

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: May 8, 2019
MEETING TIME: 1:00 P. M.
PLACE: City of Panama City Beach City Hall Annex

AGENDA

- ITEM NO. 1** **Call to Order and Roll Call**
- ITEM NO. 2** **Invocation – Reverend Mary Alice Mathison from Grace Episcopal Church**
- ITEM NO. 3** **Pledge of Allegiance – Mr. Caron**
- ITEM NO. 4** **Approval of April 10, 2019 Planning Board Meeting Minutes**
- ITEM NO. 5** **Public Comments-Agenda Items and Previous Agenda Items (Non-Public Hearings) Limited to Three Minutes**
- ITEM NO. 6** **Ordinance 1490 – Small Cell Requirements**
- ITEM NO. 7** **Proposed LDC Changes – Table 7.02.03.I Podium Requirements**
- ITEM NO. 8** **Comprehensive Plan – Section 3 – Recommended Changes**
- ITEM NO. 9** **Discussion of Entertainment Districts**
- ITEM NO. 10** **Discussion of Density Standards**
- ITEM NO. 11** **Code Enforcement Update**

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5054, extension 2313. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 S. Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final

action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Jo Smith, City Clerk at City Hall, 110 S. Arnold Road, Panama City Beach, Florida 32413 or by phone at (850) 233-5100. If you are hearing impaired and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8771 (TDD).

Notice is hereby provided that one or more members of the City Council or other City boards may attend and speak at the meeting.

AGENDA ITEM 6

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 19 OF THE CITY CODE RELATING TO RIGHT-OF-WAY USE TO WAIVE THE 75 FOOT SPACING REQUIREMENT BETWEEN UTILITY POLES AND OTHER FACILITIES DESIGNED AND SPACED LIKE CRA-STYLE LIGHT POLES WITH CERTAIN CONDITIONS; SIMILARLY WAIVING THE PROHIBITION ON BEING ON SOUTH SIDE OF RIGHT-OF-WAY; ALLOWING SUCH UTILITY POLES DESPITE APPLICABLE UNDERGROUND UTILITY RULES; WAIVING LAND DEVELOPMENT CODE LOCATION REQUIREMENTS FOR SMALL WIRELESS POLES THAT QUALIFY FOR THIS WAIVER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach (the "City") regulates the use of Rights-of-way through its City Code and Land Development Regulations and requires any person who will place or maintain a utility pole or other Facility in a Right-of-way to obtain a permit or development order from the City; and

WHEREAS, Florida Statute 337.401 provides that the City retains the authority to regulate and manage Rights-of-way in exercising its police power, but that all rules which govern providers of communications services must be reasonable and nondiscriminatory; and

WHEREAS, this ordinance applies equally not only to all communications service providers, but to all persons who request to install Facilities in a Right-of-way; and

WHEREAS, the City has various requirements on the placement and design of Small Wireless Poles and other utility poles to improve aesthetics, safety, and efficient use of right-of-way, and to otherwise improve the character of the community and advance health, safety, and welfare; and

WHEREAS, within the boundaries of the Front Beach Road Community Redevelopment Area (including the north-south connector streets and sometimes collectively referred to as the "CRA"), there is a partially constructed plan for underground utilities and uniform placement of identical, high quality light poles on both sides of the streets; and

WHEREAS, strict underground utility requirements exist for the areas where the CRA project has been constructed and these strict rules go into effect in the rest of the CRA as the time for construction approaches for a given area; and

WHEREAS, the City and Community Development Agency are devoting massive effort and expenditures toward this CRA project and it is one of the City's highest priorities; and

WHEREAS, the placement of utility poles and other Facilities that conflict with the CRA project goals and the current and future underground requirements would significantly undercut the project and make much of the City's efforts and expenditures go to waste; and

WHEREAS, utility companies have successfully begun designing and disguising their equipment and poles to mimic structures and objects that are generally considered normal and desirable along streets, such as the CRA light poles; and

WHEREAS, if the community considers CRA light poles to be desirable and if a utility pole is difficult to distinguish from those light poles and does not have overhead wires and readily visible equipment, then allowing this style of utility pole or Facility does not detract from the goals of the City's underground utilities efforts; and

WHEREAS, locations in the City with strict underground utility requirements have high population density and providing additional options to wireless companies and other utilities to expand their service in these areas is beneficial to the community and will increase convenience and safety; and

WHEREAS, if a utility pole closely resembles a CRA-style light pole and replaces an existing CRA-style light pole or is placed where a CRA-style light would be placed in the future, the City's otherwise applicable placement and design requirements provide minimal benefit and sometimes will result in reduced service and unintended negative consequences, and therefore, are appropriate for waiver by City Planning Staff pursuant to this ordinance; and

WHEREAS, the City recognizes that matching the design of CRA-style light poles creates increased cost and effort for utility companies, but also that the City's waiver of various location requirements provides value to the utility companies which may exceed this increased cost and effort; and

WHEREAS, when an applicant can meet the regular rules for placement of a Small Wireless Pole or other utility pole in a particular location, that applicant has no obligation to utilize the CRA-style light pole design.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Chapter 12 of the Code of Ordinances of the City of Panama City Beach, related to Right of way use and permitting is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 19-154. - Permittee obligations.

- A. Telecommunications Towers, Small Wireless Poles, Collocations, and other wireless communications Facilities are governed additionally by the more specific requirements of the Panama City Beach Land Development Code.
- B. No new Facility that is over fifteen (15) feet in height from grade may be constructed within seventy-five (75) feet of any other Facility that is over fifteen (15) feet in height from grade, unless granted a variance due to unique circumstances. This restriction shall not prohibit the City from installing new Facilities for public safety and welfare reasons, including light poles. **Also, within the boundaries of the Front Beach Road Community Redevelopment Area, this restriction does not apply to a utility pole or other Facility, regardless of ownership, if it complies with the Community Redevelopment Area-style light pole design and specifications and it either replaces an existing Community Redevelopment Area-style light pole or is installed in the exact location of a planned future Community Redevelopment Area-style light pole according to the best available Community Redevelopment Agency plans and Planning Department staff approval. Unless the Front Beach Road Community Redevelopment Agency adopts new light pole design and specifications for a portion of the City, complying with Community Redevelopment Area-style light pole design and specifications means following standards provided by the Front Beach Road Segment 2 Ornamental Aluminum Roadway Lighting and Banner Standard and the construction documents for Front Beach Road Segment 2 for the pole and light fixture, which are on file City Hall. Compliance with these requirements also means all wiring and equipment must be contained underground or inside the pole so that it is not visible or distinguishes the pole and equipment from the Community Redevelopment Area-style light poles. Each such pole may have one box on the ground in the immediate vicinity of the pole for electrical or other equipment so long as it is not taller than three-feet from grade and matches the color and style of other utility boxes located in the Community Redevelopment Area right of way. Planning staff may approve minor deviations in design, brands, and materials that do not result in easily noticeable differences between the pole, fixture, and any visible equipment relative to the actual Community Redevelopment Area-style light poles. Applicants for the waiver under this paragraph must apply to the Planning Department using the procedures applicable to Small Wireless Poles provided by the Panama City Beach Land Development Code. Applicable underground utility requirements of the City are waived for utility poles and other Facilities that strictly comply with this section and which are approved by the City Planning Department, in recognition that such poles do**

not provide greater negative impacts to the community than the City's own light poles.

