

**AGENDA  
CITY COMMISSION MEETING  
CITY HALL, 501 W MEADOW STREET  
MONDAY, JANUARY 23, 2023 5:30 PM**

**1. CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**2. PROCLAMATIONS:**

**A. None**

**3. PRESENTATIONS:**

**A. None**

**4. PUBLIC COMMENTS:**

**This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.**

**5. CONSENT AGENDA:**

**Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call**

**A. CITY COMMISSION MEETING MINUTES:**

- 1. Organizational meeting held January 9, 2023**
- 2. Regular meeting held January 9, 2023**

**B. PURCHASING ITEMS:**

1. **None**

**C. RESOLUTIONS:**

1. **Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Greater Leesburg CRA, Carver Heights CRA, Highway 441/27 CRA, Capital Projects, Electric, Gas, Water, Wastewater, Airport, Police Forfeiture, Building Permits, Discretionary Sales Tax and Fleet Services Funds for the carryovers from fiscal year 2021-22; and providing an effective date.**
2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Lease with the U.S. House of Representatives (Congressman Daniel Webster) through March 2, 2023; and providing an effective date.**
3. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Quit Claim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc., transferring the real property described therein; and providing an effective date.**
4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and Red Maple Lodge Properties, LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Red Maple Lodge; and providing an effective date.**
5. **Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement from Red Maple Lodge Properties, LLC, along with a Joinder and Consent to Utility Easement from United Southern Bank, for the purpose of creating a utility easement affecting the property described therein; and providing an effective date.**
6. **Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Carver Heights CRA, Wastewater and Airport Funds for the First Quarter; and providing an effective date.**

6. **PUBLIC HEARINGS AND NON-ROUTINE ITEMS:  
COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW)  
AVAILABLE**



**A. SECOND READING OF ORDINANCES**

- 1. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 11 +/- acres from City of Leesburg Low Density Residential to City of Leesburg Industrial, for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)**
- 2. An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)**

**B. FIRST READING OF ORDINANCES**

- 1. An Ordinance of the City of Leesburg, Florida Amending Chapter 28 of the City Code of Ordinances regarding Stormwater Management; providing for inclusion in the Code of Ordinances; providing for severability; providing for conflicts; and providing for an effective date.**
- 2. An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 109.63 +/- acres; and being generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Blue Cedar)**
- 3. An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar)**

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 109.63 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar PUD)**

**C. NON-ROUTINE ITEMS**

1. **None**

**7. INFORMATIONAL REPORTS:**

**The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.**

- A. None**

**8. CITY ATTORNEY ITEMS:**

**9. CITY MANAGER ITEMS:**

**10. ROLL CALL:**

**11. ADJOURN:**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.**

**F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they 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." The City of Leesburg does not provide this verbatim record.**

**AGENDA MINUTES  
CITY COMMISSION MEETING  
CITY HALL, 501 W MEADOW STREET  
MONDAY, JANUARY 9, 2023 5:00 PM**

**1. CALL TO ORDER**

The City of Leesburg Commission held a regular meeting on Monday, January 9, 2023, at Leesburg City Hall. Mayor Pederson called the meeting to order at 5:01 p.m. with the following members present:

Commissioner Jimmy Burry  
Commissioner Jay Connell  
Mayor Mike Pederson

Commissioner John Christian and Commissioner Dan Robuck were absent. Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

**INVOCATION**

Mayor Pederson gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**2. INSTALL COMMISSIONERS**

**A. ALLYSON BERRY**

CC Purvis swore in Allyson Berry to serve as Commissioner for Seat 1, District 1, for a four-year term.

**B. MIKE PEDERSON**

CC Purvis swore in Mike Pederson to serve as Commissioner for Seat 4, District 4, for a four-year term.

**C. ALAN REISMAN**

CC Purvis swore in Alan Reisman to serve as Commissioner for Seat 2, District 2, for a four-year term.

**3. ELECT MAYOR**

Mayor Pederson passed the gavel to the city manager. He then nominated Commissioner Jimmy Burry for Mayor. **CM Minner** requested any other nominations for mayor. There were none.

The nomination was unanimously approved.

**4. ELECT MAYOR PRO-TEM**

Commissioner Reisman nominated Commissioner Jay Connell for Mayor ProTem and Commissioner Pederson seconded the motion.

The nomination was unanimously approved.

**5. PRESENT PLAQUE TO OUTGOING MAYOR MIKE PEDERSON**

Mayor Burry presented outgoing Mayor Pederson with a plaque in recognition of his leadership and dedication to public service as Mayor for 2022.

**6. PRESENT PLAQUE TO OUTGOING COMMISSIONER JOHN H. CHRISTIAN**

CM Minner stated that both former Commissioner Christian and Commissioner Robuck were unable to attend this meeting and they would present their plaques to them at a later meeting.

**7. PRESENT PLAQUE TO OUTGOING COMMISSIONER DAN ROBUCK**

**8. APPOINTMENTS**

**A. Commission Appointments for 2023**

**Personnel Committee (called as required)**

Commissioner Connell

Commissioner Berry

**Lake Community Action Agency, Inc., Board of Directors**

Representative Commissioner Berry

Alternate Mayor Burry

**Lake County League of Cities Board of Directors**

Representative Commissioner Reisman

Alternate Commissioner Connell

**Florida League of Cities**

|                |                       |
|----------------|-----------------------|
| Representative | Commissioner Pederson |
| Alternate      | Mayor Burry           |

**Metropolitan Planning Organization (MPO)**

|                |                      |
|----------------|----------------------|
| Representative | Mayor Burry          |
| Alternate      | Commissioner Reisman |

**St. John's River Water Management District Liaison**

Mayor Burry

**Florida Municipal Power Agency (FMPA)**

|                |                                        |
|----------------|----------------------------------------|
| Representative | Brad Chase, Electric Director          |
| Alternate      | Al Minner, City Manager                |
| 2nd Alternate  | James "Jim" Williams, Finance Director |

**Florida Municipal Electric Association (FMEA)**

|                |                               |
|----------------|-------------------------------|
| Representative | Brad Chase, Electric Director |
| Alternate      | Al Minner, City Manager       |

**Florida Municipal Power Agency Policy Makers Liaison Committee**

|                |                       |
|----------------|-----------------------|
| Representative | Mayor Burry           |
| Alternate      | Commissioner Pederson |

**Leesburg Center for the Arts**

Commissioner Berry

**Leesburg Partnership**

|                |                      |
|----------------|----------------------|
| Representative | Commissioner Connell |
| Alternate      | Commissioner Reisman |

Motion made by Commissioner Pederson and seconded by Commissioner Reisman to accept the appointments for 2023.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Connell  | Yes |
| Commissioner Berry    | Yes |
| Commissioner Reisman  | Yes |
| Commissioner Pederson | Yes |
| Mayor Burry           | Yes |

Five yeas, no nays, the Commission approved the appointments.

Commissioners appoint one representative to each of the following boards.  
The representative serves the same timeframe as the Commissioner.

**Airport Advisory Board:**

|                       |              |
|-----------------------|--------------|
| Commissioner Berry    | Marvin King  |
| Commissioner Connell  | Darel Craine |
| Commissioner Pederson | Bo Wroten    |

|                      |              |
|----------------------|--------------|
| Commissioner Reisman | Byron Oldham |
| Mayor Burry          | Joel Hargis  |

**Leesburg Public Art Advisory Board:**

|                       |                    |
|-----------------------|--------------------|
| Commissioner Berry    | Vonda Parker       |
| Commissioner Connell  | Gail Tyson         |
| Commissioner Pederson | Vicky Murphy       |
| Commissioner Reisman  | Danielle Stroud    |
| Mayor Burry           | Semeion Richardson |

**Parks & Recreation Advisory Board:**

|                       |                |
|-----------------------|----------------|
| Commissioner Berry    | Debra Dabney   |
| Commissioner Connell  | Clay Bell      |
| Commissioner Pederson | Joanie Smalley |
| Commissioner Reisman  | Jeff Sustarsic |
| Mayor Burry           | Roger Croft    |

Motion made by Commissioner Pederson to approve the 2023 advisory board appointments and seconded by Commissioner Reisman.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |
| Commissioner Connell  | Yes |
| Mayor Burry           | Yes |

Five yeas, no nays, the Commission approved the appointments for the advisory boards.

**9. CITY MANAGER ITEMS**

CM Minner had no comment.

**10. ROLL CALL:**

Commissioner Connell had no further comment.

Commissioner Pederson congratulated the newest commissioners. He looks forward to working with both of them.

Commissioner Berry had no comment.

