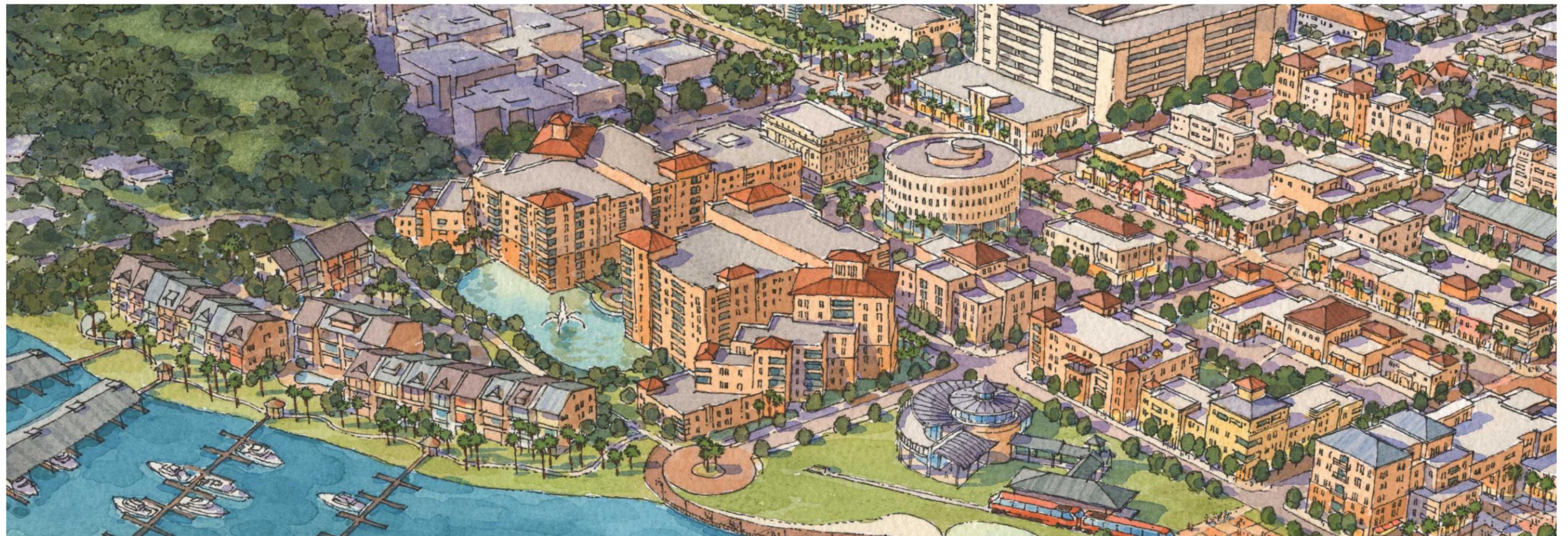


Part IV

Appendix B: Statutory Requirements



STATUTORY REQUIREMENTS

This section addresses the specific requirements of Chapter 163, Part III, Florida Statutes, as they relate to the preparation and adoption of Community Redevelopment Plans in accordance with Sections 163.360 and 163.362. Provided below is a brief synopsis of each Sub-Section requirement from 163.360 and 1653.362, and a brief description of how the redevelopment plan and adoption process meet those requirements.

163.360 – COMMUNITY REDEVELOPMENT PLANS

Section 163.360 (1), Determination of Slum or Blight By Resolution

This section requires that a local governing body determine by resolution that an area has been determined to be a slum or blighted area before a redevelopment area can be established.

Action: The City of Tavares commissioned a Downtown Tavares Blight Study establishing the conditions of blight in the Downtown Tavares Redevelopment Area and designating the area as appropriate for community redevelopment.

Section 163.360 (2)(a), Conformance with the Comprehensive Plan

The Local Planning Agency is charged with determining that the Downtown Tavares Redevelopment Plan is in conformance with the adopted Comprehensive Plan.

Action:

The Local Planning Agency determined conformance with the City's Comprehensive Plan at a meeting held on

Section 163.360 (2)(b), Completeness

This section requires that the redevelopment plan be sufficiently complete to address land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation of properties within the redevelopment area as well as zoning or planning changes; land uses, maximum densities and building requirements.