- C. No person shall be granted a permit or otherwise be allowed to install any utility pole or any other Facility if such Facility would be three (3) or more feet above grade within a Right-of-way south of the centerline of Front Beach Road, South Thomas Drive, or the portion of Thomas Drive east of South Thomas Drive. This prohibition shall not apply to light poles owned by the City **or a utility pole or other Facility approved by the City Planning Department under paragraph B. above based on meeting Community Redevelopment Area-style light pole location, design, and specification requirements.** Any existing utility poles or Facilities that would not be permissible under this rule shall not be permitted to be replaced, but may be maintained used and repaired, provided repairs do not exceed 50% of the value of the utility pole or Facility.

SECTION 2. From and after the effective date of this ordinance Section 5.05.07 of the Panama City Beach Land Development Code, related to Small Wireless Poles is amended to read as follows (new text **bold and underlined**, deleted text struckthrough):

5.05.07 Allowable Locations for Small Wireless Poles and associated Ground-Mounted Equipment Located in Public Right-of-Way

- A. Applications to place ***Small Wireless Facilities*** and ***Small Wireless Poles*** in a public right-of-way may not be denied solely based on the Comprehensive Plan future land use categories and zoning categories of adjacent parcels.
- B. ***Small Wireless Poles*** in public right-of-way (as opposed to a ***Collocation*** on a preexisting structure) are not permissible within 250 feet of the footprint of any ***Dwelling***, including attached garages, porches, and balconies, except ***Dwellings*** that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 100 feet. In addition, ***Small Wireless Poles*** in public right-of-way (as opposed to a collocation on a preexisting structure) shall not be permissible within 50 feet of the primary public pedestrian entrance to any business.
- C. A new ***Small Wireless Pole*** is not permitted within 200 feet of an existing ***Small Wireless Pole***.
- D. It is preferable for all equipment to be integrated into or mounted on the ***Wireless Support Structure*** or utility pole. Ground-mounted equipment that is in addition to a ***Wireless Support Structure*** or utility pole or associated with a ***Collocation*** shall not be permissible

within 500 feet of the footprint of any **Dwelling**, including attached garages, porches, and balconies, except Dwellings that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 150 feet. This restriction does not apply to equipment installed entirely underground consistent with existing grade. In addition, ground mounted equipment associated with or installed because of a **Small Wireless Pole** or a **Small Wireless Facility**, including the **Collocation** of a **Small Wireless Facility**, may not be placed on a sidewalk, bike path, or multi-use trail. Ground-mounted equipment includes, but is not limited to, any of the following associated with a **Small Wireless Facility** or installed due to a **Small Wireless Facility**: electric generators or meters, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and guy wires or other secondary supports.

- E. **Small Wireless Facilities, Small Wireless Poles**, and associated equipment are not exempt from the City's applicable undergrounding requirements that prohibit above-ground structures in certain public right-of-way, except that **Collocations** on existing above-ground structures are not subject to undergrounding requirements that are applicable to a location. At such time an existing above-ground structure is transitioned to underground, any right to **Collocate** above ground on it is lost.
- F. Applications for **Small Wireless Poles** or **Collocations** of **Small Wireless Facilities** in locations subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association are governed by the more stringent rules provided for **Telecommunications Towers** and **Antennas** unless the **Homeowner Association** is a co-applicant, in which case the more lenient rules for **Small Wireless Facilities** and **Small Wireless Poles** will apply. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities as provided by Florida law.
- G. The requirements of B. through E. of this Section are waived for Small Wireless Poles located within the boundaries of the Front Beach Road Community Redevelopment Area and approved by City Planning Staff for the waiver available under Panama City Beach Code Sec. 19-154 B for complying with Community Redevelopment Agency-style light pole placement, design, and specifications. Applicants agree that in return for the waiver of these requirements and any applicable undergrounding requirement, they will comply with Planning Staff conditions on shielding, stealthing, and limiting the visibility of antennas on the pole to minimize visual differences between the Small Wireless Pole and an actual Community Redevelopment Agency light pole.

When a Community Redevelopment Agency-style light pole is replaced under this paragraph, the applicant must bear the full cost of the replacement and installation and shall perform the work. Pole replacement under this Section may qualify as a

collocation pursuant to Section 5.05.08(g) except that the design requirements of this section must be followed, including that the height of the new Small Wireless Pole must comply with the Community Redevelopment Agency-style light pole design and specifications. The new pole shall be owned and maintained by the applicant, unless otherwise agreed by City and applicant in writing

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code and Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2019.

MAYOR

Published in the _____ on the ____ day of _____, 2019.

Posted on pcbgov.com on the ____ day of _____, 2019.

Notice provided to the Secretary of State on the ____ day of _____, 2019, which is at least 10 days prior to consideration on first reading.

AGENDA ITEM 7

7. Special Overlay Districts

Front Beach Overlay – H. Building Height and Podium Standards five (45) feet. Beyond two hundred (200) feet, **Building Height** may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in **Setback**. See Figure 7.02.03.A.

4. In the FBO-1 district, **Buildings** may extend an additional ten (10) feet beyond the total height allowed in this section provided that the portion of the **Building** exceeding the total height includes a tower room only. Tower rooms are restricted to a maximum of one hundred (100) square feet in area, excluding stairwells.
5. In the FBO-1 district, the width of the building above the second **Story** shall be not be greater than seventy-five (75) percent of the width of the **Ground Story**. Width of each **Story** shall be measured at the widest part of the applicable **Story** parallel to the shoreline of the Gulf of Mexico. The provisions of this paragraph and Table 7.02.03.I shall not apply to lots that are narrower than fifty-five (55) feet, as measured perpendicular to the lot's primary frontage road.

(Ord. #1426, 11/9/17; Ord. #1446, 2/22/18)

Table 7.02.03.H: Minimum and Maximum Building Heights (in feet)

	FBO-1	FBO-2	FBO-3	FBO-4
Minimum	12	14	14	14
Maximum	35	45	75	150

Notes:

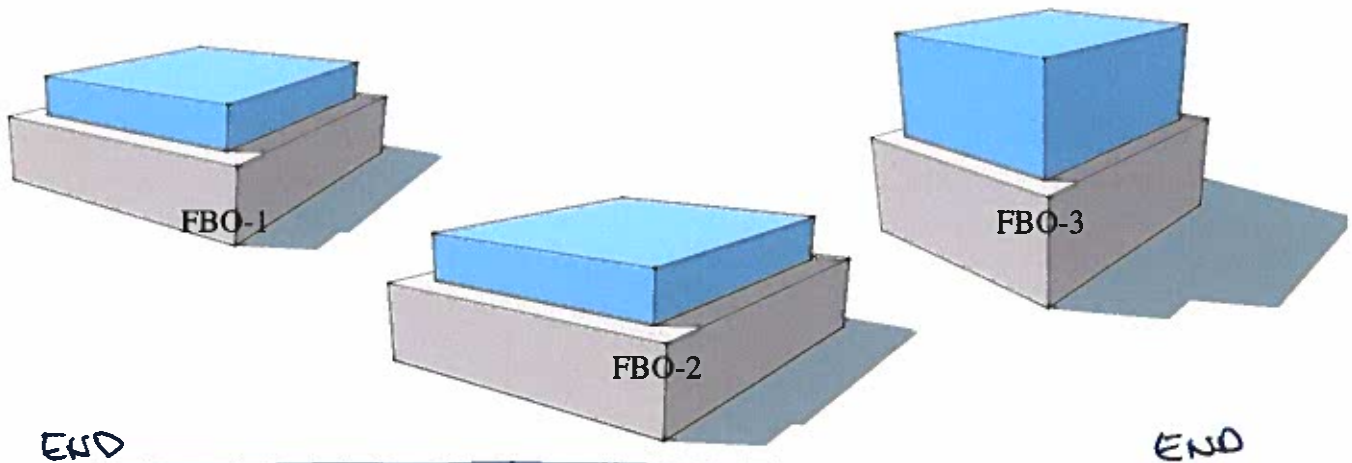
- 1: **Height** shall be measured in accordance with section 4.02.02.
- 2: The maximum height may be limited in the FBO-2 or FBO-3 district by the provisions of section 7.02.03H.3.

