being elevated provided that all areas of the structure~~  
34 ~~below the required elevation are watertight with walls substantially impermeable to the passage of~~  
35 ~~water, and use structural components having the capability of resisting hydrostatic and~~  
36 ~~hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect~~  
37 ~~shall certify that the standards of this section are satisfied. Such certification shall be provided to~~  
38 ~~the official as set forth in Section 14-10.~~

39  
40 Section 14-21 ~~Elevated Buildings~~

41  
42 (A) ~~New construction or substantial improvements of elevated buildings that include fully enclosed~~  
43 ~~areas formed by foundation and other exterior walls below the base flood elevation shall be designed to~~  
44 ~~allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior~~  
45 ~~walls. Designs for complying with this requirement must either be certified by a professional engineer or~~  
46 ~~architect or meet the following minimum criteria:~~

- 47  
48 (1) ~~Provide a minimum of two (2) openings having a total net area of not less than one~~  
49 ~~square inch (1") for every square foot of enclosed area subject to flooding;~~

1  
2 (2) — The bottom of all openings shall be no higher than one foot (1') above grade; and

3  
4 (3) — Openings may be equipped with screens, louvers, valves or other coverings or devices  
5 provided they permit the automatic flow of floodwaters in both directions.  
6

7 **(B) — Electrical, plumbing, and other utility connections are prohibited below the base flood**  
8 **elevation.**

9  
10 (C) — Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles  
11 (garage door) or limited storage of maintenance equipment used in connection with the premises  
12 (standard exterior door) or entry to the living area (stairway) or elevator.  
13

14 **(D) — Standards for Manufactured Homes and Recreational Vehicles:**

15  
16 (1) — All manufactured homes placed, or substantially improved, on individual lots or  
17 — parcels, in expansions to existing manufactured home parks or subdivisions, in a new  
18 — manufactured home park or subdivision or in substantially improved manufactured  
19 — home park or subdivision, must meet all the requirements for new construction,  
20 — including elevation and anchoring.  
21

22 (2) — All manufactured homes placed or substantially improved in an existing  
23 — manufactured home park or subdivision must be elevated so that:

24  
25 a. — The lowest floor of the manufactured home is elevated no lower than two (2)  
26 feet above the level of the base flood elevation, or

27  
28 b. — The manufactured home chassis is supported by reinforced piers or other  
29 foundation elements of at least an equivalent strength, of no less than 36  
30 inches in height above the ground.

31  
32 c. — The manufactured home must be securely anchored to the adequately  
33 anchored foundation system to resist flotation, collapse and lateral  
34 movement.

35  
36 d. — In an existing manufactured home park or subdivision on which a  
37 manufactured home has incurred "substantial damage" as the result of a  
38 flood, any manufactured home placed or substantially improved must meet  
39 the standards of Sections D, above.  
40

41 (E) — All recreational vehicles placed on sites must either:

42  
43 (1) — Be fully licensed and ready for highway use (a recreational vehicle is ready for highway  
44 use if it is on its wheels or jacking system, is attached to the site only by quick disconnect  
45 type utilities and security devices and has no permanently attached additions), or;

46  
47 (2) — Meet all the requirements for new construction, including anchoring and elevation  
48 requirements of Section D, above, or;

49  
50 (3) — Be on the site for fewer than 180 consecutive days.  
51

52  
53 Section 14-22 — Floodways  
54

1 ~~Located within areas of special flood hazard established in this chapter, are areas designated as~~  
2 ~~floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters~~  
3 ~~which carry debris and potential projectiles which have erosion potential, the following provisions~~  
4 ~~shall apply:~~

5  
6 ~~(A) Encroachments, including fill, new construction, substantial improvements and other~~  
7 ~~developments unless certification (with supporting technical data) by a registered professional engineer is~~  
8 ~~provided demonstrating that encroachments shall not result in any increase in flood levels during~~  
9 ~~occurrence of the base flood discharge, shall be prohibited.~~

10  
11 ~~(B) If subsection (A) above is satisfied, all new construction and substantial improvements shall~~  
12 ~~comply with all applicable flood hazard reduction provisions of this chapter.~~

13  
14 ~~(C) The placement of manufactured homes (mobile homes), except in an existing manufactured~~  
15 ~~homes (mobile homes) park or subdivision, is prohibited. A replacement manufactured home~~  
16 ~~may be placed on a lot in an existing manufactured home park or subdivision provided the~~  
17 ~~anchoring standards of Section 14-17(B) and the elevation standards of Section 14-19 are met.~~

18  
19 ~~Section 14-23—Standards for Streams Without Established Base Flood Elevations or Floodways~~

20  
21 ~~For real property located within the areas of special flood hazard established in this chapter,~~  
22 ~~where small streams exist but where no base flood data have been provided or where no~~  
23 ~~floodways have been provided, the following provisions apply:~~  
24

1 (A) — No encroachments, including fill material or structures shall be located within a distance of the  
2 stream bank equal to two (2) times the width of the stream at the top of bank of twenty feet (20') each  
3 side from top of bank, whichever is greater, unless certification by a registered professional engineer is  
4 provided demonstrating that such encroachments shall not result in any increase in flood levels during the  
5 occurrence of the base flood discharge.

6  
7 (B) — New construction or substantial improvements of structures shall be elevated or floodproofed to  
8 elevations established in accordance with this chapter.

9  
10 Section 14-24 — Standards for Subdivision Proposals

11 **(A) — All subdivision proposals shall be consistent with the need to minimize flood damage.**

12 (B) — All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and  
13 water systems located and constructed to minimize flood damage.

14 (C) — All subdivision proposals shall have adequate drainage provided to reduce exposure to flood  
15 hazards.

16  
17 (D) — Base flood elevation data shall be provided for subdivision proposals and other proposed  
18 development (including manufactured home parks and subdivisions).

19  
20 Section 14-25 — Standards for Areas of Shallow Flooding

21  
22 **Located within the areas of special flood hazard established in this chapter, are areas designated**  
23 **as shallow flooding areas. These areas have special flood hazards associated with base flood**  
24 **depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the**  
25 **path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:**

26  
27 (A) — All new construction and substantial improvements of residential structures shall have the lowest  
28 floor, including basement, elevated to no less than eighteen inches (18") above the depth number  
29 specified on the flood insurance rate map for the base one-hundred (100) year flood, in feet, above the  
30 highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be  
31 elevated, at least two (2) feet above the highest adjacent grade.

32 (B) — All new construction and substantial improvements of nonresidential structures shall:

33  
34 — (1) — Have the lowest floor, including basement, elevated to no less than eighteen inches (18")  
35 above the depth number specified on the flood insurance rate map for the base one-  
36 hundred (100) year flood, in feet, above the highest adjacent grade. If no depth number  
37 is specified, the lowest floor, including basement shall be elevated at least two feet (2')  
38 above the highest adjacent grade; or

39  
40 — (2) — Together with attendant utility and sanitary facilities, be completed floodproofed to or  
41 above that level so that any space below that level is water-tight with walls substantially  
42 impermeable to the passage of water and with structural components having the  
43 capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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**Exhibit B**

**FLOODPLAIN MANAGEMENT**  
**DIVISION 1 ADMINISTRATION**

**SECTION 14.1 GENERAL**

**A. Title.** These regulations shall be known as the *Floodplain Management Ordinance* of City of Tavares hereinafter referred to as "this ordinance or this chapter.

**B. Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

**C. Intent.** The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**D. Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

**E. Warning.** The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will

1 occur. Flood heights may be increased by man-made or natural causes. This ordinance does not  
2 imply that land outside of mapped special flood hazard areas, or that uses permitted within such  
3 flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base  
4 flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps  
5 and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be  
6 revised by the Federal Emergency Management Agency, requiring this community to revise these  
7 regulations to remain eligible for participation in the National Flood Insurance Program. No  
8 guaranty of vested use, existing use, or future use is implied or expressed by compliance with  
9 this ordinance.

10  
11 **Disclaimer of Liability.** This ordinance shall not create liability on the part of City Council of  
12 City of Tavares or by any officer or employee thereof for any flood damage that results from  
13 reliance on this ordinance or any administrative decision lawfully made thereunder.

## 14 **SECTION 14.2 APPLICABILITY**

15  
16  
17 **A. General.** Where there is a conflict between a general requirement and a specific  
18 requirement, the specific requirement shall be applicable.

19  
20 **B. Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard  
21 areas within the City of Tavares}, as established in the paragraph entitled "Basis for establishing  
22 flood hazard areas".

23  
24  
25 **C. Basis for establishing flood hazard areas.** The Flood Insurance Study for Lake County,  
26 Florida and Incorporated Areas dated December 18, 2012 and all subsequent amendments and  
27 revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent  
28 amendments and revisions to such maps, are adopted by reference as a part of this ordinance  
29 and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps  
30 that establish flood hazard areas are on file at the City of Tavares Community Development  
31 Department.

32  
33 **D. Submission of additional data to establish flood hazard areas.** To establish flood  
34 hazard areas and base flood elevations, pursuant to Section 14-5 of this ordinance the  
35 Floodplain Administrator may require submission of additional data. Where field surveyed  
36 topography prepared by a Florida licensed professional surveyor or digital topography accepted  
37 by the community indicates that ground elevations:

- 38  
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45
1. Are below the closest applicable base flood elevation, even in areas not delineated  
as a special flood hazard area on a FIRM, the area shall be considered as flood  
hazard area and subject to the requirements of this ordinance and, as applicable,  
the requirements of the *Florida Building Code*.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as  
special flood hazard area unless the applicant obtains a Letter of Map Change that  
removes the area from the special flood hazard area.

46 **E. Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of  
47 local, state or federal law.

