

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

AGENDA TAB NO. 15

SECOND READING

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

OBJECTIVE:

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

SUMMARY:

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

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

The following are important aspects of the proposed ordinance:

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

OPTIONS:

1. That City Council moves to approve Ordinance 2012-34.
2. That City Council moves to deny the proposed Floodplain Management Regulations.

PLANNING AND ZONING BOARD RECOMMENDATION:

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

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-34.

FISCAL IMPACT: N/A

LEGAL SUFFICIENCY

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

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ORDINANCE 2012-34

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

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

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

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5 **Exhibit A**
6

7 Section 14-1 — Definitions
8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54
55 (1) the appraised value of the structure prior to the start of the initial repair or improvement,
56 or

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

8
9 Section 14-2 — Application

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

17
18
19 Section 14-3 — Conflict With Other Provisions

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

25
26 Section 14-4 — Interpretation

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

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

8 Section 14-5 — Disclaimer
9

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

18 Section 14-6 — Penalties
19

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

26 _____ DIVISION I. ADMINISTRATION
27

28 Section 14-7 — Administrator Appointed
29

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

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

35 The Community Development Director shall:
36

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

1 (E) — Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including
2 basement) of all new or substantially improved structures, in accordance with Section 14-20.
3

4 (F) — Verify and record the actual elevation (in relation to mean sea level) to which the new or
5 substantially improved structures have been floodproofed, in accordance with Section 14-20.
6

7 (G) — When floodproofing is utilized for a particular structure, shall obtain certification from a registered
8 professional engineer or architect, in accordance with Section 7-79;
9

10 (H) — Make necessary interpretations as to the exact location of boundaries of the areas of special
11 flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field
12 conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity
13 to appeal the interpretation as provided in this chapter.
14

15 (I) — When base flood elevation data or floodway data have not been provided in accordance with this
16 chapter, obtain, review and reasonably utilize any base flood elevation and floodway data
17 available from a federal, state or other source, in order to administer the provisions of this
18 chapter, and
19

20 (J) — Maintain and make available all records pertaining to the provisions of this chapter.
21

22 _____ DIVISION II. DEVELOPMENT PERMIT
23

24 Section 14-9 — Required
25

26 **A development permit, in accordance with Chapter 4, shall be required in conformance with the**
27 **provisions of this chapter prior to the commencement of any development activities controlled**
28 **under the provisions of this chapter.**
29

30 Section 14-10 — Application Procedure
31

32 **Application for a development permit shall be made to the city on forms furnished by the city prior**
33 **to any development activities, and shall include, but not be limited to, the following plans, in**
34 **duplicate and drawn to scale, showing the nature, location, dimensions, and elevations of the area**
35 **in question, existing or proposed structures, fill, storage of materials, and drainage facilities.**
36 **Specifically, the following information is required:**
37

38 (A) — Application stage:
39

40 — (1) — **Elevation in relation to mean sea level of the proposed lowest floor (including**
41 **basement) of all structures;**
42

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

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

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

7
8 ~~(B) Construction stage. A floor elevation or floodproofing certification after the lowest floor is~~
9 ~~completed. Upon placement of the lowest floor, or floodproofing by whatever~~
10 ~~construction means, or upon placement of the horizontal structural members of the lowest~~
11 ~~floor, whichever is applicable, it shall be the duty of the permit holder to submit to the city~~
12 ~~a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation~~
13 ~~of the lowest portion of the horizontal structural members of the lowest floor, whichever is~~
14 ~~applicable, as built, in relation to mean sea level. Such certification shall be prepared by~~
15 ~~or under the direct supervision of a registered land surveyor or professional engineer and~~
16 ~~certified by same. When floodproofing is utilized for a particular building, such~~
17 ~~certification shall be prepared by or under the direct supervision of a professional~~
18 ~~engineer and architect and certified by same. Any work undertaken prior to submission of~~
19 ~~the certification shall be at the permit holder's risk. The city shall review the floor~~
20 ~~elevation survey data submitted. Deficiencies detected by such review shall be corrected~~
21 ~~by the permit holder immediately and prior to further progressive work being permitted to~~
22 ~~proceed. Failure to submit the survey or failure to make such corrections required hereby,~~
23 ~~shall be cause to issue a stop-work order for the project.~~

24 ~~DIVISION III. VARIANCES~~

25 ~~Section 14-11 Variances~~

26
27 ~~(A) The city council shall hear and decide appeals and requests for variances from the requirements~~
28 ~~of this chapter.~~

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

32 ~~Section 14-12 Issuance of Variances~~

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

38 ~~Section 14-13 Factors for Consideration~~

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

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

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

38 Section 14-14 Conditions for Variances

39
40 (A) — Variances shall only be issued upon a determination that the variance is the minimum necessary,
41 considering the flood hazard, to afford relief, and in the instance of a historical building, a determination
42 that the variance is the minimum necessary so as not to destroy the historic character and design of the
43 building.
44

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

1 (b) — A determination that failure to grant the variance would result in exceptional
2 hardship, and
3

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

9 (B) — Any applicant to whom a variance is granted shall be given written notice specifying the
10 difference between the base flood elevation and the elevation to which the structure is to be built and
11 stating that the cost of flood insurance will be commensurate with the increased risk resulting from the
12 reduced lowest floor elevation.
13

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

17 Section 14-15 — Variances Restricted
18

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

22 Section 14-16 — Appeal
23

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

27 _____ DIVISION IV. FLOOD HAZARD REDUCTION
28

29 Section 14-17 — Generally
30

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

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

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

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

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

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

- 1
2 (F) — ~~New and replacement water supply systems shall be designed to minimize infiltration of~~
3 ~~floodwaters into the system.~~
4
5 (G) — ~~New and replacement sanitary sewage systems shall be designed to minimize or eliminate~~
6 ~~infiltration of floodwater.~~
7
8 (H) — ~~On-site waste disposal systems shall be located and constructed to avoid impairment to them or~~
9 ~~contamination from them during flooding.~~
10
11 (I) — ~~Any alteration, repair, reconstruction or improvements to a structure, which is in compliance with~~
12 ~~the provisions of this chapter, shall meet the requirements of new construction as contained in~~
13 ~~this chapter.~~
14

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

16
17 ~~In all areas of special flood hazard where base flood elevation data have been provided, as set~~
18 ~~forth in this chapter, the provisions in Sections 14-9 through 14-25 are required.~~
19

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

21
22 ~~New construction or substantial improvement of any residential structure shall have the lowest~~
23 ~~floor, including basement, elevated no lower than eighteen inches (18") above the base one-~~
24 ~~hundred (100) year flood elevation. Should solid foundation perimeter walls be used to elevate a~~
25 ~~structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be~~
26 ~~provided in accordance with standards of this chapter.~~
27

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

29
30 ~~New construction or substantial improvement of any commercial, industrial, or nonresidential~~
31 ~~structure shall have the lowest floor, including basement, elevated no lower than eighteen inches~~
32 ~~(18") above the level of the base one-hundred (100) year flood elevation. Structures located in all~~
33 ~~A-Zones may be floodproofed in lieu of being elevated provided that all areas of the structure~~
34 ~~below the required elevation are watertight with walls substantially impermeable to the passage of~~
35 ~~water, and use structural components having the capability of resisting hydrostatic and~~
36 ~~hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect~~
37 ~~shall certify that the standards of this section are satisfied. Such certification shall be provided to~~
38 ~~the official as set forth in Section 14-10.~~
39

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

41
42 (A) — ~~New construction or substantial improvements of elevated buildings that include fully enclosed~~
43 ~~areas formed by foundation and other exterior walls below the base flood elevation shall be designed to~~
44 ~~allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior~~
45 ~~walls. Designs for complying with this requirement must either be certified by a professional engineer or~~
46 ~~architect or meet the following minimum criteria:~~
47

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

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

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

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

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

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

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

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

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

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

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

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

37
38
39
40
41 (E) All recreational vehicles placed on sites must either:

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

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

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

52
53 **Section 14-22 — Floodways**
54

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

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

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

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

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

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

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

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

9
10 Section 14-24 — Standards for Subdivision Proposals

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

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

16
17 (C) — All subdivision proposals shall have adequate drainage provided to reduce exposure to flood
18 hazards.

19
20 (D) — Base flood elevation data shall be provided for subdivision proposals and other proposed
21 development (including manufactured home parks and subdivisions).

22
23 Section 14-25 — Standards for Areas of Shallow Flooding

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

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

35
36 (B) — All new construction and substantial improvements or nonresidential structures shall:

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

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

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Exhibit B

FLOODPLAIN MANAGEMENT
DIVISION 1 ADMINISTRATION

SECTION 14.1 GENERAL

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

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

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

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

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

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

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

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

14 **SECTION 14.2 APPLICABILITY**

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

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

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

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

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

45
46 **E. Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of
47 local, state or federal law.

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

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

6
7 **G. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

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

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

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

17
18 **B. General.** The Floodplain Administrator is authorized and directed to administer and enforce
19 the provisions of this ordinance. The Floodplain Administrator shall have the authority to render
20 interpretations of this ordinance consistent with the intent and purpose of this ordinance and
21 may establish policies and procedures in order to clarify the application of its provisions. Such
22 interpretations, policies, and procedures shall not have the effect of waiving requirements
23 specifically provided in this ordinance without the granting of a variance pursuant to Section 14-
24 7 of this ordinance.

25
26 **C. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent
27 offices of the community, shall:

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

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

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

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

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

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

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

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

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

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

- 3 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support
4 permit applications to submit to FEMA the data and information necessary to maintain
5 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,
6 flood hazard area boundaries, or floodway designations; such submissions shall be
7 made within 6 months of such data becoming available;
- 8 4. Review required design certifications and documentation of elevations specified by this
9 ordinance and the *Florida Building Code* and this ordinance to determine that such
10 certifications and documentations are complete; and
- 11 5. Notify the Federal Emergency Management Agency when the corporate boundaries of
12 the City of Tavares are modified.