Table 7.02.03.I: Podium Standards

Zone	Building Can Occupy No More Than 75% of the Ground Floor Building Footprint Above the Lesser of:
FBO-1	25 feet or 2 Stories
FBO-2	45 35 feet or four 3 Stories
FBO-3	120 55 feet or 10 5 Stories
FBO-4	120 feet or 10 Stories

(Ord. #1254, 11/14/13; Ord. # 1340, 4/9/15; Ord. #1475, 12/13/18)

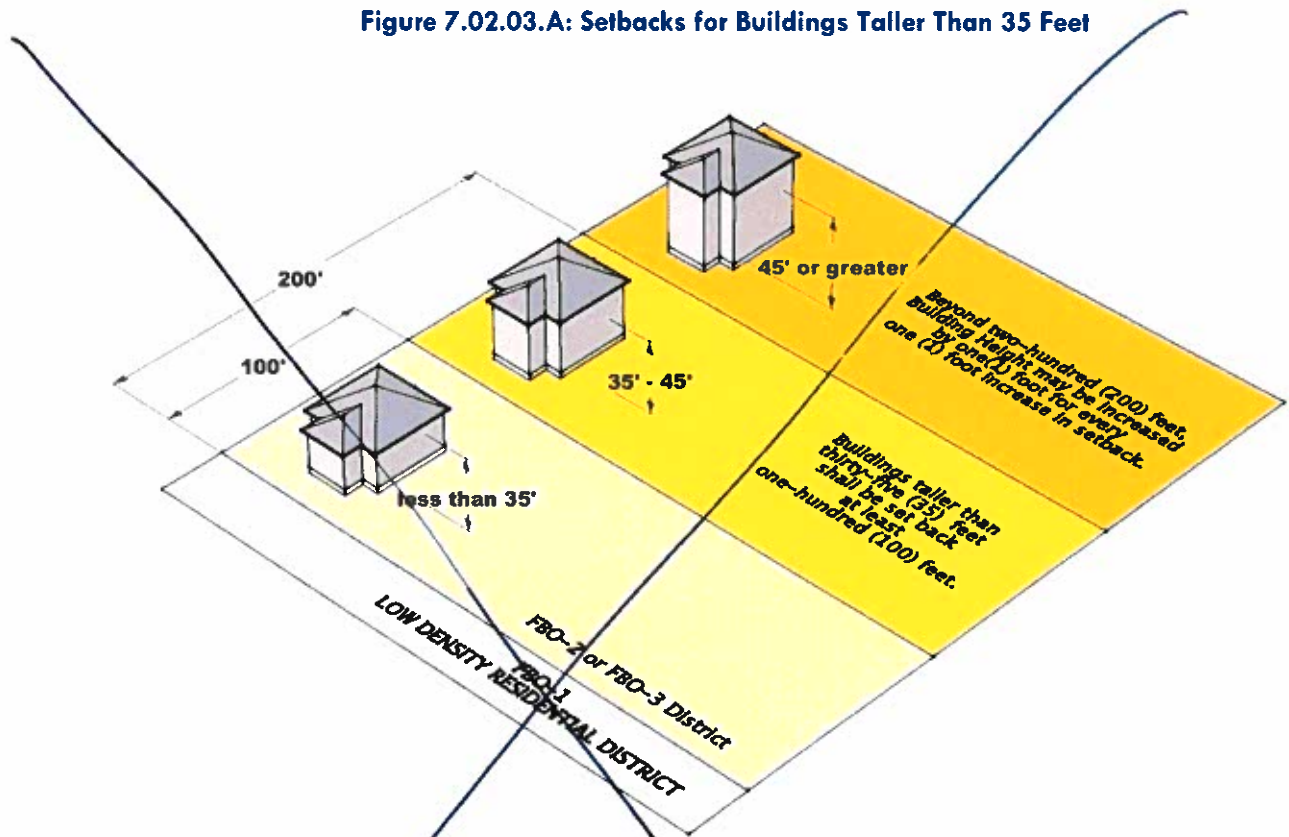
7. Special Overlay Districts
 Front Beach Overlay – H. Building Height and Podium Standards
 Podium and Upper Story Illustrations



END

END

Figure 7.02.03.A: Setbacks for Buildings Taller Than 35 Feet



I. General Parking Requirements

All Uses shall provide on-site and overflow parking as required in section 4.05.00 and the City's Beach access parking mitigation requirements, except as modified by sections 7.02.03I and 7.02.03J. Parking shall be landscaped as required in section 4.06.04. The City finds that adequate parking is important for the economic success of commercial corridors. At the same time, excessive parking degrades the corridor's urban design and impedes the City's objectives for walkability and multi-modal transportation alternatives. Accommodating required parking on many properties will be challenging due to small Lot sizes and the higher cost of structured parking.

AGENDA ITEM 8

Comprehensive Plan Chapter 3 update:

Planning staff is continuing to work with Bay County GIS in the updating of the Future Land Use and Existing Land Use Maps. It is important that these maps are as accurate as possible to attain a correct description of land use in the city limits. Among other things, there are over 20,000 parcels in the city limits that have to be reviewed, the Existing land Use Map has not been updated in over 10 years and there is a staff shortage with Bay County GIS.

See attached email from Bay County GIS.

Charles Silky

From: Jennifer Morgan <jmorgan@baycountyfl.gov>
Sent: Friday, April 26, 2019 7:52 AM
To: Charles Silky
Subject: RE: ELU FLU maps

yes

From: Charles Silky <csilky@pcb.gov.com>
Sent: Friday, April 26, 2019 7:49 AM
To: Jennifer Morgan <jmorgan@baycountyfl.gov>
Subject: RE: ELU FLU maps

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

Yes or Yed? haha

From: Jennifer Morgan <jmorgan@baycountyfl.gov>
Sent: Thursday, April 25, 2019 4:26 PM
To: Charles Silky <csilky@pcb.gov.com>
Subject: Re: ELU FLU maps

Yed

Sent from my Verizon Wireless 4G LTE DROID

Charles Silky <csilky@pcb.gov.com> wrote:

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you recognize the sender and know the content is safe.

* 180 person hours thus far?

From: Jennifer Morgan <jmorgan@baycountyfl.gov>
Sent: Thursday, April 25, 2019 3:27 PM
To: Charles Silky <csilky@pcb.gov.com>
Subject: Re: ELU FLU maps

Charles,

* Most of the difficulty with obtaining the needed data for the comp plan update is due to the lack of having a single data source for the existing land use.

* In order to update the existing land use with an acceptable level of accuracy, properties have to be reviewed against various data sources. In this case, a file was created which intersected the Future Land Use data with the Property Appraisers parcel data. The parcel data includes a description field (DORAPPSDESC) which indicates based on the PA's staff's latest update a description of the property use. These PA's description field is for the purposes of valuation and does not correspond well with city or county's land use designations.

Although there are areas of exceptions, such as large platted subdivision of single family homes, in most situations existing land use of the approximate 20,000 + parcels is determined by a comparison of the Future Land Use, Zoning, PA's description, aerial imagery, and Charles' institutional knowledge.

Thanks,
Jennifer Morgan, GISP
GIS Division Manager
Bay County
840 W 11th St
Panama City FL 32401
850-914-6464

From: Charles Silky <csilky@pcb.gov>
Sent: Thursday, April 25, 2019 2:45 PM
To: Jennifer Morgan
Subject: ELU FLU maps

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Jennifer,

Our Planning Board packets go out tomorrow and I'm confident I won't be able to complete Chapter 3 in the next 24 hours, even if we complete the maps tomorrow. Is there any way that you could briefly summarize the problems faced in collecting the requested data I was trying to collect along with the total person hours spent on this project. I would like to include it in the Planning Board packet so the Board members are aware of the amount of effort and hurdles faced in this process.

