

AGENDA



City of Tavares Planning & Zoning Advisory Board

May 16, 2024 -- 3:00 PM

TAVARES CITY HALL COUNCIL CHAMBERS

201 E MAIN STREET, TAVARES

I. Call to Order

II. Pledge of Allegiance

III. Approval of Minutes

1. Approval of the February 15, 2024 Planning and Zoning Board Meeting Minutes (Deputy Clerk)

IV. Swearing in by City Attorney and Disclosure of Exparte Contacts

V. Public Hearings

1. Ordinance 2024-06 – An ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow Backyard Chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.
2. Ordinance 2024-07 (Transmittal) – Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, Amending the Density for the Commercial Downtown (CD) Category.
3. Ordinance 2024-08 – Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

VI. Other Business

VII. Audience to be heard

VIII. Adjournment

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

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352) 742-6209.

**AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
5/16/2024**

AGENDA TAB NO.: 1.

SUBJECT TITLE: Approval of the February 15, 2024 Planning and Zoning Board Meeting Minutes (Deputy Clerk)

OBJECTIVE:

To consider approval of the February 15, 2024 Planning and Zoning Board Meeting minutes

SUMMARY:

Attached are the February 15, 2024, Planning and Zoning Board meeting minutes as submitted by the Deputy City Clerk.

OPTIONS:

1. Move to approve the Planning and Zoning Board meeting minutes as submitted by the Deputy Clerk.
2. Move to approve the Planning and Zoning Board meeting minutes with corrections.

STAFF RECOMMENDATION:

For Board approval.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

Yes.

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. 02-15-2024 PZ Minutes Draft

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
February 15, 2024**

BOARD MEMBERS PRESENT

Gary Santoro, Chairman - Absent
Deborah Murphy, Vice-Chairman
Dian Joy, Board Member
Bruce Peterman, Board Member
Brooke Matthews, Board Member
James Sweezea, Board Member
Dara Treadwell, Board Member

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Antonio Fabre – Community Development Director
Terri O’Neal, City Planner
Amanda Boggus, City Attorney
Jillian Roberts, Deputy City Clerk

I. CALL TO ORDER

Vice-Chairman Murphy called the meeting to order at 3:00 p.m. and asked those present to silence their cell phones.

II. PLEDGE OF ALLEGIANCE

Vice-Chairman Murphy led those present in the Pledge of Allegiance.

III. APPROVAL OF MINUTES

Vice-Chairman Murphy asked if there are any additions or corrections to the January 18, 2024, Planning and Zoning Board Meeting minutes. There were none.

MOTION

James Sweezea moved to approve the minutes of the January 18, 2024 Planning and Zoning Board Meeting. Seconded by Bruce Peterman. The motion carried unanimously 6-0.

IV. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Attorney Boggus asked the Board Members if there were any ex-parte communications. There were none.

Attorney Boggus swore in those who were present and wished to provide testimony.

V. PUBLIC HEARING

1) Recommendation on Resolution 2024-04 – KH CW Lake Harris LLC request to Vacate Unimproved Right-of-Way Easement located at the westerly end of Woodlea Road of the Webley's Subdivision.

Mr. Fabre gave the following presentation:

This is a request to vacate a platted unimproved right-of-way easement located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida. The current property owner is petitioning to vacate the subject right-of-way since it is undeveloped and not practical as right-of-way. The right-of-way easement is completely situated on the existing Cresswind at Lake Harris Subdivision development.

On January 17, 2024, City Council approved the Final Plat for Phase 1 of Cresswind at Lake Harris, subject to vacation of this right-of-way. During the title and platting review process, a historic r-o-w easement dedicated to Sumter County was revealed. The Webley's Subdivision (AKA: "Infant Town of Florida") plat, filed on March 31, 1885, provides for an easement to be granted to Sumter County along the streets identified in the plat. On January 9, 2024, Sumter County has agreed to grant an Assignment of the R-O-W easements to the City of Tavares.

City staff reviewed the vacate request and determined no conflicts in the vacation regarding drainage, utilities, health, safety, or welfare of the Public. As a result, this official vacation will remove the city's public interest in this land.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Resolution 2024-04 vacation of right-of-way easement located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida.*
- 2. That the Planning & Zoning Board moves to recommend denial of Resolution 2024-04.*

STAFF RECOMMENDATION: *Staff recommends that the Planning & Zoning Board moves to recommend approval of Resolution 2024-04 vacation of an unimproved right-of-way located at the westerly end of Woodlea Road of the Webley's Subdivision, as recorded in Plat Book 1, Page 22, of the Public Records of Sumter County, Florida.*

Vice-Chairman Murphy asked for public comment. There were none.

Chuck Hiott from Halff Engineering and Justin Allen from Kolter Homes, representatives for the applicant stated they were available for questions.

MOTION

Bruce Peterman moved to recommend approval of Resolution 2024-04, seconded by James Sweeza. The motion carried unanimously 6-0.

2) Recommendation on Ordinance 2024-04 – Velaquez & Escobedo – Annexation and Rezoning of Approximately 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road

Mr. Fabre gave the following presentation:

SUMMARY:

The subject property is located on the east side of Camp Road and approximately 500 feet north of the Lane Park Road intersection and consists of approximately 12.24 acres of vacant land. The property is currently zoned as Lake County Agricultural Residential (AR), and the applicant is proposing that the property be annexed and rezoned to Residential Single-Family (RSF-A) District.