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

28 **SECTION 14-4 PERMITS**

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

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

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

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

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

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

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

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

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

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

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

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

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

22 23 24 **SECTION 14-5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

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

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

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

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

8
9 **B. Information in flood hazard areas without base flood elevations (approximate Zone A).**

10 Where flood hazard areas are delineated on the FIRM and base flood elevation data have not
11 been provided, the Floodplain Administrator shall:

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

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

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

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

- 3 3. For alteration of a watercourse, an engineering analysis prepared in accordance with
4 standard engineering practices which demonstrates that the flood-carrying capacity of
5 the altered or relocated portion of the watercourse will not be decreased, and
6 certification that the altered watercourse shall be maintained in a manner which
7 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to
8 FEMA as specified in the paragraph entitled "submission of additional data".
9

10 **D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering
11 data, studies, and additional analyses are submitted to support an application, the applicant has
12 the right to seek a Letter of Map Change from FEMA to change the base flood elevations,
13 change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs,
14 and to submit such data to FEMA for such purposes. The analyses shall be prepared by a
15 Florida licensed engineer in a format required by FEMA. Submittal requirements and processing
16 fees shall be the responsibility of the applicant.
17

18 **SECTION 14-6 INSPECTIONS**

19

20 **A. General.** Development for which a floodplain development permit or approval is required
21 shall be subject to inspection.
22

23 **B. Development other than buildings and structures.** The Floodplain Administrator shall
24 inspect all development to determine compliance with the requirements of this ordinance and
25 the conditions of issued floodplain development permits or approvals.
26

27 **C. Buildings, structures and facilities exempt from the Florida Building Code.** The
28 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida
29 Building Code to determine compliance with the requirements of this ordinance and the
30 conditions of issued floodplain development permits or approvals.
31

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

- 36 1. If a design flood elevation was used to determine the required elevation of the lowest
37 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
38 licensed professional surveyor; or
39 2. If the elevation used to determine the required elevation of the lowest floor was
40 determined in accordance with Section 14-5 B(2)(b) of this ordinance, the documentation
41 of height of the lowest floor above highest adjacent grade, prepared by the owner or the
42 owner's authorized agent.
43

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

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

7
8 **SECTION 14-7 VARIANCES AND APPEALS**
9

10 **A. General.** The City Council shall hear and decide on requests for appeals and requests for
11 variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the
12 City Council shall hear and decide on requests for appeals and requests for variances from the
13 strict application of the flood resistant construction requirements of the *Florida Building Code*.
14

15 **B. Appeals.** The City Council shall hear and decide appeals when it is alleged there is an error
16 in any requirement, decision, or determination made by the Floodplain Administrator in the
17 administration and enforcement of this ordinance. Any person aggrieved by the decision of City
18 Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.
19

20 **C. Limitations on authority to grant variances.** The City Council shall base its decisions on
21 variances on technical justifications submitted by applicants, the considerations for issuance of
22 variances as outlined in this section, the conditions of issuance of variances, and the comments
23 and recommendations of the Floodplain Administrator and the Building Official. The City
24 Council has the right to attach such conditions as it deems necessary to further the purposes
25 and objectives of this ordinance.
26

27 **D. Restrictions in floodways.** A variance shall not be issued for any proposed development in
28 a floodway if any increase in base flood elevations would result, as evidenced by the applicable
29 analyses and certifications required in Section 14-5 C of this ordinance.
30

31 **E. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or
32 rehabilitation of a historic building that is determined eligible for the exception to the flood
33 resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11*
34 *Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation
35 will not preclude the building's continued designation as a historic building and the variance is
36 the minimum necessary to preserve the historic character and design of the building. If the
37 proposed work precludes the building's continued designation as a historic building, a variance
38 shall not be granted and the building and any repair, improvement, and rehabilitation shall be
39 subject to the requirements of the *Florida Building Code*.
40

41 **F. Functionally dependent uses.** A variance is authorized to be issued for the construction or
42 substantial improvement necessary for the conduct of a functionally dependent use, as defined
43 in this ordinance, provided the variance meets the requirements of Section 14-7 D, is the
44 minimum necessary considering the flood hazard, and all due consideration has been given to
45 use of methods and materials that minimize flood damage during occurrence of the base flood.
46

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

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

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

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

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

4 SECTION 14-8 VIOLATIONS

5
6
7 **A. Violations.** Any development that is not within the scope of the *Florida Building Code* but
8 that is regulated by this ordinance that is performed without an issued permit, that is in conflict
9 with an issued permit, or that does not fully comply with this ordinance, shall be deemed a
10 violation of this ordinance. A building or structure without the documentation of elevation of the
11 lowest floor, other required design certifications, or other evidence of compliance required by
12 this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that
13 documentation is provided.

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

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

24 DIVISION 2 DEFINITIONS

25 SECTION 14-9 GENERAL

26
27
28
29 **A. Scope.** Unless otherwise expressly stated, the following words and terms shall, for the
30 purposes of this ordinance, have the meanings shown in this section.

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

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

38 SECTION 14-10 DEFINITIONS

39
40
41 **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel
42 alignment, channelization, or change in cross-sectional area of the channel or the channel
43 capacity, or any other form of modification which may alter, impede, retard or change the
44 direction and/or velocity of the riverine flow of water during conditions of the base flood.

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

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

1 Engineers, Reston, VA.

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

6
7 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the
8 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
9 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
10 1612.2.]

11
12 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.
13 [Also defined in FBC, B, Section 1612.2.]

14
15 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in
16 FBC, B, Section 1612.2.]

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

20
21 **Design flood elevation.** The elevation of the "design flood," including wave height, relative to
22 the datum specified on the community's legally designated flood hazard map. In areas
23 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
24 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
25 map. In areas designated as Zone AO where the depth number is not specified on the map, the
26 depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

27
28 **Development.** Any man-made change to improved or unimproved real estate, including but not
29 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
30 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
31 operations or any other land disturbing activities.

32
33 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other
34 development into a flood hazard area which may impede or alter the flow capacity of riverine
35 flood hazard areas.

36
37 **Existing building and existing structure.** Any buildings and structures for which the "start of
38 construction" commenced before March 16, 1988 [Also defined in FBC, B, Section 1612.2.]

39
40 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision
41 for which the construction of facilities for servicing the lots on which the manufactured homes
42 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
43 and either final site grading or the pouring of concrete pads) is completed before March 16,
44 1988

45
46 **Expansion to an existing manufactured home park or subdivision.** The preparation of
47 additional sites by the construction of facilities for servicing the lots on which the manufactured
48 homes are to be affixed (including the installation of utilities, the construction of streets, and
49 either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Florida Building Code, Fuel Gas.

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

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

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

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

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

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

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

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

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

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

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

1 B, Section 1612.2.]
2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION 3 FLOOD RESISTANT DEVELOPMENT

SECTION 14-11 BUILDINGS AND STRUCTURES

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

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

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

11 12 **SECTION 14-14 MANUFACTURED HOMES**

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24 **SECTION 14-16 TANKS**

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

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

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

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

- 43 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow
44 of floodwater or outflow of the contents of the tanks during conditions of the design flood;
45 and
46 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
47 loads, including the effects of buoyancy, during conditions of the design flood.
48

1
2 Add a new Sec. 107.6.1 as follows:

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

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

14
15 Add a new Sec. 117 as follows:

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

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

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

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

33
34 **SECTION 5. APPLICABILITY.**

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

38
39 **SECTION 6. REPEALER.**

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

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

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

49
50 **SECTION 8. SEVERABILITY.**

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

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

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

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

6
7 **PASSED** on first reading _____.

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

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

18 **ATTEST:**

19
20
21 _____
22 | **Nancy Barnett, City Clerk**

23
24 **APPROVED AS TO FORM:**

25
26
27 _____
28 **Robert Q. Williams, City Attorney**

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

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

ORDINANCE 2012-34

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

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

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

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

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

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

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

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

1
2 There were no audience comments.

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

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

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

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

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

15
16 **MOTION**

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

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

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

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

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

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

35
36 There were no audience comments.

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

39
40 **MOTION**

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

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

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

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

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

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

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

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

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

28 There were no audience comments.
29

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

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

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

39 MOTION

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

44 OTHER BUSINESS

45
46 There was no other business.
47

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

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

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

AGENDA TAB NO. 16

SUBJECT TITLE: Ordinance #2012-35 – Rezoning of 11.23 Acres – Lake Arbor Court/Sea Pines Court/Mansfield Road – Dora Lakes Subdivision – Second Reading

OBJECTIVE:

This agenda item will be tabled until the January 16, 2013 Council Meeting per request of the applicant.

SUMMARY:

OPTIONS:

STAFF RECOMMENDATION:

FISCAL IMPACT:

LEGAL SUFFICIENCY: - Legally sufficient

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

AGENDA TAB NO. 17

**SUBJECT TITLE: Ordinance #2012-36 – Small Scale Future Land Use
Amendment of 11.23 Acres – Lake Arbor Court/Sea Pines Court/Mansfield
Road – Dora Lakes Subdivision – Second Reading**

OBJECTIVE:

This agenda item will be tabled until the January 16, 2013 Council Meeting per request of the applicant.

SUMMARY:

OPTIONS:

STAFF RECOMMENDATION:

FISCAL IMPACT:

LEGAL SUFFICIENCY: - Legally sufficient

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

AGENDA TAB NO. 18

SECOND READING

SUBJECT TITLE: Ordinance 2012-29

**Rezoning of State Road 19 Downtown Corridor from Industrial
to Highway Commercial**

OBJECTIVE:

To consider a rezoning of a combined total of approximately 10 acres of land generally located along State Road 19 north of Main Street and south of Alfred Street from Industrial to Highway Commercial.