48  
49 **F. Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect for  
50 management of development in flood hazard areas. However, it is not intended to repeal or

1 abrogate any existing ordinances including but not limited to land development regulations,  
2 zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the  
3 event of a conflict between this ordinance and any other ordinance, the more restrictive shall  
4 govern. This ordinance shall not impair any deed restriction, covenant or easement, but any  
5 land that is subject to such interests shall also be governed by this ordinance.  
6

7 **G. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

- 8 1. Considered as minimum requirements;
- 9 2. Liberally construed in favor of the governing body; and
- 10 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

### 11 **SECTION 14-3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

12  
13  
14 **A. Designation.** The City of Tavares Director of Community Development is designated as the  
15 Floodplain Administrator. The Floodplain Administrator may delegate performance of certain  
16 duties to other employees.  
17

18 **B. General.** The Floodplain Administrator is authorized and directed to administer and enforce  
19 the provisions of this ordinance. The Floodplain Administrator shall have the authority to render  
20 interpretations of this ordinance consistent with the intent and purpose of this ordinance and  
21 may establish policies and procedures in order to clarify the application of its provisions. Such  
22 interpretations, policies, and procedures shall not have the effect of waiving requirements  
23 specifically provided in this ordinance without the granting of a variance pursuant to Section 14-  
24 7 of this ordinance.  
25

26 **C. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent  
27 offices of the community, shall:

- 28 1. Review applications and plans to determine whether proposed new development will be  
29 located in flood hazard areas;
- 30 2. Review applications for modification of any existing development in flood hazard areas  
31 for compliance with the requirements of this ordinance;
- 32 3. Interpret flood hazard area boundaries where such interpretation is necessary to  
33 determine the exact location of boundaries; a person contesting the determination shall  
34 have the opportunity to appeal the interpretation;
- 35 4. Provide available flood elevation and flood hazard information;
- 36 5. Determine whether additional flood hazard data shall be obtained from other sources or  
37 shall be developed by an applicant;
- 38 6. Review applications to determine whether proposed development will be reasonably  
39 safe from flooding;
- 40 7. Issue floodplain development permits or approvals for development other than buildings  
41 and structures that are subject to the *Florida Building Code*, including buildings,  
42 structures and facilities exempt from the *Florida Building Code*, when compliance with  
43 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;  
44 and

- 1           8. Coordinate with and provide comments to the Building Official to assure that  
2           applications, plan reviews, and inspections for buildings and structures in flood hazard  
3           areas comply with the applicable provisions of this ordinance.  
4

5 **D. Determinations for existing buildings and structures.** For applications for building permits  
6 to improve buildings and structures, including alterations, movement, enlargement,  
7 replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial  
8 improvements, repairs of substantial damage, and any other improvement of or work on such  
9 buildings and structures, the Floodplain Administrator, in coordination with the Building Official,  
10 shall:

- 11           1. Estimate the market value, or require the applicant to obtain an appraisal of the market  
12 value prepared by a qualified independent appraiser, of the building or structure before  
13 the start of construction of the proposed work; in the case of repair, the market value of  
14 the building or structure shall be the market value before the damage occurred and  
15 before any repairs are made;  
16           2. Compare the cost to perform the improvement, the cost to repair a damaged building to  
17 its pre-damaged condition, or the combined costs of improvements and repairs, if  
18 applicable, to the market value of the building or structure;  
19           3. Determine and document whether the proposed work constitutes substantial  
20 improvement or repair of substantial damage; and  
21           4. Notify the applicant if it is determined that the work constitutes substantial improvement  
22 or repair of substantial damage and that compliance with the flood resistant construction  
23 requirements of the *Florida Building Code* and this ordinance is required.  
24

25 **E. Modifications of the strict application of the requirements of the *Florida Building Code*.**  
26 The Floodplain Administrator shall review requests submitted to the Building Official that seek  
27 approval to modify the strict application of the flood load and flood resistant construction  
28 requirements of the *Florida Building Code* to determine whether such requests require the  
29 granting of a variance pursuant to Section 14-7 of this ordinance.  
30

31 **F. Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local  
32 agencies for the issuance of all necessary notices or orders to ensure compliance with this  
33 ordinance.  
34

35 **G. Inspections.** The Floodplain Administrator shall make the required inspections as specified  
36 in Section 14-6 of this ordinance for development that is not subject to the *Florida Building*  
37 *Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The  
38 Floodplain Administrator shall inspect flood hazard areas to determine if development is  
39 undertaken without issuance of a permit.  
40

41 **H. Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have  
42 other duties, including but not limited to:

- 43           1. Establish, in coordination with the Building Official, procedures for administering and  
44 documenting determinations of substantial improvement (SI) and substantial damage  
45 (SD) made pursuant to Section 14-3D of this ordinance;  
46           2. Require that applicants proposing alteration of a watercourse notify adjacent  
47 communities and the Florida Division of Emergency Management, State Floodplain

1 Management Office, and submit copies of such notifications to the Federal Emergency  
2 Management Agency (FEMA);

3 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support  
4 permit applications to submit to FEMA the data and information necessary to maintain  
5 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,  
6 flood hazard area boundaries, or floodway designations; such submissions shall be  
7 made within 6 months of such data becoming available;

8 4. Review required design certifications and documentation of elevations specified by this  
9 ordinance and the *Florida Building Code* and this ordinance to determine that such  
10 certifications and documentations are complete; and

11 5. Notify the Federal Emergency Management Agency when the corporate boundaries of  
12 the City of Tavares are modified.

13  
14 **I. Floodplain management records.** Regardless of any limitation on the period required for  
15 retention of public records, the Floodplain Administrator shall maintain and permanently keep  
16 and make available for public inspection all records that are necessary for the administration of  
17 this ordinance and the flood resistant construction requirements of the *Florida Building Code*,  
18 including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and  
19 denial of permits; determinations of whether proposed work constitutes substantial improvement  
20 or repair of substantial damage; required design certifications and documentation of elevations  
21 specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities,  
22 FEMA, and the state related to alterations of watercourses; assurances that the flood carrying  
23 capacity of altered watercourses will be maintained; documentation related to appeals and  
24 variances, including justification for issuance or denial; and records of enforcement actions  
25 taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida*  
26 *Building Code*. These records shall be available for public inspection at the City of Tavares  
27 Community Development Department

## 28 **SECTION 14-4 PERMITS**

29  
30  
31 **A. 104.1 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant")  
32 who intends to undertake any development activity within the scope of this ordinance, including  
33 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within  
34 or partially within any flood hazard area shall first make application to the Floodplain  
35 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and  
36 approval(s). No such permit or approval shall be issued until compliance with the requirements of  
37 this ordinance and all other applicable codes and regulations has been satisfied.

38  
39 **B. 104.2 Floodplain development permits or approvals.** Floodplain development permits or  
40 approvals shall be issued pursuant to this ordinance for any development activities not subject to the  
41 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt  
42 from the *Florida Building Code*. Depending on the nature and extent of proposed development  
43 that includes a building or structure, the Floodplain Administrator may determine that a floodplain  
44 development permit or approval is required in addition to a building permit.

45  
46 **C. Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to  
47 the requirements of federal regulation for participation in the National Flood Insurance Program  
48 (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required  
49 for the following buildings, structures and facilities that are exempt from the *Florida Building*

1 Code and any further exemptions provided by law, which are subject to the requirements of this  
2 ordinance:

- 3 1. Railroads and ancillary facilities associated with the railroad.
- 4 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- 5 3. Temporary buildings or sheds used exclusively for construction purposes.
- 6 4. Mobile or modular structures used as temporary offices.
- 7 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which  
8 are directly involved in the generation, transmission, or distribution of electricity.
- 9 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole  
10 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided  
11 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,  
12 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 13 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and  
14 assembled on site or preassembled and delivered on site and have walls, roofs, and a  
15 floor constructed of granite, marble, or reinforced concrete.
- 16 8. Temporary housing provided by the Department of Corrections to any prisoner in the  
17 state correctional system.
- 18 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*  
19 *Building Code* if such structures are located in flood hazard areas established on Flood  
20 Insurance Rate Maps

21  
22 **D. Application for a permit or approval.** To obtain a floodplain development permit or  
23 approval the applicant shall first file an application in writing on a form furnished by the  
24 community. The information provided shall:

- 25 1. Identify and describe the development to be covered by the permit or approval.
- 26 2. Describe the land on which the proposed development is to be conducted by legal  
27 description, street address or similar description that will readily identify and definitively  
28 locate the site.
- 29 3. Indicate the use and occupancy for which the proposed development is intended.
- 30 4. Be accompanied by a site plan or construction documents as specified in Section 14-5 of  
31 this ordinance.
- 32 5. State the valuation of the proposed work.
- 33 6. Be signed by the applicant or the applicant's authorized agent.
- 34 7. Give such other data and information as required by the Floodplain Administrator.

35  
36 **E. Validity of permit or approval.** The issuance of a floodplain development permit or approval  
37 pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation  
38 of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The  
39 issuance of permits based on submitted applications, construction documents, and information  
40 shall not prevent the Floodplain Administrator from requiring the correction of errors and  
41 omissions.

42  
43 **F. Expiration.** A floodplain development permit or approval shall become invalid unless the

1 work authorized by such permit is commenced within 180 days after its issuance, or if the work  
2 authorized is suspended or abandoned for a period of 180 days after the work commences.  
3 Extensions for periods of not more than 180 days each shall be requested in writing and  
4 justifiable cause shall be demonstrated.

5  
6 **G. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke  
7 a floodplain development permit or approval if the permit was issued in error, on the basis of  
8 incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other  
9 ordinance, regulation or requirement of this community.

10  
11 **H. Other permits required.** Floodplain development permits and building permits shall include  
12 a condition that all other applicable state or federal permits be obtained before commencement  
13 of the permitted development, including but not limited to the following:

- 14 1. The St. John's River Water Management District; section 373.036, F.S.
- 15 2. Florida Department of Health for onsite sewage treatment and disposal systems; section  
16 381.0065, F.S. and Chapter 64E-6, F.A.C.
- 17 3. Florida Department of Environmental Protection for activities subject to the Joint Coastal  
18 Permit; section 161.055, F.S.
- 19 4. Florida Department of Environmental Protection for activities that affect wetlands and  
20 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section  
21 404 of the Clean Water Act.

## **SECTION 14-5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

22  
23  
24  
25  
26 **A. Information for development in flood hazard areas.** The site plan or construction  
27 documents for any development subject to the requirements of this ordinance shall be drawn to  
28 scale and shall include, as applicable to the proposed development:

- 29 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood  
30 elevation(s), and ground elevations if necessary for review of the proposed  
31 development.
- 32 2. Where flood hazard areas, base flood elevations, or floodway data are not included on  
33 the FIRM or in the Flood Insurance Study, they shall be established in accordance with  
34 Section 14-5 B of this ordinance.
- 35 3. Where the parcel on which the proposed development will take place will have more  
36 than 50 lots or is larger than 5 acres and the base flood elevations are not included on  
37 the FIRM or in the Flood Insurance Study, such elevations shall be established in  
38 accordance with Section 14-5B of this ordinance.
- 39 4. Location of the proposed activity and proposed structures, and locations of existing  
40 buildings and structures.
- 41 5. Location, extent, amount, and proposed final grades of any filling, grading, or  
42 excavation.
- 43 6. Where the placement of fill is proposed, the amount, type, and source of fill material;  
44 compaction specifications; a description of the intended purpose of the fill areas; and  
45 evidence that the proposed fill areas are the minimum necessary to achieve the intended  
46 purpose.