The subject property is also situated adjacent to the Leela Reserve Subdivision (Park Square Homes) development. On March 16, 2022, City Council approved a Development Agreement between the Leela Reserve's Developer for needed improvements on the existing Camp Road. Camp Road was constrained on the portion along the subject property. The applicant has agreed to dedicate additional right-of-way. Accordingly, administration fees were waived in consideration of the offsetting public benefit of the additional ROW dedication (see attachment). At this time, the applicant envisions construction of one (1) single-family residence on the subject property.

This property is in close proximity to a mixture of single-family residences, public facilities and institutional uses. Therefore, the proposed zoning of Residential Single-Family (RSF-A) is compatible with surrounding properties. The annexation of this property has been reviewed per the City's Annexation Policy. The property is contiguous to the City boundary. It also has been determined by City staff that the property may be properly serviced by the City without undue hardship or significant negative fiscal impact on the City. The City of Tavares has municipal water and wastewater utility services available for the subject property.

The City is concurrently processing a future land use map amendment to re-designate the property from Lake County Urban Low Density to City of Tavares Low Density (LOW) on the Future Land Use Map 2040.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-04 annexation and rezoning of approximately 12.24 acres of property located on the east side of Camp Road and approximately 500 feet north of Lane Park Road from Lake County Agricultural Residential (AR) to Residential Single-Family (RSF-A) District.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-04.

STAFF RECOMMENDATION: Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-04 annexation and rezoning of approximately 12.24 acres of property located on the east side of Camp Road and approximately 500 feet north of Lane Park Road from Lake County Agricultural Residential (AR) to Residential Single-Family (RSF-A) District.

Vice-Chairman Murphy asked for public comment.

Reginald Green, 12145 Lane Park Road, Lake County, noted his concern of increase in people and traffic. He also stated his concern of forced annexation and forced connection to services. Attorney Boggus stated that annexations in the City of Tavares are voluntary.

Ray Koneski, 12207 Lane Park Road, Lake County, noted his concern of the lake connecting to the property and there being more than one home on the property. Attorney Boggus noted the applicant is requesting one home and anything pertaining to the waterway is under St. Johns River Water Management.

Sheila Short, 12327 Lane Park Rd, Lake County, noted she is not against the property owner building the home and suggested the property owner to build in the county. She noted her concern of increased traffic and target shooting. Attorney Buggus stated that when target shooting, if a bullet goes onto another property it is deemed illegal.

Vice-Chairman Murphy closed public comment.

Board member Sweeza asked if residents would be forced to connect to city water and sewer and noted his concern of sub-dividing the property. Mr. Fabre noted city water and sewer would be provided and would be required to connect. He stated the property owner is limited on how many homes can be built due to the wetlands.

Attorney Boggus stated the lot is restricted on what can be built on high and dry ground because of the wetlands, septic fields, proximity to other wells and other regulations and restrictions.

MOTION

Dian Joy moved to recommend approval of Ordinance 2024-04. Seconded by James Sweeza

Board Member Treadwell noted she understands why the resident is annexing and connecting to city services and wants to make sure the surrounding property owners are protected.

The motion carried unanimously 6-0.

3) Recommendation on Ordinance 2024-05 – Velaquez & Escobedo – Small Scale FLUM Amendment of Approximately 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road

Mr. Fabre gave the following presentation:

SUMMARY:

The subject property is located on the east side of Camp Road and approximately 500 feet north of the Lane Park Road intersection and is approximately 12.24 acres in size. The land is presently vacant and has a land use designation of Lake County Urban Low Density. The property owner is requesting an amendment to the Tavares Comprehensive Plan Future Land Use Map 2040 to change the designation of said property from Lake County Urban Low Density to City Low Density (LOW).

Ordinance 2024-05 proposes a small-scale amendment to the Future Land Use Map 2040 of the Comprehensive Plan from Lake County Urban Low Density to City Low Density (LOW). The subject property is adjacent to a mixture of single-family residences, public facilities and institutional uses. An application to annex and rezone this property to a Residential Single-Family (RSF-A) District is concurrently under consideration.

Future Land Use Amendment

The parcel is designated as Lake County Urban Low Density on the County's Future Land Use Map. The small-scale Comprehensive Plan Amendment is proposed to designate the site as Low Density (not to exceed 5.6 du/ac). A City Low Density (LOW) designation is compatible with surrounding property and Future Land Use designations.

Compatibility

Land surrounding this property is residential, public facilities and institutional in nature. The property is contiguous to the City boundary.

Site Conditions

The property is currently vacant with approximately 6.8 acres of wetlands.

Impact on City Services

The subject property is located in the City's Utility Service Boundary Area. The City of Tavares has municipal water and wastewater utility service available for the subject parcel. 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. Adverse impacts on Levels of Service are not implicated.

Findings

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

1. A Low Density (LOW) 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.
2. Impacts of the proposed development of the subject property shall be monitored through the City's Concurrency Management System (Comp Plan, Chapter 8 & LDR's Chapter 10).

OPTIONS:

1. That the Planning & Zoning Board (LPA) moves to recommend approval of Ordinance 2024-05, a Future Land Use Map amendment from Lake County Urban Low Density to City of Tavares Low Density (LOW) designation for 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road.
2. That the Planning & Zoning Board (LPA) moves to deny the proposed Ordinance 2024-05.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board (acting as the LPA) moves to recommend approval of Ordinance 2024-05, a Future Land Use Map amendment from Lake County Urban Low Density to City of Tavares Low Density (LOW) designation for 12.24 Acres located on the east side of Camp Road and approximately 500 feet north of Lane Park Road.

Vice-Chairman Murphy asked for comments from the public.

Reginald Green, 12145 Lane Park Rd, Lake County, asked how many homes are allowed for low density and noted his concern of increased traffic. Attorney Boggus stated that per the 2040 Comprehensive Plan, 5.6 homes allowed per buildable acre are allowable for low density.