SUMMARY:

Ordinance 2012-29 proposes a rezoning from Industrial to Highway Commercial for a group of properties at the following addresses and parcel alternate key numbers:

AltKey	Property Address
<u>1375665</u>	916 WEST MAIN ST TAVARES FL 32778
<u>1375690</u>	211 NORTH LAKE AVE TAVARES FL 32778
<u>2695811</u>	351 NORTH DUNCAN DR TAVARES FL 32778
<u>1375673</u>	918 WEST MAIN ST TAVARES FL 32778
<u>1754771</u>	335 NORTH DUNCAN DR TAVARES FL 32778
<u>2695838</u>	347 NORTH DUNCAN DR TAVARES FL 32778
<u>1375681</u>	170 NORTH DUNCAN DR TAVARES FL 32778
<u>1754763</u>	225 NORTH DUNCAN DR TAVARES FL 32778
<u>1375410</u>	424 N. DUNCAN DRIVE TAVARES FL 32778
<u>2761636</u>	355 NORTH DUNCAN DR TAVARES FL 32778
<u>1375622</u>	VACANT TAVARES FL 32778
<u>3845603</u>	575 NORTH DUNCAN DR TAVARES FL 32778

The subject properties consist of a total of approximately 10 acres in size. The properties are all developed with the exception of a portion of property approximately 1 acre in size. There are multiple independent owners. The City's adopted Downtown Master Plan encourages commercial uses in the downtown core of our city which infers that industrially zoned properties in our central core should be rezoned to a commercial designation.

Existing non-conforming industrial uses may continue indefinitely provided that they remain in conformity with Chapter 7 of the City's Land Development Regulations which regulates non-conforming uses. This allows maintenance, repair and reconstruction not exceeding 50% of the building's value.

Any redevelopment of these properties will be in accordance with the City's Land Development Regulations which includes provisions for the architectural standards for new buildings and additions. A Future Land Use Map amendment to a Commercial designation is concurrently under consideration.

A table extracted from Land Development Regulations, Chapter 8, comparing permitted uses allowed in the Industrial and Highway Commercial zoning districts is provided along with this staff report as Attachment A. There are many uses that are permitted in both the Industrial and Highway Commercial zonings, such as Private Clubs and Lodges, resulting in a null effect.

OPTIONS:

1. That City Council moves to approve Ordinance 2012-29.
2. That City Council moves to deny the proposed zoning amendment.

PLANNING AND ZONING BOARD RECOMMENDATION:

At its October 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-29.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-29.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

Attachment A

Table 8-2 Permitted (P) and Special Uses (S)

LAND USE	ZONING	
	C-2	I
AGRICULTURE		
Citrus Groves	P	P
Wholesale plant production, wholesale nurseries, and greenhouses.		P
Boarding and keeping of horses and cattle		
RESIDENTIAL		
Adult Activity Center	P	
PUBLIC/SEMPUBLIC, INSTITUTIONAL		
Public and Private Schools (Elementary through High School)	S	S
Community Colleges, Colleges or Universities or College annexes	S	S
Libraries	P	
Community Centers	P	P
Community Shelters		
Government Facility		
Churches and other places of Worship, with attendant educational and recreational facilities	P	
Hospitals	P	P
Medical Clinics and Emergency Treatments Centers	P	P
Medical Care Facility, outpatient only	P	P
RECREATIONAL, CULTURAL AND CIVIC USES		
Private docks and Boathouses	S	
Private Clubs and Lodges, Community Centers, Civic and Social Organization facilities	P	P
	C-2	I
Parks, play grounds, recreational areas and recreational or community structures owned and maintained by any private non-profit or for-profit association	P	P
Public Parks, Play grounds and Recreation Areas		
General Cultural Uses	P	P
Auditoriums, stadiums, arenas, and expositions	S	S
Health or Fitness uses	P	
Family / General Entertainment uses	P	P

BUSINESS AND COMMERCIAL USES		
Business and Professional office uses	P	P
Banks and Financial Institutions	P	
Grocery Stores	P	
Convenience Store (not including gas/fuel sales)	P	P
Convenience Store (including gas/fuel sales)	P	P
Retail, General Business, or Personal Service	P	
Retail, General Business, or Personal Service > 50K sq ft. -- single use	P	
Personal Service or Specialty Shop with light retail		
Retail plant nursery	P	P
Medical/Dental/Optical Supplies Stores	P	
Medical and Dental/Optical Laboratories	P	
Restaurant / Food Service / Food Retail	P (20)	P (20)
Bar		S (20)
Adult Entertainment Establishments		S (22)
Child Care Centers	S (9)	
Business and Technical Trade Schools	P	P
Vocational and Industrial Trade Schools	S	P
Animal hospital, veterinary clinic or animal boarding with boarding of animals in completely enclosed buildings	P	P
Pet Stores that may include retail, grooming services, and boarding of domestic animals	P (29)	
Laundromats/Dry Cleaning (self service)	P	
Laundry/Dry Cleaners without drive-through pickup (no on-site processing, not self service)	P	
Laundry/Dry Cleaners with drive-through pick-up (no on-site processing, not self service)	P	
Laundry/Dry Cleaners with on-site processing	P	P
Automobile/Truck, boat, motorcycle, recreational vehicles sales & rental	S (12)	P (12)
Automobile/Truck Parts Sales	P	P
Automobile/Truck/Motorcycle/Boat repair & service	P (13)	P (13)
Car Wash	P	P
	C-2	I
INDUSTRIAL USES		
Manufacturing, fabricating, processing, packaging, storage, and sales / distribution uses		P (12-16) (18) (20) (22)
Mini-warehouse, personal storage facilities (climate controlled, internal entrance only)	S	P
Retail accessory establishments (only for the sale of goods manufactured on site)		P
Wholesale Stores	P	P
Research Laboratory		P

Radio and Television stations and transmitters, but no radio or television tower	P	P
Wrecking Yards (including automotive vehicle wrecking yards) and junk yards		S
Truck Stop		S
Mobile home sales yards	S	P
Fuel storage yards, coal, coke or wood yards.		S (15)
PUBLIC UTILITY USES		
Refuse Transfer Stations		P
Sewage Treatment Facilities, local		P
Water withdrawal operations, local		P
Gas and water metering stations		P
Wireless Communications Towers, Antennas and Equipment Facilities	S (16)	S (16)
LODGING		
Hotel, Motel and Motor Court accommodations	P(18)	S (18)
Bed and Breakfast Accommodations		
Tourist Resort		
MISCELLANEOUS		
Home Owners Association/Park Business Office		
Community Storage Areas for use of subdivision and park residents for storage of boats, boat trailers and recreation vehicles.		
Public parking lots and parking garages, either rental or free parking.	P	P
Transportation terminals including bus stations, railroad stations or other mass transit systems		P
Airports and heliports	S	S
Funeral Homes	P (17)	
Cemeteries and mausoleums		

AltKey	Property Address	Business Names
<u>1375665</u>	916 WEST MAIN ST TAVARES FL 32778	Leon Washington's Spotless Detailing
<u>1375690</u>	211 NORTH LAKE AVE TAVARES FL 32778	Vacant
<u>2695811</u>	351 NORTH DUNCAN DR TAVARES FL 32778	Central Automotive Tavares
<u>1375673</u>	918 WEST MAIN ST TAVARES FL 32778	Tavares Automotive
<u>1754771</u>	335 NORTH DUNCAN DR TAVARES FL 32778	DesignLab Inc
<u>2695838</u>	347 NORTH DUNCAN DR TAVARES FL 32778	Vacant
<u>1375681</u>	170 NORTH DUNCAN DR TAVARES FL 32778	Tom's Watch Repair
<u>1754763</u>	225 NORTH DUNCAN DR TAVARES FL 32778	Val Coursey Homes Inc.
<u>1375410</u>	424 N. DUNCAN DRIVE TAVARES, FL 32778	Lake County Shriners Club
<u>2761636</u>	355 NORTH DUNCAN DR TAVARES FL 32778	Jesses Tri City Glass
<u>1375622</u>	VACANT	Vacant
<u>3845603</u>	575 NORTH DUNCAN DR TAVARES FL 32778	Prestige Home Center

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ORDINANCE 2012-29

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 19 NORTH OF MAIN STREET AND SOUTH OF ALFRED STREET; FROM INDUSTRIAL (I) TO HIGHWAY COMMERCIAL (C2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares is initiating a rezoning of the properties identified in exhibit A from Industrial to Highway Commercial; and

WHEREAS, the city's Downtown Master Plan encourages commercial and high density residential uses in our city core; and

WHEREAS, the City of Tavares has advertised in accordance with Florida State 166.041 for two public hearings, as is its option, prior to adoption of this ordinance; and

WHEREAS, the City of Tavares held these 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 amended zoning; 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 is concurrently processing an amendment to the City's Comprehensive Plan to re-designate the property from Industrial to Commercial on the Future Land Use Map 2020; and

WHEREAS, the City Council finds this amendment in compliance with the City of Tavares Land Development Regulations and the proposed amended Comprehensive Plan; now therefore

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

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EXHIBIT A

TAVARES BEG AT INTERSECTION OF N BDRY MAIN ST & E'LY BDRY HWY 19, RUN E 140 FT, N 140 FT, W TO HWY, SW'LY ALONG HWY TO POB, BLK 78--LESS SR 19 DEED IN ORB 1414 PGS 348, 351-- PB 1 PG 64 ORB 999 PG 1834 (AK# 1375673)