Commissioner Reisman thanked all the people who supported his campaign, his family, and his friends. He would not be here without them.

Mayor Burry had no further comment.

**11. ADJOURN:**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.**

**F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they 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." The City of Leesburg does not provide this verbatim record.**

The meeting adjourned at 5:20 p.m.

**AGENDA MINUTES  
CITY COMMISSION MEETING  
CITY HALL, 501 W MEADOW STREET  
MONDAY, JANUARY 9, 2023 5:30 PM**

**1. CALL TO ORDER**

The City of Leesburg Commission held a regular meeting on Monday, January 9, 2023, at Leesburg City Hall. Mayor Burry called the meeting to order at 5:33 p.m. with the following members present:

Commissioner Allyson Berry  
Commissioner Jay Connell  
Commissioner Mike Pederson  
Commissioner Alan Reisman  
Mayor Jimmy Burry

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Grant Watson, the news media, and others.

**INVOCATION**

The invocation was given, followed by the Pledge of Allegiance to the Flag of the United States of America at the Commission's Organizational meeting held immediately prior to this meeting.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**2. PROCLAMATIONS:**

A. None

**3. PRESENTATIONS:**

A. None

Mayor Burry stated that former Commissioner John H. Christian was in attendance at this meeting. He wanted to take the opportunity to present him with his outgoing plaque. He stated that it was in appreciation for nineteen years of distinguished public service as City Commissioner and Mayor of the City of Leesburg from 2004-2022. **Former Commissioner John Christian** thanked everyone.

**4. PUBLIC COMMENTS:**

**This section is reserved for members of the public to bring up matters of concern or**



**opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.**

There were no public comments offered.

**5. CONSENT AGENDA:**

**Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call**

**Items pulled for discussion:**

5.C.1 - Donation of certain real property from Tammy Blackwood, Kelvin Ninmo, and Dale Ninmo with condition; authorizing the Mayor and /or Special Magistrate to execute Releases of Code Enforcement Orders and Liens against the property; authorizing the Mayor and/or City Manager to execute a Deed conveying the property to Habitat for Humanity on the condition that the property be used in connection with the Leesburg Construction Trade Program

5.C.5 - Downtown Leesburg Building Redevelopment Grant to Brick City Hospitality Group, LLC., for renovations at 215 W. Main Street

5.C.6 - Facade, Sign and Landscape Grant to Brick City Hospitality Group, LLC., for renovations at 215 W. Main Street

5.C.7 - Renewal Lease Agreement with the West Leesburg Community Development Corporation (WLCDC) for office space at the Leesburg Resource Center

Commissioner Pederson moved to adopt the Consent Agenda except for 5.C.1, 5.C.5, 5.C.6, and 5.C.7, and Commissioner Reisman seconded the motion.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Connell  | Yes |
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |
| Mayor Burry           | Yes |

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:  
(Each item has its coordinated resolution number listed below the header)

**A. CITY COMMISSION MEETING MINUTES:**

**1. Regular meeting held December 19, 2022**

**B. PURCHASING ITEMS:**

**1. Purchase request by Wastewater for the purchase of three (3) floating**

aerators.

2. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an annual Fixed Unit Price Agreement for construction services related to installation, replacement, and repairs of concrete sidewalks, curbs, gutters and flatwork with Bulldog Sitework, LLC.; and providing an effective date.**

**ADOPTED RESOLUTION 11,242**

**C. RESOLUTIONS:**

1. **Resolution of the City Commission of the City of Leesburg, Florida, accepting the donation of certain real property from Tammy Blackwood, Kelvin Ninmo, and Dale Ninmo with conditions; authorizing the Mayor and/or Special Magistrate to execute Releases of Code Enforcement Orders and Liens against the property; authorizing the Mayor and/or City Manager to execute a Deed conveying the property to Habitat for Humanity on the condition that the property be used in connection with the Leesburg Construction Trade Program; and providing an effective date.**

**ADOPTED RESOLUTION 11,247**

Commissioner Pederson introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Pederson made a motion to adopt the resolution and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell commented that he was unable to speak with the city manager about this item. However, he would like some clarification because there are code enforcement liens on this property. If we release the liens, do they just give the city the property and what are the conditions for this? **CM Minner** answered that is pretty much it. This is approximately a three acre parcel located on Penn Street just south of Griffin Road. It is located behind the Takis Restaurant, Walgreens and Burger King. Currently, there are several different code enforcement liens on the property. The majority of the lot is wooded and there are a lot of homeless conditions there. This parcel is blighted and because of that reason there are many different pending code violations. In total, there are about forty-two thousand dollars in liens on that property. The liens have built up and more are being added. For ease of explanation, the Blackwood Trust owns the parcel. It is owned by siblings. The ownership of the property was in the family, which is now in the trust. Tammy Blackwood speaks on behalf of the trust and Kelvin Ninmo and Dale Ninmo are her brothers. The city was approached by the Blackwood Trust. However, they purchased the parcel a longtime ago, but the property has gotten to the point where they cannot develop it nor do they want to have the liens on the property. In exchange for waiving the liens, they asked if we would have any use for the property. The purpose behind code enforcement fines is not to be punitive. They are not supposed to be revenue makers. They are supposed to be the stick to the owner so they come into compliance with the codes. That property is good and it could add a lot of value to the

community. However, at this time, that property does not. So, the family of Blackwood Trust came in and asked if we would be interested in the property, and, as it turned out, when they approached him he said yes, absolutely. The day they came in and approached him was unbelievable timing, because that day he had just left the ribbon cutting for the Leesburg High School Construction Trade off East Main. For the past four years, through Romac Construction and Habitat for Humanity, that program has been able to run. It goes through Leesburg High School and their Construction Trades Academy. The high school teaches the trades to the students. They learn about plumbing, electricity, everything that is involved with constructing a house. For the past four years, the Academy has built a house. The city donated the initial property off 12th Street. The second year, they were given another house that was donated in unincorporated Lake County off Picciola. After that house, they came back to the city and asked if we had any other property, so we scurried through the records and provided the property on East Main just south of what used to be Metro Steel. We purchased that building and that is where the Public Works Headquarters is located. They split that property and they built two houses there. Anyway, the day he was leaving the ribbon cutting, Don Magruder tapped him on the shoulder and asked if we could find more property. That went on to his to-do list and as soon as he put it on his to-do list, the Blackwood Trust family was in his office saying they had an idea and that was the concept. In exchange for that parcel, we would waive the fines. Then we would donate that parcel to Habitat and Habitat would use it for the Construction Trades Academy. We think they could get four or five houses on that parcel due to the size of the parcel. It will serve Habitat for a few years. He thinks it is a good location for it. Even though US 27 is commercial, the Penn Street side is residential. It will still fit well with housing. It will provide housing for the needy and it will work in partnership with the Construction Trades Academy. The Construction Trades Academy, Mr. Brandenburg, is also a school board member. The school board has been very supportive of the Leesburg High School Construction Trades Academy. He also spoke with Mr. Rankin, at LPG, and they may be willing to do some pro bono work to assist them with subdividing that property and do some planning. With this resolution there would be three or four more steps, because it is a big give. However, it would be good for the program. There are more steps needed. We need to do a quitclaim deed from the city to the Habitat. There are about three steps in that process and this resolution would allow him and the city attorney to execute those items on behalf of the city commission. **Commissioner Berry** asked about the types of homes Habitat builds. **CM Minner** replied that they would be single-family residential. Typically, they are one story in the neighborhood of about one thousand square feet. The flavor of what they would look like would be what exists on East Main and 12th Street. They would be attractive houses and they will add to the community. It would take care of the blight, homeless, trash, and the accumulation of weeds and debris. All the stuff that is in that area hurts that neighborhood now. It will benefit the Penn Street neighborhood because it will bring nice housing to the area, which will definitely complement and improve the corridor. **Commissioner Berry** inquired how the candidates are chosen for Habitat. **CM Minner** answered that he was unsure how Habitat handles that because it is all handled by them. He understands that they pick families in need which probably goes back to low to moderate income families (LMI).

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |
| Commissioner Connell  | Yes |
| Commissioner Berry    | Yes |
| Mayor Burry           | Yes |

Five yeas, no nays, the Commission adopted the resolution.