Sheila Short, 12327 Lane Park Rd, Lake County, asked if there is a connection fee for city water and sewer and noted her concern of connecting to city water and sewer. Mr. Fabre stated the property owner is responsible for connection fees.

Vice-Chairman Murphy closed public comment.

MOTION

Dian Joy moved to recommend approval of Ordinance 2024-02 seconded by Bruce Peterman. The motion carried 6-0.

VI. OTHER BUSINESS

1. Planning and Zoning Workshop

There was a consensus to postpone the Planning and Zoning Workshop until a later date.

VII. PUBLIC COMMENT

None.

February 15, 2024 - Planning and Zoning Board Meeting

VIII. ADJOURNMENT

MOTION

Bruce Peterman moved to adjourn the meeting at 3:53 p.m., seconded by Brooke Matthews. The motion carried unanimously 6-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
5/16/2024

AGENDA TAB NO.: 1.

SUBJECT TITLE: Ordinance 2024-06 – An ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow Backyard Chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.

OBJECTIVE:

To consider an ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow backyard chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.

SUMMARY:

On March 20, 2024, City Council directed staff to update the Land Development Regulations to allow for backyard chickens as an accessory use in residential zoning districts. Per the City Council direction, the proposed ordinance mirrors Lake County’s Chicken Code (see attached). Furthermore, an update to allow for a single-family residence (SFR) in an existing “lot-of-record” on “RMF-3” zoning district was also included. As of now, there are existing areas in the city (mainly, but not limited to, east of Summerall Ave and south of Wells Avenue) where there are existing SFRs on “RMF-3” zoning district. As a result, existing SFRs have a status of “non-conforming”. This action will allow SFRs to be legally conforming and eligible to be constructed, extended or rebuilt in conformance with the “RMF-2” zoning development standards.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-06, an ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow backyard chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-06.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-06, an ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow backyard chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2024-06
2. Lake County Code Backyard Chickens 10.01.06
3. AD - Ordinance 2024-06

ORDINANCE 2024-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS CHAPTER 8 ZONING REGULATIONS, TABLE 8-2 PERMITTED AND SPECIAL USES; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations Chapter 8, Zoning Regulations, Table 8-2 Permitted and Special Uses, to permit Backyard Chickens; and

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations, Chapter 8, Zoning Regulations, Table 8-2 Permitted and Special Uses, to permit one (1) single-family dwelling in the RMF-3 zoning district; therefore,

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

Section 1. Text Amendments.

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

Table 8-2 Permitted and Special Uses (30)

LAND USE	ZONING														
	RSF-E	RSF-A	RSF-1	RSF-2	RMF-2	RMF-3	R M H - P	R M H - S	P D	M U	CD	C-1	C-2	I	PFD
AGRICULTURE															
Citrus Groves	P	P	P	P	P	P	P	P		P	P	P	P	P	
Wholesale plant production, wholesale nurseries, and greenhouses														P	
Boarding and keeping of horses and cattle	P (7)	P (7)													
Backyard Chickens	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)									
RESIDENTIAL															

Single-family Dwelling	P	P	P	P	P	P (32)	P (2 8)	P (2 8)	(1)	P					
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NOTES: Table 8-2 Permitted and Special Uses

32. One (1) single-family dwelling may be permitted on an existing “lot-of-record.” Development Standards shall be as RMF-2 zoning district.

33. Chickens, other than roosters, shall be allowed for personal use as an accessory use subject to the following requirements:

- a. A maximum of five (5) chickens may be kept.
- b. Slaughtering of chickens is prohibited.
- c. Chickens must be secured within the chicken coop or fenced enclosure at all times.
- d. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container.
- e. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property.
- f. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.
- g. Chicken coop or fenced enclosure used to house chickens shall not be located in the front or side yards; and be set back a minimum of twenty (20) feet from all property lines.

Section 2. Severability and Conflicts

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

Section 3. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 2024, by the City Council of the City of Tavares, Florida.

Bob Grenier, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, City Attorney

Lake County Code:

https://library.municode.com/fl/lake_county/codes/code_of_ordinances?nodeId=APXALOLA_CHXACTESTUS_10.01.00REACTESTUS

10.01.06 Backyard Chickens. Chickens, other than roosters, shall be allowed for personal use as an accessory use within the Estate Residential (R-2), Medium Residential (R-3), Medium Suburban Residential (R-4), Urban Residential (R-6), Mixed Residential (R-7), and Mixed Home Residential (RM) Districts subject to the following requirements:

A. Any person keeping, harboring, raising or maintaining chickens as an accessory to an occupied dwelling unit shall be subject to the following restrictions:

1. No more than five (5) chickens may be kept;
2. Slaughtering of chickens is prohibited;
3. Chickens must be secured within the chicken coop or fenced enclosure at all times;
4. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property; and
6. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.

B. Chicken coop or fenced enclosure used to house chickens. Any chicken coop or fenced enclosure used to house chickens shall:

1. Not be located in the front or side yards; and
2. Be set back a minimum of twenty (20) feet from all property lines.

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
5/16/2024

AGENDA TAB NO.: 2.

SUBJECT TITLE: Ordinance 2024-07 (Transmittal) – Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, Amending the Density for the Commercial Downtown (CD) Category.

OBJECTIVE:

To consider approval of the transmittal to the State for review of Ordinance 2024-07 - Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, by amending the density for the Commercial Downtown (CD) Category from not to exceed 25 DU/AC to not to exceed 40 DU/AC.