Action:

These issues are addressed in the Land Use and Development Characteristics section (Chapter 4), Urban Design and Historic Preservation, Implementation Strategies (Chapter 10) and are reflected in the proposed Capital Projects and Program Initiatives section (Chapter 11).

Section 163.360 (2)(c), Development of Affordable Housing

This section requires the redevelopment plan to provide for the development of affordable housing, or to state the reasons for not addressing affordable housing.

Action:

The Redevelopment Plan anticipates the need to maintain and provide affordable housing within the community where it currently exists in the Downtown Tavares Redevelopment Area. The Redevelopment Agency will coordinate with the local housing authority and Lake County to seek opportunities for the development of affordable housing. The Land Use Planning and Development Characteristics section (Chapter 4) identifies strategies to promoting affordable housing in the Downtown. The purpose of the Redevelopment Plan is to encourage market rate housing in the Downtown Tavares area as one component of mixed-use development patterns designed to attract private investment.

Section 163.360 (3), Community Policing Innovations

The redevelopment plan may provide for the development and implementation of community policing procedures.

Action:

The Redevelopment Plan supports the use of community policing as stated in the Public Facilities and Amenities chapter of the Redevelopment Plan (Chapter 7).

Section 163.360 (4), Plan Preparation and Submittal Requirements

The Community Redevelopment Agency may prepare a Community Redevelopment Plan Update. Prior to considering this plan, the redevelopment agency will submit the plan to the local planning agency for review and recommendation as to its conformity with the comprehensive plan.

Action:

The City Council has authorized the preparation of this Community Redevelopment Plan through the contracted services of the IBI Group Inc., Certified Planners and Licensed Landscape Architects. On _____ 2008, the Local Planning Agency determined that the redevelopment plan was in conformance with the City's Comprehensive Plan.

Section 163.360 (5)(6)(7)(a)(b)(c)(d)(e), Plan Approval 163.360 (5). The Community Redevelopment Agency will submit the Redevelopment Plan, along with written recommendations, to the governing body and each taxing authority operating within the boundaries of the redevelopment area.

Action: The City of Tavares will submit this Redevelopment Plan to the Lake County Government Board of Commissioners to pass a resolution delegating redevelopment powers to the City prior to final adoption of the Plan as provided by statute. Following this, the City Council will proceed with a public hearing on the redevelopment plan as outlined in subsection (6), below.

163.360 (6). The governing body shall hold a public hearing on the Community Redevelopment Plan after public notice by publication in a newspaper having a general circulation in the area of operation of the Downtown Tavares Community Redevelopment Area.

Action: A public hearing on the Downtown Tavares Community Redevelopment Plan will be held on _____ at _____ in.

163.360 (7). Following the public hearing described above, the City Council may approve the redevelopment plan if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the Redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

Action: To minimize the relocation impact, the Agency will provide supportive services and equitable financial treatment to any individuals, families and businesses subject to relocation. When feasible, the relocation impact will be mitigated by assisting relocation within the immediate neighborhood and by seeking opportunities to relocate within new/redeveloped buildings that will contain residential and commercial space.

(b) The Redevelopment Plan conforms to the general or comprehensive plan of the county or municipality as a whole;

Action: The City's Local Planning Agency made recommendations to ensure that the Downtown Tavares Redevelopment Plan conforms to the City's Comprehensive Plan on _____, 2008.

(c) The Redevelopment Plan gives due consideration to the utilization of community policing procedures, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan;

Action: The need to utilize community policing procedures is supported in Section 3 above. The plan recommends improved recreational opportunities as referenced in the Urban Design Plan and analysis and recommendations sections and the costs for which are contained in the Capital Improvements Budget

(d) The Redevelopment Plan will afford maximum opportunity consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the redevelopment area by private enterprise.

Action: The need for, and role of, private enterprise/investment to ensure the successful rehabilitation or redevelopment of the Downtown Tavares area is described throughout the Plan.

(e) *Maintenance of coastal area evacuation time and protection of property against exposure to natural disasters.*

Action: *Not applicable. This is for redevelopment areas that are located in a coastal tourist area.*

Section 163.360 (8)(a)(b), Land Acquisition

These sections of the statute establish requirements for the acquisition of vacant land for the purpose of developing residential and non-residential uses. The Redevelopment Plan supports future development of both residential and nonresidential uses at various locations in the redevelopment area as defined in the Land Use and Development Characteristics chapter (Chapter 4). The Plan identifies strategies that will promote and facilitate public and private sector investment in vacant land acquisition for these purposes.