**2. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a plat for Eagletail Landing – Phase 1, a**

subdivision of the City of Leesburg, Florida, being a portion of Sections 18 and 19, Township 20 South, Range 25 East, Lake County, Florida, and accepting and dedicating to the use of the public any easements or public places shown thereon as being dedicated to the public; and providing an effective date. (Eagletail Landing – Phase 1)

**ADOPTED RESOLUTION 11,243**

3. **Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Change Order 1 to Purchase Order 527253 to GAI Consultants, Inc. for additional professional design services related to the Fuel Farm Project at the Leesburg International Airport; and providing an effective date.**

**ADOPTED RESOLUTION 11,244**

4. **Resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute a natural gas service agreement between the City of Leesburg and Alcazar Development Group V, LLC for the purpose of setting forth the terms and conditions under which the City of Leesburg will supply natural gas service to the development referred to as Silver Lake Villas; and providing an effective date.**

**ADOPTED RESOLUTION 11,245**

5. **Resolution of the City Commission of the City of Leesburg, Florida approving a Downtown Leesburg Building Redevelopment Grant to Brick City Hospitality Group, LLC, for renovations at 215 W Main Street; and providing an effective date.**

**ADOPTED RESOLUTION 11,248**

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated he assumed this was structured just like the other ones. Where the city would just give them a quarter million dollars with no strings attached. With no time limit on having to own the building or getting it open, nothing. Just make the improvements and do whatever they want. **CM Minner** remarked it would be the same conversation. Everything is done on a reimbursement basis. The only two things he would add would be that we already see construction activity going on and the company Brick City from Ocala is a reputable firm. We both know where each other stands on this item. **Commissioner Connell** said from the get-go he had no problem with the concept of what we were trying

to do. However, there should be some requirements if we are giving away a quarter of a million dollars. They should have to own it for a certain length of time. They should have to open it. It should not be that they just make the improvements and then do whatever they want with the building. He did not feel that was the intent. We are trying to redevelop the downtown with businesses, not just give a quarter million dollars to outside developers to come in here and make some quick money and sell it. Every time these come up, he will bring them up until we get some stipulations in place. He agrees with the concept of what we are trying to do. He just does not agree with not having any requirements attached to it.

**Commissioner Pederson** stated that they have had previous debates over this. This is the fourth time it has come up, so he would not get into his rebuttal. However, for clarification and the crowd, the developers are putting in seven hundred and fifty thousand dollars and we are matching it with two hundred and fifty thousand dollars.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Reisman  | Yes |
| Commissioner Connell  | No  |
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Mayor Burry           | Yes |

Four yeas, one nay, the Commission adopted the resolution.

**6. Resolution of the City Commission of the City of Leesburg, Florida approving a Facade, Sign and Landscape Grant to Brick City Hospitality Group, LLC, for renovations at 215 W Main Street; and providing an effective date.**

**ADOPTED RESOLUTION 11,249**

Commissioner Reisman introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Reisman made a motion to adopt the resolution and Commissioner Pederson seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated his comments were the same as the last item. Anytime we give free money away, there should be some regulations attached to it. They should not just make the improvements and walk away with the money. We should have some type of attachment to that money where they have to do something within a certain time period. They have to open the business or something. It should not be that they make the improvements, sell, and pocket our money. That is not right. **Commissioner Pederson** remarked that the theory of the last program and the one million dollar grant program, and this program was to help revitalize the downtown. He is okay with this because these developers are putting a substantial amount of money into it. This one is eighty thousand to one hundred thousand dollars total. **CM Minner** replied that their numbers on this are more like three hundred thousand dollars on the exterior facade. He believes the redevelopment of the building, the interior and structure for the redevelopment of the old downtown building redevelopment grant was listed at about one million dollars for improvements. The exterior improvements that qualified for the FSL grant were about three hundred thousand dollars. **Commissioner Pederson** mentioned that they are putting in over one million dollars and we are putting in two seventy. If someone wants to invest that kind of money in our downtown, he

does not care if they flip it tomorrow. They just put one million dollars of improvements into our downtown. **Mayor Burry** added that these are two different items. He understands the hesitancy on the first item, but how many of these facade grants have we done? **CM Minner** answered this is typical. However, he can understand Commissioner Connell's concerns because the facade, sign, landscape grants typically go to existing businesses. This would be the second one that goes more towards the redevelopment of the downtown, but they are still a qualifier. Of all the sign grants we have given, the ballpark number is about thirty to thirty-five since inception. Over the past five to six years that we have been doing this program, only two have been unnamed businesses to date. He was unsure if he would put The Palace on that because their purpose was the existing business with the Two Old Hags downstairs and the improvements to the theatre. The second story will be offices and the third story will be residential. They had a plan. This one will be some type of commercial venture like a restaurant eatery. The proposal also says there will be a multi-family upstairs.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Connell  | No  |
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |
| Mayor Burry           | Yes |

Four yeas, one nay, the Commission adopted the resolution.

**7. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Renewal Lease Agreement with the West Leesburg Community Development Corporation (WLCDC) for office space at the Leesburg Resource Center; and providing an effective date.**

**ADOPTED RESOLUTION 11,250**

Commissioner Pederson introduced the resolution to be read by title only. CC Purvis read the resolution by title only.

Commissioner Pederson made a motion to adopt the resolution and Commissioner Reisman seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated he had some questions and he was unable to connect with the city manager earlier. He wanted to know who the Leesburg Community Development Corporation was and what they did? This was a renewal of their lease, so will the lease go up or are we leasing it back to them at the same proposed price they were paying for the last three years? **CM Minner** answered that the West Leesburg CDC is a Development Corporation similar to East Leesburg CDC, but their focus is specifically on the Carver Heights area. They previously used a facility that we leased to them near Berry Park. Once the Resource Center was built, we leased an office to them in that building and this lease just continues that. All the terms remain the same. **Commissioner Berry** inquired about the fee being none. **CM Minner** agreed that there was no rental rate. They use one office in the Resource Center. **CA Watson** added that there was a service-based rental payment source where they would provide services in lieu of rent.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |
| Commissioner Connell  | Yes |
| Mayor Burry           | Yes |

Five yeas, no nays, the Commission adopted the resolution.

8. **Resolution of the City Commission of the City of Leesburg, Florida authorizing the City Commission to update the Building Incentive Plan to include the Chief Plans Examiner and the Chief Building Inspector positions; and providing an effective date.**

#### **ADOPTED RESOLUTION 11,246**

#### **6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS: COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE**

##### **A. SECOND READING OF ORDINANCES**

1. **None**

##### **B. FIRST READING OF ORDINANCES**

1. **An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 11 +/- acres from City of Leesburg Low Density Residential to City of Leesburg Industrial, for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)**

Commissioner Pederson introduced items 6.B.1 and 6.B.2 and asked that the ordinances be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over until the meeting of January 23, 2023.

2. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities**

**for metal structures/carports for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)**

- 3. An Ordinance of the City of Leesburg, Florida amending Future Land Use Element, Policy 1.1.6 to remove references to project acreage and the project boundary map, as well as to clarify that town centers are mixed use centers; amending the Villages of West Lake project boundary to reflect the newly added lands; amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg by changing the Future Land Use Map designation of certain property containing 18.34 +/- acres from Institutional to Age Restricted Development, for a property located south of County Road 470 and east of the Florida turnpike, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (The Villages of West Lake)**

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience.

CM Minner stated a few years ago The Villages bought eighteen acres of land from the city on the south side of the s-curve of CR 470. They want to process this as a large-scale amendment, which means it needs to be reviewed by the state. Large-scale amendments that are anything larger than fifty acres are required to be reviewed by the Department of Economic Opportunity. They have a reason to do this because it blends in with all the other ARD properties and it would be a more formal process. The city does not have issues with that. This item would lay over until the state has reviewed the information. Once we receive that information back, we can schedule it for a second reading. **PZD Miller** stated the applicant asked that due to this being a transmittal hearing and because it is a large-scale amendment, they would like the opportunity to accept public comment on it.

Darren Taylor from The Villages, stated he was there representing the applicant. The only reason he needed to make a comment was because this was a transmittal hearing. This requires a vote from the commission so they can transmit the amendment to the state. The commission would need to vote to transmit the amendment to the department. He wanted to make sure they voted on this so they could move forward with the process. **CA Watson** answered that what he was asking for was correct. They need to make a motion to approve and transmit the amendment to the state. That would be appropriate if that was pleasing to the commission.

Commissioner Pederson made a motion to approve and transmit the amendment to the state and Commissioner Reisman seconded the motion.

The roll call vote was:

|                       |     |
|-----------------------|-----|
| Commissioner Connell  | Yes |
| Commissioner Berry    | Yes |
| Commissioner Pederson | Yes |
| Commissioner Reisman  | Yes |



Mayor Burry

Yes

Five yeas, no nays, the Commission approved the transmit of the amendment.