SUMMARY:

The Future Land Use Commercial Downtown (CD) category is intended to support a wide range of uses with increased densities and intensities to complement the downtown’s roles as a focus for tourism, professional offices, retail, dining, civic, and cultural activities. This category is also intended to accommodate townhomes and multifamily dwellings. Furthermore, the City encourages compact mixed-use developments with increased density and intensity that promotes pedestrian and economic activity per the Land Use Element, Objective 1-3 Downtown Tavares, Policy 1-3.4 of the “Taking Flight” 2024 Comprehensive Plan.

The City of Tavares is experiencing an influx of growth, as many communities in Florida are experiencing. However, there is limited investment interest within the Commercial Downtown (CD) category. Investment in an infill project can present some challenges for investors, including assembly of fragmented property, potential environmental cleanup, limited financing options, demolition cost, higher construction costs for commercial and multi-story buildings, and density requirements.

As a result, other compatible cities have demonstrated higher densities in their downtown core areas (see attached table). The City of Tavares has the opportunity to consider an increased density requirement within the Commercial Downtown category. Ordinance 2024-07 proposes an increase in density for the Commercial Downtown from the adopted 25 dwelling units per acre to a more progressive 40 dwelling units per acre.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of the transmittal to the State for review of Ordinance 2024-07 - Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, by amending the density for the Commercial Downtown (CD) Category from not to exceed 25 DU/AC to not to exceed 40 DU/AC.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-07.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of the transmittal

to the State for review of Ordinance 2024-07 - Amending the City of Tavares "Taking Flight" 2040 - Comprehensive Plan Future Land Use Element, by amending the density for the Commercial Downtown (CD) Category from not to exceed 25 DU/AC to not to exceed 40 DU/AC.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2024-07 - Future Land Use Text Amendment
2. Proposed Commercial Downtown (CD) FLUM
3. Proposed Commercial Downtown (CD) Aerial MAP
4. Downtown Density Survey Table
5. AD - Ordinance 2024-07

ORDINANCE 2024-07

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE CITY OF TAVARES “TAKING FLIGHT” 2040 COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT, AMENDING THE DENSITY FOR THE COMMERCIAL DOWNTOWN (CD) CATEGORY, PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 18, 2020 the City of Tavares adopted a Comprehensive Plan in accordance with Florida Statutes – Chapter 163, and the State of Florida Local Government Comprehensive Planning and Land Development Regulation Act by adoption of Ordinance 2020-10; and,

WHEREAS, the City of Tavares proposes to amend the “Taking Flight” 2040 Comprehensive Plan Future Land Use Element and Future Land Use Map as they relate to the density allowed in the Commercial Downtown (CD) category; and,

WHEREAS, the Commercial Downtown (CD) category is intended to support a wide range of uses with increased densities and intensities to complement the downtown’s roles as a focus for tourism, professional offices, retail, dining, civic, and cultural activities. This category is also intended to accommodate townhomes and multifamily dwellings per the Land Use Element of the “Taking Flight” 2024 Comprehensive Plan; and,

WHEREAS, the City encourages compact mixed-use developments with increased density and intensity that promotes pedestrian and economic activity per Land Use Element, Objective 1-3 Downtown Tavares, Policy 1-3.4 of the “Taking Flight” 2040 Comprehensive Plan; and,

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

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

WHEREAS, the City Council finds this amendment in compliance with Chapter 163 and Chapter 187, Florida Statutes, and the City of Tavares Comprehensive Plan; and,

WHEREAS, adoption of this amendment is in the best interest of the health, safety, and general welfare of the citizens of Tavares.

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

Section 1. Comprehensive Plan Amendment: Text Amendment

The Comprehensive Plan is hereby amended with revisions for the density “Not to exceed 40 DU/AC” on the Commercial Downtown (CD) category on Table 1-1 “Land Use Category Development Standards” (**Exhibit “A”**) and on the Future Land Use Map (**Exhibit “B”**).

Section 2 Severability and Conflicts

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

Section 3 Transmittal

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

Section 4. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local

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

PASSED AND ORDAINED this _____ day of _____, 2024, by the City Council of the City of Tavares, Florida.

Bob Grenier, Mayor
Tavares City Council

Passed First Reading (Transmittal): _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C.T. Holt, City Attorney

EXHIBIT “A”

