

**AGENDA
TAVARES CITY COUNCIL**

**DECEMBER 5, 2012
4:00 P.M.**

TAVARES CITY HALL COUNCIL CHAMBERS

I. CALL TO ORDER

II. INVOCATION & PLEDGE OF ALLEGIANCE

Morry Osborne, Adventure Christian Church

III. APPROVAL OF AGENDA

(The City Council Agenda is subject to change at the time of the Tavares City Council Meeting)

IV. APPROVAL OF MINUTES

Tab 1) Minutes of Regular City Council Meeting, November 21, 2012 - Deferred

V. PROCLAMATIONS/PRESENTATIONS

Tab 2) Family Emergency Preparedness Week – Eagle Scout Project **Mayor Wolfe**

Tab 3) Presentation of New Recycling Program **Chris Thompson**

Tab 4) Request from Homeowners on Lake Dora Drive to Discuss City Code regarding RV Parking in Neighborhoods **John Drury**

VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS

VII. READING OF ALL ORDINANCES/RESOLUTIONS

VIII. CONSENT AGENDA

Tab 5) Appointment to Tourist Development Council **Nancy Barnett**

Tab 6) Approval of Contract for Air Boss & Air Show for Planes, Trains & BBQ Event **Bill Neron**

Tab 7) Approval of Ranking & Award of Water & Sewer Refunding Note – RFP #2013-001 Lori Houghton

IX. ORDINANCES/RESOLUTIONS

FIRST READING

Tab 8) Ordinance #2012-38 – Annexation & Rezoning of 6 acres to RMF- 3 - 999 David Walker Rd. – Shanti Niketan Project – Phase III Jacques Skutt

Tab 9) Ordinance #2012-39 – Future Land Use Amendment for 6 acres to City High Density – Shanti Niketan Project – Phase III Jacques Skutt

Tab 10) Ordinance #2012-40 – Rezoning of .378 Acres – Single Family to Planned Development – 1305 North Avenue Jacques Skutt

Tab 11) Ordinance #2012-41 – Future Land Use Amendment .378 Acres – Medium Density – 1305 North Avenue Jacques Skutt

SECOND READING

Tab 12) Ordinance #2012-22 – Amendment to Comprehensive Plan Future Land Use Element – Protection of the City of Tavares Airport Jacques Skutt

Tab 13) Ordinance #2012-27 – Amendment to Land Development Regulations – Protection of the City of Tavares Airport Jacques Skutt

Tab 14) Ordinance #2012-25 – Billboard Regulations Jacques Skutt

Tab 15) Ordinance #2012-34 – Flood Plain Management Jacques Skutt

Tab 16) Ordinance #2012-35 – Rezoning of 11.23 Acres - Lake Arbor Court/Sea Pines Court/Mansfield Road – Dora Lake Estates Subdivision Jacques Skutt

Tab 17) Ordinance #2012-36 – Small Scale Future Land Use Amendment for 9.89 - Acres Dora Lakes Estates Subdivision Jacques Skutt

Tab 18) Ordinance #2012-29 – Rezoning of Properties on SR 19 - from Industrial to Highway Commercial C2 - City Initiated Jacques Skutt

Tab 19) Ordinance #2019-30 - Amendment of Future Land Use Map for Properties on SR 19 – Industrial to Commercial - City Initiated Jacques Skutt

RESOLUTIONS

- | | |
|---|---------------|
| Tab 20) Resolution #2012-16 – First Amendment to Fiscal Year 2013 Budget to Roll Forward Projects from 2012 Budget | Lori Houghton |
| Tab 21) Resolution #2012-17 – Refunding of Water & Sewer Revenue Bond Series 2000 & Authorization of Additional Bonds for Meter Replacement Project | Lori Houghton |
| Tab 22) Resolution #2012-18 – Supplemental Resolution for Sale & Escrow Agent of 2012 Series A & B Bonds | Lori Houghton |

X. GENERAL GOVERNMENT

- | | |
|--|---------------|
| Tab 23) Report on Water Pressure at Royal Harbor and Request to Construct a Booster Pump | Brad Hayes |
| Tab 24) Domestic Partnership Registry | Nancy Barnett |
| Tab 25) Approval of Change Orders for Pavilion Project | Tammey Rogers |
| Tab 26) Approval of Interlocal Agreement with Lake County for Funding of Northeast Business Opportunity Center | Bill Neron |
| Tab 27) Approval of Ranking of Request for Qualifications for Independent Retirement Plan Consultant | Lori Tucker |
| Tab 28) Impact Fees Waiver Report | Bill Neron |
| Tab 29) Selection of Lighting Options for Alfred Street/Caroline Street One Way Pair | Jacques Skutt |
| Tab 30) Request from Tavares Historical Society to Occupy Historic Train Station (Fire Station #1) in Future for Office & Museum | John Drury |

XI. OLD BUSINESS

XII NEW BUSINESS

XIII. AUDIENCE TO BE HEARD

XIV. REPORTS

- | | |
|----------------------------|------------|
| Tab 31) City Administrator | John Drury |
|----------------------------|------------|

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 253-4546.

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 5, 2012**

AGENDA TAB NO. 2

SUBJECT TITLE: Proclamation for Emergency Preparedness Week

OBJECTIVE:

Mayor Wolfe will read a proclamation designating December 3-8, 2012 as Family Emergency Preparedness Week

SUMMARY:

The City received a request from John Markham, who is working on an Eagle Scout project, to have the mayor issue a proclamation to raise awareness of the need for emergency preparedness.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A



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PROCLAMATION

FAMILY EMERGENCY PREPAREDNESS WEEK

DECEMBER 3 – 8, 2012

WHEREAS, severe weather impacts the City of Tavares, Florida and leaves citizens, municipalities and businesses dealing with widespread damage to public and private property; and

WHEREAS, the best defense is preparedness and public education about the dangers of high winds, storm surge, flooding and tornadoes that may occur in conjunction with a hurricane or tropical storm,

WHEREAS, in recognition of the need to adequately prepare for, respond to, and recover from emergencies, it is critical to support educational and awareness programs throughout the City of Tavares

WHEREAS, John Markham of the Boy Scouts of America, Troop 70, has designed an Eagle Scout project to create awareness of Emergency Preparedness;

NOW, THEREFORE, I, Robert Wolfe, Mayor of the City of Tavares does proclaim December 3 - 8, 2012 as Family Emergency Preparedness Week in the City of Tavares and encourages families to recognize the importance of becoming educated and prepared for weather emergencies.

DONE AND PROCLAIMED this 5th day of December, 2012.

Robert Wolfe, Mayor

Nancy Barnett

From: R Markham [reed_markham@yahoo.com]
Sent: Tuesday, November 20, 2012 1:47 PM
To: Nancy Barnett
Subject: Family Emergency Preparedness Week proclamation for the City of Tavares
Attachments: Tavares.docx

Dear Ms. Barnett,

Greetings. I would like to request a proclamation for Family Emergency Preparedness Week, December 3-8, 2012.

I am working with Lake County Emergency Management for my Eagle Scout project. My goal is to raise awareness about the need for Lake County citizens to become more prepared for an emergency. I have attached a sample proclamation.

Thanks for your great work for the City of Tavares.

Best wishes,

John Markham
(352) 357-7834

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
December 5, 2012**

AGENDA TAB NO. 3

SUBJECT TITLE: Single Stream Recycling and Recyclebank Rewards Program

OBJECTIVE:

A brief overview will be presented by Waste Management explaining the implementation of our new "single stream" recycling and Recyclebank Rewards Programs.

SUMMARY:

The City of Tavares entered into a 5 year contract with Waste Management Services effective Oct. 1, 2012. Negotiations included a new "single stream" recycling program and an opportunity to participate in the Recyclebank Rewards Program. This presentation is the first of several public meetings preparing our residents for the January, 2013 implementation. Additional material explaining this new program will be presented to our residents in the upcoming weeks.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 5, 2012**

AGENDA TAB NO. 4

SUBJECT TITLE: Request from Lake Dora Drive Residents to Address Council regarding RV Parking in Neighborhoods

OBJECTIVE:

To hear a request from residents on Lake Dora Drive regarding the City's ordinance on the parking of recreational vehicles.

SUMMARY:

The City has received a petition and request from some residents on Lake Dora Drive to discuss the City's Ordinance (Section 12-4 C – *Permitted Parking* – attached), regarding parking of RV's in neighborhoods. Specifically they are concerned with the parking of a motor home at 608 Lake Dora Drive.

Part a) of the Ordinance states that "One boat/boat trailer or one recreational vehicle or one trailer coach, which is owned and used by a resident of the plot, may be parked in side yards so long as the boat, boat trailer, recreation vehicle, or trailer coach does not extend into the front yard of the plot.

Part b). of the Ordinance states that "One boat/boat trailer or one recreation vehicle or one trailer coach, owned and used by a resident of the plot, may be parked in a front yard driveway provided the boat/boat trailer, recreation vehicle or trailer coach does not extend into any right-of-way and provided the boat, boat trailer, recreational vehicle or trailer coach does not exceed ten (10) feet in height as measured from ground level."

The City has not found the owner to be in violation as there is no evidence that the recreational vehicle is being used as a dwelling. Section 12-3 prohibits "living or cooking within any trailer, mobile home, or movable type of residence, constructed for dwelling purposes which is stored under the provisions of this chapter."

OPTIONS:

- 1) Hear the presentation by the residents and then hold discussion as to whether or not the ordinance should be changed and direct the City Attorney to develop an ordinance for council consideration.

2) Do not direct the City Attorney to make a change to the ordinance.

STAFF RECOMMENDATION:

Council hold discussion.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Legally sufficient.

Sec. 12-1. Parking prohibited, exceptions.

No trailer, mobile home or movable type of residence, constructed for dwelling purposes, shall be parked, located, or in any way situated within the city except in such areas as shall be approved by the city for mobile home parks or trailer sales lots, except for the purpose of storing such vehicle only.

(Code 1974, § 26.001)

Cross references—Motor vehicles and traffic, Ch. 13; streets, sidewalks and other public places, Ch. 18; zoning, Ch. 23.

Sec. 12-2. Reserved.

Editor's note—Ord. No. 93-15, adopted July 21, 1993, repealed former § 12-2, relative to setback provisions for storage. The provisions of former § 12-2 derived from Code 1974, § 26.003.

Sec. 12-3. Use as dwelling prohibited.

There shall be no living or cooking within any trailer, mobile home, or movable type of residence, constructed for dwelling purposes, which is stored under the provisions of this chapter.

(Code 1974, § 26.004)

Sec. 12-4. Regulations for the parking, storing, or keeping of boats, boat trailers, recreational vehicles and trailer coaches.

(a) *Purpose and intent.* The following regulations shall apply to all residential zoning districts.

(b) *Definitions:*

Boat trailer. A trailer used for, or designed for, carrying boats.

Recreational vehicle. An automobile, bus, camp car, pick-up camper, trailer, or similar type vehicle, with or without motive power, designed and constructed to travel on public thoroughfares with a special permit in accordance with the provisions of the Vehicle Code of Florida.

Trailer coach. Includes all types of mobile homes, self-propelled trucks, or buses, which have been converted or equipped with living and/or sleeping quarters, pick-up trucks sometimes referred to as pick-up campers, converted buses sometimes re-

ferred to as caravans, and similar type vehicles. Excluded are suburban and similar types of automobiles for private use which have been equipped with camping equipment and relocated materials.

Plot. Includes both the lot on which a residence is located and any abutting lot which is in the control of the occupant or such residence by virtue of ownership or lease of such abutting lot. Parking on vacant lots is prohibited.

Right-of-way. Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, access or other purpose by the public, certain designated individual, or governing body.

Yard, front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

Yard, rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. Where a rear yard opens onto an alley, one-half of the width of such alley may be considered to be a portion of the rear yard.

Yard, side. A yard lying between a main building and a side lot line and extending from the front yard to the rear yard. Accessory buildings require the same side yard measurement as that required for the main building. The side yard setback shall be measured from the line of the main building to the side lot line; however, the eaves of the main building shall not extend more than two (2) feet into the side yard.

(c) *Permitted parking.*

(1) Boats, trailers, recreation vehicles, and trailer coaches, as defined herein, provided they have current valid registrations, may be parked on a plot in a residential zoning district, subject to the following restrictions and conditions:

a. One boat/boat trailer or one recreational vehicle or one trailer coach, which is owned and used by a resident of the plot, may be parked in side yards so long as the boat, boat trailer, recreation vehicle, or trailer coach does not extend into the front yard of the plot.

- b. One boat/boat trailer, one recreation vehicle or one trailer coach, which is owned by and used by a resident of the plot, may be parked in a front yard driveway provided the boat/boat trailer, recreation vehicle or trailer coach does not extend into any right-of-way and provided the boat, boat trailer, recreation vehicle or trailer coach does not exceed ten (10) feet in height as measured from ground level.

(Ord. No. 93-15, 7-21-93; Ord. No. 2008-02, § 1, 2-27-08)

Sec. 12-5. Regulations for the placement and keeping of temporary storage unit.

(a) *Definition.* Temporary storage units are defined as any structure not requiring a permit for installation as determined by the most current Florida Building Code and designed for the temporary storage of goods, merchandise, household items or products, commercial items or products, appliances, furniture etc.

(b) *Permit required (RSF-A, RSF-1, RMF-2, RMF-3, RMH-P, RMH-S, PD, MU).* A permit shall be required by the city. Temporary storage units are prohibited in zoning districts C-1, C-2, I, & PFD.

(c) *Restrictions.* Temporary storage units cannot exceed ten (10) feet in height as measured from the ground to the top of the structure. Temporary storage units are restricted to side yards and residential driveways.

(d) *Duration.* Permits will expire sixty (60) days from the date of issuance. Under no circumstance will another permit be issued for the same property within one hundred eighty (180) days from the date of previous permits expiration.

(Ord. No. 2008-02, § 1, 2-27-08)

November 17, 2012

To: John Drury, City Administrator, Tavares, FL

Request Dec. 5, 2012

This is a request to appear before the Tavares City Council. We wish to express our objection to the City's response to our complaint of a code violation on Lake Dora Drive.

For the second time, our neighbor, Jim Danbom, has allowed a visitor to his residence to park the visitor's motor home in his yard, hook up, and reside there overnight. Mr. Danbom lives at 608 Lake Dora Dr.

It is our contention, after several residents in the neighborhood met with city officials, that the City of Tavares is incorrectly interpreting the City Code (section 12). The City contends that no infraction has been committed. The following residents of Lake Dora Drive respectfully disagree with that interpretation and wish to be heard at a Council Meeting.

Name	Address
Mr & Mrs Richard (Lindy) Wilder	612 Lake Dora Dr
Mr & Mrs Donald Kutter	616 Lake Dora Dr
Mr & Mrs	722 Lake Dora Dr,
Charlene King	724 Lake Dora Dr
Jack King	"
Mr & Mrs L.W. Jackson	728 Lake Dora Dr
W. D. Pursell	Tavares FL
Doris Burrows	508 Lake Dora Dr
Tom & Gail Heneghan	508 Lake Dora Dr
Kay W Hauserman	512 Lake Dora Dr
John Hauserman	504 Lake Dora Dr
Jack Sprung Jr	504 LAKE DORA DR
Please contact: Lindy Wilder @ (352) 406-5570 or Gail Heneghan (352) 253-4890	720 Lake Dora Dr

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 5, 2012**

AGENDA TAB NO. 5

SUBJECT TITLE: Request by Lake County League of Cities to Appoint Mayor to Tourist Development Council

OBJECTIVE:

To provide an update to Council of appointment of Mayor Wolfe to the Tourist Development Council.