Mayor Burry stated this item would lay over until we receive information back from the state.

4. **An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 18.34 +/- acres from P (Public) to ARD (Age Restricted Development) for a property generally located south of County Road 470 and east of the Florida turnpike, lying in Section 17, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (The Villages of West Lake)**

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over.

5. **An Ordinance of the City of Leesburg, Florida, to modify the Chapter 163 Development Agreement between The Villages of West Lake, Area A; for the development of approximately 1400 acres; providing a binding agreement and amendments for long term development; including but not limited to density, intensity, land uses and process; approving development rights and land development regulations; for a property generally located near Florida's Turnpike, the Lake and Sumter County line; and north of County Road 470; as legally described in Sections 6, 7, 8, 9, and 16, Township 20 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 163A Amendment 2023)**

Commissioner Pederson introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over.

6. **An Ordinance of the City of Leesburg, Florida, to modify the Chapter 163 Development Agreement between The Villages of West Lake, Area B; for the development of approximately 1230 acres; providing a binding agreement and amendments for long term development; including but not limited to density, intensity, land uses and process; approving development rights and land development regulations; for a property generally located near Florida's Turnpike, the Lake and Sumter County line; and east and west of County Road 48; as legally described in Section 31, Township 20 South, Range 24 East; and Sections 5, 6, and 7, Township 21 South, Range 24 East, Lake County, Florida; and providing an effective date. (VOWL 163B Amendment 2023)**

Commissioner Reisman introduced the ordinance to be read by title only. CC Purvis read the ordinance by title only.

Mayor Burry requested comments from the Commission and the audience. There were none. He stated this item would lay over.

### **C. NON-ROUTINE ITEMS**

#### **1. Proposal to the City of Leesburg, Florida for Design Engineering Services to add a Fluoride Injection System to the Water Distribution System and Florida Department of Health Fluoridation Grant Application update.**

Commissioner Reisman introduced the proposal and asked that it be read by title only. CC Purvis read the proposal by title only.

Commissioner Pederson made a motion to approve the proposal and Commissioner Connell seconded the motion.

Mayor Burry requested comments from the Commission and the audience.

Commissioner Connell stated he did not support this. The people in his district are not for it. We should not force it on people who do not want it in their drinking water. This is a tremendous cost too. These days, practically every toothpaste has fluoride in it and even mouthwash has fluoride in it. There have been debates about whether too much fluoride for people is not a good thing. He spoke to his community and they did not want it. We should not force it on people who do not want it. The bill for this is practically seven hundred thousand dollars plus the annual maintenance and chemical bill. **CM Minner** commented to the public, that this has been an item the commission has discussed over the last six months, at least since the summertime, in different ways. The question this proposal ponders is whether or not to consider adding fluoride to the city's drinking water. A brief recap, it is reasonable to say that adding fluoride to the drinking water was one of the greatest things. Most folks will tell you it was one of the top ten public health things that was accomplished in the nation. The number one being the creation of antibiotics. However, in the top five list was adding fluoride to the drinking water and that came out from the FDA in the 40's. Everybody considered it a good accomplishment. However, in the early 2000's, there was some school of thought that stated we really do not need to add fluoride anymore. The reason for that was the advancement in fluoride in topical solutions and dental care. In the early 2000's, maybe the 90's, some communities stopped adding fluoride to the water. Today, about eighty percent of American communities still add fluoride to their public drinking water. The City of Leesburg stopped doing this in the early 2000's. We stopped it when we upgraded the Water Treatment Plant. We stopped for two reasons and one was due to the financials. In the 2000's, many utility systems started moving into a Supervisory Control and Data Acquisition (SCADA) system. SCADA systems are the acronym for how we remotely monitor systems. Whether it is gas, water, sewer or electric. It automatically closes valves, it automatically reads pressures, and it automatically injects treatments into water, those types of things. When we were in the process of updating the SCADA system that would add fluoride to the water, we opted not to for the simple reason that it would save money. Another side of the equation is the safety factor and not having to deal with another chemical. Mind you, we do deal with bleach and bleach does go in the water and we deal with a bunch of different chemicals. He does not know how to tip that scale because our folks are paid to deal with chemicals. They do it and they do it safely and reasonably with personal protective equipment. However, not having to deal with one more chemical is a relief to them. There is the argument that fluoride continues to be needed in the water. It would be an advantage for

folks with low to moderate incomes, who do not have the resources to get the latest and greatest dental care. That argument continues and it was brought to this body by folks in the community who are advocates for putting fluoride in the water. They brought it to the attention of a couple of commissioners, who then brought it to his attention. He researched the matter and we discussed it. This is the third time we have talked about it. The last meeting was about sixty to ninety days ago and we discussed moving forward with it. We have moved forward in two ways. The first way was to get an RFP for the design parameters and every project we do goes from a concept where we do this phase. Then we have a design phase and a build phase. We went through the concept idea phase where the commission had a three to two vote which said move forward. The result of that was the Dewberry Engineering contract and that is what you would be voting on tonight. That contract is about eighty thousand four hundred dollars. That would be the design improvements needed at the treatment facilities to put in the pumps, equipment, and the protection that is required. We would have to add some protection storage for chemicals. There are some designs that need to go into place. We were also tasked with finding some grant money available through the Florida Department of Health (FDEP), where they promulgate and suggest that you put fluoride in your water. To that extent, we are hopeful that there will be some grant dollars. When we talked about this last, we provided the commission with rough estimates from the consulting engineers. The rough estimates were about one hundred thousand dollars to design, half a million dollars to build and seventy-five thousand dollars annually to put fluoride in the water. Those numbers would not break the bank. The funds can adopt and afford those numbers. We are still pretty much in that window until Dewberry finishes some designs. Right now, we are about twenty grand under the estimate. Eighty grand was the proposal to do the design work. Now, the grant money is out there. What we did find is that everything we are looking to do is a qualifier for grant reimbursement. The design expense is reimbursable, the pumps, the hardware, almost everything that Dewberry has in their contract that they need to do and build is reimbursable. That is the good news. The bad news is the grant programs do not say how much is reimbursable or if it is an eighty/twenty. They will only say what is reimbursable when they fund it. Our homework showed that throughout the state and in the state's fiscal year, they had one hundred and fifty grand. That is what they have statewide and nobody has tapped into those funds yet. That issue has not come, so if we are lucky, there is one hundred and fifty thousand dollars. If we are even luckier, we may find other pots of money that we could tap into to help cover expenses. He is a realist, so we should be prepared and say that the most we could get is one hundred and fifty thousand dollars. However, that does not mean we will not get more. Dewberry put the time parameters in their proposal and it would be about six months for design. Once we go out to bid, it will be somewhere in the winter time next year before construction will actually start. It would be six months for construction. In order to start receiving grant money, we need Dewberry to get thirty or forty percent of the design completed. We could then take that data to the Department of Health to start applying for grant money. We are at the stage where if you want to move forward with this and put fluoride in the water, vote yes. If you feel it is an unnecessary expense, vote no. If you vote yes, there is still one more bite from the public for input and that comes when the contract comes back for approval. **Commissioner Reisman** echoed Commissioner Connell's comments. When speaking with residents and neighbors, they are all against it. **Commissioner Pederson** remarked that this one had been a tough one. When he spoke with friends in the dental industry, he was heavily in favor of this. However, two things bother him now. One being the consumption of water. When doing the math, it came out to be conservatively that 97-98% of our water is not being drunk. The city manager could help him out with the math because he had him look at the total water usage. **CM Minner** answered that his management style has been to fall on the sword and to be vocal when he thinks things are extremely instrumental. **Commissioner Pederson** pointed out that he asked him to do this. **CM Minner** said yes, it is important to understand both sides of the equation. Yes, he was asked to do that math and we know that about one percent of the water we sell is consumed. So, potentially, one percent of the water that is sold to a single family residential household may be consumed. That is a factual number because we know the average residential unit in Leesburg uses two hundred and fifty gallons of water per day. If they drink a gallon of water and you have 2.8 people in a