TAVARES BEG 140 FT E OF INTERSECTION OF E'LY R/W LINE OF HWY 19 & N'LY BDRY OF IRMA ST, RUN N 140 FT, E TO E LINE OF LOT C, S TO N BDRY OF IRMA ST W TO POB, BLK 78 PB 1 PG 64 ORB 983 PG 2103 (AK# 1375665)

TAVARES BLKS 78 & 79 W'LY OF SR 19, BLK 79 S'LY OF OLD MEANDER LINE & W'LY OF SR 19--LESS LOT A--BLKS 80, 81, 82 SW'LY OF OLD MEANDER LINE--LESS ANY PART OF THE ABOVE LYING WITHIN 170 FT E'LY OF CENTERLINE OF DORA CANAL--PB 1 PG 64 ORB 2014 PG 473 ORB 2539 PG 653 ROB 2543 PG 1948 - EXCLUDING THOSE LANDS DESIGNATED WETLANDS AND CONSERVATION UNDER THE CITY OF TAVARES COMPREHENSIVE PLAN AND DESIGNATED WETLANDS PROTECTION AREA UNDER THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS. (AK# 1375622)

TAVARES FROM INTERSECTION OF N BDRY OF MAIN ST WITH E BDRY OF SR-19 RUN E 140 FT, N 140 FT TO POB, RUN W TO R/W SR-19, BEG AGAIN AT POB, RUN E TO E LINE LOT A, BLK 78, N TO MAUDE ST, W TO R/W SR-19, SW'LY ALONG R/W TO INTERSECT FIRST LINE PB 1 PG 64 ORB 1815 PG 1501 (AK# 1375681)

TAVARES BLKS 79 & 80 LYING E'LY OF HWY 19 PB 1 PG 64 ORB 808 PG 2066, ORB 1005 PG 53, ORB 1224 PG 1795 (AK# 1375690)

TAVARES FROM THE INTERSECTION OF N LINE OF LOT A BLK 79 WITH NW'LY LINE OF ST RD 19 RUN NE'LY ALONG W'LY R/W OF ST RD 19 TO CENTERLINE OF ALFRED ST EXT W ACROSS ST RD 19 & POB, RUN W ALONG CENTERLINE OF ALFRED ST EXT TO CENTERLINE OF UNNAMED ST W OF BLK 79 HEREBY DESIGNATED AS PT A, NE'LY PARALLEL TO NW'LY BDRY OF ST RD 19 TO PT NW'LY & AT RT ANGLES TO THE POB SE'LY TO POB, BEG AGAIN AT POB, RUN SW'LY ALONG W'LY BDRY ST RD 19 A DIST OF 194.5 FT TO PT B, BEG AGAIN AT POB, RUN W TO| PT A, SW'LY PARALLEL TO W BDRY OF ST RD 19 TO A PT AT RIGHT ANGLES FROM PT B, SE'LY TO PT B PB 1 PG 64 ORB 760 PGS 2239, 2240, ORB 760 PG 2239, 2240 (AK# 1754763)

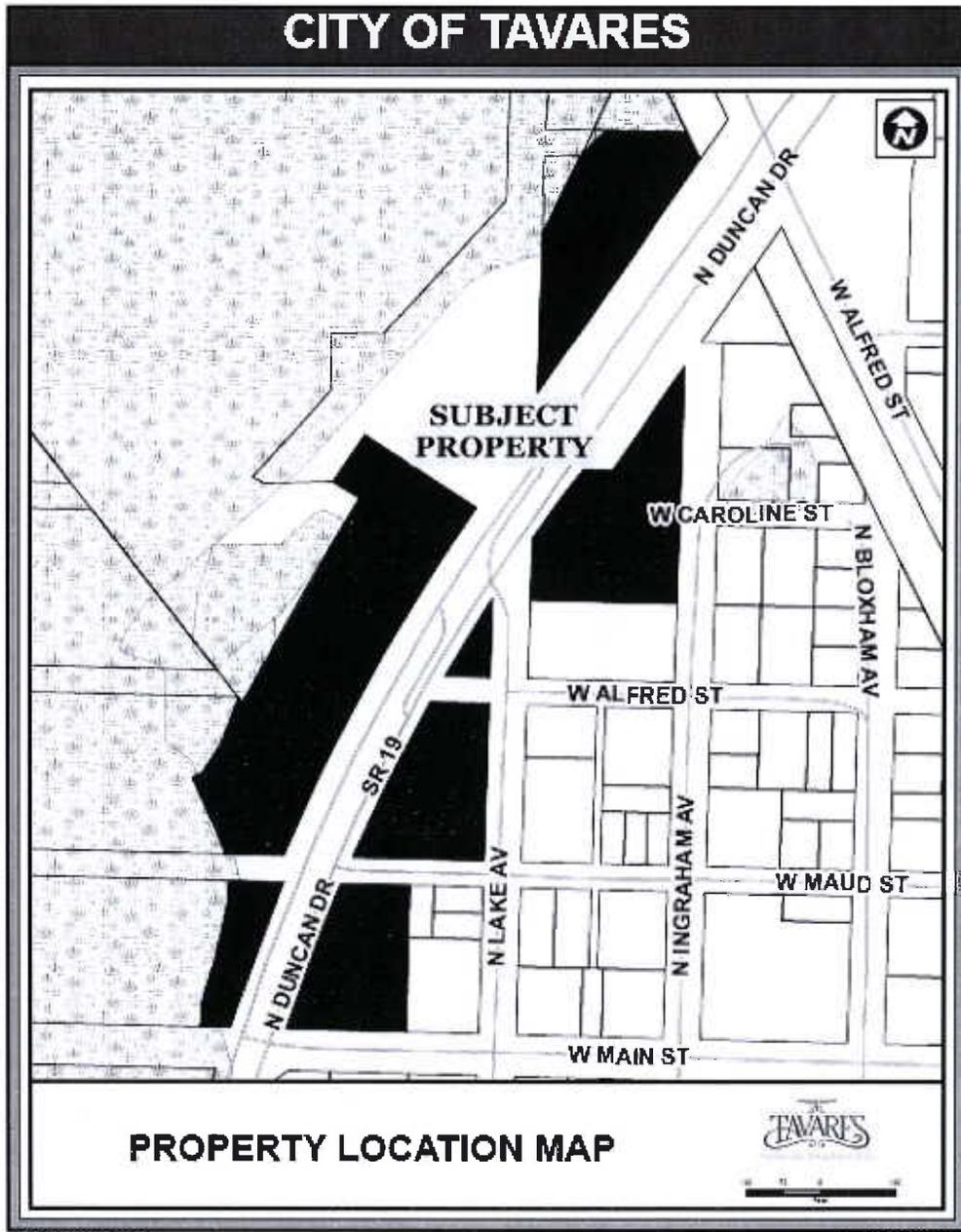
TAVARES BEG AT INTERSECTION OF CENTER LINE OF ALFRED ST & W'LY LINE OF SR 19, RUN N 62DEG 12MIN 22SEC W 75.65 FT, SW'LY PARALLEL TO W'LY LINE OF SR 19 113.58 FT, N 88DEG 49MIN 11SEC W 85.63 FT, N 36DEG 41MIN 11SEC W 43.8 FT TO PT A, BEG AGAIN AT POB RUN NE'LY ALONG W'LY R/W OF SR 19 100 FT N 60DEG 43MIN 59SEC W 188.32 FT, S 28DEG 32MIN 56SEC W 237.91 FT TO INTERSECT PT A PB 1 PG 64 ORB 2680 PG 2408 (AK# 1754771)

TAVARES, FROM THE INTERSECTION OF CENTER LINE OF ALFRED ST (NOW CLOSED) & NW'LY R/W OF SR 19 RUN NE'LY ALONG SAID R/W 100 FT FOR POB, CONTINUE ALONG SAID R/W 100 FT, N 59DEG 15MIN 36SEC W 188.41 FT, S 29DEG 57MIN 23SEC W 104.85 FT, S 60DEG 43MIN 59SEC E 188.32 FT TO POB PB 1 PG 64 ORB 1476 PG 1850 (AK# 2695838)

TAVARES, FROM THE INTERESECTION OF CENTER LINE OF ALFRED ST (NOW CLOSED) & NW'LY R/W OF SR 19 RUN NE'LY ALONG SAID R/W 200 FT FOR POB, CONTINUE ALONG SAID R/W 100 FT, N 57DEG

1 47MIN 13SEC W 191.19 FT, S 29DEG 57MIN 23SEC W 104.92 FT, S
2 59DEG 15MIN 36SEC E 188.41 FT TO POB PB 1 PG 64
3 ORB 3149 PG 1754 (AK# 2695811)
4
5 TAVARES BEG AT C/LINE OF CAROLINE ST & W R/W OF SR 19 RUN N
6 56DEG 18MIN W 250 FT, S 32DEG 56MIN W 106.43 FT, S 57DEG
7 47MIN E 250 FT TO SR 19, NW'LY ALONG SR 19 100 FT TO POB PB
8 1 PG 64 ORB 918 PG 592 (AK# 2761636)
9
10 TAVARES BLK 66 S OF HWY & CLOSED ALLEY IN BLK 66 S OF HWY &
11 LOTS A, B, C, G, H, K, & CLOSED ALLEY BETWEEN LOTS A, B, C,
12 G, H, K, IN BLK 67 & CLOSED CAROLINE ST SE OF HWY BETWEEN
13 BLKS 66 & 67 PB 1 PG 64 ORB 819 PG 1261 (AK# 1375410)
14
15 TAVARES BLK 65 E OF GOV MEANDER LINE & NW OF HWY, THAT PART
16 OF IANTHE ST LYING E OF LAKE AVE & W'LY OF HWY 19, ALLEY
17 WITHIN BLK 65, E'LY 1/2 OF VACATED LAKE AVE LYING W OF ABOVE
18 PARCEL PB 1 PG 64 (AK# 3845603)
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CITY OF TAVARES ORDINANCE # 2012-29



- 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 # 2012-29

Current Zoning: I
Proposed Zoning: C-2
10.0 ± Acres

- #### Legend
- | | |
|------------------|--------------|
| CITY BOUNDARY | MAJOR ROADS |
| ZONING | STREETS |
| SUBJECT PROPERTY | PARCELS |
| UNINCORPORATED | CONSWETLANDS |

**AGENDA SUMMARY
TAVARES PLANNING AND ZONING
DECEMBER 5, 2012**

AGENDA TAB NO. 19

SECOND READING

SUBJECT TITLE: Ordinance 2012-30

**Small Scale FLUM Amendment- State Road 19 Downtown
Corridor from Industrial to Commercial**

OBJECTIVE:

To consider a Future Land Use Map amendment of a combined total of approximately 10 acres of land generally located along State Road 19 north of Main Street and south of Alfred Street from Industrial to Commercial.