Table 1-1 – Land Use Category Development Standards

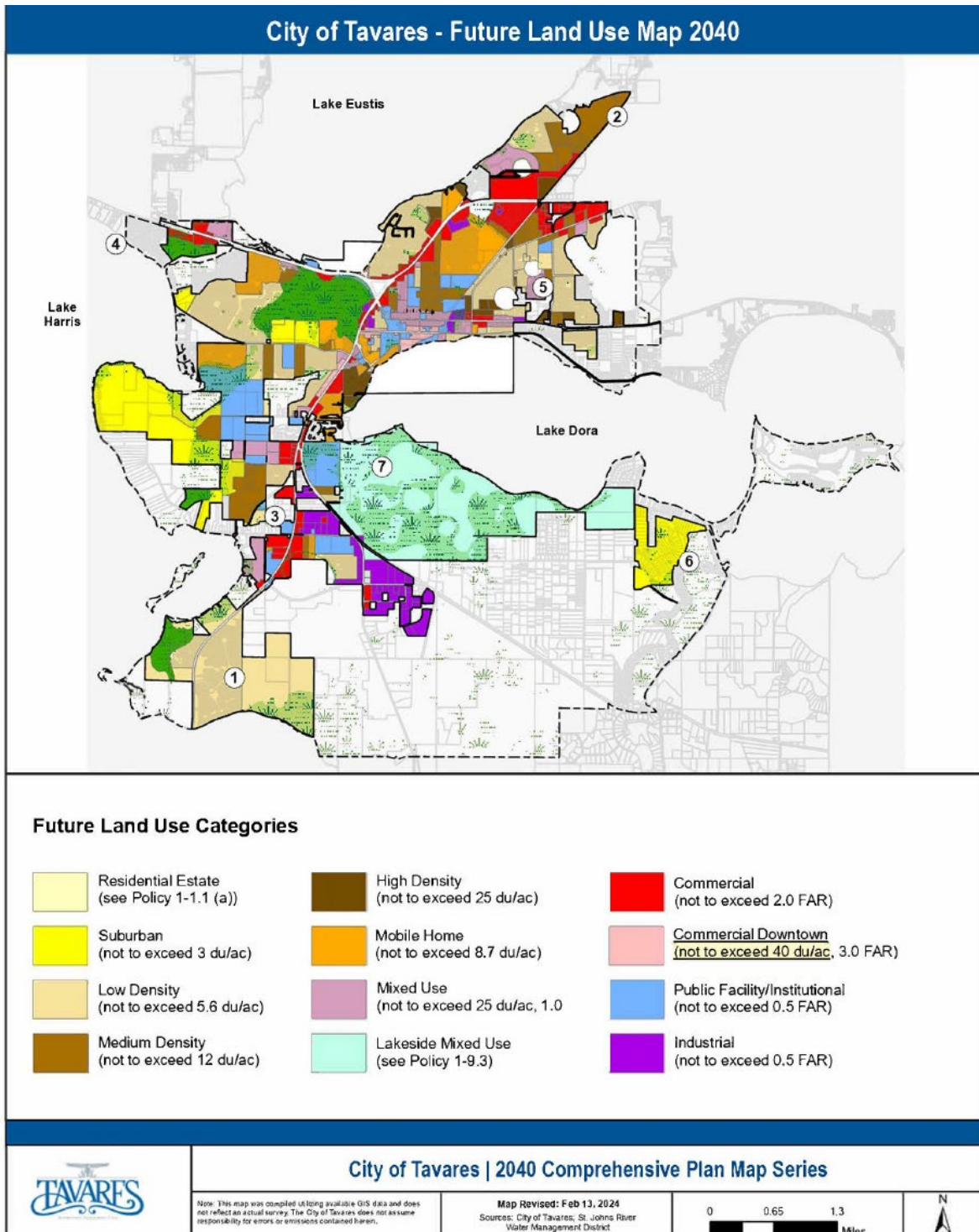
Land Use Category	Residential Density ¹	Nonresidential Intensity ¹
Residential Estate	Not to exceed 1 DU/AC ²	N/A
Suburban	Not to exceed 3.0 DU/AC	N/A
Low Density	Not to exceed 5.6 DU/AC	N/A
Medium Density	Not to exceed 12.0 DU/AC	N/A
High Density	Not to exceed 25.0 DU/AC	N/A
Mobile Home	Not to exceed 8.7 DU/AC	N/A
Mixed Use	Not to exceed 25 DU/AC	Not to exceed 1.0 FAR
Lakeside Mixed Use	See Policy 1-9.3	See Policy 1-9.3
Commercial	N/A	Not to exceed 2.0 FAR
Commercial Downtown	Not to exceed 25 40 DU/AC	Not to exceed 3.0 FAR
Public Facility/Institutional	N/A	Not to exceed 0.5 FAR
Industrial	N/A	Not to exceed 0.5 FAR
Conservation	N/A ³	N/A

¹ Maximum density or intensity is not entitled to any individual property or project. Site and environmental constraints, infrastructure capacity, buffer requirements, and compatibility with land development regulation standards may limit the development potential within these Future Land Use categories. Residential density is calculated as gross density, where the gross acreage includes all lands within the parcel boundaries above the mean high water line of any naturally occurring water body.

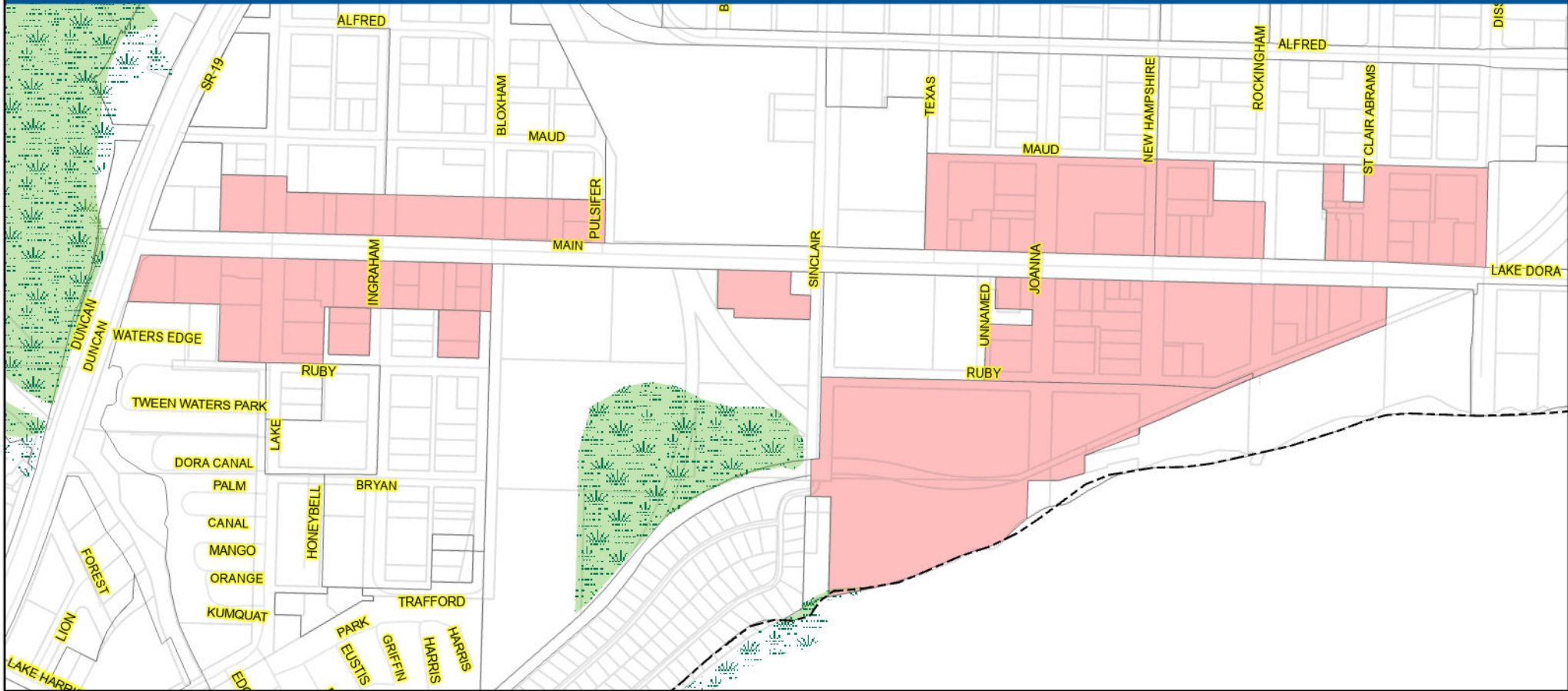
² See description of the Residential Estate category for additional standards.