household, which is the typical, and each of them drinks a gallon of water per day, that is 2.8 gallons divided by two hundred and fifty, that equals 1.21%. The rest of it goes to the yard, the shower, the dishes or toilet. Only one percent of that water gets drunk. **Commissioner Pederson** said his other comment was and it may sound like a cop-out, but because this has been so controversial, he worries that future commissions could easily come in and reverse the decision, so all the money that would go in up front would be gone. That six hundred thousand dollars plus or minus tugs at him. It has been very tough. **Mayor Burry** stated his comments deal with public health. This proposition is endorsed by the American Dental Association, the American Medical Association, the National Institute of Health, the CDC, and the Florida Department of Health. It would be good for our community. There are members of this community who are underserved in their dental abilities to see a dentist, to have fluoride treatments, all the things that many of us take for granted. There are many members of our community who do not have that luxury. This would be a very cheap way for them to get that when you balance the cost out through the community. We would be helping the community. He is all for it. **CM Minner** pointed out that he wants to be neutral. He did not want any of the information that he had given to lead the vote one way or another. Everything that Mayor Burry said is correct, putting fluoride in the water is seen as a universal way to improve your health through ensuring that you do not get dental decay. There are portions of this community that do not have the dental options that most folks do. Even though we are talking big numbers, the commission deals with the budget, so they know big numbers. Half a million dollars and eighty thousand dollars are big numbers for the city personally. However, in our enterprise funds, those are not big numbers. The argument is that if you spend that amount it has a more significant impact on helping those who are less fortunate. It will provide a public health benefit. Hence, the organizations that Mayor Burry said supports putting fluoride in the public water. Then there are those that do not want the government to put other chemicals like fluoride in the drinking water. All he could do is assure those folks that what the city puts in the water is safe. We do it at levels that are regulated by the state and the federal government. The city is required to report those levels to the state. Most public drinking water organizations have a good record. Even if we add fluoride to the water, the customers in Leesburg need to know that their drinking water is safe and consumable. He hoped he had presented both sides and he would take the direction of the commission. **Commissioner Connell** wanted to expand on Commissioner Pederson's comments. He agreed with him that almost ninety-nine percent of the water that we would put fluoride in would be used for other purposes other than consumption. That is a huge number for one percent that somebody might consume. That is on the assumption that the majority of people do not drink bottled water. **Sanna Henderson** asked from the audience if fluoride was in bottled water. **Commissioner Connell** responded that he doubted that. The point was that bottled water is a big thing nowadays. **Commissioner Berry** stated that speaking for the constituents in district one she was sure a majority of them are not qualified or able to receive dental care as easily as others. She was sure fluoride treatments would be one of the treatments. She remembered getting them as a child, so it would be unfortunate not to offer this. She understands the price and the dollars in question. Overall, it is minimal when you consider the health and welfare of the people who need it. She was sitting there thinking about the good and bad, but this really needs to be considered. She has been listening to both sides, but it is very important to be healthy and to provide the best for our community. **Commissioner Pederson** remarked that he may regret saying it, but he wanted to throw out an idea. With the six hundred thousand dollars and the estimated seventy-five thousand dollars a year for maintenance. With this being so controversial, what if we set aside fifty thousand dollars a year and target that money for low to moderate income people for fluoride treatments or something? He is sensitive to lower incomes and he would like to help them. It could be a band-aid as we work through this and give the community more time. If this is that controversial, let's set aside fifty to seventy-five thousand dollars a year and use it. He knows it would be another program but we could use it for low to moderate income people for dental work or fluoride treatments. It could come back for further discussions at a later date.

**Sanna Henderson** stated that the entire time she was on the commission the city had fluoride in the

water. It was just there and nobody said yay or nay. It was wonderful and her daughter never had any cavities. Back when she was a kid in Leesburg, she remembered Dr. Duncan painting fluoride on her teeth. She does not know which city commission snuck the fluoride out, but it was said to be in the 2000's. **CM Minner** replied it was the early 2000's when the city upgraded the SCADA system. **Ms. Henderson** continued to say that she certainly did not know because she was not on the commission at that time. Someone mentioned to her that the fluoride had been removed from the water and she was thoroughly upset that we did not have it. It was a great thing to have for the citizens. She was unsure of when the city would talk about going to the tertiary water system, but when we do, we will not be watering our yards with chlorinated water because that would be very expensive. Anyway, she wanted the commission to consider putting the fluoride back in the water. She guessed the city paid a lot of money for it years ago. However, she did not remember it being in the budget. It was just there and it was wonderful.

**Darel Craine**, district two, said he would like to renew his request to hold workshops on this before moving forward. He said Commissioner Pederson had a good idea. There are other ways to target those that are in need of fluoride treatments. Speaking about the proposal tonight that they will vote on, he was before the commission before and it was said that they were going to put equipment, fluoride tanks and injection equipment at all five of the water plants. He looked at the numbers on the proposal and he believed the city would be hit with change orders because he did not think they would be able to do all five plants for that amount of money. The main plant will need heavy equipment because of the amount of water coming out of that plant. There are still plants at the mall, the airport, Highland Lakes, and Royal Highlands. With Royal Highlands, he was not sure if it was interconnected now or not. He thought it was still independent. However, he was not sure, he had been out there for a while. He does not believe they can do it for eighty thousand dollars. He believes with five plants there would be change orders coming on that almost immediately.

**Chris Wollenschlaeger**, an orthodontist in the area, stated he had a few points he wanted to address. Commissioner Connell seems to be very fiscally responsible, which is a good thing. However, they have done cost analysis studies on putting fluoride in the water. Those studies have shown that for every one dollar you invest in fluoridating the water, the citizens will on average save thirty-eight dollars in future dental care. Now, if he were to be told that if he gave the city one dollar he could save thirty-eight dollars in dental care, he would say that was one heck of a deal. Secondly, he wanted to address the fifty thousand dollars going towards fluoridating treatment. He does not know how that would be done in reality. It sounds like a great idea giving fifty thousand dollars to the people for fluoride treatments, but how will that be distributed? Will kids once a year get a fluoride treatment in school? If it was in the water, they would get it every single day. One fluoride treatment, once a year, is great, but what will that really do? Not much. In Quebec, Canada, they did a study where they discontinued fluoridating the water in 2010. They saw a distinct increase in the number of children with cavities. They decided that they would put fluoride back in the water because they thought fluoridating the water was a good thing. Yes, there is a large upfront cost, but in the end you will end up saving people money. The alternative to that is giving fluoride to people who need fluoride. People will still need to take time off from their work to be able to receive these fluoride treatments and kids at their schools will go once or twice a year to get fluoride on their teeth. That is not every single day. This is something that helps people and it has been shown to reduce dental decay. The studies and cost analysis were done even in reference to water. Even though ninety-nine percent of the water does not make it into your body to be ingested, even the amount that is ingested is enough to save you thirty-eight dollars for every one dollar invested. Yes, there will be some waste, but to our constituents' point, there is chlorine waste that is thrown away. There will be waste, but what is consumed will immensely help the citizens of Leesburg.

**Dave Wollenschlaeger**, an orthodontist here since 1990, stated that what they do not understand is that

fluoridating the water will not help anyone in the room. We will not be doing it for ourselves. We will be doing it for the kids. When he first came here, he rarely saw children with cavities. Now, it is like a bloom, kids decay and parents coming in having to pay for root canals. With a root canal you are looking at twelve hundred dollars. Having fluoride in the water at this point will not help most adults. It would be done for the kids. His father was in the military and he lived in Colorado Springs. Colorado Springs water is naturally fluoridated. There was no discussion about taking the fluoride out of the water because somebody was worried about being harmed by it. It was just there. Just for testimonial, he has zero cavities and he likes that. He also has zero root canals and he likes that too. It is a bit of an expense, but on average it costs citizens a dollar per year. That is not a whole lot of money. It is a lot of money up front, but when it is amortized out it is not that big of an expense. He would hate to have to tell his patients when they ask why they are getting cavities that it is because the city no longer fluoridates the water. Tavares and Eustis fluoridate their water.

**Linda Kero**, stated it was a good idea to put some money aside to help the kids at school. In Chicago, when she was growing up, they had a dentist at the school, so the kids had dental care every day if needed. The amount of money that we are talking about for a system that may or may not be ingested into someone's system. Going directly to the dentist and helping the kids is a great idea. With water, we all have a right to clean water and when we put that water that has chlorine or fluoride into our grass or on the ground, it percolates down and eventually we get it again. Anyway, we are getting a lot of bad things. She asked if we were going to talk about something important. She hoped they would talk about sewer systems to make sure that our sewers and our septic fields were not percolating down into what should be clean water.

**Mayor Burry** commented on fluoride being such a deadly chemical. Fluoride is the 13th most prevalent chemical in the universe. It is everywhere. It is not just in our water.