SUMMARY:

The Lake County League of Cities has advised Lake County Board of County Commissioners of its wish to have Mayor Robert Wolfe appointed to represent the League on the Tourist Development Council. The term is from January 1, 2013 to December 1, 2014. This item will go before the Board of County Commissioners on December 4.

OPTIONS:

N/A

STAFF RECOMMENDATION:

N/A – This is an information update for the City Council.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

N/A

Lake County League of Cities

Post Office Drawer 68
Eustis, Florida 32727-0068

Telephone (352) 483-5440
Fax (352) 357-1499

Emailed this day

October 22, 2012

The Honorable Commissioner Leslie Campione
Lake County Board of County Commissioners
P.O. Box 7800
Tavares, FL 32778-7800

Dear Commissioner Campione:

Be advised that Lake County League of Cities requests appointment of Tavares Mayor Robert Wolfe to fill the unexpired term of Leesburg Commissioner Sanna Henderson as the League's appointment to the Lake County Tourist Development Council. This unexpired term will be from January 1, 2013 until December 1, 2014. Appointment of this selection by the Lake County Board of County Commissioners is hereby requested.

By a copy of this letter, I will be informing Mayor Wolfe of his selection. His contact information is Mayor Robert Wolfe, City of Tavares, P.O. Box 1068, Tavares, FL 32778-1068.

Thank you and the Lake County Board of County Commissioners for allowing the Lake County League of Cities the opportunity to participate on this important board.

Should you have any questions regarding this matter, please do not hesitate to contact me at 483-5440.

Respectfully;



Jim R. Myers, Jr.
Executive Director
Lake County League of Cities, Inc.

cc: Mayor Robert Wolfe, City of Tavares
Scott Blankenship, Director of Economic Development and Tourism
Grace Watson, Lake County

*Astatula / Clermont / Eustis / Fruitland Park / Groveland / Howey-in-the-Hills
Lady Lake / Leesburg / Mascotte / Minneola / Montverde / Mount Dora / Tavares / Umatilla*

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: DECEMBER 5, 2012**

AGENDA TAB NO: 6

SUBJECT TITLE: Approval of Agreement relating to Air Boss services and Air Show to be held in conjunction with the Planes, Trains and Barbecue Event on April 27, 2012.

OBJECTIVE:

To have City Council approve the attached Agreement relating to Air Boss services and an Air Show in conjunction with the Planes, Trains and Barbecue Event on April 27, 2013 at Wooton Park at an estimated cost of \$25,000.

SUMMARY:

For the first time in 2010, a four act professional air show was added to the line-up of activities for the Planes, Trains and Barbecue event and was deemed to be a great success and was held again in 2011 and 2012.

It is proposed to again conduct an air show as part of the PTB event in 2013. The estimated cost to for the Air Show is \$25,000. This will cover the cost of the four professional air acts performing in the morning and afternoon, the expenses for the professional "Air Boss" to direct the air show activities, all required FAA and other permits and the cost of a \$5 million liability insurance policy.

City expenses would be covered by 2012 - 2013 CRA-TIF revenues and have been included in the City's approved 2012-13 budget.

Staff is requesting that Council approve the attached Agreement to hold an Air Show in conjunction with the Planes, Trains and Barbecue event on April 27, 2013.

OPTIONS:

1. To approve the attached Agreement to hold an Air Show in conjunction with the Planes, Trains and Barbecue Event on April 27, 2013.
2. To not approve the attached Agreement to hold an Air Show in conjunction with the Planes, Trains and Barbecue Event on April 27, 2013..

STAFF RECOMMENDATION:

Staff recommends that the Council moves to approve the attached Agreement to hold an Air Show in conjunction with the Planes, Trains and Barbecue Event on April 27, 2013.

FISCAL IMPACT:

The estimated City expenditures of \$25,000 will be covered by 2012– 13 CRA – TIF revenues contained in the City approved 2012/13 budget.

LEGAL CONSIDERATIONS:

The City Attorney has reviewed and approved the attached Agreement.

AGREEMENT

THIS AGREEMENT is made on this ___th day of December 2012, between the City of Tavares, Florida (herein known as "the City" and Air Boss and Consulting International, Inc. (herein known as "Vendor").

RECITALS

The City desires to enter into an agreement with Vendor for the provision of an air show event to be held at the City of Tavares waterfront in accordance with the terms described herein.

Vendor desires to enter into an agreement with the City to provide said services, and agrees to be bound by the terms and conditions of this Agreement.

THEREFOR, in consideration of the foregoing recitals and for other good and valuable consideration, receipt of which is hereby acknowledged, the City and the Vendor hereby covenant and agree as follows:

1. The Vendor agrees to provide an air show (hereinafter called "Air Show"). The Air Show shall consist of four (4) Air Show "Acts" (as that term is commercially understood). Each Act shall provide two performances, one in the morning and one in the afternoon.
2. The Air Show is to be held on the Tavares Waterfront on April 27th, 2013.
3. In addition to holding the Air Show as described in 1 above, Vendor shall provide Air Boss services as follows:
 - a. Provide all necessary planes and equipment for the Air Show.
 - b. Employ a Qualified "Air Boss" (as that phase is generally understood) to supervise the Air Show.
 - c. Provide insurance as agreed and approved by the City's Risk Manager as described in Attachment A to this Agreement. Vendor shall provide the City with the Certificate of Insurance as described in Attachment A at least fifteen (15) days prior to the event.
 - d. Obtain all FAA and other permits required for the Air Show
4. In exchange for the Vendor's obligations, the City shall pay Vendor TWENTY FIVE THOUSAND DOLLARS. The payment shall be split into two separate payments. The City shall make the first payment in the amount TWELVE THOUSAND AND FIVE HUNDRED DOLLARS (\$12,500.00) by March 15, 2013. The City shall make the second payment in the amount of TWELVE THOUSAND AND FIVE HUNDRED DOLLARS (\$12,500.00) on April 27, 2013, constituting the remaining portion of the cost. Should the Air Show be cancelled due to inclement weather conditions or other Act of God considerations, no payment will be owed and any funds advanced will be repaid to the City.

5. Vendor shall defend, indemnify and hold harmless the City and all of the City's officers, agents and employees from and against all claims, liability, loss and expense, including reasonable costs, collection expenses, attorney's fees, and court costs which may arise because of the negligence (whether active or passive), misconduct, or other fault, in whole or in part (whether joint, concurrent or contributing), of Vendor, its officers, agents or employees in performance or non-performance of its obligations under the Agreement. Vendor recognizes the broad nature of this indemnification and hold harmless clause as well as the provision of a legal defense to City when necessary, and voluntarily makes this covenant and expressly acknowledges the receipt of such good and valuable consideration provided by the City in support of these indemnification, legal defense and hold harmless contractual obligations in accordance with the laws of the State of Florida. This clause shall survive the termination of this Agreement. Compliance with any insurance requirements elsewhere within this Agreement shall not relieve Vendor of its liability and obligation to defend, hold harmless and indemnify the City as set forth in this article of the Agreement.

6. The parties agree that if Vendor violates the term and conditions of this Agreement, or violates any other applicable state, county, or municipal ordinances, the City shall have the option to immediately terminate this Agreement.

7. Vendor shall be responsible for obtaining any and all necessary licenses, health certificates, permits, or other documents required for the operation of the Air Show. Vendor shall also be responsible for any and all sales or income tax liability that may incur by reason of its operation of the Air Show.

8. Vendor shall not be permitted to sublet or assign any part of the Air Show or related services as set forth in this Agreement without first obtaining the written consent of the City.

9. Should Vendor breach the terms of this agreement, causing the City to employ an attorney for enforcement of the provisions hereof, or for the collection of damages as a result of a breach, the City's attorney's fees and court costs shall be paid by the Vendor.

Dated this ____ day of _____, 2013

CITY.

VENDOR

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DATE OF MEETING: December 5, 2012**

AGENDA TAB NO: 7

SUBJECT TITLE: Award of RFP No. 2013-0001, Water and Sewer Refunding Revenue Note, Series 2012 – Bank Loan RFP

OBJECTIVE:

To seek Council's approval for award of RFP No. 2013-0001 for a Bank Loan not to Exceed \$7,725,000 for refunding the Water/Wastewater Revenue Bonds, Series 2000, to fund the accelerated Meter Exchange Project, and to fund the Improvements for Royal Harbor Water Pressure.

SUMMARY:

On January 18, 2012, the City Council approved a contract with United Metering Solutions for an expedited program to upgrade all meters within the City. The exchange program will provide costs savings on meter reading activities, and the improved technology will provide more assurance for water loss initiatives as well. The approval also provided for the authorization to issue an RFP for debt issuance to fund the project. It is anticipated that debt service for the project will be funded from current budgeted amounts for the current meter replacement program.

On March 21, 2012, the City Council requested staff to issue Request for Proposals from financial institutions for possible savings in annual debt service costs for the Wastewater Refunding Bonds Series 2000, Issue Amount \$4,705,000.

On June 20, 2012, the City Council adopted Reimbursement Resolution No. 2012-09 in anticipation of debt issuance for the Meter Replacement Project.

RFP No. 2013-0001, Water and Sewer Loan Refinance, was issued on October 7, 2012, with advertisement on the same date and placed in the Orlando Sentinel. RFP No. 2013-0001 was also made available to proposers on the City Website with a direct link to www.demandstar.com.

The objective of the RFP was to obtain financing for refinancing the Series 2000 Wastewater Bonds for debt service savings, and to fund the Meter Exchange Project, and to fund a portion of the Royal Harbor Water Pressure Project costs, and to obtain the lowest overall interest cost while providing maximum flexibility to the City.

Sealed bids/proposals were due on October 25, 2012 at 2:00 p.m. A bid opening was held at 2:00 p.m. on October 25, 2012. All received bids were opened publicly at that time. Proposals were received from three banks as listed below:

- BB&T
- BBVA Compass Bank
- Pinnacle Public Finance

The bids were reviewed and evaluated by the City's Financial Advisor, Mark Galvin of First Southwest, and City Staff. Proposals were ranked according to RFP requirements and overall benefit to the City of Tavares.

Attached please find the copies of 1) newspaper advertisement for RFP No. 2013-0001, 2) minutes from bid opening dated October 25, 2012, 3) bid tabulation and recommendation letter from City Financial Advisor, Mark Galvin of First Southwest.

Upon review of the proposals, staff recommends award of RFP No. 2013-0001 to Pinnacle Public Finance for the Refinancing of the Wastewater Series 2000 Bonds, Meter Exchange Project, and the Royal Harbor Project in an amount not to exceed \$7,725,000 for a term of 18 years at a quoted rate of 2.69%. The City under the Pinnacle proposal will save approximately \$82,000 per year and \$1,490,000 over the life when compared to the debt service on the Series 2000 Bonds

OPTIONS:

1. Award RFP 2013-0001 to Pinnacle Public Finance for an amount not to exceed \$7,725,000 for a term of 18 years to refinance the Wastewater Series 2000 Bonds, the Meter Exchange Project, and the Royal Harbor Project.
2. Do not award RFP 2013-0001 to Pinnacle Public Finance.

STAFF RECOMMENDATION:

Move to Award RFP 2013-0001 to Pinnacle Public Finance for an amount not to exceed \$7,725,000 for a term of 18 years to refinance the Wastewater Series 2000 Bonds, the Meter Exchange Project, and the Royal Harbor Project.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY: Legally Sufficient.



America's Seaplane City™

CITY OF TAVARES

**MINUTES OF BID OPENING
October 25th, 2012
Request for Proposals
Water and Sewer Loan Refinance
RFP 2013-0001**

TAVARES CITY HALL

PRESENT

John Rumble, Purchasing Manager
Kay Mayes, Admin Assistant, Finance

Mr. Rumble noted today's date as Thursday, October 25th, 2012. This is the opening of submission packages received in response to RFP 2013-0001. There were three proposals received:

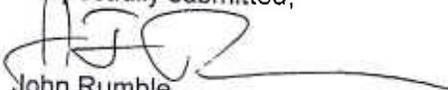
BB&T Bank
200 W Forsythe, Suite 200
Jacksonville FL 32202

BBVA Compass
5500 SW College Rd
Ocala FL 34474

Pinnacle Public Finance
8377 E Hartford Drive Suite 115
Scottsdale AZ 85255

Mr. Rumble noted the packages would be forwarded to FirstSouthwest the City's financial advisor for review and evaluation of the individual proposals. The bid opening concluded at approximately 3:05 p.m.

Respectfully submitted,


John Rumble
Purchasing Manager

Communities
 Orlando Sentinel
 in person:
 330 E. EDOVADA

MUST-HAVE RELIABLE TRANSPORTATION. BE ABLE TO SET UP THE EVENT. HAVE A CELL PHONE.

For consideration please send resume to:
 info@theparodygroup.com

Trade/Industrial & Security

AUTO TECHNICIAN — GM experience preferred. Full time with benefits. Immediate start. Apply in person to Keith Free at Phillips Buick GMC, 2160 Highway 274N, Fruitland Park, FL. DFWP EOE
 WEB: OS16787

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 Orlando Sentinel readers will notice to your classified automobile ad.

Can you run?
 scores, weather updates and more

Orlando Sentinel
 onSentinel.com or download our FREE app

Orlando Sentinel

REQUEST FOR PROPOSAL
WATER AND SEWER LOAN REFINANCE

PURPOSE OF SOLICITATION
 The City of Tavares, Florida (the "City") is seeking proposals to identify the institution that can provide the City with Bank qualified bank loans at the lowest overall borrowing cost, pursuant to certain conditions. The proceeds of the Water and Sewer Revenue Note, Series 2012 (the "Series 2012 Note") will be used to refund the City's outstanding Water and Sewer Revenue Bonds, Series 2000 (the "Series 2000 Bonds") and to fund a portion of the City's water, wastewater, reclaimed water and storm water capital improvements program.

The Series 2000 Bonds have interest rates ranging from 5.00% to 5.50% and mature annually on October 1 through 2030. The Series 2000 Bonds are currently outstanding in the aggregate principal amount of \$4,795,000 and are callable at any time with 30 days notice.

The City shall accept and review proposals from qualified financing institutions based upon the proposed financing structure below. The City will select financing that provides the lowest overall borrowing cost to the City while meeting the financing requirements of the City, including their various thresholds. FirstSouthwest, Orlando, Florida, as the City's Financial Advisor, will assist with reviewing a fixed rate obligation with the selected financial institution.

Sealed submissions are invited by the City of Tavares, to be received at the office of the City Clerk, 201 East Main St., Tavares, Florida 32778, on or before 5:00 p.m. on Thursday, October 25th, 2012. Submittals received after this specified time and date will not be considered. Submittals will be opened in public on the same day at 3:30 p.m. Please submit one (1) original, three (3) copies and one (1) digital copy, preferably in pdf format.

Bidders with access to DemandStar.com can obtain the bid documents by calling 800-771-1712, or on the web at <http://www.demandstar.com>. Complete bid documents may be reviewed on/or obtained at the City of Tavares, Florida, 32778. For further information contact John Rumble, Purchasing Manager of Tavares City Hall, 201 E. Main St., Tavares, Florida 32778; jrumble@tavares.org, phone: (352) 742-6131; fax: (352) 742-6001. Per ADA Regulation Title II, Chapter 3 Addendum on General Effective Communication, printed material provided to the public, upon request, will be provided in an accessible format such as large print, Braille or audio recording.