SUMMARY:

Ordinance 2012-30 proposes a small scale amendment to the Future Land Use Map 2020 of the Comprehensive Plan as recommended in the Downtown Master Plan.

The combined area of the subject property is approximately 10 acres in size and includes the following addresses and parcel alternate key numbers:

AltKey	Property Address
<u>1375665</u>	916 WEST MAIN ST TAVARES FL 32778
<u>1375690</u>	211 NORTH LAKE AVE TAVARES FL 32778
<u>2695811</u>	351 NORTH DUNCAN DR TAVARES FL 32778
<u>1375673</u>	918 WEST MAIN ST TAVARES FL 32778
<u>1754771</u>	335 NORTH DUNCAN DR TAVARES FL 32778
<u>2695838</u>	347 NORTH DUNCAN DR TAVARES FL 32778
<u>1375681</u>	170 NORTH DUNCAN DR TAVARES FL 32778
<u>1754763</u>	225 NORTH DUNCAN DR TAVARES FL 32778
<u>1375410</u>	424 N. DUNCAN DRIVE TAVARES FL 32778
<u>2761636</u>	355 NORTH DUNCAN DR TAVARES FL 32778
<u>1375622</u>	VACANT TAVARES FL 32778
<u>3845603</u>	575 NORTH DUNCAN DR TAVARES FL 32778

There are multiple independent owners of these properties. The property owners have been contacted prior to this City initiated action in an effort to promote communication and understanding of the City's vision for this important corridor and the benefits of this action for both the individual owner and the City at large. For example, local real estate professionals estimate that Industrial property is currently renting for \$2 to \$4 per square foot while retail space is renting for \$18 to \$20 per square foot.

This ordinance would amend the current Future Land Use Designation from Industrial to Commercial. An application to rezone these properties to Highway Commercial is concurrently under consideration.

Future Land Use Amendment/Compatibility

These properties are located on the periphery of the city's downtown core and with one exception, within the boundary limits of the Community Redevelopment Area. In order to ensure that the development of properties along this peripheral corridor will be consistent with the overall vision for Downtown's urban fabric, the Downtown Master Plan recommends changing the industrial designation to commercial.

Site Conditions

All of the parcels are developed with the exception of a portion of property less than one acre in size. Existing land uses in the area include a private social club, automotive uses, a variety of industrial uses.

Impact on City Services

All of the parcels are currently served with municipal water and sewer with the exception of a portion of property less than one acre in size. 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 Commercial 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 future development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

OPTIONS:

1. That City Council moves to approve Ordinance 2012-30.
2. That City Council moves to deny the proposed Future Land Use Map Amendment.

PLANNING AND ZONING BOARD RECOMMENDATION:

At its October 18th meeting, the Planning & Zoning Board voted unanimously to recommend approval of Ordinance 2012-30.

STAFF RECOMMENDATION:

Staff recommends that City Council moves to approve Ordinance 2012-30.

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 2012-30

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 A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 19 NORTH OF MAIN STREET AND SOUTH OF ALFRED STREET; FROM INDUSTRIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Tavares is initiating an amendment to the Tavares Comprehensive Plan Future Land Use Map 2020 to change the designation of the properties identified in exhibit A from Industrial to Commercial; and

WHEREAS, the properties affected consist of less than ten acres which constitutes a small scale future land use amendment according to Florida Statute 163.3187; and

WHEREAS, the City of Tavares has advertised in accordance with Florida State 166.041 for two public hearings, as is its option, 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 to encourage commercial uses in and around the downtown core of the City; and

WHEREAS, the Commercial Future Land Use designation facilitates these preferred uses; and

WHEREAS, a Commercial 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

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

3
4 **WHEREAS**, the City Council finds this amendment in compliance with Chapter 163,
5 Florida Statutes, and the City of Tavares Comprehensive Plan; and

6
7 **WHEREAS**, adoption of this amendment is in the best interest of the health, safety, and
8 general welfare of the citizens of Tavares;

9
10 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Tavares,
11 Florida as follows:

12
13 **Section 1. Future Land Use Amendment**

14 The Comprehensive Plan and Future Land Use Map 2020 of the City of Tavares,
15 Florida, is hereby amended to reflect a re-designation from Industrial to Commercial on certain
16 real properties as legally described in Exhibit "A". All provisions of the Comprehensive Plan
17 shall hereby apply to said property.

18
19 **Section 2. Severability and Conflicts**

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

24
25 **Section 3. Transmittal**

26 The City Administrator is hereby authorized and directed to transmit the adopted
27 Comprehensive Plan amendments to the Florida Department of Economic Opportunity, and
28 Lake County Growth Management Office and any other governmental agency in the state of
29 Florida that has filed a written request with the City Council for a copy of the Comprehensive
30 Plan within 10 working days of the adoption of this Ordinance as specified in the State Land
31 Planning Agency's procedural rules.

32
33 **Section 4. Effective Date**

34 The effective date of this plan amendment, if the amendment is not timely challenged,
35 shall be 31 days after adoption. If timely challenged, this amendment shall become effective on

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

7
8 **PASSED AND ADOPTED** this _____ day of _____, 2012 by the City Council of
9 the City of Tavares, Florida.

10
11
12 _____
13 Robert Wolfe, Mayor
14 Tavares City Council
15

16
17 First Reading: _____
18

19 Second Reading & Final Adoption: _____
20

21
22 ATTEST:
23

24
25 _____
26 Nancy A. Barnett, City Clerk
27

28 Approved as to form:
29

30
31 _____
32 Robert Q. Williams, City Attorney
33
34

EXHIBIT A

1
2
3 TAVARES BEG AT INTERSECTION OF N BDRY MAIN ST & E'LY BDRY
4 HWY 19, RUN E 140 FT, N 140 FT, W TO HWY, SW'LY ALONG HWY TO
5 POB, BLK 78--LESS SR 19 DEED IN ORB 1414 PGS 348, 351-- PB 1
6 PG 64 ORB 999 PG 1834 (AK# 1375673)
7
8 TAVARES BEG 140 FT E OF INTERSECTION OF E'LY R/W LINE OF HWY
9 19 & N'LY BDRY OF IRMA ST, RUN N 140 FT, E TO E LINE OF LOT
10 C, S TO N BDRY OF IRMA ST W TO POB, BLK 78 PB 1 PG 64
11 ORB 983 PG 2103 (AK# 1375665)
12
13 TAVARES BLKS 78 & 79 W'LY OF SR 19, BLK 79 S'LY OF OLD
14 MEANDER LINE & W'LY OF SR 19--LESS LOT A--BLKS 80, 81, 82
15 SW'LY OF OLD MEANDER LINE--LESS ANY PART OF THE ABOVE LYING
16 WITHIN 170 FT E'LY OF CENTERLINE OF DORA CANAL--PB 1 PG 64
17 ORB 2014 PG 473 ORB 2539 PG 653 ROB 2543 PG 1948 -
18 EXCLUDING THOSE LANDS DESIGNATED WETLANDS AND CONSERVATION UNDER THE CITY OF TAVARES
19 COMPREHENSIVE PLAN AND DESIGNATED WETLANDS PROTECTION AREA UNDER THE CITY OF TAVARES
20 LAND DEVELOPMENT REGULATIONS. (AK# 1375622)
21
22 TAVARES FROM INTERSECTION OF N BDRY OF MAIN ST WITH E BDRY
23 OF SR-19 RUN E 140 FT, N 140 FT TO POB, RUN W TO R/W SR-19,
24 BEG AGAIN AT POB, RUN E TO E LINE LOT A, BLK 78, N TO MAUDE
25 ST, W TO R/W SR-19, SW'LY ALONG R/W TO INTERSECT FIRST LINE
26 PB 1 PG 64 ORB 1815 PG 1501 (AK# 1375681)
27
28 TAVARES BLKS 79 & 80 LYING E'LY OF HWY 19 PB 1 PG 64
29 ORB 808 PG 2066, ORB 1005 PG 53, ORB 1224 PG 1795 (AK# 1375690)
30
31 TAVARES FROM THE INTERSECTION OF N LINE OF LOT A BLK 79 WITH
32 NW'LY LINE OF ST RD 19 RUN NE'LY ALONG W'LY R/W OF ST RD 19
33 TO CENTERLINE OF ALFRED ST EXT W ACROSS ST RD 19 & POB, RUN
34 W ALONG CENTERLINE OF ALFRED ST EXT TO CENTERLINE OF UNNAMED
35 ST W OF BLK 79 HEREBY DESIGNATED AS PT A, NE'LY PARALLEL TO
36 NW'LY BDRY OF ST RD 19 TO PT NW'LY & AT RT ANGLES TO THE POB
37 SE'LY TO POB, BEG AGAIN AT POB, RUN SW'LY ALONG W'LY BDRY ST
38 RD 19 A DIST OF 194.5 FT TO PT B, BEG AGAIN AT POB, RUN W TO
39 PT A, SW'LY PARALLEL TO W BDRY OF ST RD 19 TO A PT AT RIGHT
40 ANGLES FROM PT B, SE'LY TO PT B PB 1 PG 64
41 ORB 760 PGS 2239, 2240, ORB 760 PG 2239, 2240 (AK# 1754763)
42
43 TAVARES BEG AT INTERSECTION OF CENTER LINE OF ALFRED ST &
44 W'LY LINE OF SR 19, RUN N 62DEG 12MIN 22SEC W 75.65 FT,
45 SW'LY PARALLEL TO W'LY LINE OF SR 19 113.58 FT, N 88DEG
46 49MIN 11SEC W 85.63 FT, N 36DEG 41MIN 11SEC W 43.8 FT TO PT
47 A, BEG AGAIN AT POB RUN NE'LY ALONG W'LY R/W OF SR 19 100 FT
48 N 60DEG 43MIN 59SEC W 188.32 FT, S 28DEG 32MIN 56SEC W
49 237.91 FT TO INTERSECT PT A PB 1 PG 64
50 ORB 2680 PG 2408 (AK# 1754771)
51
52 TAVARES, FROM THE INTERSECTION OF CENTER LINE OF ALFRED ST
53 (NOW CLOSED) & NW'LY R/W OF SR 19 RUN NE'LY ALONG SAID R/W
54 100 FT FOR POB, CONTINUE ALONG SAID R/W 100 FT, N 59DEG
55 15MIN 36SEC W 188.41 FT, S 29DEG 57MIN 23SEC W 104.85 FT, S
56 60DEG 43MIN 59SEC E 188.32 FT TO POB PB 1 PG 64
57 ORB 1476 PG 1850 (AK# 2695838)
58
59 TAVARES, FROM THE INTERESECTION OF CENTER LINE OF ALFRED ST
60 (NOW CLOSED) & NW'LY R/W OF SR 19 RUN NE'LY ALONG SAID R/W
61 200 FT FOR POB, CONTINUE ALONG SAID R/W 100 FT, N 57DEG
62 47MIN 13SEC W 191.19 FT, S 29DEG 57MIN 23SEC W 104.92 FT, S