**Wade Winker**, 728 Boylston Street, Leesburg, stated he has been practicing in Eustis, Florida since 1993 in general dentistry. He gets to fight the decay every day. The point that seems to have been missed is there are two ways to pick up fluoride. Topically, which is somewhat effective or through ingestion. The only way we pick it up through ingestion is if there is fluoride in something we ingest. That could be water, milk, food or whatever. However, a good way to deliver that to the general population is through fluoridating the water supply. That has been done for seventy years throughout the United States. It has been done very effectively. It effectively reduces decay in the population that it is introduced into by forty to sixty percent. Extensive studies have been done on fluoride to determine what part of the population it helps the most. The interesting thing is that it helps people in the lower socioeconomic areas unfairly higher than it does the people who might be able to afford modern dental care and regular dental visits. It is way more effective when we get it when our children's teeth are forming. That would be before their last teeth finish forming in their 20's. It is the early years that we need that very hard mineral picked up at the proper concentration. They have played with that number a little bit over the last seventy years. They did find that they were using a little too much. It was at one point per million and that was the gold standard for about fifty of those years and in the last twenty years it has been turned down to 0.7 parts per million. It is a very effective program and the city manager was right on point. It is the most effective public health project in the United States ever and we do not have it in Leesburg. They have it in Umatilla and you have already heard some of the other cities nearby that have it. Those cities find it important to do so for their population. Please do the same here. **Mayor Burry** asked for any further comments. There were none. He closed the public comments.

The roll call vote was:

Commissioner Pederson

No

Commissioner Reisman

No

|                      |     |
|----------------------|-----|
| Commissioner Connell | No  |
| Commissioner Berry   | Yes |
| Mayor Burry          | Yes |

Two years, three nays, the Commission denied the proposal.

**7. INFORMATIONAL REPORTS:**

**The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.**

**A. None**

**8. CITY ATTORNEY ITEMS:**

**CA Watson** welcomed the new commission members. Feel free to reach out as necessary if there are any questions. He is looking forward to working with everyone.

**9. CITY MANAGER ITEMS:**

**CM Minner** echoed the city attorney's comments. He welcomed aboard Commissioner Reisman and Commissioner Berry. He looks forward to working with them. He congratulated Commissioner Pederson on his re-election. He is looking forward to working at least two more years with Mayor Burry and Commissioner Connell. The agenda looks pretty full. We will be working over the next several weeks through communication and processes to establish where the priorities are. We have a couple of big capital improvement projects in the hopper, one being the Wastewater Treatment Plant, which everyone should be up to speed on. We also have the Pine Street project, the Marina Project, and the Susan Street/Sleepy Hollow project. Mayor Burry and Commissioner Reisman were there today with him to try and get some TDC funding for that project. He will provide them with a written report about the status of those. For this evening's brevity, look for an email to come from him around Wednesday. If there are any questions, give him a shout.

**10. ROLL CALL:**

**Commissioner Pederson** welcomed Commissioners Berry and Reisman to the commission. He is looking forward to working with them. On the fluoride injection system, just because it was voted down and he voted against it does not mean we cannot talk about it more. It could be brought back before the commission. He would welcome more public input. **CM Minner** replied that under the rules it was a failed vote. The proposal before the commission was not a construction contract. It was an engineering contract to design the system. The three to two vote said the commission did not want to design it. If we do not design it, we do not build it. For the rules of procedure, if this item were to be reconsidered, someone who voted on the prevailing side, which would be the no side, would need to bring it back for reconsideration. If it were to be discussed again under the existing rules in the code, either Commissioner Reisman, Pederson, or Connell would need to bring it back for reconsideration. Otherwise, it would not be discussed for a year. **CA Watson** confirmed that was correct. **CM Minner** clarified that whoever was in the prevailing party could bring it back at the next meeting. In this case, the prevailing party was the no. So, someone who does not want fluoride could bring it back at the next meeting for consideration. If

they do not bring it back at the next meeting, it will not be discussed for a year. **Commissioner Pederson** wanted to make it known to the public that this topic is not dead forever. There are procedures for bringing it back. Honestly, he did not expect this to move this fast. When he saw it on the agenda he was sort of surprised. It moved a little fast for him. However, this can be readdressed if that is what the commission wants.

**Commissioner Reisman** thanked everyone who supported him during his campaign. He is looking forward to working with all the commissioners, city staff, city manager, and city attorney.

**Commissioner Connell** congratulated Commissioner Reisman and Commissioner Berry. He also congratulated Mayor Burry.

**Commissioner Berry** thanked everyone for their support. She is looking forward to working with everyone.

**Mayor Burry** stated he was happy to be here. He was happy to have a commission that was willing to get along, move forward, and do good things for the city. He hoped he would have a better performance at the next meeting as he eased into his new position. **CM Minner** commented that he did a great job on his first meeting.

**11. ADJOURN:**

**PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.**

**F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they 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." The City of Leesburg does not provide this verbatim record.**

Commissioner Reisman made a motion to adjourn and Commissioner Pederson seconded the motion. The meeting adjourned at 6:41 p.m.



# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.1.

**Meeting Date:** January 23, 2023

**From:** Brandy McDaniel, (Budget Director)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Greater Leesburg CRA, Carver Heights CRA, Highway 441/27 CRA, Capital Projects, Electric, Gas, Water, Wastewater, Airport, Police Forfeiture, Building Permits, Discretionary Sales Tax and Fleet Services Funds for the carryovers from fiscal year 2021-22; and providing an effective date.

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### Staff Recommendation:

Staff recommends adoption of the attached resolution amending the fiscal year 2022-23 budget for the General, Stormwater, Greater Leesburg CRA, Carver Heights CRA, Highway 441/27 CRA, Capital Projects, Electric, Gas, Water, Wastewater, Airport, Police Forfeiture, Building Permits, Discretionary Sales Tax and Fleet Services Funds for the carryovers from fiscal year 2021-22.

### Analysis:

As established in the Budget Policy, adopted September 28, 1998, total appropriations within a fund cannot increase or decrease without formal action by the City Commission.

The budget adjustment includes purchase orders that were issued prior to September 30, 2022, and the amounts were not included in the original budget for 2022-23, as well as projects not completed in last fiscal year.

| <b>General Fund</b>                          | <b>Amount</b> | <b>Funding Source</b>    |
|----------------------------------------------|---------------|--------------------------|
| American Rescue Plan Administration          | \$ 28,528     | Fund Balance (ARPA)      |
| American Rescue Plan West Leesburg CDC Grant | 750,000       | Fund Balance (ARPA)      |
| Sports Marketing (Recreation)                | 50,000        | Fund Balance (ARPA)      |
| Downtown Redevelopment Grant Funds           | 1,000,000     | Fund Balance             |
| Home Improvement Grant                       | 5,000         | Fund Balance             |
| CURE Vouchers                                | 73,700        | Fund Balance             |
| Core Switch (IT)                             | 77,829        | Transfer Disc. Sales Tax |
| Ammunition (Police)                          | 6,623         | Fund Balance             |
| K-9 (Police)                                 | 12,000        | Fund Balance             |
| Bunker Gear (Fire)                           | 8,268         | Fund Balance             |
| Metal Building (Fire)                        | 13,000        | Fund Balance             |

|                                    |                    |                          |
|------------------------------------|--------------------|--------------------------|
| Battery Operated Fans (Fire)       | 10,010             | Fund Balance             |
| Training Facility (Fire)           | 3,196              | Transfer Disc. Sales Tax |
| Fire Marshal 45 Hoods Grant (Fire) | 3,713              | State Grant              |
| HVAC Unit Repairs (PW Facilities)  | 22,670             | Fund Balance             |
| Cemetery Lighting (PW Grounds)     | 14,963             | Fund Balance             |
| Update Comprehensive Plan (P&Z)    | 50,000             | Fund Balance             |
| Book Shelves (Library)             | <u>1,778</u>       | Fund Balance             |
| <b>Total General Fund</b>          | <b>\$2,131,278</b> |                          |

| <b>Stormwater Fund</b>               | <b>Amount</b>      | <b>Funding Source</b> |
|--------------------------------------|--------------------|-----------------------|
| Lake Lorraine Cleaning               | \$ 8,500           | Fund Balance          |
| Vacuum Truck                         | 468,238            | Fund Balance          |
| Lone Oak & Main Drainage             | 69,848             | Fund Balance          |
| Lake Robinhood Improvements          | 126,690            | Fund Balance          |
| Drainage Improvements to the North   | 25,320             | Fund Balance          |
| PO Boys Project N off 44             | 230,863            | Fund Balance          |
| Flamingo & Crest Ave Improvements    | 165,000            | Fund Balance          |
| Flamingo & Warehouse Dr Improvements | 172,547            | Fund Balance          |
| Lake Hollywood Design                | <u>100,000</u>     | Fund Balance          |
| <b>Total Stormwater Fund</b>         | <b>\$1,367,006</b> |                       |