John Rumble, Purchasing Manager
 City of Tavares

LAKI208014, 10/07/2012

FOR SALE!
 Classified ads in the Orlando Sentinel will drive your sales! With over 611,000 weekday readers and nearly 940,000 on Sunday, we'll help you rev up your sales figures!

STATUTES

NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the Fictitious Name of LAKE COUNTY HEARING AND BALANCE CLINIC located at 3210 Waterman Way, Tavares, Lake County, FL 32778, intends to register the said name with the FL Dept. of State, Div. of Corps., Tallahassee, FL. Dated: 10/4/2012. Owner: Connect Hearings, Inc.

LAKI208223, 10/07/2012

NOTICE UNDER FICTITIOUS NAME STATUTE

TO WHOM IT MAY CONCERN:
 Notice is hereby given that the undersigned pursuant to the Fictitious Name Statute Chapter 865.07, Florida Statutes, will register with the Division of Corporations, Department of State, State of Florida upon receipt of proof of the publication of this notice, the fictitious name, to-wit:
 Ana Del Sol
 under which (I am) (we are) engaged in business at 333 North 12 Street, Clermont, FL 34711. That the party (parties) interested in said business enterprise is as follows:
 Jeffrey R. Ward
 Dated at Clermont, Lake County, Florida, October 5, 2012.

LAKI208349, 10/07/2012

Notice of Administration

IN THE CIRCUIT COURT FOR LAKE COUNTY, FLORIDA.

PROBATE DIVISION
 File Number: 2012-CP-1188

IN RE: ESTATE OF LOVIE B. REGISTER, Deceased.

NOTICE TO CREDITORS
 The administration of the estate of LOVIE B. REGISTER, Deceased, whose date of death was July 1, 2012, is pending in the Circuit Court for Lake County, Florida, Probate Division, File Number 2012-CP-1188; the address of which is 350 West Main Street, Tavares, FL 32778. The name and address of the Personal Representative's attorney are set forth below.

All creditors of the Decedent and other persons, who have claims or demands against Decedent's estate, including unmatured, contingent or unliquidated claims, and who have been served a copy of this Notice, must file their claims with this court WITHIN THE LATER OF THREE (3) MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE OR THIRTY (30) DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the Decedent and other persons who have claims or demands against the Decedent's estate, including unmatured, contingent or unliquidated claims, must file their claims with this court WITHIN THREE (3) MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT SO FILED WILL BE FOREVER BARRED, NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE. ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

THE DATE OF FIRST PUBLICATION OF THIS NOTICE IS: September 30, 2012.

MEETING NOTICE

The Lake County Water Authority (LCWA) will be holding a Regular Meeting at 3:30 p.m. on October 17, 2012. In the Lake County Board of County Commissioners Chambers at the Lake County Administration Building (2nd Floor, Round Courthouse) 315 West Main Street, Tavares, Florida.

Anyone having questions regarding the meeting or specific items on the agenda, please contact the office at 343-3777, during our normal office hours: Monday through Friday 8:30 a.m. - 5:00 p.m.

Should any person decide to appeal any decision made at the meeting, they will need a record of the proceeding and if it is their responsibility to ensure that a verbatim record of the proceeding is made.

LAKE COUNTY WATER AUTHORITY

LAKI207466, 10/07/2012

PUBLIC HEARING NOTICE
 City of Tavares

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2012-26, Second Reading, on October 17, 2012 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2012-26

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING CHAPTER 3, DEFINING WINE AND BEER BARS, AMENDING CHAPTER 4, TABLE 4-2, PERMITTED AND SPECIAL USES, BY ALLOWING WINE AND BEER BARS IN THE COMMERCIAL DOWNTOWN DISTRICT AND BY AMENDING ARTICLE 15, TABLE 15-2 CLARIFYING THAT RESTAURANTS PROVIDING ALCOHOLIC BEVERAGES WILL BE CLASSIFIED AS RESTAURANTS PROVIDING CERTAIN CONDITIONS ARE MET SUBJECT TO THE RULES, REGULATIONS AND ORDINANCES ENACTED BY THE CITY OF TAVARES COUNCIL PROVIDING AN EFFECTIVE DATE.

The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAKI207442, 10/07/2012

PUBLIC HEARING NOTICE
 City of Tavares

NOTICE IS HEREBY GIVEN that the Tavares City Council will consider the Ordinance 2012-33, Second Reading, on October 17, 2012 at 4:00 p.m. Tavares City Hall, 201 E. Main Street, Tavares, FL 32778.

ORDINANCE 2012-33

AN ORDINANCE AMENDING ORDINANCES 07-24, 08-21, AND 2007-35 AND SECTIONS 17-15 AND 17-17 OF THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS PERTAINING TO STORM WATER DRAINAGE UTILITY FEES; INCREASING SAID FEE FROM \$450/\$350 TO \$350/\$250, PROVIDING AN EFFECTIVE DATE.

The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAKI207443, 10/07/2012

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407.426.7835 Fax

Mark P. Galvin
Senior Vice President

mark.galvin@firstsw.com

Date: November 2, 2012

To: Lori Houghton

Subject: City of Tavares, FL
Water and Sewer Refunding Revenue Note, Series 2012 – Bank Loan RFP

FirstSouthwest, in our role as Financial Advisor, assisted the City of Tavares (the “City”), Florida in issuing a Request for Proposals (“RFP”) for a bank loan in an amount not to exceed \$7,705,000. The City, under purchasing guidelines, posted the RFP on its web site, advertised the RFP, and made it available to bidders on www.demandstar.com on October 5, 2012. The purpose of the RFP is to provide “Bank Qualified” financing to currently refinance, for debt service savings on the City’s outstanding Water and Sewer Revenue Bonds, Series 2000 (the Series 2000 Bonds”) and to fund a portion of the City’s water, wastewater, reclaimed water and storm water capital improvements program estimated at \$2,315,000.

The Series 2000 Bonds have interest rates ranging from 5.00% to 5.50% and mature annually on October 1st with a final maturity of October 1, 2030. The Series 2000 Bonds are currently outstanding in the aggregate principal amount of \$4,705,000 and are callable at any time with a 30 day notice.

The objective of the RFP was to obtain financing was to maximize debt service savings, provide for \$2,315,000 in funds for capital improvements while providing maximum flexibility to the City. The RFP asked for proposals that would provide the City with an 18 year bank loan with the option to prepay the loan at anytime with or without a prepayment penalty.

On October 25, 2012 the City received a total of three (3) responses by the stated 2:00 pm deadline. Proposals were received from the entities listed below and summarized in the attached table:

- BB&T
- BBVA Compass Bank
- Pinnacle Public Finance

BB&T Proposal

The proposal provides for a 18 year financing with an **interest rate of 2.89%** that is locked in for 45 days. The loan is subject to a prepayment whole on any payment date with a 1% prepayment penalty.

Refunding the Series 2000 Bonds under this option the City would save approximately \$77,386 annually, \$1,392,948 over the life of the issue and \$1,052,808 on a present value basis.

BBVA Compass Proposal

The proposal provided an **indicative rate of 2.75%** as of October 23, 2012 (not firm). The quoted rate is subject to change and is based 65% of the 10 year Interest Swap Rate plus 156 basis points. The rate may be locked in for 30 days prior to closing for 4 additional basis points upon the approval by the City Council.

The loan is subject to a prepayment after the 10 year anniversary without penalty. If the City prepays prior to the ten years there is a **Make Whole Prepayment Provision** which allows the bank to receive a prepayment penalty if interest rates are lower at the time of prepayment than the interest rate on the note. This penalty could be significant depending on the interest rate and the remaining life of the loan.

Refunding the Series 2000 Bonds under this option the City would save approximately \$81,142 annually, \$1,460,548 over the life of the issue and \$1,120,205 on a present value basis.

Pinnacle Public Finance Proposal

The proposal provides for a 18 year financing with an **interest rate of 2.69%** that is locked in for 45 days. The loan is subject to a prepayment in full but not in part on any principal date with a 1% prepayment penalty.

Refunding the Series 2000 Bonds under this option the City would save approximately \$82,856 annually, \$1,491,415 over the life of the issue and \$1,149,716 on a present value basis.

Changes in interest rates due to change in Federal Corporate Tax Rate or event of taxability.

All of the proposed bank loans provide for the standard "Gross Up" tax language all banks require relating to increase the interest rate if the Federal corporate tax rate changes or if the loan is declared non bank qualified or no longer is considered tax exempt. This would allow the banks to increase or Gross Up the existing interest rate to provide the same after tax yield.

This communication is for information only, not an offer, solicitation or recommendation, nor an official confirmation of any financial transaction. It is not to be considered research. The information is considered to be reliable, but First Southwest Company does not warrant its completeness or accuracy, prices and availability are subject to change without notice. We may trade, have long or short positions, or act as a market maker in any financial instrument discussed herein. Clients should consult their own advisors regarding any accounting, legal or tax aspects. Investors are instructed to read the entire Official Statement to obtain information essential to the making of an informed investment decision.

Recommendation

After reviewing the RFP responses and discussing these proposals with City Staff, it is FirstSouthwest's opinion that the Pinnacle Public Finance proposal meets the objective of this RFP for the following reasons:

1. Their proposal included a fixed rate for the entire term of the loan.
2. Lowest overall fixed rate proposal while providing the flexibility to refinance the loan for possible debt service saving in the future or if necessary the ability to pay off the loan or restructure it without a prepayment penalty.
3. Refunding the Series 2000 Bonds under this option the City would save approximately \$82,856 annually, \$1,491,415 over the life of the issue and \$1,149,716 on a present value basis.

FirstSouthwest therefore recommends that the City accept the Pinnacle Public Finance Proposal.

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**City of Tavares, FL
Water and Sewer Refunding Revenue Note, Series 2012
Proposal Responses
October 25, 2012**

	BB&T Governmental Finance	Compass Bank	Pinnacle Public Finance
Bank:			
Size	\$6,650,000	\$7,705,000	\$7,705,000
Final Maturity	August 1, 2030	August 30, 2030	August 1, 2030
Tax Status	Bank Qualified	Bank Qualified	Bank Qualified
Call Feature / Penalty	1% Prepayment Penalty	Make Whole for the first 10 yrs. No prepayment penalty after the 10th anniversary	Subject to prepayment in full, but not in part, with 1% prepayment penalty
Fixed Rate	2.89%	Indicative Rate as of October 23, 2012 2.75%	2.69%
Date Rate held until	Held for a closing date not later than 45 days of proposal response date	Rate not held. Fixed rate will be set on the day of closing based on 65% of the 10 yr SWAP Rate + 156 bps Fixed rate may be locked for 30 days for an additional 4 bps to the fixed rate formula	Held for 45 days
Other Covenant Requirements	<p>New money financing proceeds shall be deposited on behalf of the City into a project fund account with BB&T</p> <p>Financing documents shall include provisions that will outline appropriate changes to be implemented in the event that the transaction is determined to be taxable</p> <p>Additional bond test</p>	<p>Rate covenant of 120%</p> <p>Additional bond test</p> <p>Audited financial statements within 180 days of FYE</p> <p>Yield Maintenance</p> <p>Marginal Tax Rates - No Change in Capital Requirements - No Change in Regulations - No</p> <p>Subject to final credit underwriting and approval</p>	<p>Subject to credit approval</p> <p>Gross-Up Provision</p> <p>Additional bonds test of 1.20x MADs</p> <p>Pinnacle is willing to finance any of the County's expenses related to closing the transaction</p> <p>Prepayment penalty and counsel fees are subject to negotiation</p>
Legal Expense / Bank Fees	\$3,500	Bank fee - \$5,000 Counsel Fee - \$3,500	\$4,000
Main Contact	David Pierce Florida Banking Officer (904) 361-5253	Tim Roberson Vice President (352) 854-4488	Blair Swain Vice President (480) 419-3634

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City of Tavares, Florida

RFP Response Analysis Summary for: Water and Sewer Refunding Revenue Note, Series 2012 Thursday, October 25, 2012

<i>Selected Bank</i>	<i>BB&T</i>	<i>BBVA Compass (1)</i>	<i>Pinnacle Public Finance</i>
<i>Refunding Note Detail (Series 2012)</i>			
Total Cash Flow Savings	\$1,392,948	\$1,460,548	\$1,491,415
Average Annual Savings	\$77,386	\$81,142	\$82,856
PV Savings(\$)	\$1,052,808	\$1,120,205	\$1,149,716
PV Savings as a % of Bonds Refunded	22.38%	23.81%	24.44%
Par Amount	\$7,095,000	\$7,100,000	\$7,100,000
Project Fund	\$2,315,000	\$2,315,000	\$2,315,000
Total Debt Service	\$9,185,592	\$9,086,936	\$9,040,760
Maximum Annual Debt Service	\$532,654	\$528,375	\$521,494
Proposed Rate	2.89%	2.75%	2.69%
All-Inclusive Cost	2.98%	2.85%	2.79%
Average Life	10.20 Years	10.18 Years	10.16 Years
Dated Date	11/27/2012	11/27/2012	11/27/2012
Final Maturity	8/1/2030	8/1/2030	8/1/2030
Call Penalty	May Prepay in Whole on Scheduled Payment Date with 1% Premium.	Make Whole Penalty for First 10 Years. No Prepayment Penalty after 10th Anniversary	May Prepay in Full, but not in Part, with a 1% Premium Penalty
- Preliminary / Subject to Change.			
(1) BBVA Compass has indicative rate as of 10/23/2012. Subject to Change.			

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City of Tavares, Florida

**RFP Response Analysis Summary for:
Water and Sewer Refunding Revenue Note, Series 2012
Thursday, October 25, 2012**

Selected bank	BB&T		BBVA Compass ⁽¹⁾		Pinnacle Public Finance	
	Date	Debt Service	Date	Debt Service	Date	Debt Service
	10/1/2013	\$ 353,975	\$ 347,336	\$ 351,876		
	10/1/2014	408,832	399,338	400,207		
	10/1/2015	527,763	523,563	519,423		
	10/1/2016	528,082	524,213	520,277		
	10/1/2017	528,111	519,588	515,862		
	10/1/2018	527,852	519,825	516,313		
	10/1/2019	527,303	519,788	521,494		
	10/1/2020	521,466	519,475	516,272		
	10/1/2021	525,484	518,888	515,916		
	10/1/2022	529,068	523,025	520,290		
	10/1/2023	527,219	521,750	519,261		
	10/1/2024	525,081	520,200	517,963		
	10/1/2025	532,654	528,375	521,396		
	10/1/2026	529,649	521,000	519,426		
	10/1/2027	521,355	518,488	517,186		
	10/1/2028	522,917	520,700	519,678		
	10/1/2029	524,045	522,500	516,766		
	10/1/2030	524,739	518,888	518,585		
		\$ 9,185,592	\$ 9,086,936	\$ 9,048,188		

-Preliminary / Subject to Change.

⁽¹⁾ BBVA Compass has indicative rate as of 10/23/2012. Subject to Change

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 8

FIRST READING

**SUBJECT TITLE: Ordinance 2012-38
Annexation & Rezoning –Shanti Niketan Phase 3**

OBJECTIVE:

To consider the annexation and rezoning to RMF-3 (Residential Multi-Family) of approximately 6 acres of property located east of David Walker Road, north of old US 441 and west of Merry Road.