- 1       7. Existing and proposed alignment of any proposed alteration of a watercourse.

2  
3       The Floodplain Administrator is authorized to waive the submission of site plans, construction  
4 documents, and other data that are required by this ordinance but that are not required to be  
5 prepared by a registered design professional if it is found that the nature of the proposed  
6 development is such that the review of such submissions is not necessary to ascertain  
7 compliance with this ordinance.

8  
9       **B. Information in flood hazard areas without base flood elevations (approximate Zone A).**  
10 Where flood hazard areas are delineated on the FIRM and base flood elevation data have not  
11 been provided, the Floodplain Administrator shall:

- 12       1. Obtain, review, and provide to applicants base flood elevation and floodway data  
13 available from a federal or state agency or other source or require the applicant to  
14 obtain and use base flood elevation and floodway data available from a federal or state  
15 agency or other source; or
- 16       2. Where base flood elevation and floodway data are not available from another source,  
17 where the available the data are deemed by the Floodplain Administrator to not  
18 reasonably reflect flooding conditions, or where the available data are known to be  
19 scientifically or technically incorrect or otherwise inadequate:
- 20           a. Require the applicant to develop base flood elevation data prepared in  
21 accordance with currently accepted engineering practices; or
- 22           b. Specify that the base flood elevation is two (2) feet above the highest  
23 adjacent grade at the location of the development, provided there is no  
24 evidence indicating flood depths have been or may be greater than two (2)  
25 feet.
- 26       3. Where the base flood elevation data are to be used to support a Letter of Map Change  
27 from FEMA, advise the applicant that the analyses shall be prepared by a Florida  
28 licensed engineer in a format required by FEMA, and that it shall be the responsibility of  
29 the applicant to satisfy the submittal requirements and pay the processing fees.

30  
31       **C. Additional analyses and certifications.** As applicable to the location and nature of the  
32 proposed development activity, and in addition to the requirements of this section, the applicant  
33 shall have the following analyses signed and sealed by a Florida licensed engineer for  
34 submission with the site plan and construction documents:

- 35       1. For development activities proposed to be located in a regulatory floodway, a floodway  
36 encroachment analysis that demonstrates that the encroachment of the proposed  
37 development will not cause any increase in base flood elevations; where the applicant  
38 proposes to undertake development activities that do increase base flood elevations, the  
39 applicant shall submit such analysis to FEMA as specified in the paragraph entitled  
40 "Submission of additional data" in this ordinance and shall submit the Conditional Letter  
41 of Map Revision, if issued by FEMA, with the site plan and construction documents.
- 42       2. For development activities proposed to be located in a riverine flood hazard area for  
43 which base flood elevations are included in the Flood Insurance Study or on the FIRM  
44 and floodways have not been designated, a floodway encroachment analysis which  
45 demonstrates that the cumulative effect of the proposed development, when combined  
46 with all other existing and anticipated flood hazard area encroachments, will not increase  
47 the base flood elevation more than one (1) foot at any point within the community. This

1 requirement does not apply in isolated flood hazard areas not connected to a riverine  
2 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- 3 3. For alteration of a watercourse, an engineering analysis prepared in accordance with  
4 standard engineering practices which demonstrates that the flood-carrying capacity of  
5 the altered or relocated portion of the watercourse will not be decreased, and  
6 certification that the altered watercourse shall be maintained in a manner which  
7 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to  
8 FEMA as specified in the paragraph entitled "submission of additional data".

9  
10 **D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering  
11 data, studies, and additional analyses are submitted to support an application, the applicant has  
12 the right to seek a Letter of Map Change from FEMA to change the base flood elevations,  
13 change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs,  
14 and to submit such data to FEMA for such purposes. The analyses shall be prepared by a  
15 Florida licensed engineer in a format required by FEMA. Submittal requirements and processing  
16 fees shall be the responsibility of the applicant.

## 17 **SECTION 14-6 INSPECTIONS**

18  
19  
20 **A. General.** Development for which a floodplain development permit or approval is required  
21 shall be subject to inspection.

22  
23 **B. Development other than buildings and structures.** The Floodplain Administrator shall  
24 inspect all development to determine compliance with the requirements of this ordinance and  
25 the conditions of issued floodplain development permits or approvals.

26  
27 **C. Buildings, structures and facilities exempt from the Florida Building Code.** The  
28 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida*  
29 *Building Code* to determine compliance with the requirements of this ordinance and the  
30 conditions of issued floodplain development permits or approvals.

31  
32 **D. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor**  
33 **inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical  
34 construction, the owner of a building, structure or facility exempt from the *Florida Building Code*,  
35 or the owner's authorized agent, shall submit to the Floodplain Administrator:

- 36 1. If a design flood elevation was used to determine the required elevation of the lowest  
37 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida  
38 licensed professional surveyor; or
- 39 2. If the elevation used to determine the required elevation of the lowest floor was  
40 determined in accordance with Section 14-5 B(2)(b) of this ordinance, the documentation  
41 of height of the lowest floor above highest adjacent grade, prepared by the owner or the  
42 owner's authorized agent.

43  
44 **E. Buildings, structures and facilities exempt from the Florida Building Code, final**  
45 **inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit  
46 to the Floodplain Administrator a final certification of elevation of the lowest floor or final  
47 documentation of the height of the lowest floor above the highest adjacent grade; such  
48 certifications and documentations shall be prepared as specified in Section 14-6 D of this  
49 ordinance.

1  
2 **F. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes  
3 that are installed or replaced in flood hazard areas to determine compliance with the  
4 requirements of this ordinance and the conditions of the issued permit. Upon placement of a  
5 manufactured home, certification of the elevation of the lowest floor shall be submitted to the  
6 Floodplain Administrator

7  
8 **SECTION 14-7 VARIANCES AND APPEALS**

9  
10 **A. General.** The City Council shall hear and decide on requests for appeals and requests for  
11 variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the  
12 City Council shall hear and decide on requests for appeals and requests for variances from the  
13 strict application of the flood resistant construction requirements of the *Florida Building Code*.

14  
15 **B. Appeals.** The City Council shall hear and decide appeals when it is alleged there is an error  
16 in any requirement, decision, or determination made by the Floodplain Administrator in the  
17 administration and enforcement of this ordinance. Any person aggrieved by the decision of City  
18 Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

19  
20 **C. Limitations on authority to grant variances.** The City Council shall base its decisions on  
21 variances on technical justifications submitted by applicants, the considerations for issuance of  
22 variances as outlined in this section, the conditions of issuance of variances, and the comments  
23 and recommendations of the Floodplain Administrator and the Building Official. The City  
24 Council has the right to attach such conditions as it deems necessary to further the purposes  
25 and objectives of this ordinance.

26  
27 **D. Restrictions in floodways.** A variance shall not be issued for any proposed development in  
28 a floodway if any increase in base flood elevations would result, as evidenced by the applicable  
29 analyses and certifications required in Section 14-5 C of this ordinance.

30  
31 **E. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or  
32 rehabilitation of a historic building that is determined eligible for the exception to the flood  
33 resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11*  
34 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation  
35 will not preclude the building's continued designation as a historic building and the variance is  
36 the minimum necessary to preserve the historic character and design of the building. If the  
37 proposed work precludes the building's continued designation as a historic building, a variance  
38 shall not be granted and the building and any repair, improvement, and rehabilitation shall be  
39 subject to the requirements of the *Florida Building Code*.

40  
41 **F. Functionally dependent uses.** A variance is authorized to be issued for the construction or  
42 substantial improvement necessary for the conduct of a functionally dependent use, as defined  
43 in this ordinance, provided the variance meets the requirements of Section 14-7 D, is the  
44 minimum necessary considering the flood hazard, and all due consideration has been given to  
45 use of methods and materials that minimize flood damage during occurrence of the base flood.

46  
47 **G. Considerations for issuance of variances.** In reviewing requests for variances, the City  
48 Council shall consider all technical evaluations, all relevant factors, all other applicable  
49 provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**H. Conditions for issuance of variances.** Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the City Council that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be

1 commensurate with the increased risk resulting from the reduced floor elevation (up to  
2 amounts as high as \$25 for \$100 of insurance coverage), and stating that construction  
3 below the base flood elevation increases risks to life and property.

#### 4 5 **SECTION 14-8 VIOLATIONS**

6  
7 **A. Violations.** Any development that is not within the scope of the *Florida Building Code* but  
8 that is regulated by this ordinance that is performed without an issued permit, that is in conflict  
9 with an issued permit, or that does not fully comply with this ordinance, shall be deemed a  
10 violation of this ordinance. A building or structure without the documentation of elevation of the  
11 lowest floor, other required design certifications, or other evidence of compliance required by  
12 this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that  
13 documentation is provided.

14  
15 **B. Authority.** For development that is not within the scope of the *Florida Building Code* but  
16 that is regulated by this ordinance and that is determined to be a violation, the Floodplain  
17 Administrator is authorized to serve notices of violation or stop work orders to owners of the  
18 property involved, to the owner's agent, or to the person or persons performing the work.

19  
20 **C. Unlawful continuance.** Any person who shall continue any work after having been served  
21 with a notice of violation or a stop work order, except such work as that person is directed to  
22 perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as  
23 prescribed by law Section 115 of the *Florida Building Code*.

#### 24 25 **DIVISION 2 DEFINITIONS**

#### 26 27 **SECTION 14-9 GENERAL**

28  
29 **A. Scope.** Unless otherwise expressly stated, the following words and terms shall, for the  
30 purposes of this ordinance, have the meanings shown in this section.

31  
32 **B. Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance  
33 and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to  
34 them in that code.

35  
36 **C. Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building*  
37 *Code*, such terms shall have ordinarily accepted meanings such as the context implies.

#### 38 39 **SECTION 14-10 DEFINITIONS**

40  
41 **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel  
42 alignment, channelization, or change in cross-sectional area of the channel or the channel  
43 capacity, or any other form of modification which may alter, impede, retard or change the  
44 direction and/or velocity of the riverine flow of water during conditions of the base flood.

45  
46 **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision  
47 of this ordinance or a request for a variance.

48  
49 **ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the  
50 *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil

1 Engineers, Reston, VA.

2  
3 **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given  
4 year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the  
5 "100-year flood" or the "1-percent-annual chance flood."  
6

7 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the  
8 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other  
9 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section  
10 1612.2.]  
11

12 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.  
13 [Also defined in FBC, B, Section 1612.2.]  
14

15 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in  
16 FBC, B, Section 1612.2.]