³ Once defined as a wetland, development may occur consistent with Objective 5-3 and related policies within the Conservation Element. This property may be used for density calculations of 1 dwelling unit per acre providing a conservation easement is granted.

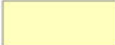
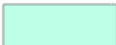
EXHIBIT "B"



CITY of TAVARES - COMMERCIAL DOWNTOWN



Future Land Use Categories

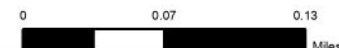
	Residential Estate (see Policy 1-1.1 (a))		High Density (not to exceed 25 du/ac)		Commercial (not to exceed 2.0 FAR)
	Suburban (not to exceed 3 du/ac)		Mobile Home (not to exceed 8.7 du/ac)		<u>Commercial Downtown</u> (not to exceed 40 du/ac, 3.0 FAR)
	Low Density (not to exceed 5.6 du/ac)		Mixed Use (not to exceed 25 du/ac, 1.0 FAR)		Public Facility/Institutional (not to exceed 0.5 FAR)
	Medium Density (not to exceed 12 du/ac)		Lakeside Mixed Use (see Policy 1-9.3)		Industrial (not to exceed 0.5 FAR)



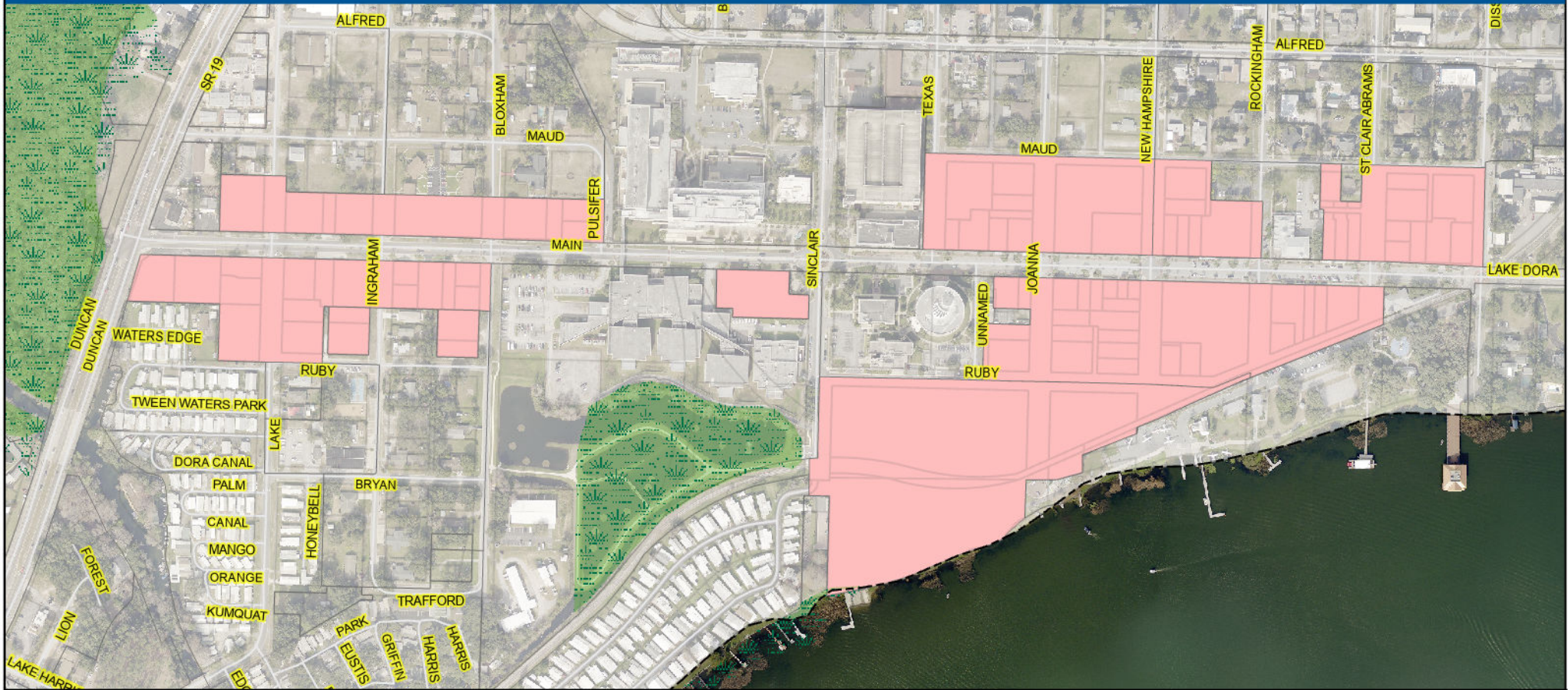
City of Tavares | 2040 Comprehensive Plan Map Series

Note: This map was compiled utilizing available GIS data and does not reflect an actual survey. The City of Tavares does not assume responsibility for errors or omissions contained herein.