SUMMARY:

The subject property is located east and adjacent to the 2nd Phase of Shanti Niketan on David Walker Road. The property is approximately 6 acres in size. An existing, single family dwelling on this property is proposed to be demolished. The applicant is proposing to construct Phase 3 of the Shanti Niketan development on this location. Phase 3 is planned to consist of 112 senior condominium dwelling units. This multi-family development will comply with all city regulations for an RMF-3 zoning. Shanti Niketan Phases 1 & 2, also located on David Walker Road, have proven to be very successful. The construction of Phase 3 on the subject property is a logical location for the continued expansion of this development. The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Urban High Density to City High Density.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-38.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-38.

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 2012-38

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 6 ACRES OF LAND GENERALLY LOCATED EAST OF DAVID WALKER ROAD, NORTH OF OLD HIGHWAY U.S. 441, WEST OF MERRY ROAD; REZONING THE PROPERTY FROM COUNTY R-6 RESIDENTIAL TO CITY RMF-3 (RESIDENTIAL MULTI-FAMILY); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property described in **Exhibit "A"** has voluntarily petitioned to annex into the City of Tavares, and

WHEREAS, the property legally defined in **Exhibit "A"** is contiguous with the corporate limits of the City of Tavares, and

WHEREAS, the City of Tavares, Florida, is in a position to provide municipal services to the property described herein; and,

WHEREAS, the City Council of the City of Tavares, Florida, deems it in the best interest of the City to accept said petition and to annex said property, and

WHEREAS, the property is currently zoned Lake County R-6 Residential and the applicant has requested it to be rezoned to City RMF-3 (Residential Multi-Family); and,

WHEREAS, the Lake County Future Land Use Map designation of the property is Urban High Density, which allows multi-family uses, and therefore an RMF-3 (Residential Multi-Family) designation is in compliance with the Lake County Comprehensive Plan; and,

WHEREAS, the Applicant has applied for a future land use map amendment to a City Residential High Density designation and the application for this will be processed concurrently with this annexation and rezoning; therefore

BE IT ORDAINED by the City Council of the City of Tavares, Florida, as follows.

1 **Section 1. Annexation**

2 The property legally defined as and depicted in **Exhibit "A"** attached hereto, situated in
3 Lake County, Florida, is hereby incorporated into and made a part of the City of Tavares, Florida,
4 pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes.

5

6 **Section 2. Rezoning**

7 The property described in **Exhibit "A"** shall hereby be rezoned from Lake
8 County R-6 Residential to City of Tavares RMF-3 (Residential Multi-Family) and shall be subject
9 to the provisions established by the City of Tavares Land Development Regulations for this
10 zoning.

11

12 **Section 3. Effective Date.**

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

15

16 **Section 4. Severability.**

17 Upon a determination by a court of competent jurisdiction that a portion of this ordinance
18 is void, unconstitutional, or unenforceable, all remaining portions shall remain in full force and
19 effect.

20

21 **Section 5. Effective Date.**

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

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25

26 **PASSED AND ORDAINED** this _____ day of _____, 2012, by the City Council of the
27 City of Tavares, Florida.

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Robert Wolfe, Mayor
Tavares City Council

1 First Reading: _____
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3 Passed Second Reading: _____
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8 ATTEST:
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11 _____
12 Nancy Barnett, City Clerk
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14
15 APPROVED AS TO FORM AND LEGALITY:
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17 _____
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20 Robert Q. Williams, City Attorney
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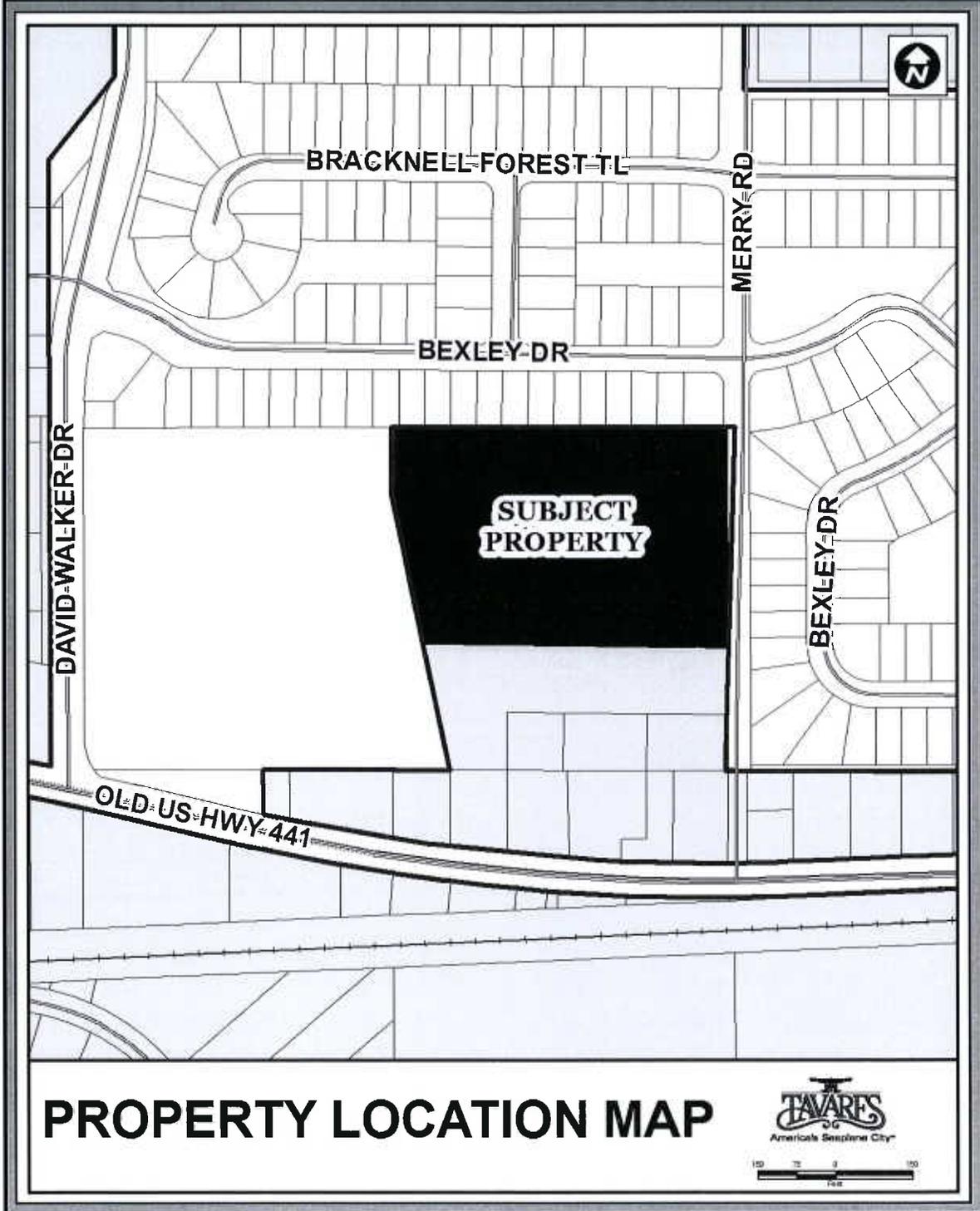
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25 Exhibit "A"

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28 Begin at the Northwest corner of Lot 16, according to the PLAT OF JAMES M. CONNER
29 recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida, run South 0 degrees
30 08'52" East 131 feet, South 12 degrees 02'00" East 292.14 feet, South 89 degrees 14'30" East
31 586.86 feet to the West Right-of-Way line of Merry Road, North 0 degrees 18'19" West 419.45
32 feet to North line of Lot 17, North 89 degrees 32'29" West 645.81 feet to Point of Beginning,
33 being part of Lots 16 and 17, PLAT OF JAMES M. CONNER, according to the PLAT thereof as
34 recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida.

CITY OF TAVARES



PROPERTY LOCATION MAP

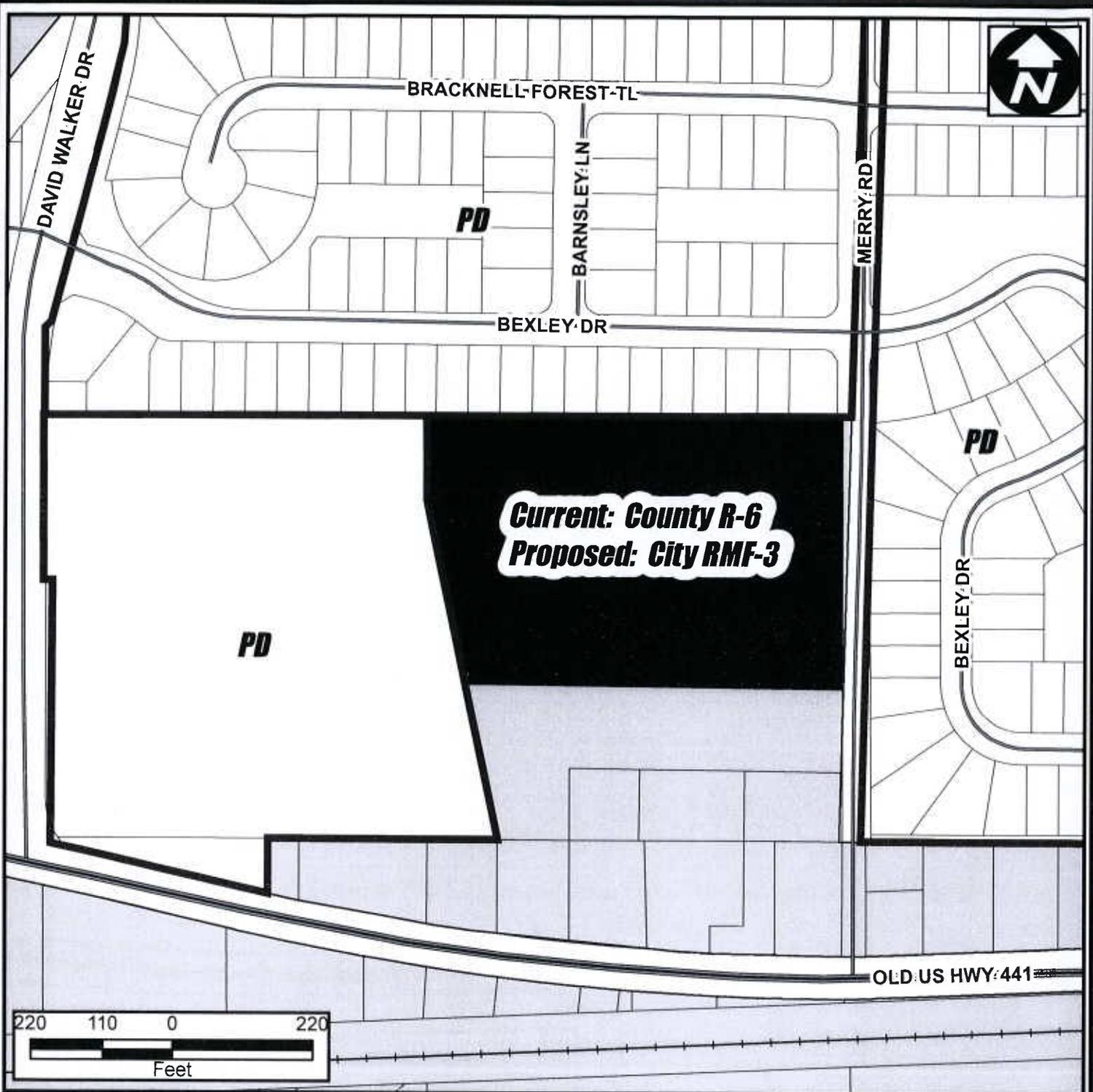


Created By: City of Tavares GIS

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Map Created on 10/24/12

CITY OF TAVARES ORDINANCE # 2012-38



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 # 2012-38

Current Zoning: County R-6
 Proposed Zoning: RMF-3
 6.0 ± Acres

	CITY BOUNDARY		MAJOR ROADS
	ZONING		STREETS
	SUBJECT PROPERTY		PARCELS
	UNINCORPORATED		CONSWETLANDS

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 9

FIRST READING

**SUBJECT TITLE: Ordinance 2012-39
Small Scale FLUM Amendment- Shanti Niketan Phase 3**

OBJECTIVE:

To consider a Future Land Use Map amendment for approximately 6 acres of property located east of David Walker Road, north of old US 441 and west of Merry Road.

SUMMARY:

Ordinance 2012-39 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 1449618) is 6.02 acres in size, located east and adjacent to the 2nd Phase of Shanti Niketan on David Walker Road. An application to annex and rezone this property to a RMF-3 (Residential Multi-Family) is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Lake County Urban High Density to City High Density Residential.

Future Land Use Amendment

The city is required to place a future land use designation on annexed property. The subject property is currently designated Lake County Urban High Density. A City High Density Residential designation is most compatible with surrounding property.

Compatibility

Properties adjacent to this property are multi-family residential.

Site Conditions

A single family dwelling that exists on this property is proposed to be demolished. The applicant desires to construct a senior condominium complex which will be Phase 3 of the Shanti Niketan development. This property is abuts Phase 2 of this project. A site plan demonstrating compliance with all city regulations including applicable state and federal environmental laws must be approved prior to the issuance of any building permits.

Impact on City Services

The City of Tavares has municipal water and sewer services available to the subject parcel and the developer will be required to connect to city utilities. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. Since the property is currently designated Urban High Density under the County's Comprehensive Plan, impacts on Levels of Service are not implicated.

FINDINGS

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

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

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-39.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-39.

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 2012-39

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 6 ACRES OF PROPERTY GENERALLY LOCATED EAST OF DAVID WALKER ROAD, NORTH OF OLD HIGHWAY U.S. 441, WEST OF MERRY ROAD FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY HIGH DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property legally defined as and depicted in **Exhibit "A"** attached hereto, has been incorporated into and made a part of the City of Tavares, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes; and

WHEREAS, the owner of property described in **Exhibit "A"** attached hereto, is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Lake County Urban High Density to City High Density Residential; and

WHEREAS, the property consists of less than ten acres; and

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 desires High Density Residential uses in this particular area of the City; and

WHEREAS, a High Density Residential Future Land Use designation is compatible with surrounding future land use designations; and

1 **WHEREAS**, the City of Tavares Planning and Zoning Board, Local Planning Agency,
2 and City Council held duly noticed public hearings providing opportunity for individuals to hear
3 and be heard regarding the adoption of the proposed map amendment; and
4

5 **WHEREAS**, the City Council has reviewed and considered all relevant evidence and
6 information and testimony presented by witnesses, the public, and City staff; and
7

8 **WHEREAS**, the City Council finds this amendment in compliance with Chapter 163,
9 Florida Statutes, and the City of Tavares Comprehensive Plan; and
10

11 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
12 general welfare of the citizens of Tavares;
13

14 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
15 Florida as follows:
16

17 **Section 1. Future Land Use Amendment**

18 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
19 Florida, is hereby amended to reflect a re-designation from Lake County Urban High Density to
20 City High Density Residential on certain real property as legally described in **Exhibit "A"**. All
21 provisions of the Comprehensive Plan shall hereby apply to said property.
22

23 **Section 2. Severability and Conflicts**

24 The provisions of this ordinance are severable and it is the intention of the City Council of
25 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of
26 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the
27 decision of such court shall not impair any remaining provisions of this ordinance.
28

29 **Section 3. Transmittal**

30 The City Administrator is hereby authorized and directed to transmit the adopted
31 Comprehensive Plan amendments to the Florida Department of Economic Opportunity, the East
32 Central Florida Regional Planning Council, the St. Johns River Water Management District, the
33 Department of Environmental Protection, the Florida Department of Transportation, and any
34 other governmental agency in the state of Florida that has filed a written request with the City
35 Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this

1 Ordinance as specified in the State Land Planning Agency's procedural rules.

2
3 **Section 4. Effective Date**

4 The effective date of this plan amendment, if the amendment is not timely challenged,
5 shall be 31 days after the state land planning agency notifies the local government that the plan
6 amendment package is complete. If timely challenged, this amendment shall become effective
7 on the date the state land planning agency or the Administration Commission enters a final order
8 determining this adopted amendment to be in compliance. No development orders, development
9 permits, or land uses dependent on this amendment may be issued or commence before it has
10 become effective. If a final order of noncompliance is issued by the Administration Commission,
11 this amendment may nevertheless be made effective by adoption of a resolution affirming its
12 effective status, a copy of which resolution shall be sent to the state land planning agency.