Also Mel is out this afternoon and maybe all day tomorrow so I hope he responds to my request and gives me the OK to assist you tomorrow

Thank you,

Charles Silky

Senior Planner
City of Panama City Beach
Planning Department
110 South Arnold Road
Panama City Beach, FL 32413
Office: 850-233-5100 ext. 2234
Fax: 850-233-5049
csilky@pcb.gov

AGENDA ITEM 9

Entertainment District:

Last month there was some discussion around the temporary closure of South Pier Park Drive, which led to the Chairman requesting the Board discuss the potential creation of an entertainment district. Staff has collected three examples of entertainment district regulations to add to the discussion .

See attached examples.

8.09. - DOWNTOWN BUSINESS AND ENTERTAINMENT DISTRICT

8.09.01. - District, Boundaries Created.

There is hereby created a downtown business and entertainment district in the City of Fort Walton Beach in order to encourage commercial and entertainment activities in the downtown. The district shall include all property as depicted in the figure below.

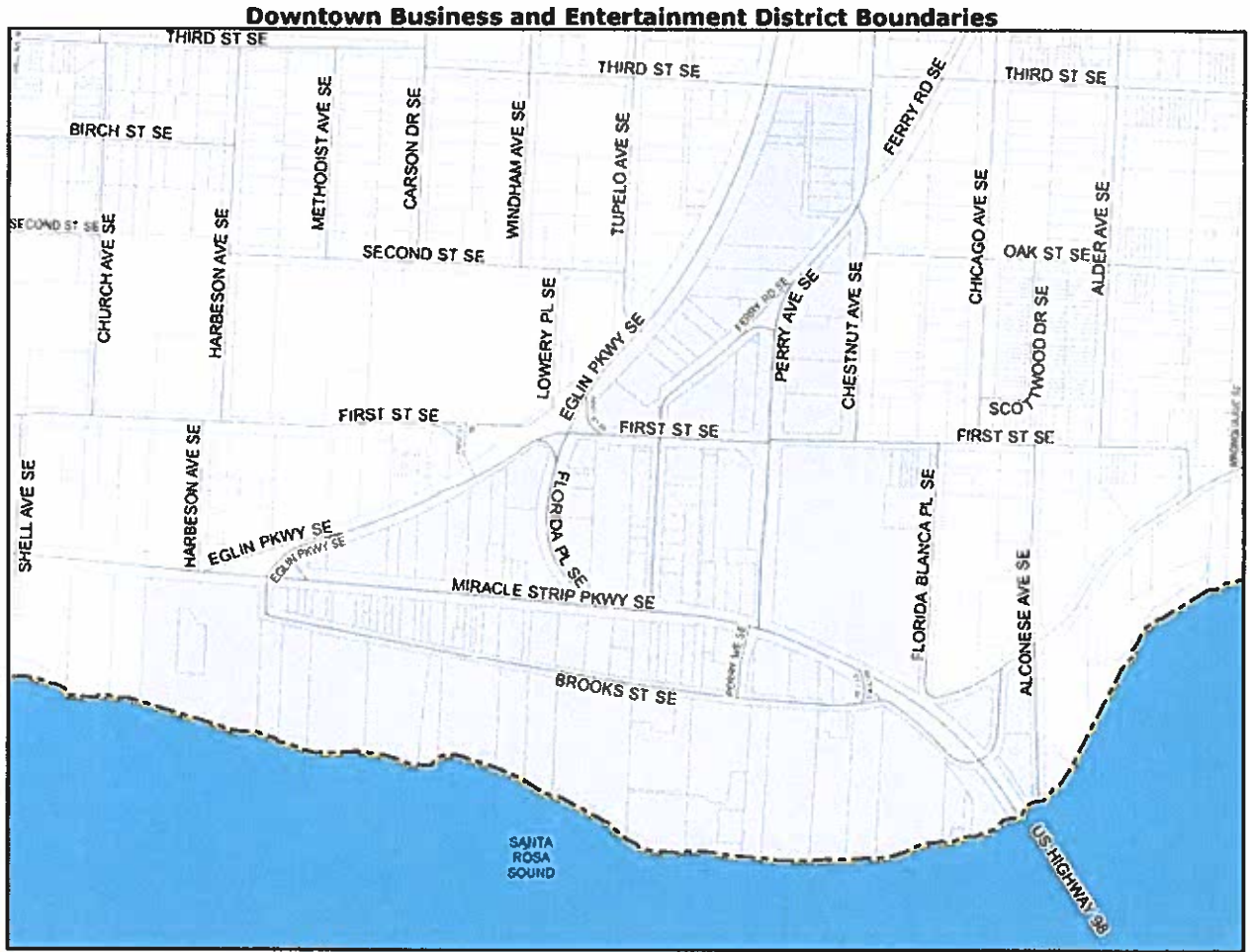


Figure 8.09.01. Downtown Business and Entertainment District Boundaries

8.09.02. - District Hours of Operation.

The Downtown Business and Entertainment District shall only be in effect during the following days/times:

- (a) Thursdays — 4:00 p.m. to 11:00 p.m.
- (b) Fridays — 4:00 p.m. to 2:00 a.m.
- (c) Saturdays — 7:00 a.m. to 2:00 a.m.
- (d) Sundays — 12:00 p.m. to 7:00 p.m.

(e) Federally Recognized Holidays — 8:00 a.m. to 10:00 p.m.

8.09.03. - Noise.

Within the District, no person shall cause or allow the making of any sound that causes a noise disturbance in excess of the sound level limits as stated in the table below:

Noise Disturbance Levels

Days/Hours	Sound Level (DBA)
Monday through Thursday 7:00 a.m. to 11:59 p.m. 12:00 a.m. to 7:00 a.m.	 80 70
Friday through Sunday 7:00 a.m. to 1:59 p.m. 2:00 a.m. to 7:00 a.m.	 80 70

Sound level measurements are taken 100 feet from the source of the sound or 50 feet from the property line of the property where the noise is generated, whichever is greater. The sound is considered to be in excess of the sound level limit when it exceeds the stated DBA for more than 15 seconds per minute.

Temporary relief from the maximum sound level limits may be granted through a special event permit approved by the City. The City shall consider the days/hours of the event, as well as any other relevant information, when determining whether to grant the temporary relief.

8.09.04. - Open Alcoholic Beverages Allowed.

Within the Downtown Business and Entertainment Overlay District, patrons and guests may exit licensed establishments with open containers of alcoholic beverages and may consume those beverages anywhere within the confines of the District in accordance with the following:

- (1) One (1) alcoholic beverage is allowed per person in a plastic cup no greater than 16 oz. as approved by the City.
- (2) Patrons may not enter another licensed premise with open or closed containers of alcoholic beverages acquired elsewhere.

Properties located in the Downtown Business and Entertainment District are not subject to the distance separation requirements as outlined in Section 9.01.02 of the Code of Ordinances.

8.09.05. - Roadside Vendors Allowed.

Within the District, there is hereby established a roadside vendor program whereby vendors and/or street performers may be allowed within the District by permit only.

The applicant must submit an application to the City on a form provided by the City.

The City will issue no more than twenty-five (25) permits on an annual basis. Priority will be given to establishments which have a permanent business location within the District. The remaining permits will be issued on a first come, first serve basis.

The days and hours of operation will be determined by the permit conditions issued by the City and may vary depending on the season and planned activities within the District.