Section 163.360 (9), Full Force and Effect

Upon approval by a governing body of a community redevelopment plan or any modification thereof, the plan and/or modification shall be deemed in full force and effect.

Action:

None, this sub-section will apply once the City Council adopts the Downtown Tavares Community Redevelopment Plan.

Section 163.360 (10), Need as a Result of Emergency.

Provides guidance for development of a redevelopment plan when an area has been designated as blighted as the result of an emergency under Chapter 252.34(3).

Action: Not Applicable.

Chapter 163.362 - Contents of Community Redevelopment Plans

Every community redevelopment plan shall:

Chapter 163.362(1) Legal Description

Contain a legal description of the boundaries of the redevelopment area and the reasons for establishing such boundaries shown in the plan.

Action:

A legal description of the boundaries of the redevelopment area and the reasons for establishing the boundaries are contained in the Finding of Necessity Study.

The Legal Description has been incorporated into this Redevelopment Plan (Appendix D)

Chapter 163.362(2) Show By Diagram and General Terms:

(a) Approximate amount of open space and the street layout.

Action: This task is accomplished through the Redevelopment Plan in Composite Plan and Urban Design Plan (Part III, Chapters 4 and 5)

(b) Limitations on the type, size, height number and proposed use of buildings.

Action: This is also described in Part III- Redevelopment Plan, however it is expected that the City's zoning ordinance and land development regulations will continue to provide the regulatory framework for any building dimension or style limitations.

(c) The approximate number of dwelling units.

Action: Based on the future land use concepts contained in the Plan, and the expressed desire to increase residential opportunities in the Downtown Tavares Redevelopment Area, it can be reasonably expected that new investment in housing will occur over time. Future development of moderate to high density residential projects are encouraged in other areas of the redevelopment area, as well as new investment in single family in-fill, if successful, residential density is expected to increase.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities and public improvements of any nature.

Action: A current summary of these uses and facilities is contained in the Inventory Section of the Redevelopment Plan (Appendix A). Proposed future uses and activities of this nature are described in Part III- Redevelopment Plan (Chapter 4- Land Use and Development Characteristics; Chapter 5- Urban Design and Historic Preservation; and Chapter 7- Public Facilities and Amenities).

Chapter 163.362(3) Neighborhood Impact Element

If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas.

The Downtown Tavares Redevelopment Area contains approximately 200 dwelling units which may be considered low to moderate-income units. The Redevelopment Plan makes provisions for affordable housing through rehabilitation and new construction. Shortages in affordable housing will be addressed through existing and new affordable housing development strategies, with an emphasis on developing ways in which affordable housing can be integrated within market rate housing projects.

The implementation of the Downtown Tavares Plan will contribute significantly in improving the quality of life for the citizens residing in the Downtown Tavares and surrounding areas. While all impacts cannot be determined without site-specific proposals that evaluate impacts, this section provides a summary of potential impacts that may occur in each category required by statute. The specific categories that must be addressed are: **relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.**

Relocation

The Redevelopment Plan as proposed supports the preservation of existing residential areas and does not require the relocation of any of the low or moderate income residents of the redevelopment area. To minimize the relocation impact, the Agency will provide supportive services and equitable financial treatment to any individuals, families and businesses subject to relocation. When feasible, the relocation impact will be mitigated by assisting relocation within the immediate neighborhood and by seeking opportunities to relocate within new/redeveloped buildings that will contain residential and commercial space.

Traffic Circulation

The implementation of the Redevelopment Plan recommendations related to streetscape improvements and traffic circulation are anticipated to positively impact the Downtown Tavares Area. The Urban Design and Historic Preservation section (Chapter 5) and the Circulation and Connectivity section (Chapter 6), a component of the Redevelopment Plan, envisions enhancing identified roadways through streetscape improvements that encourage pedestrian mobility and improve vehicular circulation within the area.