13
14
15 **PASSED AND ADOPTED** this _____ day of _____, 2012 by the City Council of
16 the City of Tavares, Florida.

17
18 _____
19 Robert Wolfe, Mayor
20 Tavares City Council
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24 First Reading: _____

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26 Second Reading & Final Adoption: _____

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29 ATTEST:

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32 _____
33 Nancy A. Barnett, City Clerk

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35 Approved as to form:

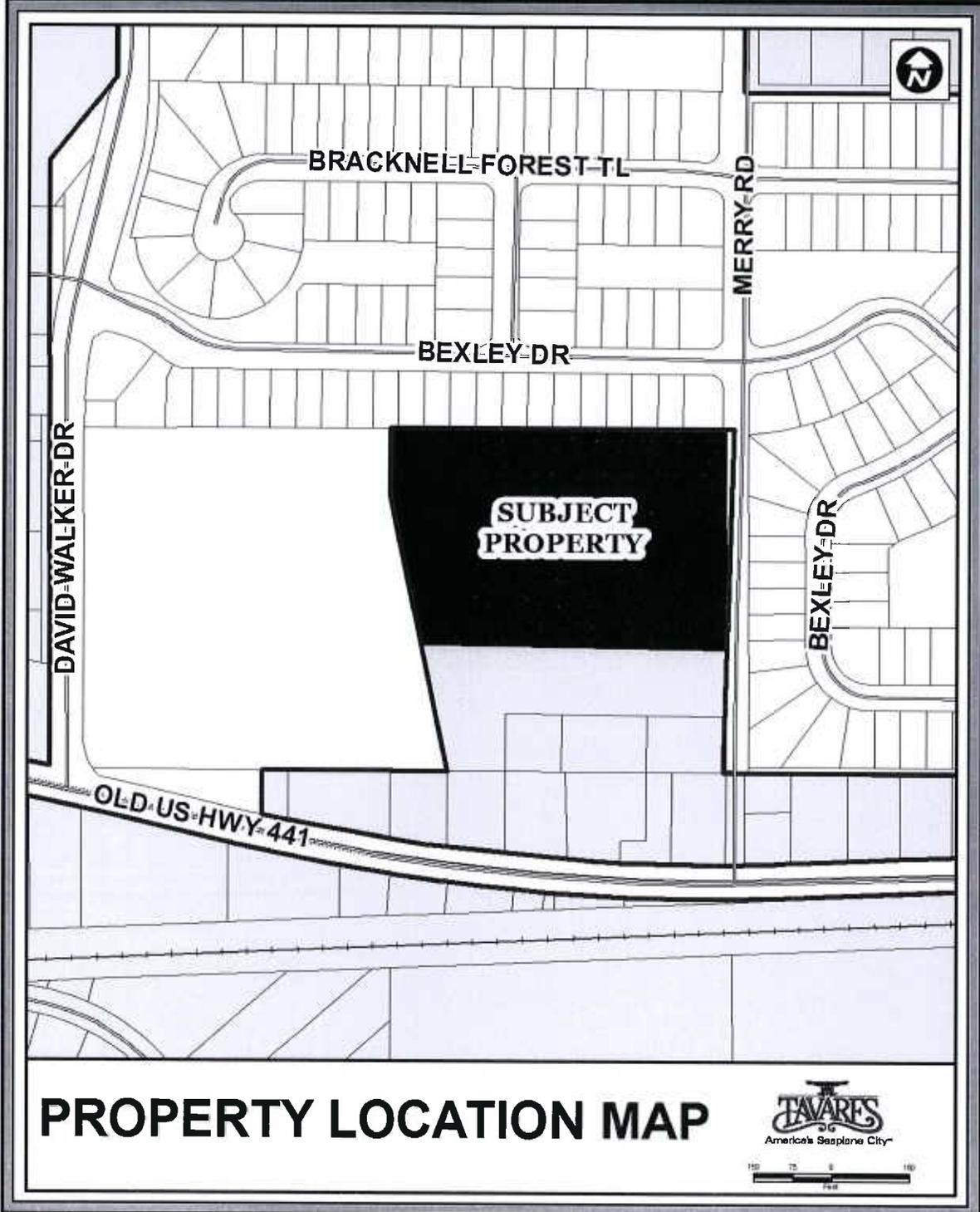
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39 _____
40 Robert Q. Williams, City Attorney
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Exhibit "A"

Begin at the Northwest corner of Lot 16, according to the PLAT OF JAMES M. CONNER recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida, run South 0 degrees 08'52" East 131 feet, South 12 degrees 02'00" East 292.14 feet, South 89 degrees 14'30" East 586.86 feet to the West Right-of-Way line of Merry Road, North 0 degrees 18'19" West 419.45 feet to North line of Lot 17, North 89 degrees 32'29" West 645.81 feet to Point of Beginning, being part of Lots 16 and 17, PLAT OF JAMES M. CONNER, according to the PLAT thereof as recorded in Plat Book 1, Page 32, Public Records of Lake County, Florida.

CITY OF TAVARES



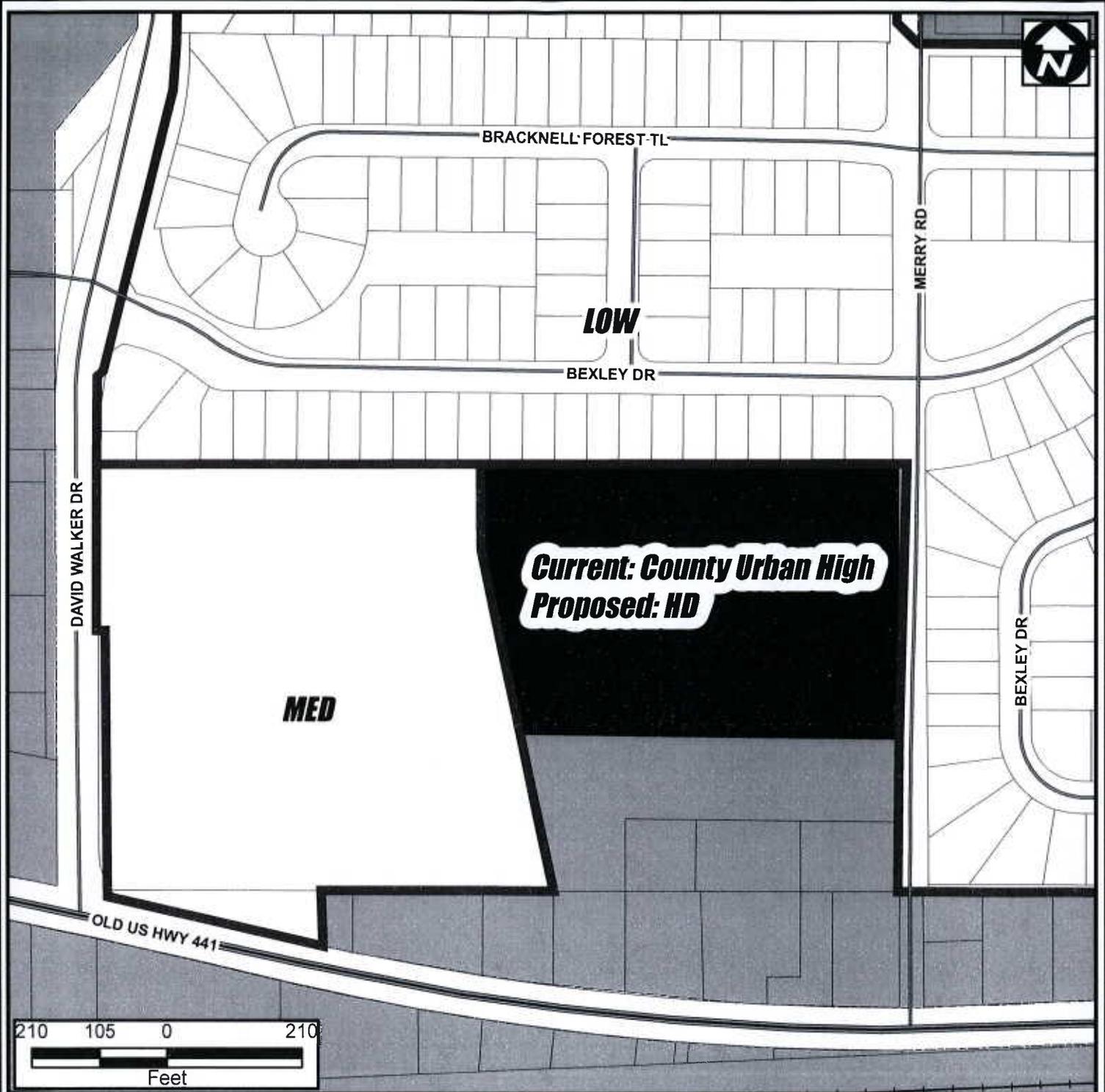
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F:\PZ\DATA\PROJECT FILES\Shanti Habitat Phase 3- Annex, Rezone, SSFLUM - PZ2012-23\GIS\GIS_Map3\Shanti_Phase3_AD.mxd

Map Created on 10/24/12

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CITY OF TAVARES ORDINANCE # 2012-39



**Current: County Urban High
Proposed: HD**



SUB	Suburban	3.0 DU/Acre
SUB EX	Suburban Expansion	4.0 DU/Acre
LOW	Low Density	5.6 DU/Acre
MOD	Moderate Density	10 DU/Acre
MED	Medium Density	12 DU/Acre
HD	High Density	12-25 DU/Acre
MH	Mobile Home	8.7 DU/Acre
MUN	Mixed Use Neighborhood	12 DU/Acre
MUC	Mixed Use Commercial	25 DU/Acre
COM	Commercial	
CD	Commercial Downtown	25 DU/Acre
IND	Industrial	
PUB	Public Facility/Institutional	
CONS	Westlands & Conservation	

FUTURE LAND USE MAP

ORDINANCE # 2012-39

Current: County Urban High
Proposed: HD
6.0 ± Acres

Legend

CITY BOUNDARY	MAJOR ROADS
FLU	STREETS
SUBJECT PROPERTY	CONSWETLANDS
UNINCORPORATED	PARCELS

Orlando Sentinel

Publication Date: 11/05/2012

This E-Sheet(R) is provided as conclusive evidence that the ad appeared in The Orlando Sentinel on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

Client Name: / PO# MIKE FITZGERALD
 Advertiser: City of Tavares
 Section/Page/Zone: Lake Zone/D004/LAK
 Description: Ordinance 2012-38 and ord 2012-39
 Ad Number: 965960-1
 Insertion Number:
 Size: 3 x 10.5
 Color Type: B&W



SHERRY BOAS FOR RESPONDENT
 An early-morning row provides a much-needed retreat from the intense political posturing preceding Election Day.

BOAS
 (Continued from Page D4)

annoying chatter of pundits, we can turn to the business of small-boat rowing. Flying overboard and the predicaments of an Eastern shoveler announcing its territorial boons.

Lately, I've been taking early morning rows. While motivated by the cooler weather, I also row because of the water's soothing qualities. It's hard to feel anxious or upset when your focus is on steering smoothly from one end of the lake to the other.

Elections bring problems to the forefront. Politicians play upon our fears while simultaneously trumpeting solutions. Far longer than is healthy, we find ourselves inundated with critical issues that demand our attention. The issues are important but there are so many. It's easy to be overwhelmed, to need a retreat.

I find sanctuary in nature. I go for walks. I take early morning rows. I weed the vegetable garden, put up some flowers and water the plants. I watch for butterflies, birds and wildlife and take delight in each sighting. I step outside when it's dark — even if only for a moment — to look up at the stars and to smile at the moon.

Nature reminds me that like a hurricane that rips through a region, when the

wilds of elections eventually ends, there will be cleanup to do but normalcy — or at least a semblance of it — eventually will return.

Like all creatures, humans adapt. We make do. We adjust to the changes.

Being president is an awesome responsibility. I suppose we should feel fortunate that there are any candidates at all willing to subject themselves to the personal attacks and weighty decisions that political leaders face on a daily basis. No matter who wins, we can be sure of one thing: Whoever holds the office will age more quickly in the next four years than he would if he'd lost.

I said this column wouldn't be about voting but in a way, it is. In this time of elections, I cast my

ballot for a world in which nature can still provide solace and for a country where individual freedoms will always reign paramount.

Sherry Boas can be reached at sherryboas@orlando.com or 407-253-1100.

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GOSPEL MUSIC!

The HOPPERS

Great Day

Friday, November 5, 2012 7:30pm
 LEESBURG, FLORIDA
 FIRST BAPTIST CHURCH
 (220 North 13th Street)

NO TICKETS REQUIRED!
 A free offering for music will be presented at the time of the service. A free will offering will be collected during the service. Free will offerings are subject to change.

For more information call (352) 787-1608 or visit www.sew-and-vac.com

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 2012-40 & Ordinance 2012-41 listed as follows:

ORDINANCE 2012-40

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY .338 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DOPA AVENUE AND NORTH AVENUE, PROXIMATELY ADDRESSED AS 1330 NORTH AVENUE, FROM RSC-1 (RESIDENTIAL, SINGLE-FAMILY) TO PD (PLANNED DEVELOPMENT), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-41

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2008, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY .316 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DOPA AVENUE AND NORTH AVENUE, PROXIMATELY ADDRESSED AS 1330 NORTH AVENUE, FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, PROVIDING FOR SEVERABILITY AND CONFLICTS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-40 & Ordinance 2012-41 will be considered at the following public meetings:

- 1 Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
- 2 Tavares City Council meeting on December 5, 2012, at 4 p.m. (Introduction and First Reading by Title Only), and
- 3 Tavares City Council meeting on December 19, 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 2012-40 & Ordinance 2012-41 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.

PROPERTY LOCATION MAP

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 2012-38 & Ordinance 2012-39 listed as follows:

ORDINANCE 2012-38

AN ORDINANCE AMENDING THE ORDINANCES OF THE CITY OF TAVARES BY AMENDING APPROXIMATELY 6 ACRES OF LAND GENERALLY LOCATED EAST OF DAWD WALKER ROAD, NORTH OF OLD HIGHWAY 11 S. 481, MOST OF MERRY ROAD, REZONING THE PROPERTY FROM COUNTY 16 RESIDENTIAL TO CITY ZMP-3 (RESIDENTIAL, MULTI-FAMILY), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2012-39

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2008, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 6 ACRES OF PROPERTY GENERALLY LOCATED EAST OF DAWD WALKER ROAD, NORTH OF OLD HIGHWAY 11 S. 481, MOST OF MERRY ROAD FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY HIGH DENSITY RESIDENTIAL, PROVIDING FOR SEVERABILITY AND CONFLICTS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-38 & Ordinance 2012-39 will be considered at the following public meetings:

- 1 Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
- 2 Tavares City Council meeting on December 5, 2012, at 4 p.m. (Introduction and First Reading by Title Only), and
- 3 Tavares City Council meeting on December 19, 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 2012-38 & Ordinance 2012-39 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.