- 17 1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- 18 2. Area designated as a flood hazard area on the community's flood hazard map, or  
19 otherwise legally designated.  
20

21 **Design flood elevation.** The elevation of the "design flood," including wave height, relative to  
22 the datum specified on the community's legally designated flood hazard map. In areas  
23 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing  
24 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard  
25 map. In areas designated as Zone AO where the depth number is not specified on the map, the  
26 depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]  
27

28 **Development.** Any man-made change to improved or unimproved real estate, including but not  
29 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent  
30 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling  
31 operations or any other land disturbing activities.  
32

33 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other  
34 development into a flood hazard area which may impede or alter the flow capacity of riverine  
35 flood hazard areas.  
36

37 **Existing building and existing structure.** Any buildings and structures for which the "start of  
38 construction" commenced before March 16, 1988 [Also defined in FBC, B, Section 1612.2.]  
39

40 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision  
41 for which the construction of facilities for servicing the lots on which the manufactured homes  
42 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,  
43 and either final site grading or the pouring of concrete pads) is completed before March 16,  
44 1988  
45

46 **Expansion to an existing manufactured home park or subdivision.** The preparation of  
47 additional sites by the construction of facilities for servicing the lots on which the manufactured  
48 homes are to be affixed (including the installation of utilities, the construction of streets, and  
49 either final site grading or the pouring of concrete pads).  
50

1 **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to  
2 carrying out other functions, administers the National Flood Insurance Program.

3  
4 **Flood or flooding.** A general and temporary condition of partial or complete inundation of  
5 normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- 6 1. The overflow of inland or tidal waters.
- 7 2. The unusual and rapid accumulation or runoff of surface waters from any source.

8  
9 **Flood damage-resistant materials.** Any construction material capable of withstanding direct  
10 and prolonged contact with floodwaters without sustaining any damage that requires more than  
11 cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

12  
13 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section  
14 1612.2.]

- 15 1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any  
16 year.
- 17 2. The area designated as a flood hazard area on the community's flood hazard map, or  
18 otherwise legally designated.

19  
20 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal  
21 Emergency Management Agency has delineated both special flood hazard areas and the risk  
22 premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

23  
24 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency  
25 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and  
26 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting  
27 technical data. [Also defined in FBC, B, Section 1612.2.]

28  
29 **Floodplain Administrator.** The office or position designated and charged with the  
30 administration and enforcement of this ordinance (may be referred to as the Floodplain  
31 Manager).

32  
33 **Floodplain development permit or approval.** An official document or certificate issued by the  
34 community, or other evidence of approval or concurrence, which authorizes performance of  
35 specific development activities that are located in flood hazard areas and that are determined to  
36 be compliant with this ordinance.

37  
38 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas  
39 that must be reserved in order to discharge the base flood without cumulatively increasing the  
40 water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

41  
42 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed  
43 encroachment into a floodway is expected to have on the floodway boundaries and base flood  
44 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using  
45 standard engineering methods and models.

46  
47 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,  
48 including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building  
49 Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;

1 Florida Building Code, Fuel Gas.

2  
3 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is  
4 located or carried out in close proximity to water, including only docking facilities, port facilities  
5 that are necessary for the loading and unloading of cargo or passengers, and ship building and  
6 ship repair facilities; the term does not include long-term storage or related manufacturing  
7 facilities.

8  
9 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to  
10 construction next to the proposed walls or foundation of a structure.

11  
12 **Historic structure.** Any structure that is determined eligible for the exception to the flood  
13 hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic  
14 Buildings.

15  
16 **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or  
17 revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map  
18 Change include:

19 Letter of Map Amendment (LOMA): An amendment based on technical data showing  
20 that a property was incorrectly included in a designated special flood hazard area. A  
21 LOMA amends the current effective Flood Insurance Rate Map and establishes that a  
22 specific property, portion of a property, or structure is not located in a special flood  
23 hazard area.

24 Letter of Map Revision (LOMR): A revision based on technical data that may show  
25 changes to flood zones, flood elevations, special flood hazard area boundaries and  
26 floodway delineations, and other planimetric features.

27 Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or  
28 parcel of land has been elevated by fill above the base flood elevation and is, therefore,  
29 no longer located within the special flood hazard area. In order to qualify for this  
30 determination, the fill must have been permitted and placed in accordance with the  
31 community's floodplain management regulations.

32 Conditional Letter of Map Revision (CLOMR): A formal review and comment as to  
33 whether a proposed flood protection project or other project complies with the minimum  
34 NFIP requirements for such projects with respect to delineation of special flood hazard  
35 areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood  
36 Insurance Study; upon submission and approval of certified as-built documentation, a  
37 Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

38  
39 **Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds  
40 Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or  
41 less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 42 1. Designed primarily for purposes of transportation of property or is a derivation of such a  
43 vehicle, or
- 44 2. Designed primarily for transportation of persons and has a capacity of more than 12  
45 persons; or
- 46 3. Available with special features enabling off-street or off-highway operation and use.

47  
48 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including  
49 basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle  
50 parking, building access or limited storage provided that such enclosure is not built so as to  
51 render the structure in violation of the Florida Building Code or ASCE 24. [Also defined in FBC,

1 B. Section 1612.2.]  
2

3 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet  
4 or more in width and greater than four hundred (400) square feet, and which is built on a  
5 permanent, integral chassis and is designed for use with or without a permanent foundation  
6 when attached to the required utilities. The term "manufactured home" does not include a  
7 "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]  
8

9 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided  
10 into two or more manufactured home lots for rent or sale.  
11

12 **Market value.** The price at which a property will change hands between a willing buyer and a  
13 willing seller, neither party being under compulsion to buy or sell and both having reasonable  
14 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of  
15 buildings and structures, excluding the land and other improvements on the parcel. Market  
16 value may be established by a qualified independent appraiser, Actual Cash Value  
17 (replacement cost depreciated for age and quality of construction), or tax assessment value  
18 adjusted to approximate market value by a factor provided by the Property Appraiser.  
19

20 **New construction.** For the purposes of administration of this ordinance and the flood resistant  
21 construction requirements of the *Florida Building Code*, structures for which the "start of  
22 construction" commenced on or after March 16, 1988 and includes any subsequent  
23 improvements to such structures.  
24

25 **New manufactured home park or subdivision.** A manufactured home park or subdivision for  
26 which the construction of facilities for servicing the lots on which the manufactured homes are to  
27 be affixed (including at a minimum, the installation of utilities, the construction of streets, and  
28 either final site grading or the pouring of concrete pads) is completed on or after March 16, 1988  
29

30 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and  
31 which is built on a single chassis and is designed to provide seasonal or temporary living  
32 quarters when connected to utilities necessary for operation of installed fixtures and appliances.  
33 [Defined in 15C-1.0101, F.A.C.]  
34

35 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in section 320.01(b),  
36 F.S.)

- 37 1. Built on a single chassis;
- 38 2. Four hundred (400) square feet or less when measured at the largest horizontal  
39 projection;
- 40 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
- 41 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters  
42 for recreational, camping, travel, or seasonal use.  
43

44 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of  
45 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,  
46 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]  
47

48 **Start of construction.** The date of issuance for new construction and substantial improvements  
49 to existing structures, provided the actual start of construction, repair, reconstruction,

1 rehabilitation, addition, placement, or other improvement is within 180 days of the date of the  
2 issuance. The actual start of construction means either the first placement of permanent  
3 construction of a building (including a manufactured home) on a site, such as the pouring of slab  
4 or footings, the installation of piles, the construction of columns.

5 Permanent construction does not include land preparation (such as clearing, grading, or  
6 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or  
7 foundations, the erection of temporary forms or the installation of accessory buildings such as  
8 garages or sheds not occupied as dwelling units or not part of the main buildings. For a  
9 substantial improvement, the actual "start of construction" means the first alteration of any wall,  
10 ceiling, floor or other structural part of a building, whether or not that alteration affects the  
11 external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

12  
13 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the  
14 cost of restoring the building or structure to its before-damaged condition would equal or exceed  
15 50 percent of the market value of the building or structure before the damage occurred. [Also  
16 defined in FBC, B Section 1612.2.]

17  
18 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other  
19 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the  
20 market value of the building or structure before the improvement or repair is started. If the  
21 structure has incurred "substantial damage," any repairs are considered substantial  
22 improvement regardless of the actual repair work performed. The term does not, however,  
23 include either: [Also defined in FBC, B, Section 1612.2.]

- 24 1. Any project for improvement of a building required to correct existing health, sanitary, or  
25 safety code violations identified by the building official and that are the minimum  
26 necessary to assure safe living conditions.
- 27 2. Any alteration of a historic structure provided the alteration will not preclude the  
28 structure's continued designation as a historic structure.

29  
30 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant  
31 construction requirements of the *Florida Building Code*, which permits construction in a manner  
32 that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

33  
34 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or  
35 over which water flows at least periodically.

### **DIVISION 3 FLOOD RESISTANT DEVELOPMENT**

#### **SECTION 14-11 BUILDINGS AND STRUCTURES**

36  
37  
38  
39  
40  
41 **A. Design and construction of buildings, structures and facilities exempt from the *Florida***  
42 ***Building Code*.** Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities  
43 that are exempt from the *Florida Building Code*, including substantial improvement or repair of  
44 substantial damage of such buildings, structures and facilities, shall be designed and constructed in  
45 accordance with the flood load and flood resistant construction requirements of ASCE 24.  
46 Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall  
47 comply with the requirements of Section 307 of this ordinance.



1 site improvements, and land disturbing activity involving fill or regarding, shall be authorized in  
2 the regulatory floodway unless the floodway encroachment analysis required in Section 14-5C of  
3 this ordinance demonstrates that the proposed development or land disturbing activity will not  
4 result in any increase in the base flood elevation.

5  
6 **E. Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be  
7 designed to be stable under conditions of flooding including rapid rise and rapid drawdown of  
8 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In  
9 addition to these requirements, if intended to support buildings and structures (Zone A only), fill  
10 shall comply with the requirements of the *Florida Building Code*.

## 11 **SECTION 14-14 MANUFACTURED HOMES**

12  
13  
14 **A. General.** All manufactured homes installed in flood hazard areas shall be installed by an  
15 installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the  
16 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

17  
18 **B. Foundations.** All new manufactured homes and replacement manufactured homes installed  
19 in flood hazard areas shall be installed on permanent, reinforced foundations that are designed  
20 in accordance with the foundation requirements of the *Florida Building Code Residential Section*  
21 R322.2 and this ordinance.