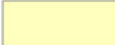
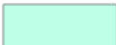
Map Revised: Feb 13, 2024
Sources: City of Tavares; St. Johns River
Water Management District



CITY of TAVARES - COMMERCIAL DOWNTOWN



Future Land Use Categories

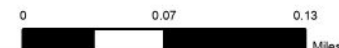
	Residential Estate (see Policy 1-1.1 (a))		High Density (not to exceed 25 du/ac)		Commercial (not to exceed 2.0 FAR)
	Suburban (not to exceed 3 du/ac)		Mobile Home (not to exceed 8.7 du/ac)		<u>Commercial Downtown</u> (not to exceed 40 du/ac, 3.0 FAR)
	Low Density (not to exceed 5.6 du/ac)		Mixed Use (not to exceed 25 du/ac, 1.0 FAR)		Public Facility/Institutional (not to exceed 0.5 FAR)
	Medium Density (not to exceed 12 du/ac)		Lakeside Mixed Use (see Policy 1-9.3)		Industrial (not to exceed 0.5 FAR)



City of Tavares | 2040 Comprehensive Plan Map Series

Note: This map was compiled utilizing available GIS data and does not reflect an actual survey. The City of Tavares does not assume responsibility for errors or omissions contained herein.

Map Revised: Feb 13, 2024
Sources: City of Tavares; St. Johns River
Water Management District



DOWNTOWN MAXIMUM DENSITY SURVEY

Municipality	Land Use Category	Residential Density
City of Mt Dora	Mixed Use Downtown (MU-2)	35 Dwelling Units per acre
City of Eustis	Central Business District (CBD)	40 Dwelling Units per acre
City of Clermont	Central Business District	40 Dwelling Units per acre ^{Note 1}
City of Winter Springs	Town Center District	36 Dwelling Units per acre
Orange City	Mixed Activity Center	40 Dwelling Units per acre
City of Sanford	Waterfront/Downtown Business District (WDBD)	50 Dwelling Units per acre

Note 1 - Maximum residential density in the Central Business District is 25 dwelling units per acre but may be increased to 40 dwelling units per acre, using City of Clermont's Bonus Provisions.

Source: Municode Codification and the City of Tavares, Community Development.

AGENDA SUMMARY
TAVARES PLANNING & ZONING ADVISORY BOARD
5/16/2024

AGENDA TAB NO.: 3.

SUBJECT TITLE: Ordinance 2024-08 – Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

OBJECTIVE:

To consider approval of an amendment of the Code of Ordinance Chapter 11 Miscellaneous Offenses, to adjust the hours of operation for residential blowers, outdoor vacuum or similar tool or machine and the Land Development Regulations Chapter 12 Performance Standards, to include criteria for noise levels in new residential dwelling units in a commercial or industrial zoned district and to adjust the hours of operation for the City's street cleaning equipment.

SUMMARY:

The State of Florida has enacted the Live Local Act, allowing developers the right to build or construct residential subdivisions and multifamily apartments in commercial and industrial zoned districts. The City of Tavares is seeking to ensure the residents right to quiet and peaceful enjoyment and to protect the quality of life, by amending the Land Development Regulations Chapter 12, Section 12-2 Prohibition of a Public Nuisance Noise. This amendment will include criteria for internal noise levels in new residential dwelling units, in a commercial or industrial zoned district.

Additionally, the City is also amending the Code of Ordinances Chapter 11 Section 11-4 Noises from blower, outdoor vacuum, etc. This is to adjust the hours of operation for blowers, outdoor vacuum or similar tool or machines from 7:00 AM to 7:00 PM. This also includes an amendment to the Land Development Regulations Chapter 12 Section 12-3 Presumptive Public Nuisance Noise. This amendment will adjust the City's street cleaning equipment from 5:00 AM to 7:00 PM.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.
2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

FISCAL IMPACT:

N/A

LEGAL SUFFICIENCY:

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

ATTACHMENTS AVAILABLE TO THE PUBLIC UPON REQUEST:

1. Ordinance 2024-08
2. AD - Ordinance 2024-08

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY CODE OF ORDINANCES CHAPTER 11 MISCELLANEOUS OFFENSES SECTION 11-4 NOISES FROM BLOWER, OUTDOOR BLOWER VACUUM, ETC. AND AMENDING THE LAND DEVELOPMENT REGULATIONS CHAPTER 12 PERFORMANCE STANDARDS SECTION 12-2 PROHIBITION OF A PUBLIC NUISANCE NOISE AND SECTION 12-3 PRESUMPTIVE PUBLIC NUISANCE NOISE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Tavares City Council desires to amend the City's Code of Ordinances, Chapter 11, Miscellaneous Offenses, Section 11-4 Noises from blower, outdoor blower vacuum, etc, to update the prohibited hours of operation between the hours of 7:00PM and 7:00AM the following day and remove "street sweeper"; and

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations Chapter 12, Performance Standards Section 12-2 Prohibition of a Public Nuisance Noise to add (C) Any new residential dwelling units (D.U's) in commercial or industrial zoning district shall demonstrate the performance of acceptable internal residential noise levels; and,

WHEREAS, the Tavares City Council desires to amend the City's Land Development Regulations Chapter 12, Performance Standards Section 12-3 Presumptive Public Nuisance Noise to update the prohibited hours of operation between the hours of 7:00 PM and 5:00 AM unless there is a city declared emergency; and,

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

Section 1. Text Amendments.