PROPERTY LOCATION MAP

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 Resolution 2012-14 listed as follows:

RESOLUTION 2012-14

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, TO WIDEN THE NORTH FIFTY FEET OF AN UNNAMED ALLEY GENERALLY LOCATED BETWEEN LOTS D AND L, BLOCK G, CITY OF TAVARES, SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

Proposed Resolution 2012-14 will be considered at the following public meetings:

- 1 Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
- 2 Tavares City Council meeting on November 21, 2012, at 4 p.m.

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

Proposed Resolution 2012-14 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 be heard with respect to the proposed resolution. 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.

PROPERTY LOCATION MAP
 Alleyway - Block "G"

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 10

FIRST READING

**SUBJECT TITLE: Ordinance 2012-40
1305 North Avenue-Rezoning**

OBJECTIVE:

To consider the rezoning of approximately .378 acres of property (1305 North Avenue) located on the southwest corner of Dora and North Avenues from RMF-1 (Residential Single Family) to PD (Planned Development).

SUMMARY:

The subject property, 1305 North Avenue, is located on the southwest corner of Dora and North Avenues. The property is approximately .378 acres in size and is owned by Jack Smith. The owner desires to construct three small residential cottages and renovate the existing cottage on the property. The resulting 4 dwelling units will architecturally follow a "Key West" theme. The buildings must substantially adhere to the renderings shown on Exhibit "C" of the Planned Development ordinance. It is intended that these cottages may provide needed workforce housing for professional individuals that are employed at the hospital and other medical facilities in this area of the city. The proposed ordinance requires that the usual buffering required between multi-family and single family uses be constructed along adjoining property lines. Planning demographics forecast that this type of housing will become increasingly popular with young working individuals. Prior to the issuance of any building permits, the owner must obtain an approved site plan demonstrating compliance with the city's land development regulations.

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-40.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-40.

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 2012-40

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY .378 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DORA AVENUE AND NORTH AVENUE, PRESENTLY ADDRESSED AS 1305 NORTH AVENUE; FROM RSF-1 (RESIDENTIAL SINGLE FAMILY) TO PD (PLANNED DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner is requesting to rezone the subject property from a City of Tavares designation of RSF-1 (Single Family Residential) to a City of Tavares designation of PD (Planned Development); and,

WHEREAS, the City of Tavares held duly noticed public hearings before the Planning and Zoning Board, and City of Tavares City Council, providing opportunity for individuals to hear and to be heard regarding 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 owner has applied for an amendment to the City's Comprehension Future Land Use Map 2020 from a Low Density designation to a Medium Density designation and the application for this will be processed concurrently with this rezoning; therefore

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

Section 1. Rezoning

Said property, as legally defined in **Exhibit "A"**, attached hereto and made a part herewith, is hereby rezoned from RSF-1 (Residential Single Family) to City of Tavares PD (Planned Development), under the specific provisions as established by the City of Tavares Land Development Regulations.

Section 2. Definitions

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

1 **Section 2.1 Land Uses**

- 2 A. The Conceptual Master Plan for the project is attached hereto and made a part herewith
3 as **Exhibit "B"**. No jurisdictional wetlands are indicated on the survey of the property.

4
5 **Total Acreage of Property .378 acres**

- 6
7 B. The maximum allowed residential density for this Planned Development shall be as
8 follows:

9
10 **Maximum Units 4 dwelling units**

11 **Gross Density 11 dwelling units/acre**

- 12
13 C. In addition to the planned elements shown on the Conceptual Master Plan, such
14 easements and rights-of-way shall be established within or adjacent to the project site as
15 may be necessary or desirable for the service, function or convenience of the project.
16 Said easements and rights-of- way to be determined and indicated on the recorded plat
17 of the property or any portion thereof.

18
19
20 **Section 2.2 Development Standards**

21 Unless otherwise specified herein the development standards of the City of Tavares
22 Land Development Code shall apply as follows:

- 23
24 A. A maximum of four cottage dwelling units may be located on the property. The maximum
25 gross size of any cottage shall be 675 square feet. Front, side and rear setbacks for any
26 new cottage constructed shall be as required for an RSF-1 zoning and measured from
27 the property line to the foremost vertical face of the structure. Where any setbacks
28 conflict with required easement widths, the easement widths, if larger, shall prevail. No
29 accessory structures shall be permitted.

- 30
31 B. Architectural Standards

32 The appearance of each cottage dwelling unit shall adhere substantially to the Elevation
33 Plan attached hereto and made a part herewith as **Exhibit "C"**.

1 C. Lot Requirements

2 The maximum lot coverage by impervious surfaces shall not exceed seventy percent
3 (70%) of the total lot area.

4
5 D. Landscaping Requirements

6 A five foot landscaped buffer consisting of a continuous hedge and canopy trees spaced
7 at forty foot centers shall be planted and maintained along any rear or side property
8 lines that abut adjacent properties.

9
10 E. Parking Requirements

11 A minimum of two parking spaces shall be provided per cottage. Parking surfaces may
12 be of mulch, gravel or other similar pervious materials. The parking spaces shall be
13 clearly delineated. Parking on grassed areas is prohibited.

14
15 **Section 2.4 Public Facilities.**

16 A. Impact Fees

17 The Developer acknowledges that the City of Tavares has impact fees for water,
18 wastewater, fire, and police, while Lake County has impact fees for schools and
19 transportation. The project shall be subject to such impact fees or any additional impact
20 fees effective at the time of issuance of any building permit.

21
22 B. Potable water

23 Potable water shall be provided by the City of Tavares and impact fees shall be paid by
24 the Developer. The Developer shall extend water lines from the existing location to the
25 development. Lines shall be extended in a manner in accordance with the City of
26 Tavares Public Works Department.

27
28 C. Wastewater

29 Wastewater treatment service shall be provided by the City and the Developer shall pay
30 the impact fees. The Developer shall extend sanitary sewer lines from the existing
31 location to the development. Lines shall be extended and improvements shall be made
32 in accordance with specifications of the City of Tavares Public Works Department.

1 **D. Drainage**

2 If a retention pond is determined to be necessary by the St. John's River Water
3 Management District, the design shall incorporate a naturalistic approach, to be
4 accomplished through one or more of the following methods: (1) through curvilinear
5 perimeter design, (2) through the inclusion of swales rather than abrupt slopes requiring
6 fencing, and (3) through naturalistic landscaping. Prior to receiving any development
7 approvals, the Developer shall submit a master site drainage plan for review and
8 approval by the City. All applicable St. John's River Water Management District permits
9 shall be required prior to approval of any development order. The maintenance of the
10 drainage system shall be the responsibility of the property owner.
11

12 **Section 3. Effective Date.**

13 This Ordinance shall take effect immediately upon its final adoption by the Tavares City
14 Council.
15

16 **PASSED AND ORDAINED** this _____ day of _____, 2012, by the City
17 Council of the City of Tavares, Florida.
18

19
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21 _____
22 Robert Wolfe, Mayor
23 Tavares City Council
24

25 First Reading: _____
26

27 Passed Second Reading: _____
28
29

30 ATTEST:
31

32
33 _____
34 Nancy A. Barnett, City Clerk
35
36

37 APPROVED AS TO FORM AND LEGALITY:
38
39

40 _____
41 Robert Q. Williams, City Attorney
42

Exhibit "A"

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That part of Lots 26, 27 and 28 in Section "B" in Tavares Heights, a subdivision in the City of Tavares, Florida, according to the plat thereof recorded in Plat Book 5, Page 27, Public Records of Lake County, Florida, bounded and described as follows: Begin at the most Westerly corner of said Lot 26 and run thence Southeasterly along the Southwesterly line of said Lot 26 a distance of 118.5 feet; thence Northeasterly parallel with the Northwesterly line of said Lots 26, 27 and 28 to the West line of the right of way of North Avenue; thence North along the West line of said right of way to the most Northerly corner of said Lot 28; thence Southwesterly along the Northwesterly line of said lots 26, 27 and 28 to the point of beginning.

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CITY OF TAVARES



PROPERTY LOCATION MAP



Created By: City of Tavares GIS

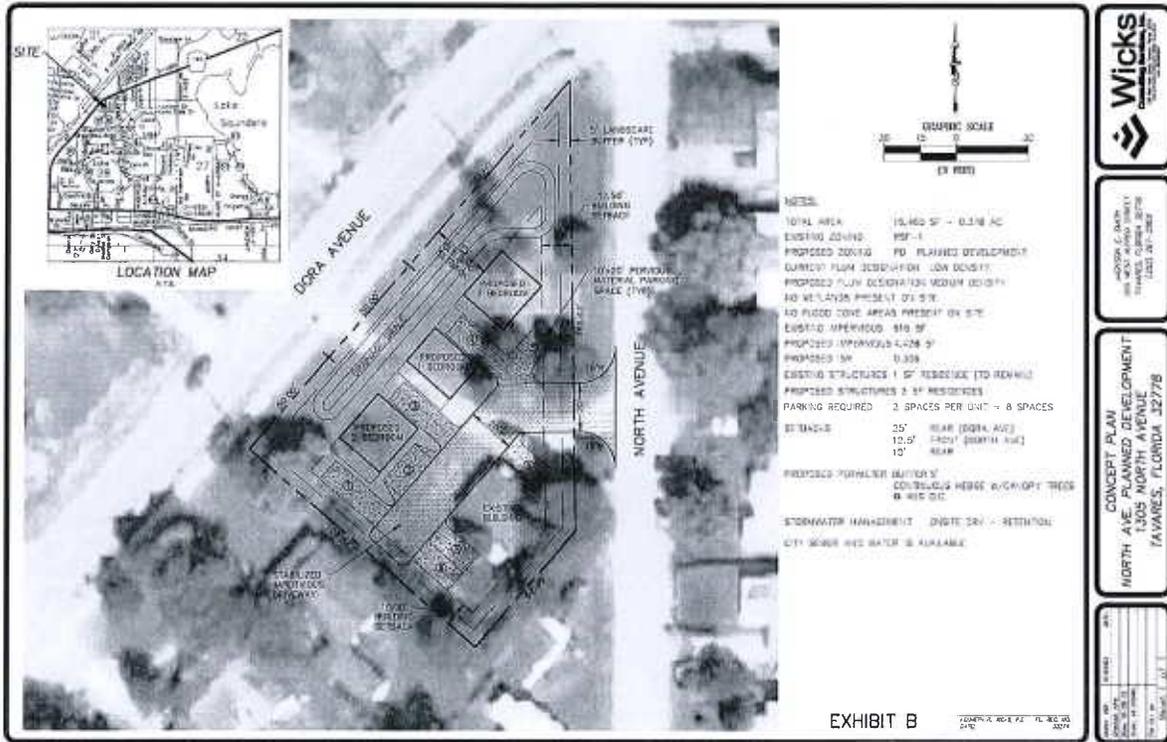
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Map Created on 10/21/12

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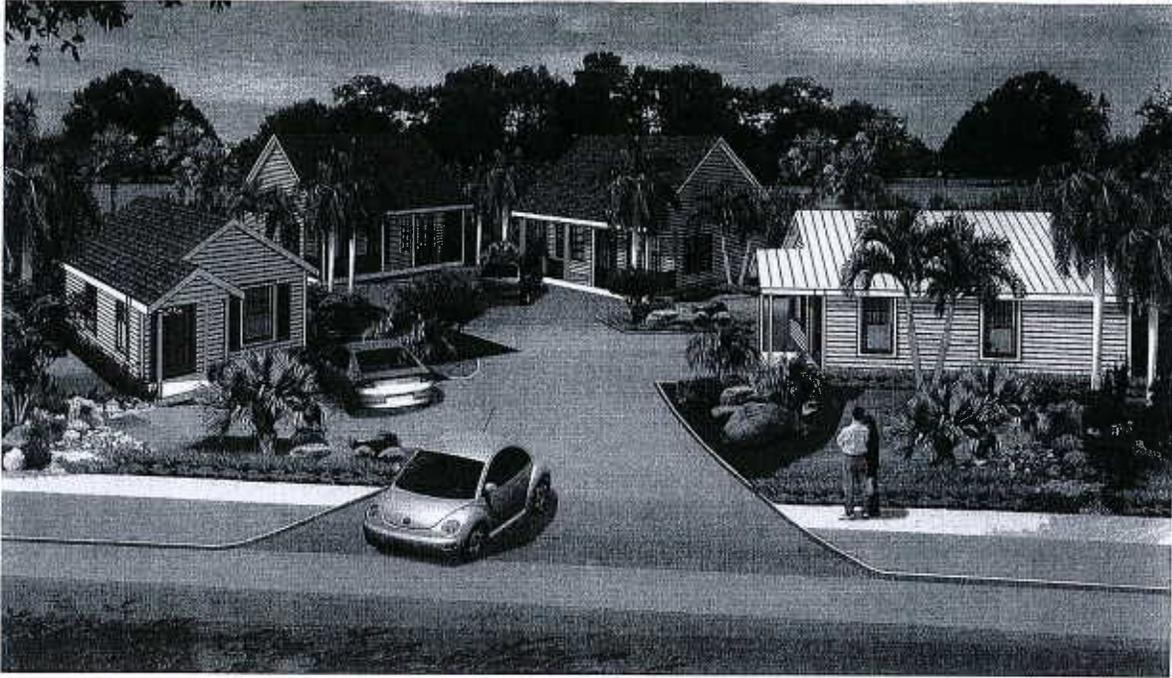
Exhibit "B"