8.09.06. - Temporary Road Closures.

During District Hours, the City may permit the temporary closure of a City street in the District for certain events and activities.

An application must be submitted on a form provided by the City along with an approved Maintenance of Traffic plan which insures access to all properties along the closed section of road.

The City will review the request and determine if and when the street shall be closed. Applications for temporary closure of a State road must be submitted to the Florida Department of Transportation.

ORDINANCE NO. 13-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, CREATING A DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT AMENDING CHAPTER 10, AMUSEMENTS AND ENTERTAINMENT, BY ADDING ARTICLE III DOWNTOWN WATERFRONT ENTERTAINMENT DISTRICT; AMENDING CHAPTER 6, SECTIONS 6-8, 6-9(d) AND 6-10(a) & (b) ALCOHOLIC BEVERAGES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 27, 2013 the City Commission approved the adoption of the Strategic Plan including the following two goals: "To be a beautiful, livable city with a vibrant lakefront identity" and "To expand the local economy"; and

WHEREAS, the City's Downtown Master Plan encourages coordinated community efforts to build a reputation for being a livable, walkable, and fun place; and

WHEREAS, the Eustis Historic Downtown is located along a navigable waterway, Lake Eustis in the Harris Chain of Lakes; and

WHEREAS, a designated Entertainment District would encourage downtown and waterfront growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

WHEREAS, the City of Eustis has determined that the proposed revisions are consistent with the City's Comprehensive Plan and will protect and promote the health, safety and welfare of the community.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

Section 1. That the City of Eustis Code of Ordinances be amended by adding Article III to Chapter 10 as follows:

Article III: Downtown Waterfront Entertainment District

Section 10-84 Purpose.

The purpose of this Article is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the City hereafter referred to as the Downtown Waterfront Entertainment District. The regulations within this Article create an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among downtown merchants; and encourage private development of entertainment facilities which enhance and complement the use of the public facilities.

Section 10-85 District Boundaries.

The Downtown Waterfront Entertainment District shall mean an area depicted in "Exhibit A" of this ordinance and generally described as: beginning at the eastern boundary, those City blocks west of Grove Street to Lake Eustis, from Orange Avenue to Clifford Avenue; and those City blocks west of Bay Street to Lake Eustis, from Clifford Avenue to Park Avenue; and those City blocks west of Eustis Street between Citrus Avenue (to the railroad tracks on Lakeshore Drive) and W. Orange Avenue. It shall also include the Eustis Lake Walk and Ferran Park excluding any pool, playground or water park area.

Section 10-86 Outside Consumption in the Entertainment District.

Within the Downtown Waterfront Entertainment District, the following shall apply:

- (a) **On-street possession / consumption hours.** On-street possession / consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized Thursday through Saturday between the hours of 10 a.m. to 10 p.m. Extended hours for City or City-sponsored events may be granted with prior approval by the City Commission, not to exceed the ordinance hours of sale.
- (b) **One drink on-street limit.** Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
- (c) **Size limited to 16 ounces.** No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Waterfront Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (d) **Drinking from can, bottle or glass prohibited.** It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except as authorized and approved as outdoor dining.

Section 10-87 Hours for Music and Entertainment.

Music, singing and other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, however, such outdoor music, singing and entertainment shall only be permitted on Thursday through Saturday between the hours of 7 a.m. and midnight and legal holidays as provided by state law. Entertainment provided in compliance with this section shall not be considered a public nuisance.

☐ **Section 10-88 Games, Sporting Events and Entertainment**

Games, sporting events, artistic performances and other such forms of organized entertainment are encouraged and allowed within the Downtown Waterfront Entertainment District, subject to compliance with all applicable safety regulations and approved through the permitting process.

☐ **Section 10-89 Temporary Street Closures**

Authorized temporary street closures in the district area will be limited to City or City-sponsored events.

Section 2. That the City of Eustis Code of Ordinances, Chapter 6, Section 6-8 **Drinking in Public** be amended as follows:

Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it shall be unlawful for any person to drink or possess an opened container of any alcoholic beverage at any public place as defined in section 1-2.

Section 3. That the City of Eustis Code of Ordinances, Chapter 6, Section 6-9(d) **Certain conduct prohibited** be amended as follows:

- (c) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, no owner or operator of an establishment located within the municipal limits of the city dealing in alcoholic beverages shall permit or allow any person to consume alcoholic beverages on any parking lot owned, leased or otherwise controlled by the owner of the establishment regardless of whether the parking lot is contiguous to the establishment if patrons of the establishment use the parking lot.

Section 4. That the City of Eustis Code of Ordinances, Chapter 6, Section 6-10(a) & (b) **Public nuisance; unlawful acts** be amended as follows:

- (a) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverages outside of but within 100 feet of any establishment dealing in alcoholic beverages or within any parking lot serving such establishment.
- (b) Except as permitted within the Downtown Waterfront Entertainment District as defined in Article III of Chapter 10 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverages while stopping, standing, or remaining outside of but within 100 feet of any establishment dealing in alcoholic beverages or within any parking lot serving such establishment.

Section 5. Conflict.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. Severability.

Should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. Effective Date.

This Ordinance shall become effective immediately on passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 2013.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Kress T. Muenzmay
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2012 by Kress T. Muenzmay, Mayor and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires: _____
Notary Serial No: _____

CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

Derek A. Schroth
City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance No. 13-11 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Senior Center, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk



Downtown Waterfront Entertainment District Rules

City of Eustis Ordinance #13-11, approved 9/05/13

District Boundaries.

The Downtown Waterfront Entertainment District boundaries are generally described as: beginning at the eastern boundary, those City blocks west of Grove Street to Lake Eustis, from Orange Avenue to Clifford Avenue; and those City blocks west of Bay Street to Lake Eustis, from Clifford Avenue to Park Avenue; and those City blocks west of Eustis Street between Citrus Avenue (to the railroad tracks on Lakeshore Drive) and W. Orange Avenue. It shall also include the Eustis Lake Walk and Ferran Park excluding any pool, playground or water park area.

Outside Consumption of alcohol in the Entertainment District.

Within the Downtown Waterfront Entertainment District, the following shall apply:

- (a) **On-street possession / consumption hours.** On-street possession / consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized Thursday through Saturday between the hours of 10 a.m. to 10 p.m. Extended hours for City or City-sponsored events may be granted with prior approval by the City Commission, not to exceed the ordinance hours of sale.
- (b) **One drink on-street limit.** Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licenses premises.
- (c) **Size limited to 16 ounces.** No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined Downtown Waterfront Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (d) **Drinking from can, bottle or glass prohibited.** It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except as authorized and approved as outdoor dining.

Hours for Music and Entertainment.

Music, singing and other forms of entertainment, whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, however, such outdoor music, singing and entertainment shall only be permitted on Thursday through Saturday between the hours of 7 a.m. and midnight and legal holidays as provided by state law. Entertainment provided in compliance with this section shall not be considered a public nuisance.

Games, Sporting Events and Entertainment

Games, sporting events, artistic performances and other such forms of organized entertainment are encouraged and allowed within the Downtown Waterfront Entertainment District, subject to compliance with all applicable safety regulations and approved through the permitting process.

Temporary Street Closures

Authorized temporary street closures in the district area will be limited to City or City-sponsored events.



CITY OF MOUNT DORA

510 N. Baker St.
Mount Dora, FL 32757
352-735-7126

DATE: June 5, 2018
TO: Honorable Mayor and City Council Members
FROM: Robin R. Hayes, City Manager *Robin R. Hayes*
SUBJECT: First Reading of Ordinance No. 2018-07, Entertainment District

Introduction:

This is a request for City Council to approve the first reading of Ordinance No. 2018-07, Entertainment District.