22  
23 **C. Anchoring.** All new manufactured homes and replacement manufactured homes shall be  
24 installed using methods and practices which minimize flood damage and shall be securely  
25 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral  
26 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame  
27 ties to ground anchors. This anchoring requirement is in addition to applicable state and local  
28 anchoring requirements for wind resistance.

29  
30 **D. Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall  
31 comply with Section 14-14 paragraph E or F of this chapter, as applicable.

32  
33 **E. General elevation requirement.** Unless subject to the requirements of Section 14-14 F of  
34 this chapter, all manufactured homes that are placed, replaced, or substantially improved on  
35 sites located: (a) outside of a manufactured home park or subdivision; (b) in a new  
36 manufactured home park or subdivision; (c) in an expansion to an existing manufactured home  
37 park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a  
38 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated  
39 such that the bottom of the frame is at or above the elevation required, as applicable to the flood  
40 hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A)*.

41  
42 **F. Elevation requirement for certain existing manufactured home parks and subdivisions.**  
43 Manufactured homes that are not subject to Section 14-14E of this ordinance, including  
44 manufactured homes that are placed, replaced, or substantially improved on sites located in an  
45 existing manufactured home park or subdivision, unless on a site where substantial damage as  
46 result of flooding has occurred, shall be elevated such that either the:

- 47 1. Bottom of the frame of the manufactured home is at or above the elevation required in  
48 the *Florida Building Code, Residential Section R322.2 (Zone A)*; or
- 49 2. Bottom of the frame is supported by reinforced piers or other foundation elements of at  
50 least equivalent strength that are not less than 36 inches in height above grade.

1  
2 **G. Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with  
3 the requirements of the Florida Building Code, Residential Section R322 for such enclosed  
4 areas.

5  
6 **H. Utility equipment.** Utility equipment that serves manufactured homes, including electric,  
7 heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall  
8 comply with the requirements of the Florida Building Code, Residential Section R322.

9  
10 **SECTION 14-15 RECREATIONAL VEHICLES AND PARK TRAILERS**

11  
12 **A. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood  
13 hazard areas shall:

- 14 1. Be on the site for fewer than 180 consecutive days; or  
15 2. Be fully licensed and ready for highway use, which means the recreational vehicle or  
16 park model is on wheels or jacking system, is attached to the site only by quick-  
17 disconnect type utilities and security devices, and has no permanent attachments such  
18 as additions, rooms, stairs, decks and porches.

19  
20 **B. Permanent placement.** Recreational vehicles and park trailers that do not meet the  
21 limitations in Section 14-15 A of this chapter for temporary placement shall meet the  
22 requirements of Section 14-14 of this chapter for manufactured homes.

23  
24 **SECTION 14-16 TANKS**

25  
26 **A. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent  
27 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during  
28 conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

29 **B. Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation  
30 requirements of Section 14-16 C of this ordinance shall be permitted in flood hazard areas  
31 provided the tanks are anchored or otherwise designed and constructed to prevent flotation,  
32 collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during  
33 conditions of the design flood, including the effects of buoyancy assuming the tank is empty and  
34 the effects of flood-borne debris.

35  
36 **C. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be  
37 attached to and elevated to or above the design flood elevation on a supporting structure that is  
38 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.  
39 Tank-supporting structures shall meet the foundation requirements of the applicable flood  
40 hazard area.

41  
42 **D. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 43 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow  
44 of floodwater or outflow of the contents of the tanks during conditions of the design flood;  
45 and  
46 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic  
47 loads, including the effects of buoyancy, during conditions of the design flood.



1  
2 Add a new Sec. 107.6.1 as follows:

3  
4 **107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the  
5 requirements of federal regulation for participation in the National Flood Insurance  
6 Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to  
7 issue permits, to rely on inspections, and to accept plans and construction documents on  
8 the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall  
9 not extend to the flood load and flood resistance construction requirements of the *Florida*  
10 *Building Code*.

11  
12  
13 **Sec. 117, Florida Building Code, Building**

14  
15 Add a new Sec. 117 as follows:

16  
17 **117 VARIANCES IN FLOOD HAZARD AREAS**

18  
19 **117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance  
20 procedures adopted in the local floodplain management ordinance shall apply to  
21 requests submitted to the Building Official for variances to the provisions of Section  
22 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of  
23 the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of  
24 the *Florida Building Code, Building*.

25  
26 **SECTION 4. FISCAL IMPACT STATEMENT.**

27 In terms of design, plan application review, construction and inspection of buildings and  
28 structures, the cost impact as an overall average is negligible in regard to the local technical  
29 amendments because all development has been subject to the requirements of the local  
30 floodplain management ordinance adopted for participation in the National Flood Insurance  
31 Program. In terms of lower potential for flood damage, there will be continued savings and  
32 benefits to consumers.

33  
34 **SECTION 5. APPLICABILITY.**

35 For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Tavares  
36 This ordinance shall apply to all applications for development, including building permit  
37 applications and subdivision proposals, submitted on or after the effective date.

38  
39 **SECTION 6. REPEALER.**

40 Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of  
41 any conflict.

42  
43 **SECTION 7. INCLUSION INTO THE LAND DEVELOPMENT REGULATIONS.**

44 It is the intent of the City Council that the provisions of this ordinance shall become and be  
45 made a part of the City of Tavares Land Development Regulations, and that the sections of this  
46 ordinance may be renumbered or relettered and the word "ordinance" may be changed to  
47 "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish  
48 such intentions.

49  
50 **SECTION 8. SEVERABILITY.**

51 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,

1 declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity  
2 of the ordinance as a whole, or any part thereof, other than the part so declared.

3  
4 **SECTION 9. EFFECTIVE DATE.**

5 | This ordinance shall take effect on December 18, 2012.

6  
7 **PASSED** on first reading \_\_\_\_\_.

8  
9 **PASSED and ADOPTED** in regular session, with a quorum present and voting, by the City  
10 Council upon second and final reading this \_\_\_\_\_.

11  
12  
13  
14  
15 \_\_\_\_\_  
16 **Robert Wolfe, Mayor**  
17 **Tavares City Council**

18 **ATTEST:**

19  
20  
21 \_\_\_\_\_  
22 | Nancy Barnett, City Clerk

23  
24 **APPROVED AS TO FORM:**

25  
26  
27 \_\_\_\_\_  
28 Robert Q. Williams, City Attorney

**THE CITY OF TAVARES  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Tavares will consider at the public hearings set forth below enactment of proposed Ordinance 2012-34 filed as follows:

**ORDINANCE 2012-34**

**AN ORDINANCE BY THE CITY COUNCIL AMENDING THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS RESTATING CHAPTER 14 FLOODPLAIN MANAGEMENT WHICH ADOPTS FLOOD HAZARD MAPS, DESIGNATES A FLOODPLAIN ADMINISTRATOR, ADOPTS PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; ADOPTS LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; SUBJECT TO THE RULES, REGULATIONS, AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.**

Proposed Ordinance 2012-34 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on October 18, 2012, at 3 p.m.; and
2. Tavares City Council meeting on November 21, 2012, at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on December 5, 2012 at 4 p.m. (Second Reading)

All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2012-34 may be inspected by the public between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday of each week at City Hall.

Interested parties may appear at the meetings and, at the Planning & Zoning Board meeting and City Council Second Reading, be heard with respect to the proposed ordinances. It is City Council policy to limit public discussion of proposed ordinances to the Planning & Zoning Board meeting and City Council Second Reading. Any persons wishing to appeal a decision of the public body should ensure himself a verbatim record of the proceedings is made.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department: City of Tavares, 201 East Main Street, Tavares, Florida 32778, Telephone: (352) 742-6408, at least 2 (two) working days prior to the date of the Public Hearing; if you are hearing or voice impaired, call (352) 742-6433.

Please direct any questions on this proposed ordinance to Jacques Skutt, Community Development Director, at 742-6404.

1  
2 There were no audience comments.

3  
4 Chairman Adams turned the discussion over to the Planning & Zoning Board.

5  
6 There was discussion about boating and seaplane traffic on Lake Dora.

7  
8 In response to a question regarding additional stipulations, Jacques Skutt confirmed that the proposed  
9 ordinance has been reviewed by the Florida Department of Transportation and no additional  
10 stipulations are required.

11  
12 Mr. Osborn asked if the City limits extend into the lake.

13  
14 Mr. Williams confirmed that by special act of the legislature, the City limits extend into the Lake Dora.

15  
16 **MOTION**

17  
18 **Gary Santoro moved to recommend approval of Ordinance 2012-27. The motion was seconded**  
19 **by John Tanner. The motion carried 6-0.**

20  
21 **7) Ordinance 2012-22 – Comprehensive Plan Amendment – Airport Protection**

22  
23 Jacques Skutt, Community Development Director provided the following staff report;

24  
25 Florida Statute requires that local governments amend their Comprehensive Plan to include criteria and  
26 address compatibility of lands adjacent to public use airports. The City of Tavares Seaplane Base is a  
27 licensed public use airport subject to the Florida statute. The proposed ordinance adopts policy that  
28 would bring the City Comprehensive Plan into compliance with the State Statute. A supporting  
29 amendment to the City's Land Development Regulations is concurrently under consideration.

30  
31 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance  
32 2012-22.

33  
34 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

35  
36 There were no audience comments.

37  
38 Chairman Adams turned the discussion over to the Planning & Zoning Board.

39  
40 **MOTION**

41  
42 **Sam Grist moved to recommend approval of Ordinance 2012-22. The motion was seconded by**  
43 **John Tanner. The motion carried 6-0.**

44  
45 **8) Ordinance 2012-34 – Land Development Regulations Amendment – Floodplain Management**

46  
47 Jacques Skutt, Community Development Director provided the following staff report;

48  
49 The National Flood Insurance Program is a federally-subsidized flood damage insurance program  
50 administered by the Federal Emergency Management Agency (FEMA). In order for residents and  
51 business owners to be eligible to purchase flood insurance, communities must adopt the most recent  
52 Flood Insurance Rate Maps (FIRM) and include within their land development codes policies that  
53 comply with FEMA minimum federal regulations.