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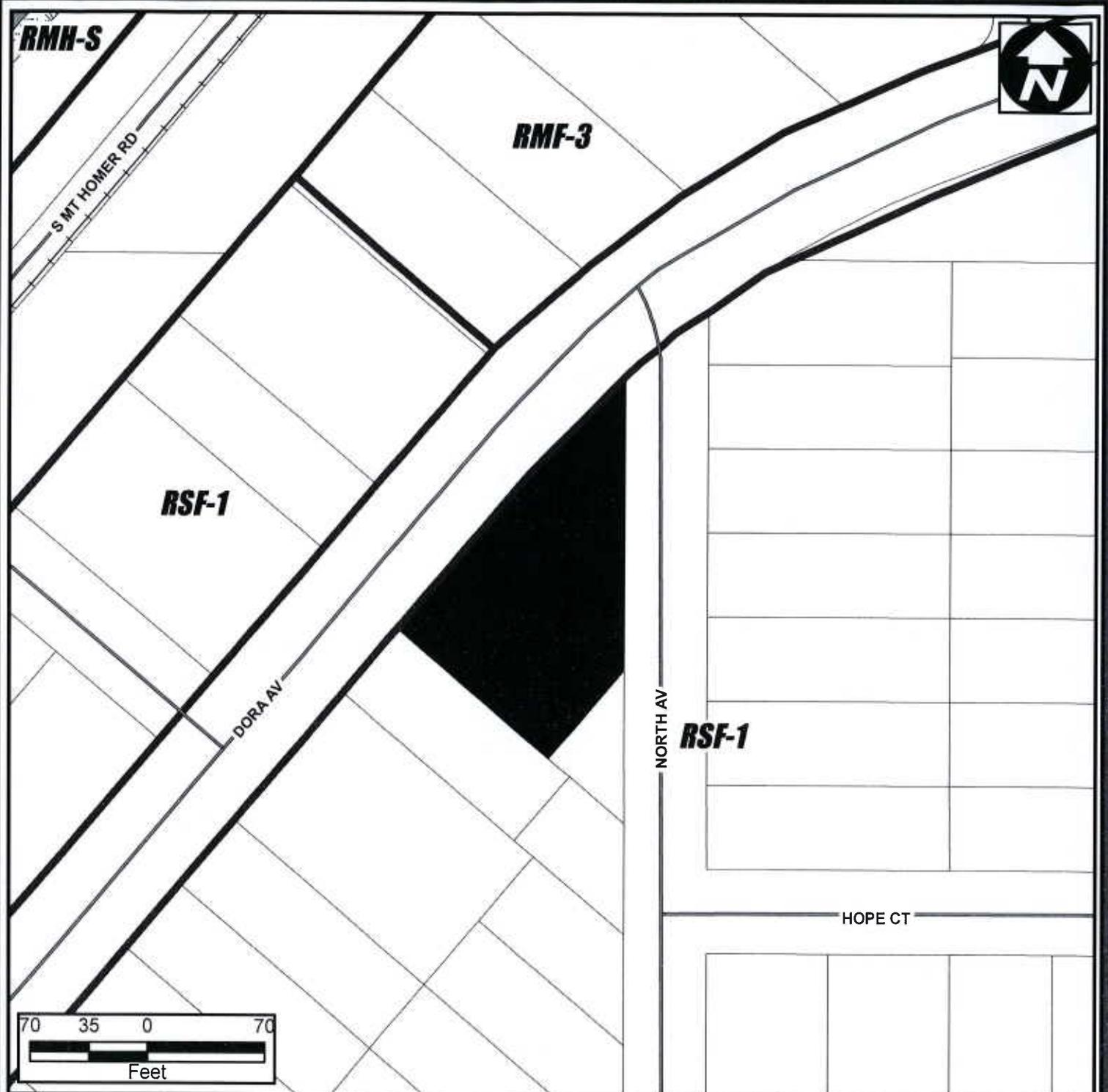
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Exhibit "C"



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CITY OF TAVARES ORDINANCE # 2012-40



- 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 # 2012-40

Current Zoning: RSF-1
Proposed Zoning: PD
0.378 ± Acres

- Legend**
- | | |
|------------------|----------------|
| CITY BOUNDARY | MAJOR ROADS |
| ZONING | STREETS |
| SUBJECT PROPERTY | PARCELS |
| UNINCORPORATED | CONSA/WETLANDS |

**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 11

FIRST READING

**SUBJECT TITLE: Ordinance 2012-41
Small Scale FLUM Amendment-1305 North Avenue**

OBJECTIVE:

To consider a Future Land Use Map amendment for approximately .378 acres of property (1305 North Avenue) located on the southwest corner of Dora and North Avenues from Low Density Residential to Medium Density Residential.

SUMMARY:

Ordinance 2012-41 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan.

The subject property (Parcel Alternate Key Number 2508116) is .378 acres in size, located on the southwest corner of Dora and North Avenues. An application to rezone this property to Planned Development is concurrently under consideration. This ordinance would amend the current Future Land Use Designation from Low Density Residential to Medium Density Residential.

Future Land Use Amendment/Compatibility

This property is presently in a residential area. It abuts Dora Avenue which is a main collector road within the city. The property is within several blocks of Waterman Hospital and adjacent to the city's growing medical district. There is a need for workforce housing for single individuals in this area of the city. The applicant is proposing to construct four small cottages on the subject property to address this need.

Site Conditions

There exists a single small cottage on this property. The owner desires to renovate this cottage and construct three more cottages of similar size. A site plan demonstrating compliance with all city regulations including applicable state and federal environmental laws must be approved prior to the issuance of permits allowing site modifications.

Impact on City Services

The subject property is connected to municipal water and sewer utilities. The City's Concurrency Management System will ensure that Levels of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities. It is anticipated that this amendment will not implicate any significant increase on Levels of Service.

FINDINGS

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

1. A Medium Density Future Land Use designation would serve as the most appropriate land use for the subject property in accordance with Future Land Use policy 1-1.1.6.

2. Impacts of the proposed development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 7A)

OPTIONS:

No Council action required at First Reading.

PLANNING & ZONING BOARD RECOMMENDATION:

At its November 15th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-41.

STAFF RECOMMENDATION:

At Second Reading, staff will recommend that City Council moves to approve Ordinance 2012-41.

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 2012-41

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY .378 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DORA AVENUE AND NORTH AVENUE, PRESENTLY ADDRESSED AS 1305 NORTH AVENUE; FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property described in Exhibit "A" attached hereto, is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of said property from Low Density Residential to Medium Density Residential; and

WHEREAS, the property consists of less than ten acres; and

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 recognizes the need for affordable workforce housing in the proximity of the city's medical district; and

WHEREAS, a Medium Density Residential Future Land Use designation is compatible with surrounding future land use designations; 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 map 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

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

3
4 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
5 general welfare of the citizens of Tavares;

6
7 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
8 Florida as follows:

9
10 **Section 1. Future Land Use Amendment**

11 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
12 Florida, is hereby amended to reflect a re-designation from Low Density Residential to Medium
13 Density Residential on certain real property as legally described in Exhibit "A". All provisions of
14 the Comprehensive Plan shall hereby apply to said property.

15
16 **Section 2. Severability and Conflicts**

17 The provisions of this ordinance are severable and it is the intention of the City Council of
18 Tavares, Florida, to confer the whole or any part of the powers herein provided. If any court of
19 competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional, the
20 decision of such court shall not impair any remaining provisions of this ordinance.

21
22 **Section 3. Transmittal**

23 The City Administrator is hereby authorized and directed to transmit the adopted
24 Comprehensive Plan amendments to the Florida Department of Economic Opportunity, the East
25 Central Florida Regional Planning Council, the St. Johns River Water Management District, the
26 Department of Environmental Protection, the Florida Department of Transportation, and any
27 other governmental agency in the state of Florida that has filed a written request with the City
28 Council for a copy of the Comprehensive Plan within 10 working days of the adoption of this
29 Ordinance as specified in the State Land Planning Agency's procedural rules.

30
31 **Section 4. Effective Date**

32 The effective date of this plan amendment, if the amendment is not timely challenged,
33 shall be 31 days after the state land planning agency notifies the local government that the plan
34 amendment package is complete. If timely challenged, this amendment shall become effective
35 on the date the state land planning agency or the Administration Commission enters a final order

1 determining this adopted amendment to be in compliance. No development orders, development
2 permits, or land uses dependent on this amendment may be issued or commence before it has
3 become effective. If a final order of noncompliance is issued by the Administration Commission,
4 this amendment may nevertheless be made effective by adoption of a resolution affirming its
5 effective status, a copy of which resolution shall be sent to the state land planning agency.

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8 **PASSED AND ADOPTED** this _____ day of _____, 2012 by the City Council of
9 the City of Tavares, Florida.

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Robert Wolfe, Mayor
Tavares City Council

17 First Reading: _____

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19 Second Reading & Final Adoption: _____
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ATTEST:

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Nancy A. Barnett, City Clerk

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Approved as to form:

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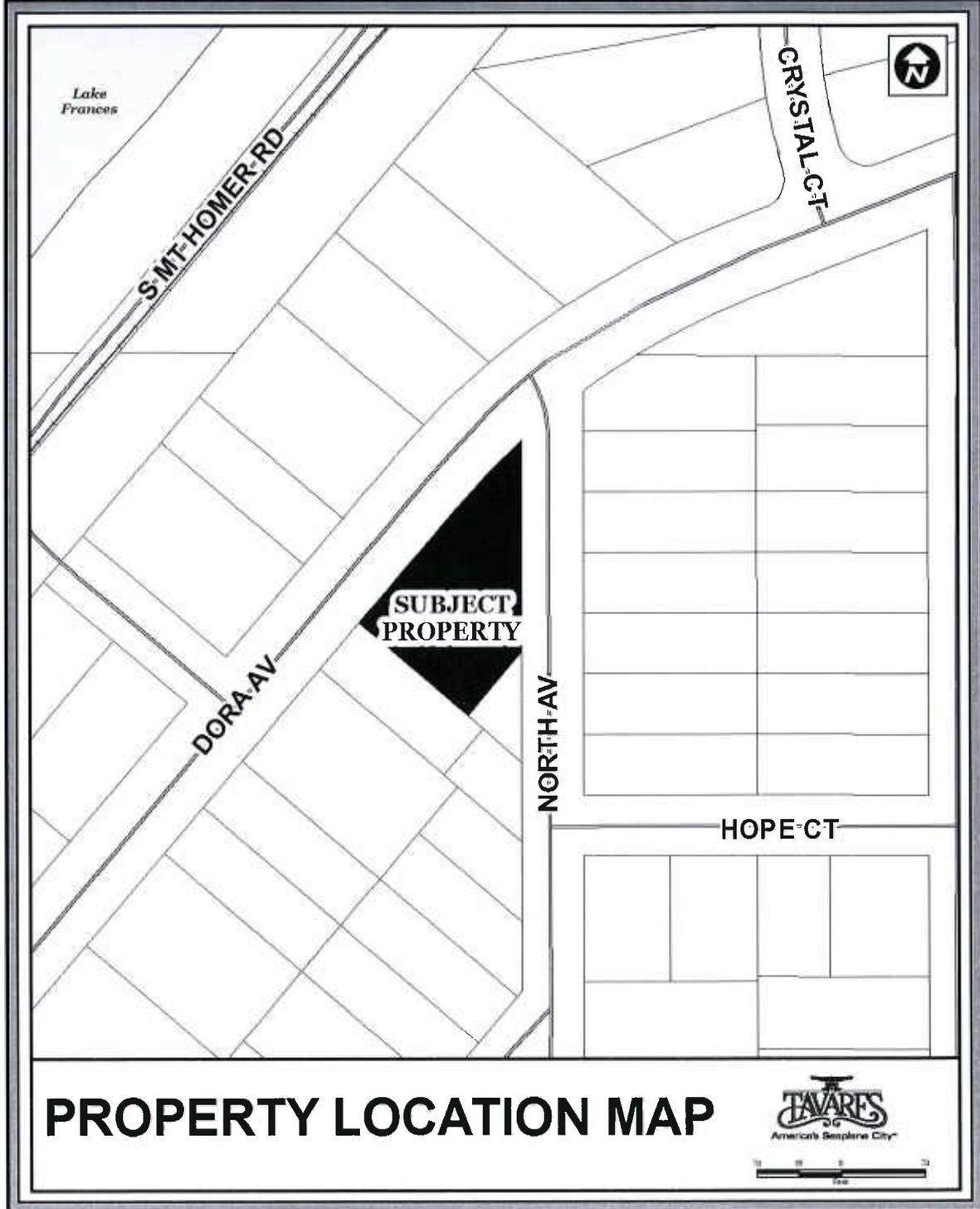
Robert Q. Williams, City Attorney

34

EXHIBIT "A"

That part of Lots 26, 27 and 28 in Section "B" in Tavares Heights, a subdivision in the City of Tavares, Florida, according to the plat thereof recorded in Plat Book 5, Page 27, Public Records of Lake County, Florida, bounded and described as follows: Begin at the most Westerly corner of said Lot 26 and run thence Southeasterly along the Southwesterly line of said Lot 26 a distance of 118.5 feet; thence Northeasterly parallel with the Northwesterly line of said Lots 26, 27 and 28 to the West line of the right of way of North Avenue; thence North along the West line of said right of way to the most Northerly corner of said Lot 28; thence Southwesterly along the Northwesterly line of said lots 26, 27 and 28 to the point of beginning.

CITY OF TAVARES



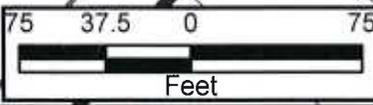
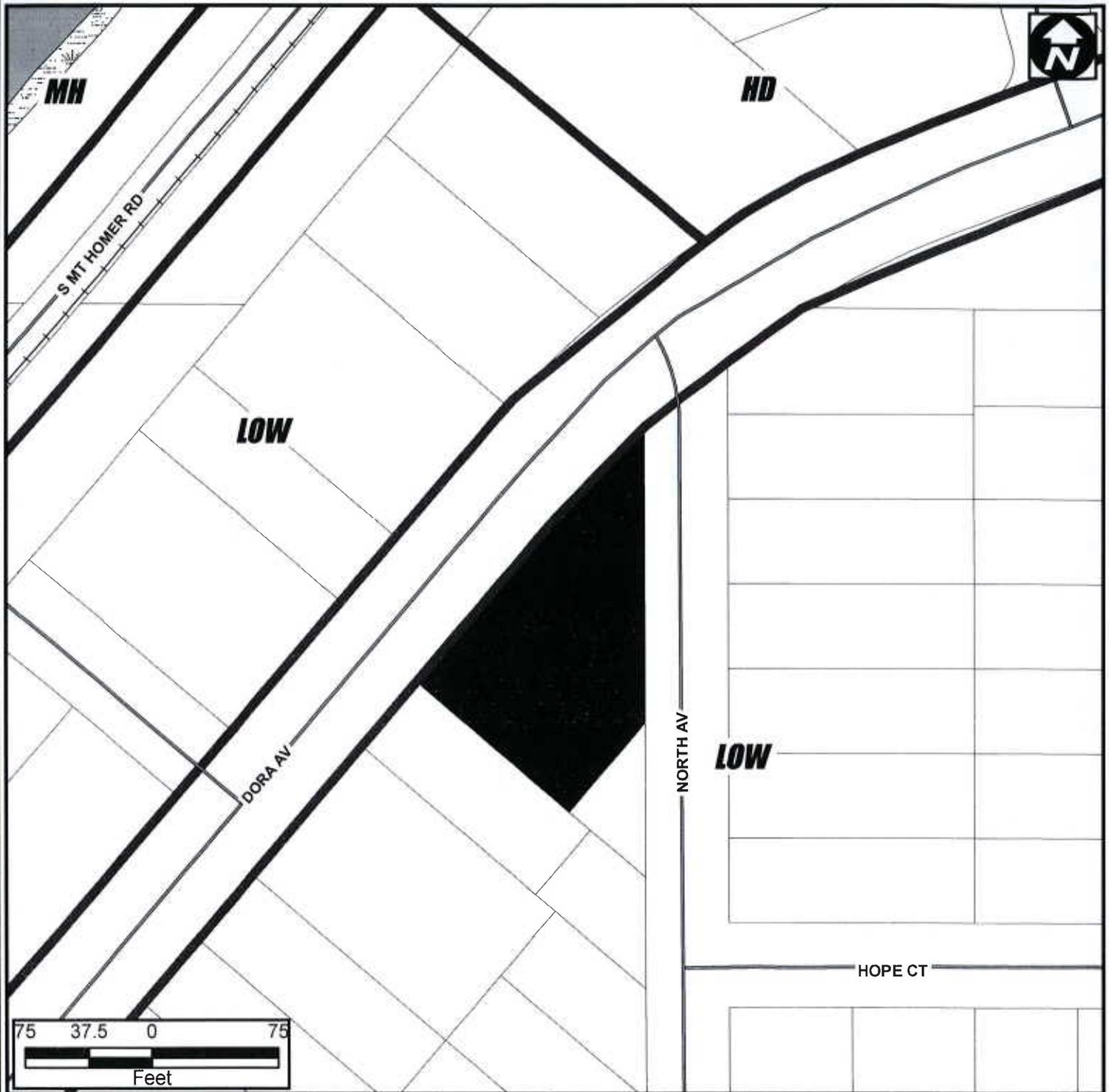
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Map Created on 10/24/12

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CITY OF TAVARES ORDINANCE # 2012-41



FUTURE LAND USE MAP ORDINANCE # 2012-41

Current FLU: LOW
Proposed FLU: MED
0.378 ± Acres

SUB	Suburban	3.0 DU/Acre
SUB EX	Suburban Expansion	4.0 DU/Acre
LOW	Low Density	5.6 DU/Acre
MOD	Moderate Density	10 DU/Acre
MED	Medium Density	12 DU/Acre
HD	High Density	12-25 DU/Acre
MH	Mobile Home	8.7 DU/Acre
MUN	Mixed Use Neighborhood	12 DU/Acre
MUC	Mixed Use Commercial	25 DU/Acre
COM	Comercial	
CD	Commercial Downtown	25 DU/Acre
IND	Industrial	
PUB	Public Facility/Institutional	
CONS	Westlands & Conservation	



Legend

CITY BOUNDARY	MAJOR ROADS
FLU	STREETS
SUBJECT PROPERTY	CONS/WETLANDS
UNINCORPORATED	PARCELS

Client Name: / PO# MIKE FITZGERALD
 Advertiser: City of Tavares
 Section/Page/Zone: Lake Zone/D004/LAK
 Description: Ordinance 2012-40 and 2012-41
 Ad Number: 965946-1
 Insertion Number:
 Size: 3 x 10.5
 Color Type: B&W

Orlando Sentinel
Publication Date: 11/05/2012

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BOAS

Continued from Page C9

annoying chatter of pundits, we can turn to the billions of satellite cranes flying overhead and the proclamations of an Eastern phoebe announcing its territorial bounds.