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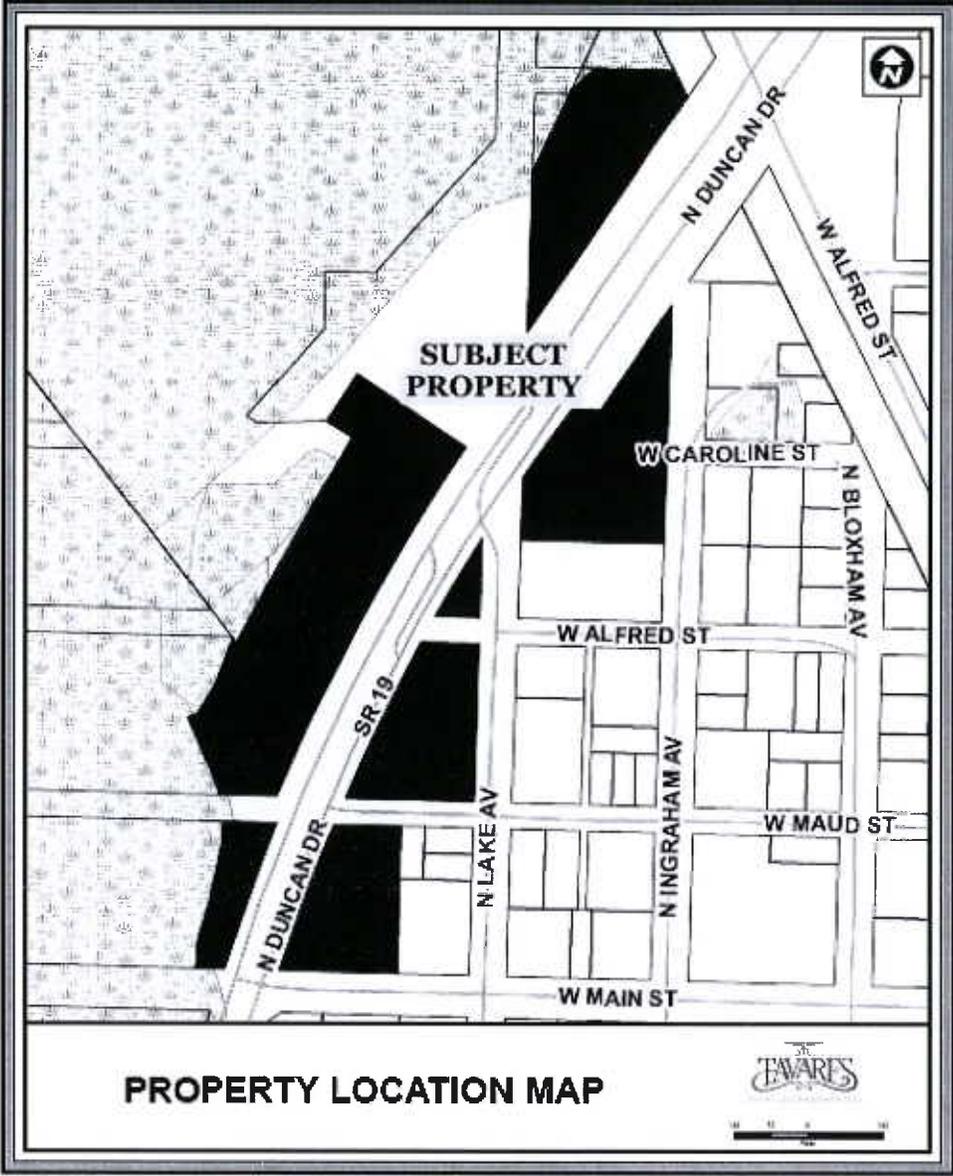
59DEG 15MIN 36SEC E 188.41 FT TO POB PB 1 PG 64
ORB 3149 PG 1754 (AK# 2695811)

TAVARES BEG AT C/LINE OF CAROLINE ST & W R/W OF SR 19 RUN N
56DEG 18MIN W 250 FT, S 32DEG 56MIN W 106.43 FT, S 57DEG
47MIN E 250 FT TO SR 19, NW'LY ALONG SR 19 100 FT TO POB PB
1 PG 64 ORB 918 PG 592 (AK# 2761636)

TAVARES BLK 66 S OF HWY & CLOSED ALLEY IN BLK 66 S OF HWY &
LOTS A, B, C, G, H, K, & CLOSED ALLEY BETWEEN LOTS A, B, C,
G, H, K, IN BLK 67 & CLOSED CAROLINE ST SE OF HWY BETWEEN
BLKS 66 & 67 PB 1 PG 64 ORB 819 PG 1261 (AK# 1375410)

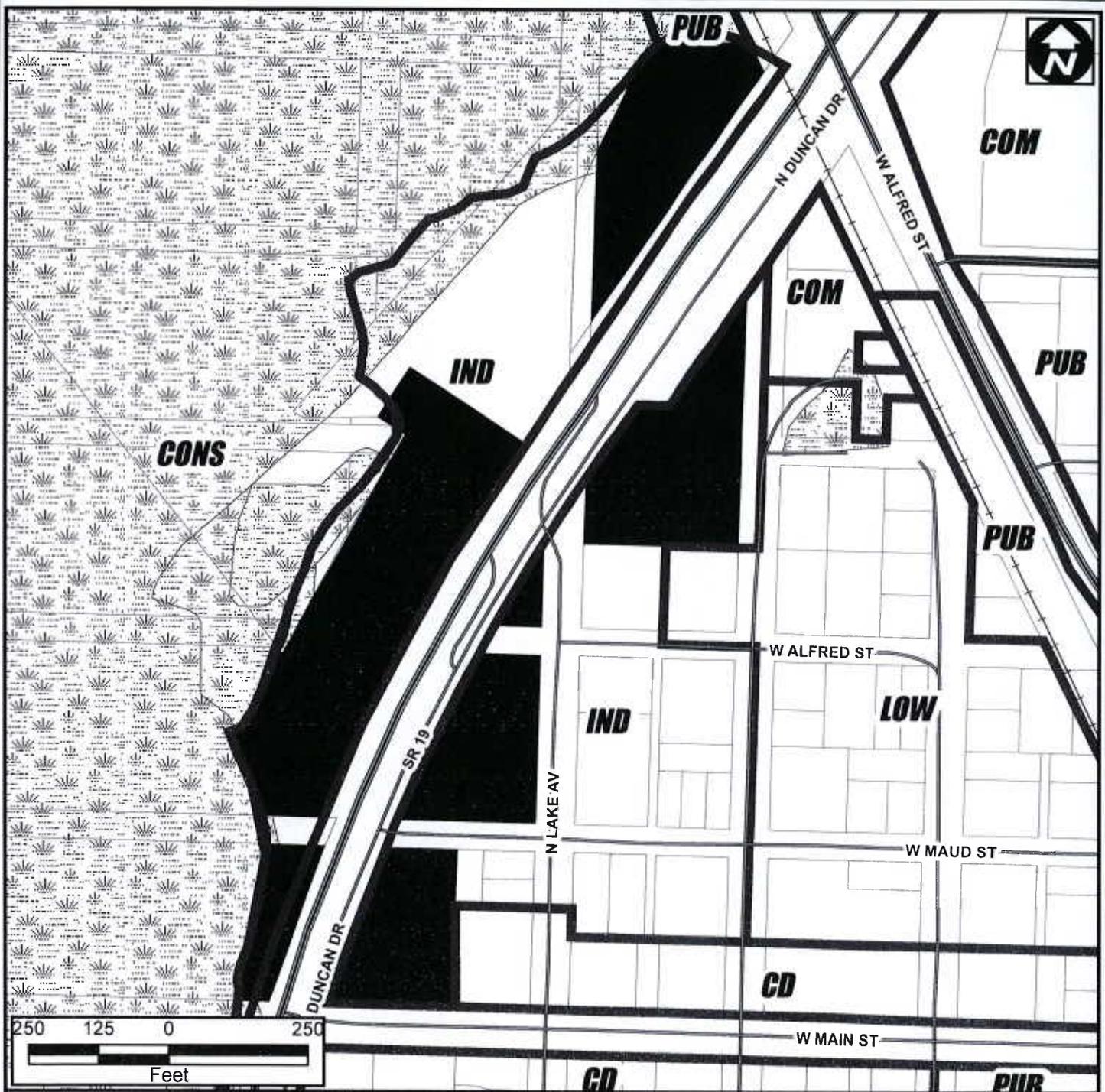
TAVARES BLK 65 E OF GOV MEANDER LINE & NW OF HWY, THAT PART
OF IANTHE ST LYING E OF LAKE AVE & W'LY OF HWY 19, ALLEY
WITHIN BLK 65, E'LY 1/2 OF VACATED LAKE AVE LYING W OF ABOVE
PARCEL PB 1 PG 64 (AK# 3845603)