1  
2 The Florida Division of Emergency Management has developed a completely new model ordinance that  
3 is coordinated with the Florida Building Code (FBC) which also satisfies the requirements of the  
4 National Flood Insurance Program (NFIP). The proposed ordinance adopts the language of the model  
5 ordinance for communities with inland flood hazards. To insure compliance with state and federal  
6 regulatory agencies, it has been reviewed and affirmed as appropriate for local approval by the Florida  
7 Division of Emergency Management. Deviations from this model ordinance are not encouraged by the  
8 State.  
9

10 The following are important aspects of the proposed ordinance:  
11

- 12 1. The new Floodplain Management chapter ordinance has been standardized in Florida and has been  
13 written to be enforceable.
- 14 2. The new Floodplain Management ordinance (FPM) is coordinated with the FBC. The FBC contains  
15 requirements for buildings and structures; the FPM model contains other requirements necessary  
16 for consistency with the NFIP. In order to fulfill community commitments to the NFIP, the FPM  
17 model requires buildings and structures that are exempt from the FBC and development other than  
18 buildings to comply with requirements of the ordinance if located in flood hazard areas. Examples of  
19 structures not covered by the Florida Buildings Code but covered by Floodplain Management are  
20 playgrounds and agricultural buildings.
- 21 3. As written, the Building Official and the Floodplain Administrator are responsible for different aspects  
22 of enforcement but the new regulations coordinate these responsibilities.  
23

24 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-34.  
25

26 Chairman Adams asked if there was anyone in the audience who would like to make a comment.  
27

28 There were no audience comments.  
29

30 Chairman Adams turned the discussion over to the Planning & Zoning Board.  
31

32 In response to a question, Jacques Skutt confirmed that City staff has current Floodplain Maps  
33 available for viewing.  
34

35 Chairman Adams asked if staff is available to assist residents to determine the location of their  
36 properties relative to the Floodplain. Jacques Skutt informed the Board that Corey Mathis, the City of  
37 Tavares GIS Analyst, is available to assist in the process.  
38

### 39 **MOTION**

40  
41 **John Tanner moved to recommend approval of Ordinance 2012-34. The motion was seconded**  
42 **by Gary Santoro. The motion carried 6-0.**  
43

### 44 **OTHER BUSINESS**

45  
46 There was no other business.  
47

48 Mr. Tanner asked about a parcel of property on the map accompanying Ordinance 2012-29.  
49

50 Staff explained that the parcel he identified is a water retention pond owned by Florida Department of  
51 Transportation.  
52

**AGENDA SUMMARY  
TAVARES CITY COUNCIL  
NOVEMBER 21, 2012**

**AGENDA TAB NO. 19**

**SUBJECT TITLE: Ordinance 2012-35  
Rezoning - Dora Lake Estates Subdivision**

**FIRST READING**

---

**OBJECTIVE:**

To consider the rezoning of approximately 11.23 acres of property located on the south side of Mansfield Road from RMF-2 (Residential Multi-Family) and RMF-3 (Residential Multi-Family) to PD (Planned Development).

**SUMMARY:**

The subject property consists of approximately 11.23 acres located on the south side of Mansfield Road. The property is currently owned by EAGLE FL III SPE LLC and CFL HOLDINGS LLC. The property is vacant except for road and utility infrastructure that was installed for the planned Dora Lake Estates subdivision. The applicant is proposing to rezone the property to (PD) Planned Development and build a 250 unit assisted living / independent living facility on the property. The existing infrastructure will be abandoned as part of the redevelopment plan for the property. The recorded Plat for Dora Lake Estates will be vacated.

Any development of these properties will be in accordance with the City's Land Development Regulations. A Future Land Use Map amendment to a High Density Residential designation is concurrently under consideration.

**OPTIONS:**

No Council action required at First Reading.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its October 18<sup>th</sup> meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-35.

**STAFF RECOMMENDATION:**

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-35.

**FISCAL IMPACT: N/A**

**LEGAL SUFFICIENCY:**

This ordinance has been reviewed by the City Attorney and approved for legal sufficiency.

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**ORDINANCE 2012-35**

**AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 11.28 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MANSFIELD ROAD, FROM RMF-2 (RESIDENTIAL MULTI-FAMILY) & RMF-3 (RESIDENTIAL MULTI-FAMILY) TO PD (PLANNED DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**

11           **WHEREAS**, the City of Tavares, Florida, is in a position to provide municipal  
12 services to the property described herein in Exhibit "A" of this ordinance; and,  
13

14           **WHEREAS**, the property is currently zoned City of Tavares RMF-2/RMF-3 and  
15 the applicant has requested the property described in Exhibit "A" to be rezoned to a City  
16 designation of PD (Planned Development); and,  
17

18           **WHEREAS**, the City is concurrently processing a future land use amendment to  
19 re-designate the property from City of Tavares Low Density to a City of Tavares High  
20 Density designation on the Future Land Use Map 2020; therefore  
21

22           **BE IT ORDAINED** by the City Council of the City of Tavares, Florida, as follows:  
23

24           **Section 1.    Rezoning**

25           The subject property by this ordinance shall hereby be rezoned to City of  
26 Tavares PD (Planned Development District) zoning designation and shall be subject to  
27 the provisions contained within this ordinance.

28           The purpose of this section is to set forth basic development regulations and to  
29 generally describe the project which is being developed as a Planned Unit Development,  
30 hereinafter referred to as a "PD", as specified in Chapter 8 of the Land Development  
31 Regulations of the City of Tavares, Florida.

32           Development of this project shall be governed by the contents of this document  
33 and applicable sections of the City of Tavares Land Development Regulations and Code  
34 of Ordinances and all other applicable rules, regulations and ordinances of the City in  
35 effect at the time of development. Where in conflict, the terms of this document shall  
36 take precedence over the City of Tavares Land Development Regulations, Code of

1 Ordinances, and all other applicable rules, regulations and ordinances of the City, unless  
2 otherwise noted.

3

4 **Section 2. Definitions**

5 Unless otherwise noted, the definitions of all terms shall be the same as the  
6 definitions set forth in the City of Tavares Land Development Regulations or the City of  
7 Tavares Comprehensive Plan.

8

9 **Section 3. Land Uses**

10 The Conceptual Master Plan depicts an Adult Congregational Living Facility  
11 development and is attached as Exhibit "B". The project will be subject to the  
12 comprehensive plan policies of the High Density Land Use Designation. Elements in the  
13 Conceptual Master Plan are 250 units, water retention area, and open space. The  
14 general location of each of these land uses has been established as depicted in the  
15 Conceptual Master Plan.

16

17 A. The breakdown for the project and its individual phases is as follows:

18

**TOTAL PROJECT**

19

**Total Area:**

20

Uplands	10.07
<u>Wetlands</u>	<u>1.21</u>
Total Area	11.28 AC

21

22

23

24

**Permitted Uses:**

25

26

- Assisted Congregate Living Facility

27

**Maximum Allowable Residential Density:**

28

29 The number of residential dwelling units shall be determined at the following  
30 maximum densities:

31

32

Total upland acres x 25 dwelling units per acre:  $10.07 \times 25 = 251.75$   
Total wetland acres x 1 dwelling unit per acre:  $1.21 \times 1 = 1.21$

33

34

**Maximum number of dwelling units: 252.96**

35

36

37

**Open Space:**

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39 Minimum Open Space required shall be 30 % of the gross acreage = 3.38 acres.

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**Maximum Density Proposed**

Total Number of Single Family Dwelling Units - 250 dwelling units  
Gross Density: 25 du / acre  
Net Upland Density: 25 du/acre

**PHASING**

The project will be completed in 2 phases.

B. In addition to the planned elements shown on the Master Plan, easements and rights-of-way shall be established within or adjacent to the project site as may be necessary or desirable for the service, function or convenience of the project. Said easements and rights-of-way are to be determined and indicated on recorded Declaration of Easement Agreement between the City of Tavares and Developer.

C. The overall development consists of 250 units.

**Section 5. Development Standards**

A. Setbacks. All setbacks shall be measured from the property line to the foremost vertical face of the structure. Where any setback conflicts with required easement widths, the easement widths, if larger, prevail.

1. Building Setbacks:

Front setback (Abutting Roads)	25'
Rear setback (From Lake Dora)	50'
Side setback	10'
From Jurisdictional Wetlands Line	15'

B. Height of Structures. The height of a structure shall be determined by measuring the distance from mean grade elevation to the highest point of the roof and shall not exceed Forty Five feet (45').

C. Landscaping and Buffer Requirements.

1. Boundary 1. Buffering along Boundary 1 (See Conceptual Site Plan) will be ten feet (10') wide and shall include but not be limited to:

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- There shall be a six foot (6') wall along the property line adjacent to Gause St. (County Dr.) The wall shall be brick, block/stucco or split-face block.
  - A continuous hedge, planted thirty-six inches (36") on center, two feet (2') high at the time of planting shall be planted on the roadway side of the wall.
  - One (1) canopy tree each forty lineal feet (40') shall be planted on the roadway side of the wall. Sub-canopy trees may be substituted for canopy trees at a ratio of 3 to 1 up to a maximum of one-fourth (1/4) of the canopy trees required. Canopy trees shall be a minimum of 3" dbh and 15' in height at the time of planting. Subcanopy trees shall be a minimum of 2.5" dbh (multi-stem permitted) and eight feet in height at the time of planting.
2. Boundary 2. Buffering along Boundary 2 (See Conceptual Site Plan) will be a minimum of ten feet (10') wide with existing vegetation to remain.
3. Boundary 3. Buffering along Boundary 3 (See Conceptual Site Plan) will be ten feet (10') wide and shall include but not be limited to:
- There shall be a six foot (6') decorative fence or a 3'-4' berm along the property line adjacent to the Residential Development to the North.
  - A continuous hedge, planted thirty-six inches (36") on center, two feet (2') high at the time of planting shall be planted on the roadway side of the wall.
  - One (1) canopy tree each forty lineal feet (40') shall be planted on the roadway side of the wall. Sub-canopy trees may be substituted for canopy trees at a ratio of 3 to 1 up to a maximum of one-fourth (1/4) of the canopy trees required. Canopy trees shall be a minimum of 3" dbh and 15' in height at the time of planting. Subcanopy trees shall be a minimum of 2.5" dbh (multi-stem permitted) and eight feet in height at the time of planting.

1 4. Common areas. Water retention areas or common areas shall be  
2 buffered by perimeter landscaping, irrigated and maintained, per, at a  
3 minimum, a 10-foot-wide (10') vegetative buffer consisting of a naturalistic  
4 design including clusters of shrubs, planted 2 feet (2') high at planting, no  
5 less than 7 shrubs per cluster; and a canopy or an understory tree, with no  
6 more than one-fourth the trees being understory trees; per each one  
7 hundred lineal feet (100') of area perimeter.