That the City of Tavares Code of Ordinances and Land Development Regulations be hereby amended as shown by underline and ~~striketrough~~:

Sec. 11-4. Noises from blower, outdoor vacuum, etc.

- (a) There is hereby established and imposed a prohibition within the city of the operation between the hours of ~~11:00~~ 7:00 p.m. and ~~5:00~~ 7:00 a.m. the following day, of any ~~street-sweeper~~, blower, outdoor vacuum or similar tool or machine.
- (b) No owner or lessee of any property shall allow the operation of a ~~street-sweeper~~, blower or outdoor vacuum in violation of this section.
- (c) Any person, corporation, partnership or any other entity violating the provisions of this section shall be punished as follows:
 - (1) First offense—\$25.00.
 - (2) Second and subsequent offenses—\$50.00.

Each day a violation is committed or permitted to continue under this section shall constitute a separate offense, and shall be punishable as such.

Notwithstanding the foregoing, this section may be enforced by the code enforcement board of the city.

Section 12-2 Prohibition of a Public Nuisance Noise

- (A) Prohibition of public nuisance noise. No person(s) shall create, continue or cause to be created, within the City limits of Tavares, any public nuisance noise.
- (B) Criteria to determine violation. The following criteria may be used to determine whether a violation of this Section exists:
 - (1) The level of the noise;
 - (2) Whether the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise;
 - (9) Whether the noise is recurrent, intermittent or constant;
 - (10) Whether the noise, measure by decibels, exceed the measured level of ambient noise. Decibel readings shall be taken in a manner consistent with procedures to be established by the City.

(C) Any new residential dwelling units (D.U.s) in a commercial or industrial zoning district shall demonstrate the performance of acceptable internal residential noise levels.

- (1) A noise study done by an acoustical engineer shall be required prior to approval of any residential construction; This noise study shall consist of existing, surrounding future uses and day/night considerations based on the most current American National Standard Institute (ANSI) Criteria for Evaluating Room Noise (ANSI S12.2, or as amended); if the calculated inside residential unit noise level exceed the recommended ANSI dB levels, then either the D.U.s or the site shall provide appropriate noise abatement;
- (2) The parking facility shall mitigate nuisance noise by providing appropriate parking space sizes, proper circulation, turning movements, landscape buffers and noise barriers in order to accommodate any commercial or industrial traffic.

Section 12-3 Presumptive Public Nuisance Noise

Any of the following noises shall be presumed to be public nuisance noises, and shall constitute prima facie violations of this section:

- (A) Sound adjacent to public and medical facilities. The making of noise adjacent to a hospital, school, library, rest home, or long term medical or mental health facility, which noise unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys occupants in said institutions.
- (B) Repeated or continual sound. The emission of any continual or repeated sound, including natural sound, by any animal for a period exceeding five (5) minutes in duration, which is audible across real property boundaries, and which unreasonably interferes with or disturbs the occupants of premises other than those premises from which the noise is emanating.
- (C) Street cleaning equipment. The operation of any street sweeper, ~~blower, outdoor vacuum, or other similar tool or machine~~ between the hours of ~~11:00~~ 7:00 p.m. and ~~6:00~~ 5:00 a.m. unless there is a city declared emergency.
- (D) Burglar alarm. The emission of sound from an audible burglar alarm for a structure or motor vehicle for a period exceeding ten (10) minutes.

Section 2. Severability and Conflicts

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

Section 3. Effective Date.

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

PASSED AND ORDAINED this _____ of _____, 2024, by the City Council of the City of Tavares, Florida.

Bob Grenier, Mayor
Tavares City Council

First Reading: _____

Passed Second Reading: _____

ATTEST:

Susie Novack, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Lindsay C. T. Holt, 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 2024-06 & Ordinance 2024-08 titled as follows:

ORDINANCE 2024-06

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY OF TAVARES LAND DEVELOPMENT REGULATIONS CHAPTER 8 ZONING REGULATIONS, TABLE 8-2 PERMITTED AND SPECIAL USES; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE CITY CODE OF ORDINANCES CHAPTER 11 MISCELLANEOUS OFFENSES SECTION 11-4 NOISES FROM BLOWER, OUTDOOR BLOWER VACUUM, ETC. AND AMENDING THE LAND DEVELOPMENT REGULATIONS CHAPTER 12 PERFORMANCE STANDARDS SECTION 12-2 PROHIBITION OF A PUBLIC NUISANCE NOISE AND SECTION 12-3 PRESUMPTIVE PUBLIC NUISANCE NOISE; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Proposed Ordinance 2024-06 & Ordinance 2024-08 will be considered at the following public meetings:

1. Tavares Planning & Zoning Board meeting on May 16, 2024, at 3 p.m.; and
2. Tavares City Council meeting on June 5, 2024 at 4 p.m. (Introduction and First Reading by Title Only); and
3. Tavares City Council meeting on June 19, 2024 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 2024-06 & Ordinance 2024-08 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 the proposed ordinances to Antonio Fabre, Community Development Director, at (352) 742-6416.
5/05/2024 6/09/2024 7629651