CITY OF TAVARES



1

CITY OF TAVARES ORDINANCE # 2012-30



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 # 2012-30

Current FLU: IND
Proposed FLU: COM
10.0 ± Acres

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

Client Name: / PO# MIKE FITZGERALD
 Advertiser: City of Tavares
 Section/Page/Zone: Lake Zone/D004/LAK
 Description: Ordinance 12-29 and 12-30

Ad Number: 892585-1
 Insertion Number: 3 x 10.5
 Size: B&W
 Color Type:

Orlando Sentinel
Publication Date: 10/08/2012

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Lake Sentinel

'Beast Feast' serves up gourmet meat for good cause

The Leeburg Center for the Arts will present its annual "Beast Feast" from 5:30 to 7:30 p.m. Oct. 25 on the grounds of the historic Mote-Morris House, 305 SW Magnolia St. The feast will benefit children's programs at the center.

The feast will feature gourmet entrees, live entertainment and more than 40 food and beverage stations. In the past, some of the entrees included quail, venison, abata, veal, golden lamb, pork, chicken, along with oysters, fresh conk peas, sweet potato casse-

role, cabbage, beverages and more. Advance tickets are \$25 and \$50 at the door.
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 Debbie Martin

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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 2012-29 & Ordinance 2012-30 titled as follows:

ORDINANCE 2012-29
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING APPROXIMATELY 11.23 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WANSFIELD ROAD, FROM FUTURE PLANNING AND ZONING TO HIGH DENSITY RESIDENTIAL, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-30
 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 5.6 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF WANSFIELD ROAD, FROM LOW DENSITY TO HIGH DENSITY, PROVIDING FOR SEVERABILITY AND COMPLETIONS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-29 & Ordinance 2012-30 will be considered at the following public meetings:

- Tavares Planning & Zoning Board meeting on October 18, 2012, at 3 p.m., and
- Tavares City Council meeting on November 5, 2012, at 6 p.m. (Introduction and First Reading by Title Only), and
- Tavares City Council meeting on December 9, 2012 at 6 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 2012-29 & Ordinance 2012-30 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 appear at a session of the public body should secure himself a verbatim record of the proceedings in advance.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32780, 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

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 2012-28 & Ordinance 2012-30 titled as follows:

ORDINANCE 2012-28
 AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, REZONING A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 18 NORTH OF MAIN STREET AND SOUTH OF ALPHEE STREET, FROM INDUSTRIAL TO HIGHWAY COMMERCIAL (HC), SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2012-30
 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 A COMBINED TOTAL OF APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED ALONG STATE ROAD 18 NORTH OF MAIN STREET AND SOUTH OF ALPHEE STREET, FROM INDUSTRIAL TO COMMERCIAL, PROVIDING FOR SEVERABILITY AND COMPLETIONS, PROVIDING FOR TRANSMITTAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2012-28 & Ordinance 2012-30 will be considered at the following public meetings:

- Tavares Planning & Zoning Board meeting on October 18, 2012, at 3 p.m., and
- Tavares City Council meeting on November 5, 2012, at 6 p.m. (Introduction and First Reading by Title Only), and
- Tavares City Council meeting on December 9, 2012 at 6 p.m. (Second Reading)

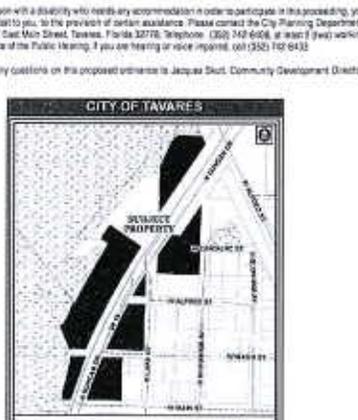
All meetings will be conducted in the Tavares City Council Chambers in City Hall at 201 East Main St., Tavares, Florida.

Proposed Ordinance 2012-28 & Ordinance 2012-30 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 appear at a session of the public body should secure himself a verbatim record of the proceedings in advance.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Planning Department, City of Tavares, 201 East Main Street, Tavares, Florida 32780, 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

CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
October 18, 2012

1
2
3
4
5
6 **BOARD MEMBERS PRESENT**

7
8 **John Adams, Chairman**
9 **Morris Osborn**
10 **Sam Grist**
11 **Gary Santoro**
12 **Norb Thomas**
13 **John Tanner**

14
15 **LAKE COUNTY SCHOOL BOARD**

16
17 **Debbie Stivender, Boardmember - Absent**
18 **Dawn McDonald, Senior Planner - Absent**
19 **Richard Root, Boardmember - Absent**

20
21 **STAFF MEMBERS PRESENT**

22
23 **Jacques Skutt, Community Development Director**
24 **Alisha (Sullivan) Maraviglia, Senior Planner**
25 **Mike Fitzgerald, Development Coordinator**

26
27 **CALL TO ORDER**

28
29 John Adams, Chairman, called the meeting to order at 3:00 p.m. and the Pledge of Allegiance was
30 recited.

31
32 **APPROVAL OF MINUTES OF September 20, 2012**

33
34 The minutes were approved as read.

35
36 **OLD BUSINESS**

37
38 None.

39
40 **SWEARING IN OF THOSE GIVING TESTIMONY**

41
42 Bob Williams, Attorney, gave the oath to staff and those members of the audience who indicated they
43 would be giving testimony.

44
45 **CASES TO BE HEARD**

46
47 **1) Ordinance 2012-29 – SR 19 Industrial Property – City Initiated Rezoning**

48
49
50
51 Jacques Skutt, Community Development Director provided the following staff report;

1 Ordinance 2012-29 proposes a rezoning from Industrial to Highway Commercial for a group of
2 properties at the following addresses and parcel alternate key numbers:
3

4 Alt Key 1375665 – 916 W. Main Street; Alt Key 1375690 - 211 North Lake Ave; Alt Key 2695811 - 351
5 North Duncan Drive; Alt Key 1375673 – 918 W Main Street ; Alt Key 1754771 – 335 N. Duncan Drive;
6 Alt Key 2695838 – 347 N. Duncan Drive; Alt Key 1375681 – 170 N. Duncan Drive; Alt Key 1754763 –
7 225 N. Duncan Drive; Alt Key 1375410 – 424 N. Duncan Drive; Alt Key 2761636 – 355 N. Duncan
8 Drive; Alt Key 1375622 - Vacant; Alt Key 3845603 – 575 N. Duncan Drive.
9

10 The subject properties consist of a total of approximately 10 acres in size. The properties are all
11 developed with the exception of a portion of property approximately 1 acre in size. There are multiple
12 independent owners. The City's adopted Downtown Master Plan encourages commercial uses in the
13 downtown core of our city which infers that industrially zoned properties in our central core should be
14 rezoned to a commercial designation.
15

16 Existing non-conforming industrial uses may continue indefinitely provided that they remain in
17 conformity with Chapter 7 of the City's Land Development Regulations which regulates non-conforming
18 uses. This allows maintenance, repair and reconstruction not exceeding 50% of the building's value.
19

20 Any redevelopment of these properties will be in accordance with the City's Land Development
21 Regulations which includes provisions for the architectural standards for new buildings and additions. A
22 Future Land Use Map amendment to a Commercial designation is concurrently under consideration.
23

24 A table extracted from Land Development Regulations, Chapter 8, comparing permitted uses allowed in
25 the Industrial and Highway Commercial zoning districts is provided along with this staff report as
26 Attachment A. There are many uses that are permitted in both the Industrial and Highway Commercial
27 zonings, such as Private Clubs and Lodges, resulting in a null effect.
28

29
30 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-29.
31

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

34 Mr. William Soreiro of 251 N. Duncan Drive asked several questions. His inquiries were largely related
35 to use of the property and financial assistance for improving the property.
36

37 It was determined that several of the properties were located in the Community Redevelopment Area
38 (CRA). Mr. Neron explained that the CRA formerly budgeted funding for improvement grants but that
39 due the recent economic down turn; there has not been sufficient funds to budget for this program.
40

41 In response to questions regarding continued use and tenancy, Bob Williams explained that the City's
42 Land Development Regulations allows for the continuation on non-conforming uses provided that the
43 use is not vacated for a period of greater than one year.
44

45 There was discussion of the non-conforming use policy at length.
46

47 Chairman Adams turned the discussion over to the Planning & Zoning Board.
48

49 Mr. Tanner communicated that many of the properties in the subject area were currently operating
50 businesses which would be permitted in the proposed zoning classification.
51

52 Jacques Skutt confirmed that and explained that staff has been approached by a number of property
53 owners that desired and supported the rezoning.