8  
9 5. The development shall otherwise comply with Chapter 11 of the City's  
10 Land Development Regulations.

11  
12 6. All landscaped and common areas shall be in place prior to the issuance  
13 of the Certificate of Occupancy.

14  
15 D. Signage. Signage shall conform to the City of Tavares Land Development  
16 Regulations.

17  
18 E. Fences. Any fencing or walls located along the perimeter of the parent tract shall  
19 be uniform in design, materials, color, and height. No fences abutting a right-of-  
20 way shall consist of wood or chain link.

21  
22 F. Tree Preservation. Tree preservation shall be in accordance with section 11-4  
23 of the City of Tavares Land Development Regulations. Trees proposed to be  
24 maintained on site shall be protected during site construction by placing a tree  
25 protection barrier at the drip line of each tree or clusters of trees. No construction  
26 activity, equipment or material shall be permitted inside the tree protection  
27 barrier. A site development permit shall not be issued until tree protection  
28 barriers are in place.

29  
30 G. Architecture. The architectural artist renderings attached as Exhibit "C" to this  
31 ordinance represents an architectural template that shall be used in conjunction  
32 with the City of Tavares commercial architectural standards in effect at time of  
33 development. The proposed structures must be constructed to substantially  
34 conform to the appearance and architectural form suggested by the rendering.

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**Section 6. Public Facilities.**

- A. Impact Fees. The Developer acknowledges that the City of Tavares has impact fees for water, wastewater, fire, and police, while Lake County has impact fees for schools and transportation. The project shall be subject to such impact fees or any additional impact fees effective at the time of issuance of any building permit.
  
- B. Potable water. Potable water shall be provided by the City of Tavares and impact fees shall be paid by the Developer. If the Developer must extend water lines from the existing location to the development, lines shall be extended in a manner in accordance with the City of Tavares Public Works Department.
  
- C. Wastewater. Wastewater treatment service shall be provided by the City and the Developer shall pay the impact fees. If the Developer must extend sanitary sewer lines from the existing location to the development, lines shall be extended and improvements shall be made in accordance with specifications of the City of Tavares Public Works Department.
  
- D. Drainage. Retention pond design shall incorporate a naturalistic approach, to be accomplished through one or more of the following methods: (1) through curvilinear perimeter design, (2) through the inclusion of swales rather than abrupt slopes requiring fencing, and (3) through naturalistic landscaping. Prior to receiving any development approvals, the Developer shall submit a master site drainage plan for review and approval by the City. All applicable St. John’s River Water Management District permits shall be required prior to approval of any development order. The maintenance of the drainage system shall be the responsibility of the Property Owner or Assignees.
  
- E. Reuse Water. The Developer shall be required to install a water reuse distribution system to serve all irrigation needs within the development. The lines will be served by potable water until such time as reclaimed water is available for irrigation. At the Developer’s expense, the irrigation system for the PD shall

1 connect to the reuse system once the lines are extended to the perimeter of the  
2 property.

3  
4 F. Transportation. All roads, streets, parking spaces, and sidewalks constructed on  
5 property will be privately owned and maintained.

6  
7 1. Any roads and/or streets, which end in a cul-de-sac, shall have a fifty-foot  
8 (50') right-of-way radius in the cul-de-sac with a minimum thirty-five-foot  
9 (35') paved radius. Temporary turnarounds shall be stabilized and shall  
10 provide a thirty-five-foot (35') turn radius.

11  
12 2. In addition to any required rights-of-way, but only to the extent necessary,  
13 the Developer shall also dedicate any easements needed for utilities and  
14 drainage.

15  
16 G. Underground Electric Utilities. Utility lines for electric power shall be installed  
17 underground per the provisions of the City of Tavares and the power provider.

18  
19 **Section 7. Environmental**

20 A. An environmental survey shall be required prior to the acceptance of any  
21 construction plans. The study at time of construction plan approval shall at a  
22 minimum provide an inventory of threatened or endangered species of special  
23 concern. The presence of designated species, flora or fauna, on the site or  
24 affected by the development shall result in the requirement of a species  
25 management plan and/or relocation plan.

26  
27 B. A conservation easement shall be shown over the entire jurisdictional wetlands  
28 area on the construction plans submitted for the initial phase of development and  
29 the conservation easement shall be recorded over the entire jurisdictional  
30 wetlands area as part of the development approval process and prior to the  
31 issuance of the Certificate of Occupancy.

1 C. All environmental permitting and mitigation shall serve as prerequisites of any  
2 phase of development and shall be administered by the appropriate local or state  
3 jurisdiction.

4

5 D. Any permitted improvements in the wetlands areas shall be maintained per the  
6 criteria of the St. John's River Water Management District.

7

8 **Section 8. Timing**

9 A. Developer shall submit for final site plan approval for a portion of or for the  
10 entirety of the project within thirty-six (36) months from the effective date of this  
11 document and such site plan shall be developed in conformance with the  
12 requirements of the Land Development Regulations of the City of Tavares and  
13 other applicable local or state regulations in effect at the time of application for  
14 any development order. If the City Council finds, on the basis of substantial  
15 competent evidence, that there has been failure to comply with the terms of this  
16 Ordinance, the Ordinance may be revoked or modified by the City of Tavares  
17 through action of the City Council after notification to the Developer and the  
18 opportunity to be heard.

19

20 B. Concurrency tests shall be deferred until the filing of construction plans and shall  
21 be conducted pursuant to Chapter 10 of the Land Development Regulations.  
22 Future rights to develop the property are subject to such concurrency tests and  
23 no vested rights have been or will be granted to the applicant until concurrency  
24 tests are complete and a final development order issued for the portion of the  
25 project for which the concurrency tests were required.

26

27 **Section 9. Permits.**

28 Prior to platting or construction, the property owner shall obtain all necessary  
29 permits from the applicable local, regional, state and federal agencies. Copies of all  
30 permits shall be furnished to the Community Development Director of the City.

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32 **Section 10. Effective Date.**

33 This Ordinance shall take effect immediately upon its final adoption by the  
34 Tavares City Council.

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**PASSED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the City Council of the City of Tavares, Florida.

\_\_\_\_\_  
Robert Wolfe, Mayor  
Tavares City Council

Passed First Reading: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
Nancy A. Barnett, City Clerk

APPROVED AS TO FORM AND LEGALITY:  
\_\_\_\_\_  
Robert Q. Williams, City Attorney