Call Up Item

Mayor Asks Attorney to Read Ordinance No. 2018-07 by Title Only

City Manager Background

Public Hearing

Discussion

Council Action

Discussion:

The sequence of events leading to City Council presentation are as follows:

City Council reviewed and discussed a sample ordinance related to a Downtown Entertainment District during the January 16, 2018 work session. Council members have since submitted red-line copies of the ordinance to the City Clerk as requested by the City Manager.

City Council further discussed the sample ordinance at the May 15, 2018 work session and requested staff to make recommended changes to the draft ordinance.

Staff has prepared a presentation addressing the red-lined ordinance and the potential impact of an Entertainment District on recreation, public safety, economic development and future planning.

As part of the continued efforts to promote a viable and active downtown, the attached Code of Ordinances amendment provides for a new defined Downtown Entertainment District. A designated Entertainment District would encourage downtown growth, foster community

cooperation, and encourage mutually sponsored events among the downtown merchants.

The boundary is generally described as: the northern boundary of those City blocks south side of Fifth Avenue, from McDonald Street to Baker Street; and those City blocks east of McDonald Street to CSX Rail Road right-of-way to Third Avenue following to Lake Dora, and those City blocks west of Baker Street to Charles Avenue.

This district is an overlay that will allow on-street alcoholic beverage consumption with certain restrictions on Thursday through Sunday between the hours of 10:00 am and 10:00 pm. Other provisions of the beverage ordinances are included (size of container, no glass, etc).

Budget Impact:

An increase in staffing will include the initial cost of one new police officer at \$112,000/annually for the first full year (approximately \$62,000 for salaries and benefits and \$50,000 for equipping the individual) and one part-time parks staff member at \$20,285/annually.

Other possible expenses could include additional trash receptacles and more frequent street sweeping.

Upon approval of this ordinance, it will be necessary to identify the source of funding used to support these two positions. At present time, these would appear to be general fund positions.

Codification by the Municipal Code Corporation cost estimated at \$2,000 is funded under Account No. 001-5121-534-00-00.

Strategic Impact:

The Mount Dora Code of Ordinances provide regulations, procedures, and requirements for various activities that address all of the five Goals outlined in the 2017 Strategic Plan: Economic Development, Infrastructure, Fiscal, Growth Management, and Public Safety.

This Ordinance is intended to enhance economic development in coordination with public safety.

Recommendation City Council to approve the first reading of Ordinance No. 2018-07 by title only, conduct a public hearing, and approve a second public hearing.

Prepared by:	Chris Carson, Special Events Coordinator	
Reviewed by:	Amy Jewell, Leisure Services Director	Approved - 05/18/2018
	Jennifer Cockcroft, City Attorney	Approved - 05/21/2018
	Tom Klinker, Finance Director	Approved - 05/30/2018
	Vince Sandersfeld, Planning and Development Director	Approved - 05/30/2018
	John OGrady, Public Safety Director	Approved - 05/30/2018
	Gwen Johns, City Clerk	Approved - 05/30/2018
	Misty Sommer, Deputy City Clerk	Approved - 05/30/2018
	Robin R. Hayes, City Manager	Final Approval - 5/31/2018

ORDINANCE NO: 2018-07

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, AMENDING THE *MOUNT DORA CODE OF ORDINANCES* CHAPTER 10 TO AMEND SECTIONS 10.010, 10.40 AND 10.50 ALCOHOLIC BEVERAGES; TO ADD A NEW PART V, CHAPTER 74 ENTITLED DOWNTOWN ENTERTAINMENT DISTRICT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE

WHEREAS, pursuant to adopted policies of the Future Land Use Element of the Mount Dora Comprehensive Plan 2032, the City Council of the City of Mount Dora has identified various activity centers, including the downtown district area, as intended areas for targeted development and redevelopment; and

WHEREAS, on July 9, 2016 and January 21, 2017, the City Council held Strategic Planning workshops with the goal of promoting economic development as a high priority; and

WHEREAS, the downtown area is located within the City's Mount Dora Community Redevelopment Plan of 2012, which outlines implementation of mastered planning and economic development policies to sustain a viable business district; and

WHEREAS, the City of Mount Dora is known as a "Festival City" that hosts numerous annual special events, primarily in the downtown area; and

WHEREAS, a designated Downtown Entertainment District would encourage development and growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

WHEREAS, the City of Mount Dora desires to adopt codes and regulation that will encourage the development of businesses and commerce within the City; and

WHEREAS, the City Council of the City of Mount Dora desires to amend the Mount Dora Code of Ordinances to enhance and further the goals outlined above; and

WHEREAS, the City Council of the City of Mount Dora hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS

SECTION 1. Legislative Findings and Intent. The City of Mount Dora City Council has complied with all requirements and procedures of the Florida Law in processing this Ordinance. The above recitals are hereby adopted.

SECTION 2. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 3: Amendments to the Mount Dora Code of Ordinances. Chapter 10 *Code of Ordinances, City of Mount Dora, Florida* is hereby revised and amended to read as follows:

Note: Underlined words constitute additions while ~~strikethrough~~ constitutes deletions, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 10.010 – Hours of sale.

No alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Florida Division of Alcoholic Beverages and Tobacco between the hours of 2:00 a.m. and 7:00 a.m. the same day, except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code.

Section 10.040 – Consumption on City Property.

(a) Generally. Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it shall be unlawful for any person to consume any alcoholic beverage, including beer and wine, upon any city owned parks and beaches, city property or street, alley or sidewalk of the city. This section shall not apply to any city owned property which is subject to a management contract, or sidewalk cafes. For those properties, alcohol consumption shall be governed by rules established jointly by the managing entity and the City Manager. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to consume alcoholic beverages is given in conjunction with the permission for the event. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit, except as otherwise regulated or preempted by law.

(b) Carrying open containers. Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it shall be unlawful for any person to carry an opened bottle, can or other container containing an alcoholic beverage, including beer and wine, upon any city parks, city beaches, city property or street, alley or sidewalk of the city, provided that this subsection shall not be construed to allow or apply to the interior of any vehicle driven upon the ways or property of the city. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to carry open containers of alcoholic beverages is given in conjunction with the permission for the event, or sidewalk cafes. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit, except as otherwise regulated or preempted by law. In no event will consumption occur directly from glass containers.

Section 10.50. Consumption near businesses selling alcoholic beverages.

(b) Public nuisance, unlawful acts, posting.

(1) Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverage while within 100 feet of any club, restaurant, bar, package store or food store selling alcoholic beverages.

(2) Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverage while stopping, standing, or remaining within 100 feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages.

(3) The owner or operator of any club, restaurant, bar, package store, or food store selling alcoholic beverages for consumption off the premises shall prominently post, on the outside of each entrance and on the inside of the main customer exit of each club, restaurant, bar, package store, or food store selling alcoholic beverages for consumption off the premises, a sign with contrasting letters at least two inches tall, stating the following:

Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is unlawful for any person to consume, or possess, in any open container, any alcoholic beverage within 100 feet of any part of this business. Violators are subject to arrest and prosecution.

(c) Area of applicability and exceptions. For the purpose of this section, the area within 100 feet of a club, restaurant, bar, package store, or a food store selling alcoholic beverages shall be the area within a 100-foot radius of any part of such business, but shall not include any property lawfully used for a private residence or any area where possession or consumption of alcoholic beverages is specifically prohibited or permitted by state law or by any license or permit issued pursuant thereto. Further, this section shall not apply to those portions of the above described area included within the boundaries established by the City Council or the City Manager for a special event for which permission to consume or possess alcoholic beverages is given in conjunction with the permission for the event. This section shall not apply as permitted with the Downtown Entertainment District as defined in Chapter 75 of this code.