1
2 **MOTION**
3

4 **Sam Grist moved to recommend approval of Ordinance 2012-29. The motion was seconded by**
5 **Gary Santory. The motion carried 6-0.**
6

7 **2) Ordinance 2012-30 – SR 19 Industrial Property – City Initiated SSFLUM**
8

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

10
11 Ordinance 2012-30 proposes a small scale amendment to the Future Land Use Map 2020 of the
12 Comprehensive Plan as recommended in the Downtown Master Plan.
13

14 The combined area of the subject property is approximately 10 acres in size and includes the following
15 addresses and parcel alternate key numbers:
16

17 Alt Key 1375665 – 916 W. Main Street; Alt Key 1375690 - 211 North Lake Ave; Alt Key 2695811 - 351
18 North Duncan Drive; Alt Key 1375673 – 918 W Main Street ; Alt Key 1754771 – 335 N. Duncan Drive;
19 Alt Key 2695838 – 347 N. Duncan Drive; Alt Key 1375681 – 170 N. Duncan Drive; Alt Key 1754763 –
20 225 N. Duncan Drive; Alt Key 1375410 – 424 N. Duncan Drive; Alt Key 2761636 – 355 N. Duncan
21 Drive; Alt Key 1375622 - Vacant; Alt Key 3845603 – 575 N. Duncan Drive.
22

23 There are multiple independent owners of these properties. The property owners have been contacted
24 prior to this City initiated action in an effort to promote communication and understanding of the City's
25 vision for this important corridor and the benefits of this action for both the individual owner and the City
26 at large. For example, local real estate professionals estimate that Industrial property is currently
27 renting for \$2 to \$4 per square foot while retail space is renting for \$18 to \$20 per square foot.
28

29 This ordinance would amend the current Future Land Use Designation from Industrial to Commercial.
30 An application to rezone these properties to Highway Commercial is concurrently under consideration.
31

32 **Future Land Use Amendment/Compatibility**

33 These properties are located on the periphery of the city's downtown core and with one exception,
34 within the boundary limits of the Community Redevelopment Area. In order to ensure that the
35 development of properties along this peripheral corridor will be consistent with the overall vision for
36 Downtown's urban fabric, the Downtown Master Plan recommends changing the industrial designation
37 to commercial.
38

39 **Site Conditions**

40 All of the parcels are developed with the exception of a portion of property less than one acre in size.
41 Existing land uses in the area include a private social club, automotive uses, and a variety of industrial
42 uses.
43

44 **Impact on City Services**

45 All of the parcels are currently served with municipal water and sewer with the exception of a portion of
46 property less than one acre in size. The City's Concurrency Management System will ensure that Levels
47 of Service (LOS) will not be degraded beyond the adopted levels of service for all regulated public facilities.
48 It is anticipated that this amendment will not implicate any significant increase on Levels of Service.
49

50 **FINDINGS**

51 This amendment request is considered to be in compliance with the Comprehensive Plan Goals,
52 Objectives and Policies with the following findings:
53

- 1
2
3
4
5
6
7
1. A Commercial 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 future development of the subject property shall be monitored through the City's Concurrency Management System. (Comp Plan, Chapter 8)

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

9
10 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

11
12 There were no questions.

13
14 Chairman Adams turned the discussion over to the Planning & Zoning Board.

15
16 **MOTION**

17
18 **John Tanner moved to recommend approval of Ordinance 2012-30. The motion was seconded**
19 **by Morris Osborn. The motion carried 6-0.**

20
21 **3) Ordinance 2012-35 – Rezoning – Dora Lake Estates**

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

24
25 The subject property consists of approximately 11.23 acres located on the south side of Mansfield
26 Road. The property is currently owned by EAGLE FL III SPE LLC and CFL HOLDINGS LLC. The
27 property is vacant except for road and utility infrastructure that was installed for the planned Dora Lake
28 Estates subdivision. The applicant is proposing to rezone the property to (PD) Planned Development
29 and build a 250 unit assisted living / independent living facility on the property. The existing
30 infrastructure will be abandoned as part of the redevelopment plan for the property. The recorded Plat
31 for Dora Lake Estates will be vacated.

32
33 Any development of these properties will be in accordance with the City's Land Development
34 Regulations. A Future Land Use Map amendment to a High Density Residential designation is
35 concurrently under consideration.

36
37 Staff recommended that the Planning & Zoning Board move to recommend approval of Ordinance 2012-35.

38
39 Chairman Adams asked if there was anyone in the audience who would like to make a comment.

40
41 Mr. Alan Zell of 1075 Mansfield Road asked for additional information about the project and specifically
42 whether or not a buffer would be provided along the property line.

43
44 Mr. Skutt confirmed that there would be a substantial buffer provided.

45
46 Ms. D.J. Sperry asked if a buffer would be provided on the east side of the property as well.

47
48 Mr. Skutt explained that there would be a buffer at that location also.

49
50 Mr. Carlos Barrios of Barrios Engineering (representing the applicant) reviewed the conceptual plan
51 with the board and audience.
52

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

AGENDA TAB NO: 20

**SUBJECT TITLE: Resolution #2012-16 – FY 2012-2013 First Budget
Amendment amending the Adopted Budget for FY 2013**

OBJECTIVE:

To approve Resolution 2012-16, amending Fiscal Year 2012-2013 City of Tavares Annual Operating Budget

SUMMARY:

The attached resolution represents increases and/or decreases to the adopted and revised budget for Fiscal Year 2013. Appropriation increases represent previously approved reserve appropriations, encumbrance carry forwards for capital projects, and grants awarded subsequent to the final approval of the adopted budget. In addition the Resolution also reflects transfers between individual accounts within the adopted budgets for all departments.

This resolution represents the FIRST AMENDMENT to the Adopted Budget for Fiscal Year 2012-2013.

OPTIONS:

1. Approve Resolution 2012 - 16 amending the FY 2012-2013 City of Tavares Annual Operating Budget.
2. Do not approve Resolution 2012-16.

STAFF RECOMMENDATION:

Move to approve Resolution 2012-16, amending the Fiscal Year 2012-2013 City of Tavares Annual Operating Budget.

FISCAL IMPACT: Estimated revised budget line item details are included with the budget detail for this amendment.

LEGAL SUFFICIENCY:

The resolution has met legal sufficiency.

RESOLUTION 2012 - 16

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, AMENDING THE 2013 FISCAL YEAR ADOPTED BUDGET FOR THE CITY OF TAVARES, REPRESENTING THE FIRST ADJUSTMENT TO THE ADOPTED BUDGET, AND PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR, AND CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:

Section 1. That the adopted budget for the City of Tavares for Fiscal Year 2013 should be increased from \$29,773,855 to \$33,392,988 in both revenues and expenditures where the increase represents increases or decreases in estimated revenues and increases in reserve appropriations in operating funds and capital project funds for prior year projects, and appropriations for awarded grants, and the change represents the first amendment to the adopted budget for fiscal year 2013. (Exhibit A)

Section 2. Any resolution or portion of a resolution in conflict with this resolution or any portion of this resolution is hereby repealed.

Section 3. If any section, sentence, clause, phrase or word of this resolution is held invalid by a court of competent jurisdiction, the remainder of the resolution shall not be affected and remain in full force and effect.

Section 4. This resolution shall be effective upon its adoption.

Fund Name	Fund Number	Estimated Revenues ¹	Reserve Appropriations or (Non-Appropriated Revenues) ^{2,3}	Estimated Appropriations
General Fund	001	\$ 12,678,388	\$ (61,249)	\$ 12,617,139
Water/Wastewater Utility	401	7,318,425	807,904	8,126,329
Water/Wastewater Impacts	441	-	974,468	974,468
W/WW RR&I Fund	443	300,000	(218,150)	81,850
SRF Construction Fund	444	311,379	-	311,379
W/WW SRF Loan	445	1,202,173	-	1,202,173
	446	656,546	-	656,546
Solid Waste	402	2,465,675	-	2,465,675
Stormwater	403	657,980	(83,645)	574,335
Seaplane Base Fund	405	691,159	5,088	696,247
Pavilion Fund	406	50,162	-	50,162
Police Education	102	2,025	(525)	1,500
Police Automation	103	-	-	-
Community Redevelopment	105	148,845	10,519	159,364
Police Impacts	110	-	110,000	110,000
Fire Impacts	111	-	-	-
Forfeiture Fund	112	-	-	-
Park Impacts	114	-	-	-
Fire Assessment Fund	122	1,569,134	-	1,569,134
Infrastructure Sales Tax	150	1,175,410	252,353	1,427,763
Grant Fund	151	57,386	-	57,386
Debt Service Fund	201	384,093	-	384,093
Capital Project Fund	301	-	1,298,178	1,298,178
Dental Insurance Fund	501	-	250,000	250,000
Municipal Police Pension	601	682,049	(498,819)	183,230
Firefighter's Pension	602	1,465,894	(1,277,312)	188,582
Mildred Hunter Trust	605	181	-	181
Woodlea Park Playground Trust	606	274	-	274
		<u>\$ 31,817,178</u>	<u>\$ 1,568,810</u>	<u>\$ 33,385,988</u>

¹ Estimated Revenues = anticipated revenue collections

² Negative Reserve Appropriations assumes unappropriated revenues

³ Positive Reserve Appropriations assumes appropriating (spending) an amount of reserves.

PASSED and ADOPTED this 5th day of December 2012, by the City Council of the City of Tavares, Florida.

Robert Wolfe, Mayor
Tavares City Council

ATTEST:

Nancy A. Barnett
City Clerk

Approved as to form:
Robert Q. Williams
City Attorney

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