Lately, I've been taking early morning rows. While motivated by the cooler weather, I also row because of the water's soothing qualities. It's hard to feel anxious or upset when your focus is in stroking smoothly from one end of the lake to the other.

Elections bring problems to the forefront. Politicians play upon our fears while simultaneously trumpeting solutions. For far longer than is healthy, we find ourselves inundated with critical issues that demand our attention. The issues are important but there are so many. It's easy to be overwhelmed, to need a retreat.

I find sanctuary in nature. I go for walks. I take early morning rows. I weed the vegetable garden, pot up some flowers and water the plants. I watch for butterflies, birds and wildlife and take delight in each sighting. I step outside when it's dark — to look up at the stars and to smile at the moon.

Nature reminds me that like a hurricane that rips through a region, even the



An early-morning row provides a much-needed retreat from the intense political posturing preceding Election Day.

wildcat of elections eventually ends. Sure, there will be cleanup to do but normalcy — or at least a semblance of it — eventually will return.

Like all creatures, humans adapt. We make do. We adjust to the changes. Being president is an awesome responsibility. I suppose we should feel fortunate that there are any candidates at all willing to subject themselves to the personal attacks and weighty decisions that political leaders face on a daily basis. No matter who wins, we can be sure of one thing: Whoever holds the office will age more quickly in the next four years than he would if he'd lost.

I said this column wouldn't be about voting but in a way, it is in this time of elections, I cast my

ballot for a world in which nature can still provide solace and for a country where individual freedoms will always rein

Sherry Boas can be reached at simplifying@beautifulbamboo.com. Her columns can be found at OrlandoSentinel.com/lake.

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GOSPEL MUSIC!
The HOPPERS
 plus special guests
GREAT DAY
 Friday, November 9, 2012 7:30pm
 LEESBURG, FLORIDA
 FIRST BAPTIST CHURCH
 1220 North 13th Street
 ALL TICKETS REQUIRED!
 All tickets are priced at \$5.00. Seating is limited. A \$5.00 parking fee is required. Tickets are available at 8:00am and all orders by phone. Call (352) 787-1005 for more information.

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 2012-40 & Ordinance 2012-41 listed as follows:

ORDINANCE 2012-40
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING APPROXIMATELY .316 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DORNA AVENUE AND NORTH AVENUE, PRESENTLY ADDRESSED AS 1305 NORTH AVENUE, FROM RFS-3 (RESIDENTIAL SINGLE FAMILY) TO PD (PLANNED DEVELOPMENT), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-41
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY .378 ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF DORNA AVENUE AND NORTH AVENUE, PRESENTLY ADDRESSED AS 1305 NORTH AVENUE, FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, PROVIDING FOR SEVERABILITY AND CONFLICTS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-40 & Ordinance 2012-41 will be considered at the following public meetings:
 1. Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
 2. Tavares City Council meeting on December 5, 2012, at 4 p.m. (Initial action and First Reading by Title Only), and
 3. Tavares City Council meeting on December 19, 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 2012-40 & Ordinance 2012-41 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 ordinance. It is the City Council's 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 Skuit, Community Development Director, at 742-6404.

PROPERTY LOCATION MAP

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 2012-38 & Ordinance 2012-39 listed as follows:

ORDINANCE 2012-38
 AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY AMENDING APPROXIMATELY 5 ACRES OF LAND GENERALLY LOCATED EAST OF DAVID WALKER ROAD, NORTH OF OLD HUBBARD U.S. 441, WEST OF MERRY ROAD, PROVIDING THE PROPERTY FROM COUNTY 6 RESIDENTIAL TO CITY RMF-3 (RESIDENTIAL MULTI-FAMILY), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2012-39
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 6 ACRES OF PROPERTY GENERALLY LOCATED EAST OF DAVID WALKER ROAD, NORTH OF OLD HUBBARD U.S. 441, WEST OF MERRY ROAD FROM LAKE COUNTY URBAN HIGH DENSITY TO CITY HIGH DENSITY RESIDENTIAL, PROVIDING FOR SEVERABILITY AND CONFLICTS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-38 & Ordinance 2012-39 will be considered at the following public meetings:
 1. Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
 2. Tavares City Council meeting on December 5, 2012, at 4 p.m. (Initial action and First Reading by Title Only), and
 3. Tavares City Council meeting on December 19, 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 2012-38 & Ordinance 2012-39 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 ordinance. It is the City Council's 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 Skuit, Community Development Director, at 742-6404.

PROPERTY LOCATION MAP

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 Resolution 2012-14 listed as follows:

RESOLUTION 2012-14
 A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA, TO WAIVER THE NINETY-FIVE FEET OF AN UNIMPROVED ALLEY GENERALLY LOCATED BETWEEN LOTS 6 AND 1, BLOCK 6, CITY OF TAVARES; SUBJECT TO THE RULES AND REGULATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

Proposed Resolution 2012-14 will be considered at the following public meetings:
 1. Tavares Planning & Zoning Board meeting on November 15, 2012, at 3 p.m. and
 2. Tavares City Council meeting on November 21, 2012, at 4 p.m.

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

Proposed Resolution 2012-14 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 be heard with respect to the proposed resolution. 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 Skuit, Community Development Director, at 742-6404.

PROPERTY LOCATION MAP
 Alleyway - Block "6"

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 12

SECOND 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:

1. That City Council moves to approve Ordinance 2012-22.
2. That City Council moves to deny the proposed Comprehensive Plan amendment.

PLANNING AND ZONING BOARD RECOMMENDATION:

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

STAFF RECOMMENDATION:

Staff recommends 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:

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Nancy A. Barnett
City Clerk

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Passed First Reading _____

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Passed Second Reading _____

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Approved as to form:

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City Attorney

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 13

SECOND 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:

1. That City Council moves to approve Ordinance 2012-27.
2. That City Council moves to deny the proposed amendment to the Land Development Regulations.

PLANNING AND ZONING BOARD RECOMMENDATION:

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

STAFF RECOMMENDATION:

Staff recommends 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,

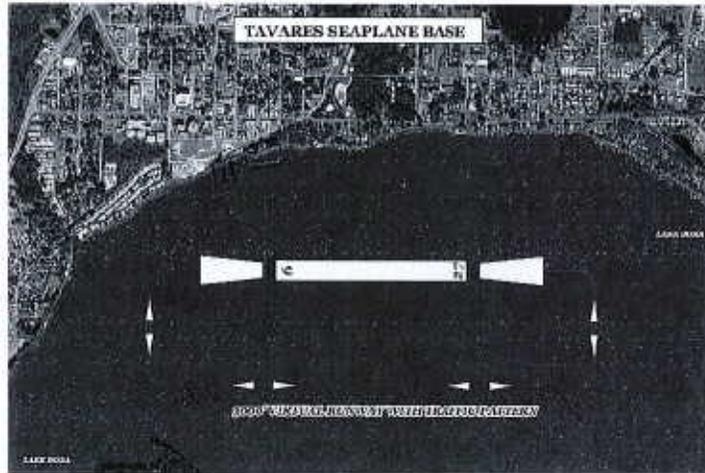
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

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.

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46 _____
47 Robert Wolfe, Mayor
48 Tavares City Council
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1 ATTEST:

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5 _____
6 Nancy A. Barnett
7 City Clerk

8

9 Passed First Reading _____

10

11 Passed Second Reading _____

12

13 _____

14 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 filled 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 Skuff, 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.

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**AGENDA SUMMARY
TAVARES CITY COUNCIL
DECEMBER 5, 2012**

AGENDA TAB NO. 14

SECOND 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 20th, 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. This condition was added.

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:

1. That City Council moves to approve Ordinance 2012-25.
2. That City Council moves to deny the proposed amendment to our billboard regulations.

PLANNING AND ZONING BOARD RECOMMENDATION:

At its October 18th 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:

Staff recommends 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 19th 2012, the city's Planning & Zoning Board recommended that the city's billboard regulations be updated; and

WHEREAS, on July 18th 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.

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Robert Wolfe, Mayor
Tavares City Council

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10

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12 First Reading: _____

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14 Second Reading: _____

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ATTEST:

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Nancy A. Barnett, City Clerk

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Approved as to form:

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Robert Q. Williams, City Attorney

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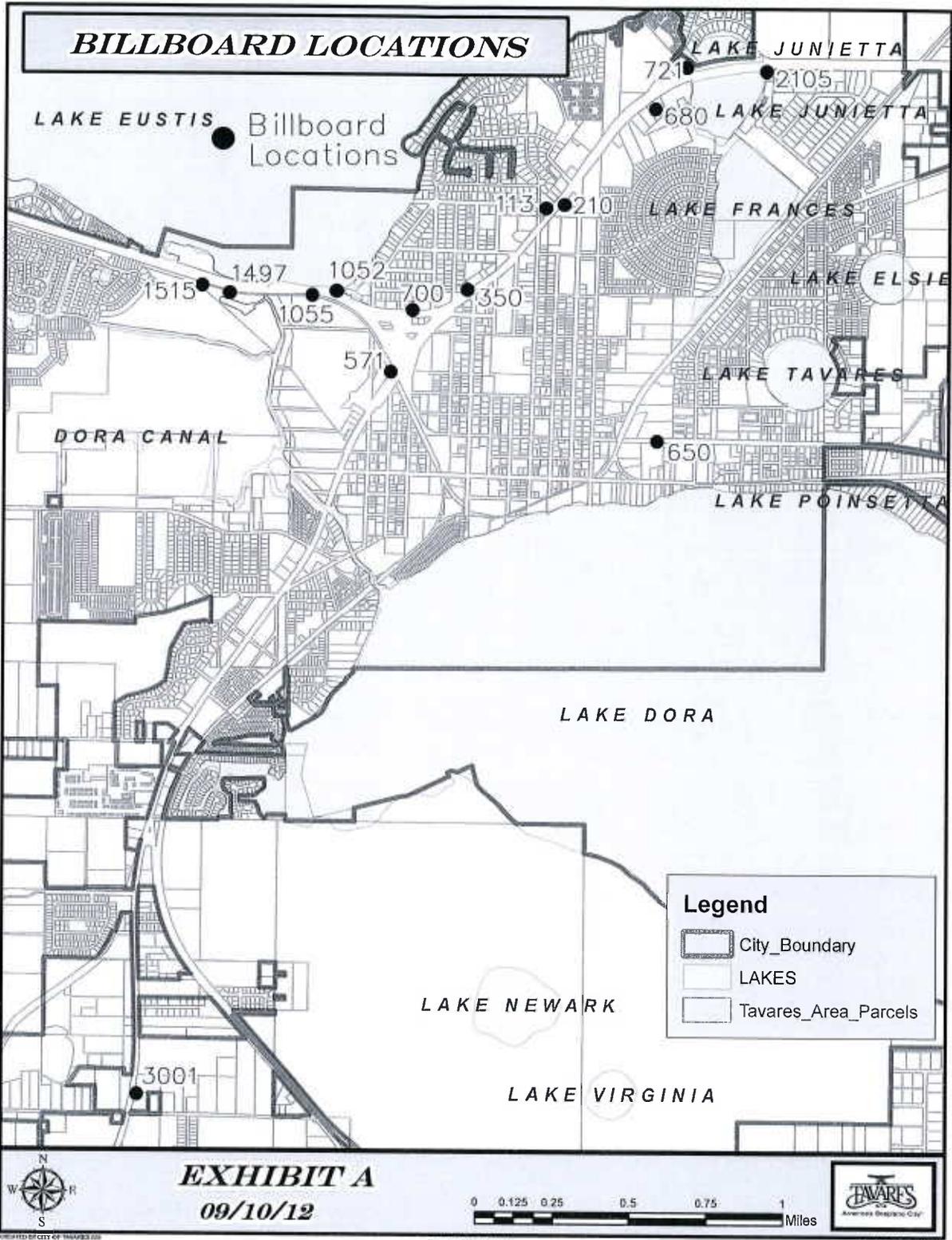
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Orlando Sentinel/Lake Sentinel
Sunday, November 25, 2012 edition
Ordinance 2012-25

Public Hearing Notices

CITY OF TAVARES

NOTICE IS HEREBY GIVEN THAT THE TAVARES CITY COUNCIL WILL CONSIDER THE ORDINANCE 2012-25, SECOND READING ON DECEMBER 5, 2012 AT 4:00 P.M. TAVARES CITY HALL, 201 E. MAIN STREET, TAVARES, FL 32778.

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.

This ordinance was heard at the Planning & Zoning meeting on October 18, 2012 after being tabled on September 20, 2012. First Reading of the Ordinance was held on November 21, 2012 by City Council. The Ordinance may be inspected by the public at the Office of the City Clerk, at the Tavares City Hall, 201 E. Main Street, Tavares, Florida, between the hours of 8 a.m. and 5 p.m. on business days. All interested parties may appear at the meeting and be heard or submit their comments prior to the meeting.

LAK1214832

11/25/2012

4 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
11
12 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-36.

13
14 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

15
16 There were no audience comments.

17
18 Chairman Adams turned the discussion over to the Planning & Zoning Board.

19
20 **MOTION**

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

24
25 **5) Ordinance 2012-25 – Land Development Regulations Amendment – Billboard Signage**

26
27 Jacques Skutt, Community Development Director provided the following staff report;

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

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

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

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

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

49
50 Highlights of the proposed amending ordinance:

- 51 1. A revised inventory of existing billboard signs was completed and a map of these is attached to the
52 ordinance as "Exhibit A".
53

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 Jacques Skutt, Community Development Director provided the following staff report;
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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.
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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.
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51 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-27.
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53 Chairman Adams asked if there was anyone in the audience who would like to make a comment.