(d) Penalties. A violation of this section shall constitute a second degree misdemeanor and shall be punishable in accordance with the state statutes prescribing punishment for a second degree misdemeanor as of the date of the infraction.

SECTION 4: Amendments to the Mount Dora Code of Ordinances. A new Part V, Downtown Entertainment District, *Code of Ordinances, City of Mount Dora, Florida* is hereby added to read as follows:

Chapter 74
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Part V. Downtown Entertainment District

Section 75.500 Purpose.

The purpose of this section is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the City hereafter referred to as the Downtown Entertainment District. The regulations within this section are enacted to create an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among downtown merchants; and encourage private development of entertainment facilities which enhance and complement the use of the public facilities.

Section 75.510 District Boundaries.

The Downtown Entertainment District shall mean an area depicted in the Exhibit "1" below and generally described as: beginning at the northern boundary, those City blocks south side of Fifth Avenue, from McDonald Street to Baker Street; and those City blocks east of McDonald Street to CSX Rail Road right-of-way to Third Avenue following to Lake Dora, and those City blocks west of Baker Street to Charles Avenue. It shall also include the Mount Dora Lawn Bowling Club property and Elizabeth Evans Park.

Section 75.520 Outside Consumption in the Entertainment District.

Within the Downtown Entertainment District, the following shall apply:

(a) On-street possession / consumption hours. On-street possession / consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized Thursday through Sunday between the hours of 10 a.m. to 10 p.m. Extended hours for City or City-sponsored events may be granted with prior approval by the City Council, not to exceed the ordinance hours of sale.

(b) One drink on-street limit. Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(c) Size limited to 16 ounces. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places

within the defined Downtown Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size.

(d) Drinking from can, bottle or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except as authorized and approved as outdoor dining or sidewalk café.

SECTION 5. SAVINGS PROVISION. All prior actions of the City of Mount Dora pertaining to Land Development Code, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. SCRIVENER'S ERRORS.

(a). This Ordinance shall be codified in the Mount Dora Code of Ordinances and Land Development Code and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 7. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 8. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2018

NICK GIRONE
MAYOR of the City of Mount Dora, Florida

ATTEST:

GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of City of Mount Dora only.
Approved as to form and legality.

William Colbert or Jennifer Cockcroft
City Attorney

EXHIBIT #1

N



1 inch = 283 feet

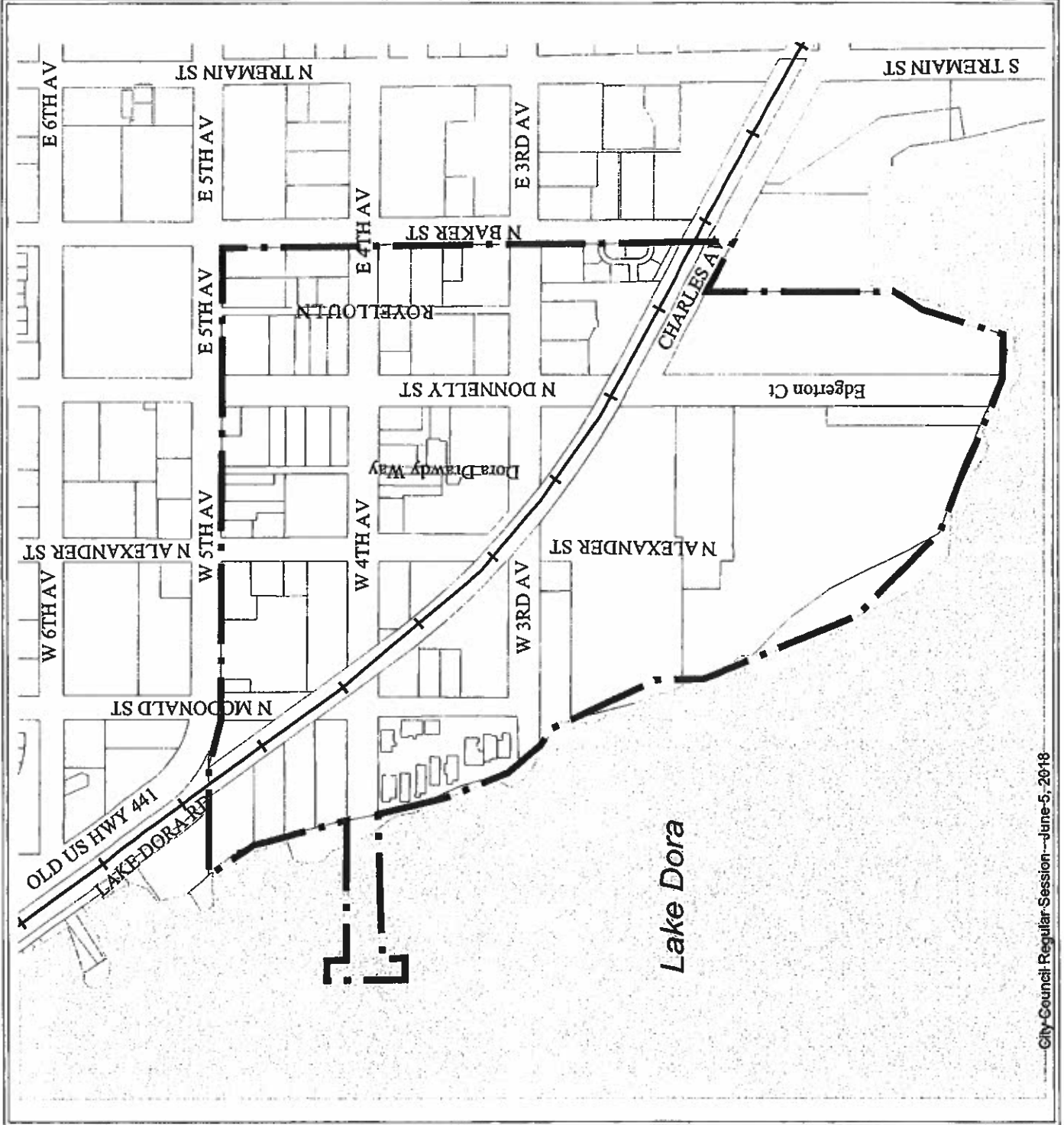
**Downtown
Entertainment
District
Boundary
Map**

Legend



Entertainment District

Date: 5/22/2018



AGENDA ITEM 10

Discussion of Density Standards

AGENDA ITEM 11



CODE ENFORCEMENT UPDATE

APRIL 2019

CITATION REPORT

DATE	CITATION NUMBER	VIOLATION	CITATION AMOUNT	AMOUNT COLLECTED	OFFICER	GENERAL OR CRA
3/27/2019	6073	Accumulation of Abandoned Material	\$ 250.00		LS	GF
3/28/2019	6042	Grass/Weeds	\$ 100.00		JM	GF
3/29/2019	6043	Building Maintenance	\$ 850.00		JM	CRA
4/2/2019	6076	Excessive Growth Grass/Weeds	\$ 100.00		LS	GF
4/2/2019	6045	Unsafe Unfit/Fire Hazard	\$ 250.00		JM	GF
4/3/2019	6048	Excessive Growth Grass/Weeds	\$ 100.00		JM	CRA
4/3/2019	6047	Litter/Trash	\$ 250.00	\$ 250.00	JM	CRA
4/9/2019	6078	Unsanitary Pool	\$ 250.00		LS	GF
4/10/2019	6049	Damaged Fence	\$ 100.00		JM	GF
4/10/2019	6079	Building Maintenance	\$ 850.00		LS	CRA
4/10/2109	6080	Accumulation of Trash Junk Debris	\$ 250.00		LS	GF
4/10/2019	6081	Damaged Fence	\$ 100.00	\$ 100.00	LS	CRA
4/16/2019	6050	Accumulation of Junk, trash etc	\$ 250.00		JM	GF
4/16/2019	6101	Accumulation of Junk, trash etc	\$ 250.00		JM	CRA
4/17/2019	6082	Building Maintenance	\$ 850.00		LS	CRA
4/17/2019	6083	Accumulation of Junk	\$ 250.00		LS	GF
4/23/2019	6084	Diliquent Business Tax	\$ 200.00		LS	GF
4/23/2019	6085	Accumulation of Trash Junk Debris	\$ 250.00		LS	GF
4/23/2019	6086	Excessive Growth Grass/Weeds	\$ 200.00		LS	GF
Total			\$ 5,700.00	\$ 350.00		