Environmental Quality

The City has invested substantially in addressing stormwater management issues throughout the City. The City is currently conducting a stormwater master plan to minimize the outfall into Lake Dora. The Redevelopment Agency will work closely with developers to ensure anticipated new development does not impact the drainage capacity of the area, and when feasible support on-site provision of stormwater retention facilities in new development. The Redevelopment Plan recommends obtaining an area-wide stormwater permit to address issues for the entire district.

The Redevelopment Plan recommends strategies related to the environmental issues including wetlands, water quality, green buildings, and sustainable transportation modes in the Environment section (Chapter 9). The City will closely monitor the capacity of the existing and planned stormwater infrastructure to ensure sufficient capacity exists, and there are no negative impacts from development. In terms of vegetation and air quality, proposed streetscape improvements are anticipated to add vegetation to the Downtown Tavares Redevelopment Area and also preserve the existing mature tree canopies, contributing significantly in improving the area's air quality. No negative impact on the existing sanitary sewer is expected from implementation of the Redevelopment Plan. Sufficient capacity exists to support anticipated development. If future deficiencies are projected, the City and the Redevelopment Agency will ensure that adequate capacity is available at the time of development.

Community Facilities and Services

The Redevelopment Plan supports the expansion of the Tavares Public Library and Civic Center along Caroline Street and the identifies additional projects related to the public facilities and amenities in Chapter 7- Public Facilities and Amenities. Additionally, the Plan also presents several strategies to create a Downtown Tavares Square and Urban Plaza that is envisioned to accommodate a diverse range of cultural facilities that will serve the needs of the area youth, adults, and elderly. Existing open space/ recreation facilities in the area and its vicinity include the Wooton Park, Ridge Park, Ingraham Park, Aesop's Park, Tavares Public Library and Civic Center, the Fred Stover Sports Complex (located east of the Redevelopment Area), and the proposed Wooton Park improvements. The Plan recognizes the importance of these facilities and supports planned improvements of these facilities. The Tav-Lee trail planned improvements, are an integral component of the redevelopment area's recreation and open space network. Physical Improvements recommended in the Redevelopment Plan intend to preserve the wetlands as important conservation areas as well as valuable community open space elements.

Effect on School Population

The Redevelopment Plan does not anticipate significantly impacting the area's school population other than the recommendation to continue discussions with the Lake County School Board to consider the expansion of the Tavares High School as the redevelopment program matures. Any increase in school population is expected to be handled by the existing schools in the redevelopment area and its vicinity: Tavares High School, Tavares Middle School, and the Tavares Elementary School. The Redevelopment Plan recommends streetscape improvements and sidewalk installations connecting the area schools to improve pedestrian safety and walkability for the school population. The City and the Redevelopment Agency will continue to work closely with Lake County School Board to ensure the board's future plans for area schools are consistent with the Redevelopment Plan.

Physical and Social Quality

The Plan's recommendations to continue with improvements to the existing streetscape environment (street lighting, sidewalks, street trees, gateways and directional signage); redevelopment of vacant land and former industrial sites; establishing urban design and architectural standards for new development; and continued code enforcement will have a positive impact on the area's physical and visual character.

Implementation of the redevelopment plan will improve community access to the social service network currently available to the area residents. Forging partnerships to attract higher education satellite campuses in the Downtown will increase employment opportunities and serve as a tool to improve the quality of life for area residents.

Chapter 163.362(4) Publicly Funded Capital Projects

Identify specifically any public funded capital projects to be undertaken within the community redevelopment area.

Action:

A list of publicly funded projects located within the boundaries of the redevelopment area is contained in the Capital Improvements Program section (Chapter 11) of this Plan.

Chapter 163.362(5) (6) Safeguards and Retention of Control

Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan. Provide for the retention of controls and establishment of any restrictions or covenants running with land sold or leased for private use.

Action:

The following safeguards and procedures will help ensure redevelopment efforts in the redevelopment area are carried out pursuant to the redevelopment plan: The Community Redevelopment Plan is the guiding document for future development, redevelopment and ancillary programs, projects and activities in and for the Downtown Tavares Redevelopment Area. In order to assure that redevelopment will take place in conformance with the projects, goals and policies expressed in this plan, the Downtown Tavares Community Redevelopment Agency will utilize the regulatory devices, instruments and systems used by the City of Tavares to permit development and redevelopment within its jurisdiction. These include but are not limited to the Comprehensive Plan, the Land Development Code, the Zoning Code, adopted design guidelines, performance standards and City authorized development review, permitting and approval processes. Per Florida Statute, the City Council retains the vested authority and responsibility for:

1. The power to grant final approval to Redevelopment Plans and modifications.
2. The power to authorize issuance of revenue bonds as set forth in Section 163.385.
3. The power to approve the acquisition, demolition, removal or disposal of property as provided in Section 163.370(3), and the power to assume the responsibility to bear loss as provided in Section 163.370(3).