| <b>GLCRA Fund</b>       | <b>Amount</b>   | <b>Funding Source</b> |
|-------------------------|-----------------|-----------------------|
| Housing Rehab Program   | \$ 2,317        | Fund Balance          |
| FSL Grant Program       | <u>58,861</u>   | Fund Balance          |
| <b>Total GLCRA Fund</b> | <b>\$61,178</b> |                       |

| <b>Carver Heights CRA Fund</b>       | <b>Amount</b>    | <b>Funding Source</b> |
|--------------------------------------|------------------|-----------------------|
| Housing Rehab Program                | \$ 50,000        | Fund Balance          |
| FSL Grant Program                    | <u>50,000</u>    | Fund Balance          |
| <b>Total Carver Heights CRA Fund</b> | <b>\$100,000</b> |                       |

| <b>Highway 441/27 CRA Fund</b>       | <b>Amount</b>    | <b>Funding Source</b> |
|--------------------------------------|------------------|-----------------------|
| Housing Rehab Program                | \$ 45,100        | Fund Balance          |
| FSL Grant Program                    | <u>104,095</u>   | Fund Balance          |
| <b>Total Highway 441/27 CRA Fund</b> | <b>\$149,195</b> |                       |

| <b>Capital Projects Fund</b>          | <b>Amount</b>       | <b>Funding Source</b>                             |
|---------------------------------------|---------------------|---------------------------------------------------|
| Road Resurfacing                      | \$ 12,588           | Fund Balance (Gas Tax)                            |
| Pine St. Improv./Downtown Master Plan | 2,111,447           | Fund Balance (ARPA)                               |
| Market St. Design                     | 321,559             | Fund Bal. (GLCRA)                                 |
| John L Johnson Park Improvements      | 100,001             | Fund Bal. (Gov. Rev.)                             |
| Aquatics Center Monument Sign         | 112,799             | Fund Bal. (Gov. Rev.)                             |
| Rails to Trails                       | 346,997             | Fund Bal. (Gov. Rev.)                             |
| Dabney Pool Demolition                | 87,725              | Fund Bal. (Trsfr SW, Disc. Sales Tax & Gov. Rev.) |
| Marina Rehabilitation                 | 2,000,000           | Fund Bal. (ARPA)                                  |
| Susan St./Sleepy Hollow Improvements  | 3,158,140           | Fund Bal. (ARPA)                                  |
| Unallocated Capital Funds             | <u>3,740,736</u>    | Fund Bal. (ARPA & Gov. Rev.)                      |
| <b>Total Capital Projects Fund</b>    | <b>\$11,991,992</b> |                                                   |

**Electric Fund**

Reconductoring  
 East Substation Breaker  
 Pole Trailer

**Total Electric Fund**

| Amount            | Funding Source            |
|-------------------|---------------------------|
| \$ 834,982        | Fund Balance (R&R & Debt) |
| 25,540            | Fund Balance (R&R)        |
| <u>24,090</u>     | Fund Balance (R&R)        |
| <b>\$ 884,612</b> |                           |

**Gas Fund**

Spring Creek  
 Seasons at Hillside/Deems Landing Dev. Cont. Project  
 Bradford Ridge  
 Liberty Preserve Radio Road  
 Lake Griffin Preserve  
 Leesburg Landing  
 Bentley Ridge  
 Hu's Landing Apartments  
 Lake Griffin Reserve  
 Windsong  
 Tara Oaks (Phase 1A & 1C)  
 Venetian Isle Project  
 Stonegate ALF  
 Fox Pointe  
 Eagletail Landing (Phase 1)  
 Robuck & Ostrander Property  
 CR 48 East 6' Poly Main Ext

Pickling Device

**Total Gas Fund**

| Amount             | Funding Source           |
|--------------------|--------------------------|
| \$ 15,215          | Developer Contributed    |
| 7,217              | Developer Contributed    |
| 37,647             | Developer Contributed    |
| 106,535            | Developer Contributed    |
| 79,558             | Developer Contributed    |
| 75,830             | Developer Contributed    |
| 70,324             | Fund Balance             |
| 25,463             | Developer Contributed    |
| 151,744            | Developer Contributed    |
| 58,757             | Developer Contributed    |
| 247,975            | Developer Contributed    |
| 39,600             | Fund Balance             |
| 7,281              | Developer Contributed    |
| 72,685             | Developer Contributed    |
| 79,948             | Developer Contributed    |
| 321,624            | Developer Contributed    |
| 134,448            | Dev Cont. & Fund Balance |
| <u>3,950</u>       | Fund Balance             |
| <b>\$1,535,801</b> |                          |

**Water Fund**

Water & WWT Modeling  
 Consumptive Use Permit Modification  
 Controllers  
 Hwy 441 Perkins to SR 44  
 Westside 12" Water Main Replacement  
 Treadway School Rd Water Main Extension  
 3rd St. Water Main  
 CR 44 Water Main Ext  
 US Hwy 27 (South St.to Citizen Blvd.)  
 Carver Heights (Thomas to Hwy 27) Design  
 Hwy 27 Main Upgrade (Middlesex to CR48)  
 Stock Subdivision Design  
 CL2 Analyzers  
 Highland Lakes Water Tank

**Total Water Fund**

| Amount             | Funding Source     |
|--------------------|--------------------|
| \$ 200             | Fund Balance       |
| 111,411            | Fund Balance       |
| 33,983             | Fund Balance (R&R) |
| 206,493            | Fund Balance (R&R) |
| 293,840            | Fund Balance (R&R) |
| 420,140            | Fund Balance (R&R) |
| 7,350              | Fund Balance (R&R) |
| 189,516            | Fund Balance       |
| 125,000            | Fund Balance (R&R) |
| 100,000            | Fund Balance (R&R) |
| 484,242            | Fund Balance (R&R) |
| 100,000            | Fund Balance (R&R) |
| 61,762             | Fund Balance (R&R) |
| <u>1,020,114</u>   | Fund Balance (R&R) |
| <b>\$3,154,051</b> |                    |

**Wastewater Fund**

Wastewater Modeling  
 Industrial Pretreatment Program Update  
 Compact Logix Controller  
 Bioxide Treatment Turnpike Plant

| Amount | Funding Source |
|--------|----------------|
| \$ 981 | Fund Balance   |
| 23,998 | Fund Balance   |
| 96,668 | Fund Balance   |
| 33,000 | Fund Balance   |

|                                               |                     |                                                 |
|-----------------------------------------------|---------------------|-------------------------------------------------|
| Wastewater Master Plan                        | 7,077               | Fund Balance                                    |
| Replace Pump Lift Station 6                   | 47,734              | Fund Balance                                    |
| Hwy 441- Perkins to SR 44                     | 205,820             | Fund Balance (R&R)                              |
| Lift Station Control Panels                   | 43,829              | Fund Balance (R&R)                              |
| Venetian Isle System Upgrades                 | 43,968              | Fund Balance (Impact Fees & R&R)                |
| Lift Station Generator                        | 92,400              | Fund Balance (R&R)                              |
| Mini Odor Control Lift Station 50             | 25,850              | Fund Balance (R&R)                              |
| Wet Well Lift Station 93                      | 17,900              | Fund Balance (R&R)                              |
| Replace Broken Pipe Manhole                   | 56,738              | Fund Balance (R&R)                              |
| Portable Bypass Pump                          | 48,000              | Fund Balance (R&R)                              |
| Forcemain S. 27 (Royal Highlands to Turnpike) | 783,712             | Fund Balance (R&R)                              |
| Lift Station 70H Landscaping                  | 6,675               | Fund Balance (R&R)                              |
| Fire St 64 Connect to Sewer                   | 15,500              | Fund Balance (R&R)                              |
| Air Release Valve Improvements                | 75,000              | Fund Balance (R&R)                              |
| Lift Station 72                               | 1,097,500           | Fund Balance (R&R)                              |
| Turnpike Plant Rehabilitation                 | 3,444,515           | Fund Balance                                    |
| Turnpike Plant Expansion 6 MGD                | 32,700,285          | Fund Balance (Impact Fees, R&R & Bond Proceeds) |
| Sumitomo Gear Reducers                        | 11,200              | Fund Balance (R&R)                              |
| Canal Street Improvements                     | 49,734              | Fund Balance (R&R)                              |
| <b>Total Wastewater Fund</b>                  | <b>\$38,928,084</b> |                                                 |

|                                     |                |                                       |
|-------------------------------------|----------------|---------------------------------------|
| <b>Airport Fund</b>                 | <b>Amount</b>  | <b>Funding Source</b>                 |
| Roof Replacement- 32800 Echo Dr.    | \$ 162,773     | Fund Balance                          |
| Hangar Design                       | 34,788         | Fund Balance                          |
| Hangar Bldg. Taxiway                | 2,991,602      | State Grant & Fund Balance            |
| Apron Main Ramp Pavement            | 327,239        | State Grant & Fund Balance            |
| Farm Fuel Replacement Design        | 157,001        | State Grant & Fund Balance            |
| Dev. New Wildlife Hazard Assessment | <u>127,000</u> | Federal & State Grants & Fund Balance |