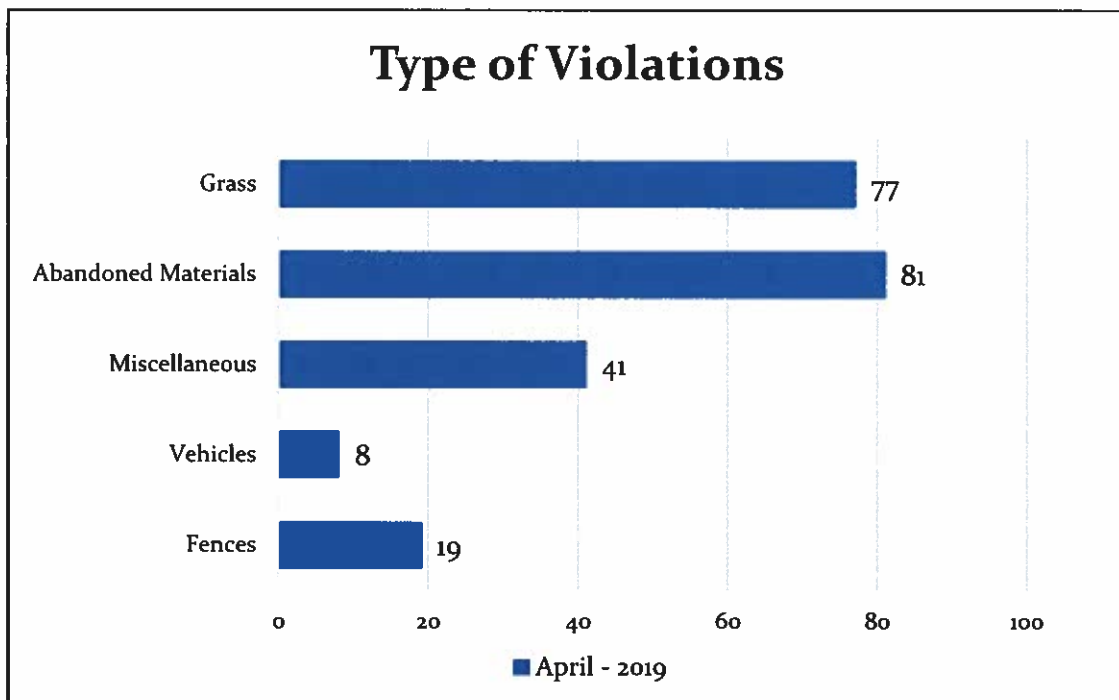
Previously issued citations collected this period

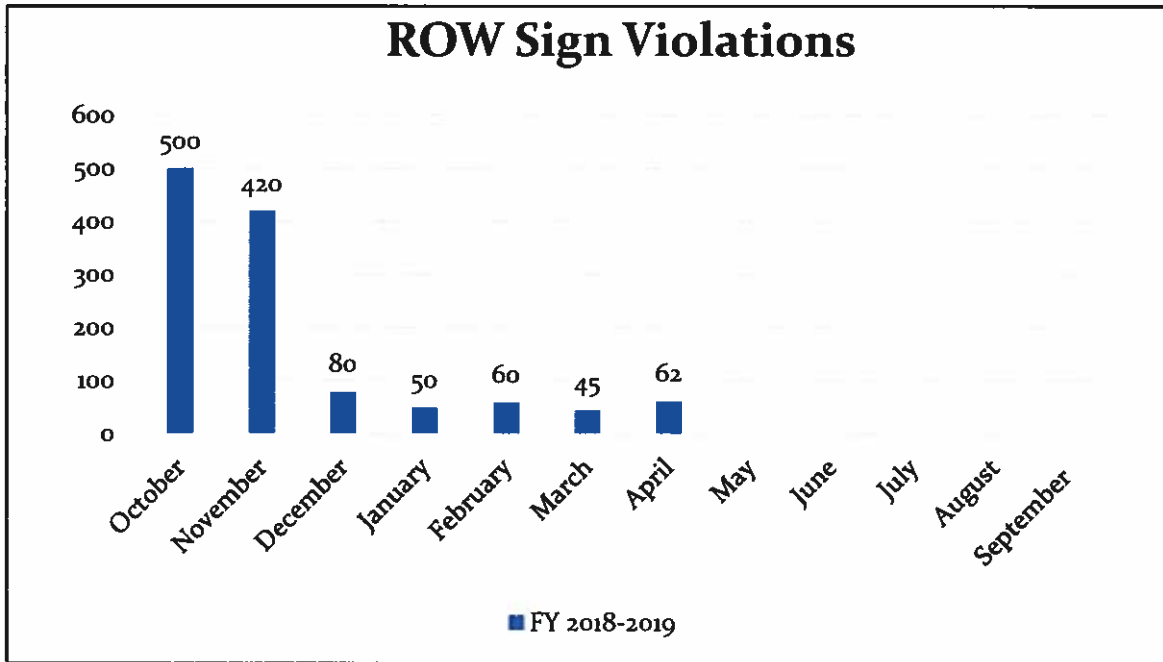
3/18/2019	6068	Dumpster Visible/Litter	\$100.00	\$ 100.00	LS	GF
3/21/2019	6070	Dumpster Visible/Litter	\$100.00	\$ 100.00	LS	GF
3/11/2019	6037	Accumulation of Abandoned Material	\$ 250.00	\$ 25.00	JM	GF
2/22/2019	6027	Failure to Secure Pool	\$ 100.00	\$ 100.00	JM	GF
2/22/2019	6029	Unsanitary Pool	\$ 250.00	\$ 250.00	JM	GF
3/8/2019	6062	Building Maintenance	\$ 100.00	\$ 100.00	LS	GF
3/21/2019	6041	Visible Dumpster	\$ 100.00	\$ 100.00	JM	GF
3/5/2019	6060	Tree Debris	\$ 250.00	\$ 250.00	LS	CRA
8/8/2018	5829	Grass over 18"	\$ 100.00	\$ 118.19	SE	GF
8/8/2018	5830	Grass over 18"	\$ 100.00	\$ 118.19	SE	GF
8/8/2018	5831	Grass over 18"	\$ 100.00	\$ 118.19	SE	GF
8/23/2018	5837	Grass over 18"	\$ 100.00	\$ 632.06	SE	GF
8/23/2018	5838	Grass over 18"	\$ 100.00	\$ 632.06	SE	GF
8/23/2018	5839	Grass over 18"	\$ 100.00	\$ 632.06	SE	GF
Total			\$1,850.00	\$ 3,275.75		

Grand Total Collected	\$ 3,625.75
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Summary

In **APRIL 2019**, the Code Enforcement Division continued its efforts to maintain and improve the quality of life throughout the residential and business community. Over the course of the month, the department issued 226 violations.





NOTES

1.

2.

3.