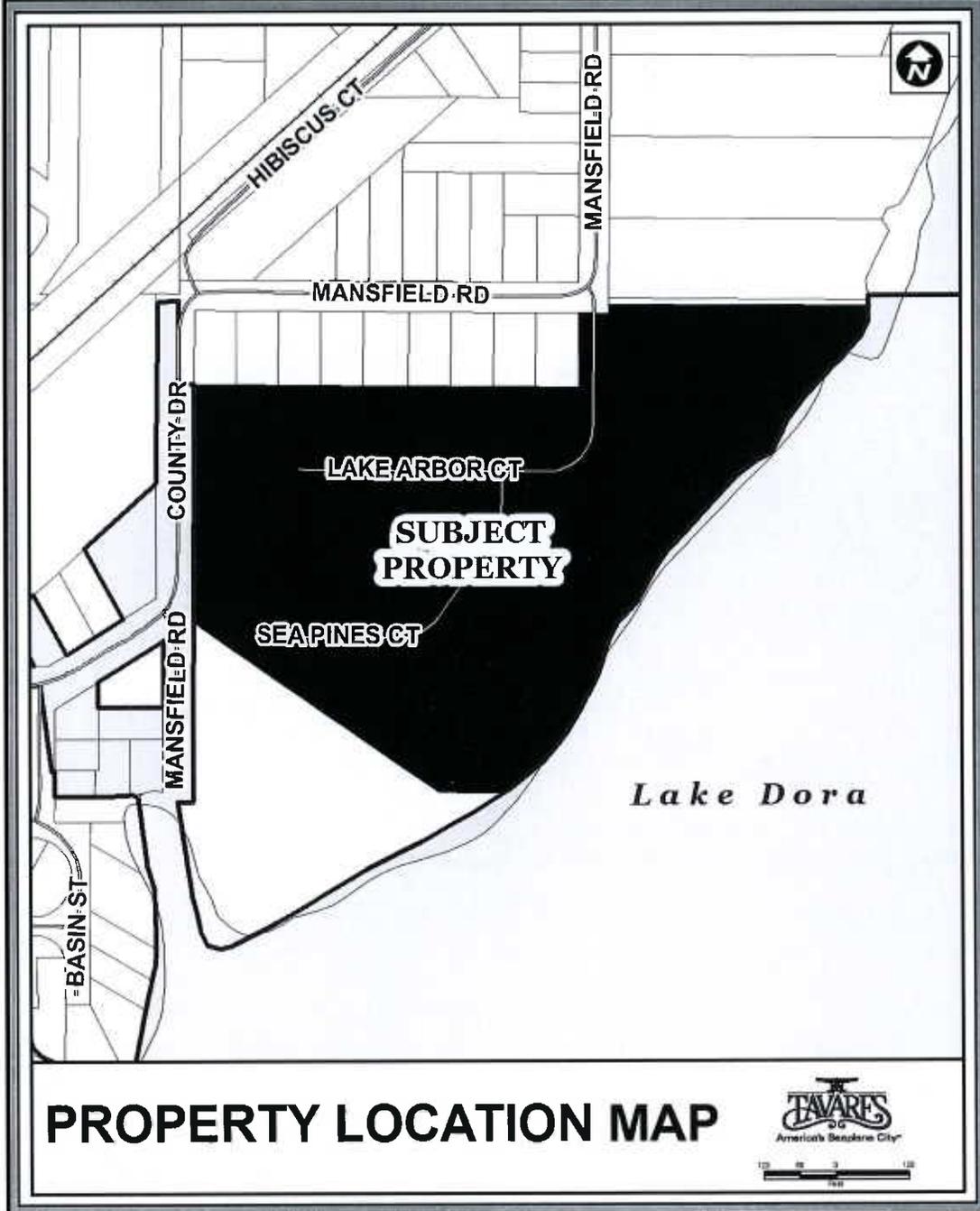
1 **EXHIBIT "A"**

2  
3 LEGAL DESCRIPTION PARCEL A

4  
5 THAT PORTION OF GOVERNMENT LOT 3 AND GOVERNMENT LOT 13 IN SECTION  
6 32, ACCORDING TO SHEET NO. 8 OF THE SUPPLEMENTAL PLAT OF SECTIONS 29  
7 AND 32, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY FLORIDA,  
8 APPROVED BY THE DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE,  
9 JUNE 05 1928, DESCRIBED AS FOLLOWS: COMMENCE AT A 6 INCH SQUARE  
10 CONCRETE MONUMENT AT THE WEST 1/4 CORNER OF AFORESAID SECTION 32  
11 (SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID GOVERNMENT LOT  
12 3), RUN THENCE SOUTH 00°28'08" WEST (BEARING RELATED TO THE FLORIDA  
13 GRID EAST ZONE) 147.00 FEET ALONG THE WEST BOUNDARY OF SAID  
14 GOVERNMENT LOT 3; THENCE SOUTH 89°40'17" EAST ALONG THE SOUTH  
15 BOUNDARY OF THE NORTH 147.00 FEET OF SAID GOVERNMENT LOT 3 A DISTANCE  
16 OF 25.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MANSFIELD  
17 ROAD, SAID POINT BEING THE POINT OF BEGINNING; DEPARTING SAID RIGHT-OF-  
18 WAY, CONTINUE SOUTH 89°40'17" EAST ALONG THE SOUTH BOUNDARY OF THE  
19 NORTH 147.00 FEET OF SAID GOVERNMENT LOT 3 AND SAID GOVERNMENT LOT 13  
20 A DISTANCE OF 987.00 FEET, MORE OR LESS, TO THE WATERS OF LAKE DORA AS  
21 SHOWN UPON SHEET 8 OF THE SAID SUPPLEMENTAL PLAT AND A POINT BEING  
22 HEREBY DESIGNATED AS POINT "A", BEGIN AGAIN AT THE POINT OF BEGINNING,  
23 RUN THENCE SOUTH 00°28'08" WEST 389.79 FEET ALONG THE EASTERLY RIGHT-  
24 OF-WAY LINE OF MANSFIELD ROAD TO A POINT ON THE SOUTHWESTERLY  
25 BOUNDARY OF THE PROPERTY DESCRIBED IN O.R. BOOK 2705, PAGE 1843, PUBLIC  
26 RECORDS OF LAKE COUNTY, FLORIDA; DEPARTING SAID RIGHT-OF-WAY, RUN  
27 THENCE SOUTH 55°27'42" EAST 494.60 FEET ALONG THE SAID SOUTHWESTERLY  
28 BOUNDARY OF THE PROPERTY DESCRIBED IN O.R. BOOK 2705, PAGE 1843 TO THE  
29 AUXILIARY MEANDER CORNER AS SHOWN UPON SHEET NO. 8 OF THE SAID  
30 SUPPLEMENTAL PLAT; THENCE SOUTH 89°31'52" EAST 40 FEET, MORE OR LESS, TO  
31 THE WATERS OF LAKE DORA AS SHOWN UPON SHEET NO. 8 OF THE SAID  
32 SUPPLEMENTAL PLAT, THENCE NORTHEASTERLY ALONG AND WITH SAID  
33 WATERS TO THE AFOREMENTIONED POINT "A".



# CITY OF TAVARES



Created By: City of Tavares GIS

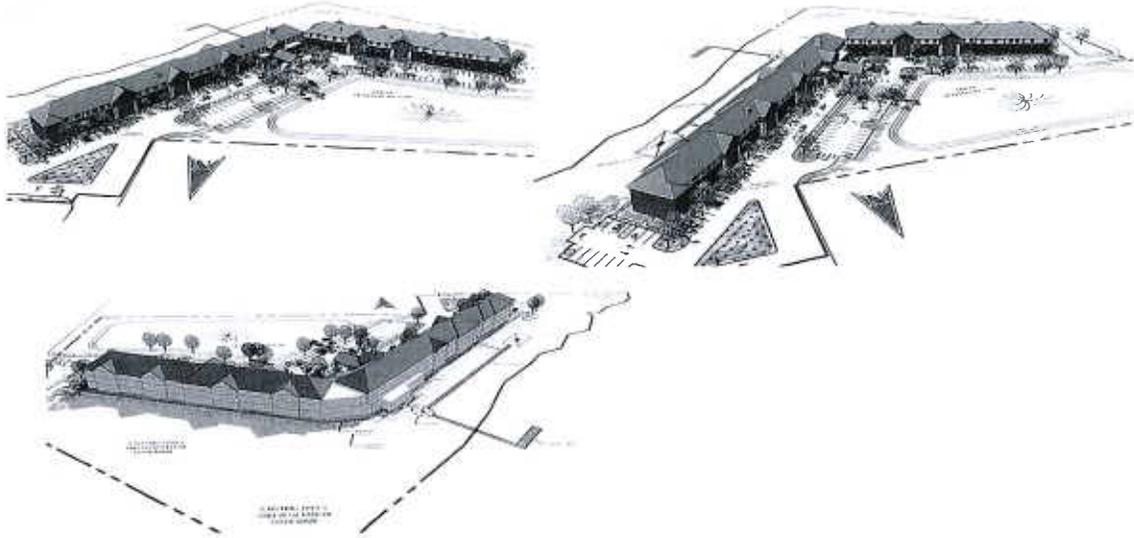
F:\PZ\DATA\PROJECT FILES\Dora Lake Estates; Rezone, SSFLUM - PZ2012-19\GIS\GIS\_Maps\Dora\_Lake\_AD.mxd

Map Created on 10/1/12

1



1 Exhibit "C"  
2 ACLF Rendering  
3



Aerial Views

4 Lakeside At Lake Dora Assisted Living  
5

HHCP | ARCHITECTS



Entrance To Commons



View From Resident Parking

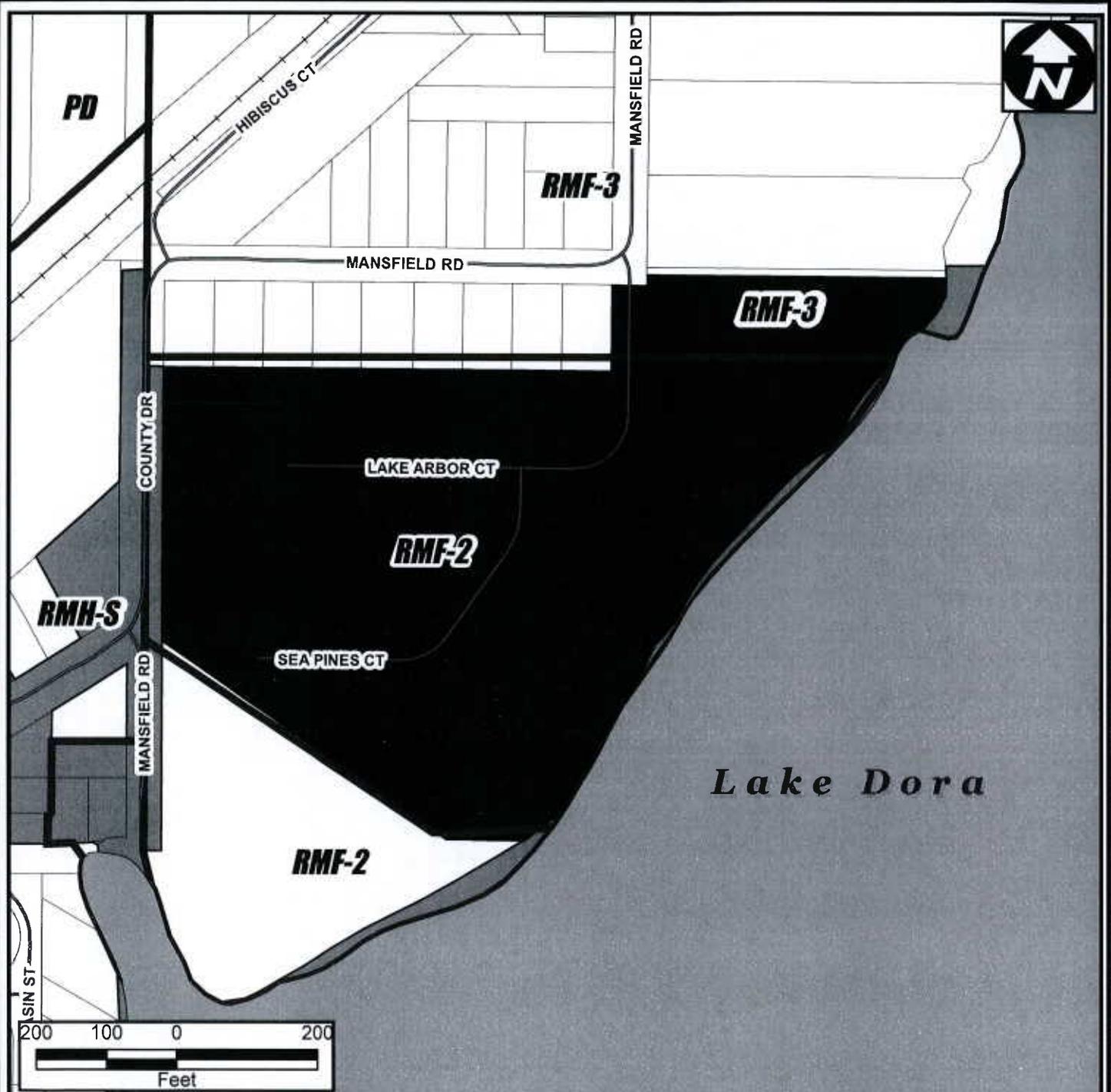


Entry Elevation

6 Lakeside At Lake Dora Senior Living

HHCP | ARCHITECTS

# CITY OF TAVARES ORDINANCE # 2012-35



- RSF-A Residential Single Family
- RSF-1 Residential Single Family
- RMF-2 Residential Multi-Family
- RMF-3 Residential Multi-Family
- RMH-S Residential Manufactured Home Sub.
- RMH-P Residential Manufactured Home Park
- PD Planned Development District
- MU Mixed Use District
- C-1 General Commercial
- C-2 Highway Commercial
- CD Commercial Downtown District
- I Industrial District
- PFD Public Facilities District



## ZONING MAP

### ORDINANCE # 2012-35

**Dora Lake Estates /  
CFL Holdings, LLC**

Current Zoning:  
RMF-2 & RMF-3  
Proposed Zoning: PD  
11.23 ± Acres

#### Legend

- |                  |               |
|------------------|---------------|
| CITY BOUNDARY    | MAJOR ROADS   |
| ZONING           | STREETS       |
| SUBJECT PROPERTY | PARCELS       |
| UNINCORPORATED   | CONS/WETLANDS |