In accordance with Section 163.356(3)(c), by March 31 of each year the Redevelopment Agency shall file an Annual Report with the City of Tavares detailing the Agency's activities for the preceding fiscal year. The report shall include a complete financial statement describing assets, liabilities, income and operating expenses. At the time of filing, the Agency shall publish in a newspaper of general circulation a notice that the report has been filed with the City and is available for inspection during business hours in the office of the City Clerk and the Downtown Tavares Community Redevelopment Agency. The Community Redevelopment Agency shall maintain adequate records to provide for an annual audit, which shall be conducted by an independent auditor and will be included as part of the City of Tavares Comprehensive Annual Financial Report for the preceding fiscal year. A copy of the Agency audit, as described in the CAFR will be forwarded to each taxing authority. The Agency shall provide adequate safeguards to ensure that all leases, deeds, contracts, agreements, and declarations of restrictions relative to any real property conveyed shall contain restrictions and/or covenants to run with the land and its uses, or other provisions necessary to carry out the goals and objectives of the redevelopment plan. The redevelopment plan may be modified, changed, or amended at any time by the Downtown Tavares Community Redevelopment Agency and City Council provided that; if modified, changed, or amended after the lease or sale of property by the Agency, the modification must be consented to by the developer or redevelopers of such property or his successors or their successors in interest affected by the proposed modification. Where the

proposed modification will substantially change the plan as previously approved by the governing body, the City Council will similarly approve the modification. This means that if a developer acquired title, lease rights, or other form of development agreement, from the Agency to a piece of property within the redevelopment area with the intention of developing it in conformance with the redevelopment plan, any amendment that which might substantially affect his/her ability to proceed with that development would require his/her consent

When considering modifications, changes, or amendments in the redevelopment plan, the Agency will take into consideration the recommendations of interested area property owners, residents, and business operators. Proposed minor changes in the Plan will be communicated by the agency responsible to the affected property owner(s).

Chapter 163.362(7) Assurance of Replacement Housing for Displaced

Persons

Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

Action:

As previously stated, to minimize the relocation impact, the Agency will provide supportive services and equitable financial treatment to any individuals, families and businesses subject to relocation. When feasible, the relocation impact will be mitigated by assisting relocation within the immediate neighborhood and by seeking opportunities to relocate within new/redeveloped buildings that will contain residential and commercial space

Chapter 163.362(8) Element of Residential Use

Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low to moderate income, including the elderly.

Action:

There are residential uses of various types and character, including, single-family, multi-family, rental units, owner occupied units, and detached units in existence in the redevelopment area at the time of this writing. The efforts undertaken by the Agency, as described in this Redevelopment Plan, are intended to retain and enhance a high quality of residential use, particularly with regard to developing and maintaining sustainable neighborhoods. Redevelopment program activities will strive to cultivate the positive neighborhood characteristics cited by the community during public workshops and reduce or eliminate any negative characteristics.

The establishment of a revitalized and expanded residential base within the Downtown Tavares community is essential to achieve a successful economic redevelopment program. Residents living within the redevelopment area will comprise components of the work force and the market, which will generate economic activity.

Chapter 163.362(9) Statement of Projected Costs

Contain a detailed statement of the projected costs of development, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment funds.

Action:

Project costs and funding sources are described in the Capital Improvements Program section (Chapter 11) of the Redevelopment Plan.

Chapter 163.362(10) Duration of Plan

Provide a time certain for completing all redevelopment financed by increment revenues.

Action:

The Downtown Tavares Community Redevelopment Plan shall remain in effect and serve as a guide for future redevelopment activities in the redevelopment area through 2035.

Chapter 163.362(11) Statutory Predisposition

This section provides relief to some of the subsections of Section 163.360, if the redevelopment plan was adopted before Chapter 84-356, Laws of Florida, became a law.

Action: Not Applicable.