**Total Airport Fund** **\$3,800,403**

|                                     |                  |                       |
|-------------------------------------|------------------|-----------------------|
| <b>Police Forfeiture Fund</b>       | <b>Amount</b>    | <b>Funding Source</b> |
| Side Arm Guns                       | \$ <u>36,571</u> | Fund Balance          |
| <b>Total Police Forfeiture Fund</b> | <b>\$ 36,571</b> |                       |

|                                     |                   |                       |
|-------------------------------------|-------------------|-----------------------|
| <b>Building Services Fund</b>       | <b>Amount</b>     | <b>Funding Source</b> |
| New Software                        | \$ <u>119,780</u> | Fund Balance          |
| <b>Total Building Services Fund</b> | <b>\$ 119,780</b> |                       |

|                                                 |                  |                       |
|-------------------------------------------------|------------------|-----------------------|
| <b>Discretionary Sales Tax Fund</b>             | <b>Amount</b>    | <b>Funding Source</b> |
| Transfer to General Fund- Core Switch (IT)      | \$ 77,829        | Fund Balance          |
| Transfer to General Fund- Traning Facility Fire | <u>3,196</u>     | Fund Balance          |
| <b>Discretionary Sales Tax Fund</b>             | <b>\$ 81,025</b> |                       |

|                               |               |                       |
|-------------------------------|---------------|-----------------------|
| <b>Fleet Services Fund</b>    | <b>Amount</b> | <b>Funding Source</b> |
| Replace Recreation Kubota     | \$ 12,000     | Fund Balance          |
| Replace Wastewater F150 Truck | 34,750        | Fund Balance          |

|                                         |                  |              |
|-----------------------------------------|------------------|--------------|
| Replace Wastewater S 10 Truck           | 27,500           | Fund Balance |
| Replace Wastewater Utility Truck        | 47,500           | Fund Balance |
| Replace Water F 150 Truck               | 34,750           | Fund Balance |
| Replace Recreation 1/2 ton Truck        | 34,750           | Fund Balance |
| Replace Gas F550 Truck                  | 71,650           | Fund Balance |
| Replace Fire Explorer                   | 53,000           | Fund Balance |
| Replace Gas Trencher                    | 92,000           | Fund Balance |
| Replace Police Explorer K-9 Accessories | 19,654           | Fund Balance |
| Police Cruiser Accessories (8)          | <u>108,186</u>   | Fund Balance |
| <b>Total Fleet Services Fund</b>        | <b>\$535,740</b> |              |

**Procurement Analysis:**

N/A

**Options:**

1. Adopt the attached resolution amending the fiscal year 2022-23 budget for the General, Stormwater, Greater Leesburg CRA, Carver Heights CRA, Highway 441/27 CRA, Capital Projects, Electric, Gas, Water, Wastewater, Airport, Police Forfeiture, Building Permits, Discretionary Sales Tax and Fleet Services Funds for the carryovers from fiscal year 2021-22; or
2. Such alternative action as the Commission may deem appropriate.

**Fiscal Impact:**

See Attached

|                           | FY 2023        |               | FY 2023        |
|---------------------------|----------------|---------------|----------------|
| <u>FUND</u>               | <u>ADOPTED</u> | <u>CHANGE</u> | <u>AMENDED</u> |
| General                   | 30,388,921     | 2,131,278     | 32,520,199     |
| Stormwater                | 1,810,246      | 1,367,006     | 3,177,252      |
| Housing Assistance        | 162,112        | -             | 162,112        |
| Greater Leesburg CRA      | 752,463        | 61,178        | 813,641        |
| Carver Heights CRA        | 654,068        | 100,000       | 754,068        |
| Hwy 441/27 CRA            | 1,829,915      | 149,195       | 1,979,110      |
| Debt Service              | 1,745,218      | -             | 1,745,218      |
| Capital Projects          | 680,000        | 11,991,992    | 12,671,992     |
| Electric                  | 101,549,744    | 884,612       | 102,434,356    |
| Gas                       | 9,966,850      | 1,535,801     | 11,502,651     |
| Water                     | 14,397,912     | 3,154,051     | 17,551,963     |
| Wastewater                | 24,941,618     | 38,928,084    | 63,869,702     |
| Solid Waste               | 5,454,110      | -             | 5,454,110      |
| Airport                   | 3,147,788      | 3,800,403     | 6,948,191      |
| Police Pension            | 2,223,377      |               | 2,223,377      |
| Fire Pension              | 1,720,614      |               | 1,720,614      |
| General Employees Pension | 3,240,408      |               | 3,240,408      |
| Health Insurance          | 7,769,137      |               | 7,769,137      |
| Workers' Compensation     | 1,160,309      | -             | 1,160,309      |
| Discretionary Sales Tax   | 2,599,868      | 81,025        | 2,680,893      |
| Gas Tax                   | 1,200,000      | -             | 1,200,000      |
| Building Permits          | 1,450,622      | 119,780       | 1,570,402      |
| Police Forfeiture         | 25,000         | 36,571        | 61,571         |
| Police Education Receipts | 3,500          | -             | 3,500          |
| Fleet Services            | 4,840,349      | 535,740       | 5,376,089      |
| Total                     | 223,714,149    | 64,876,716    | 288,590,865    |

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA,  
AMENDING THE FISCAL YEAR 2021-22 BUDGET FOR THE GENERAL, STORMWATER,  
GREATER LEESBURG CRA, CARVER CRA, HWY 441/27 CRA, CAPITAL PROJECTS,  
ELECTRIC, GAS, WATER, WASTEWATER, AIRPORT, DISCRETIONARY SALES TAX,  
BUILDING PERMITS, POLICE FORFEITURE AND FLEET SERVICES FUNDS FOR THE  
CARRYOVERS FROM FISCAL YEAR 2022-23 ; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Commission of the City of Leesburg adopted a budget for the Fiscal Year 2022-23 on September 26, 2022, which they felt was in the best interest of the citizens of the City of Leesburg, and

WHEREAS, it is now necessary to amend the current budget for Fiscal Year 2022-23 to provide funds for various projects as adopted at City Commission meetings, and

WHEREAS, such action was not anticipated in the original 2022-23 annual budget;

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:**

SECTION I.

Pursuant to Section 200.065, Florida Statutes, and all other applicable laws, the following amounts for use by the various funds during Fiscal Year 2022-23 as reflected below, including all modifications or amendments made during this meetings, are hereby adopted as increases/decreases to the original budget for Fiscal Year 2022-23 for the City of Leesburg, Florida:

**GENERAL FUND**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                                |                  |
|----------------------------------------------------------------|------------------|
| Intergovernmental Revenue                                      | 3,713            |
| Other Financing Sources:                                       |                  |
| Transfer from Other Funds                                      | 81,025           |
| Fund Balance Appropriated- American Rescue Plan Administration | 778,528          |
| Fund Balance Appropriated                                      | 1,268,012        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b>             | <b>2,131,278</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                  |
|--------------------------------------|------------------|
| General Government                   | 2,022,690        |
| Public Safety                        | 56,810           |
| Culture/ Recreation                  | 51,778           |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>2,131,278</b> |

**STORMWATER**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                  |
|----------------------------------------------------|------------------|
| Other Financing Sources:                           |                  |
| Fund Balance Appropriated                          | 1,367,006        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>1,367,006</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                  |
|--------------------------------------|------------------|
| Physical Environment                 | 1,367,006        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>1,367,006</b> |

**GREATER LEESBURG CRA**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |               |
|----------------------------------------------------|---------------|
| Other Financing Sources:                           |               |
| Fund Balance Appropriated                          | 61,178        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>61,178</b> |

**PROPOSED APPROPRIATIONS**

|                                      |               |
|--------------------------------------|---------------|
| Economic Environment                 | 61,178        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>61,178</b> |

**CARVER HEIGHTS CRA****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                    |                |
|----------------------------------------------------|----------------|
| Fund Balance Appropriated                          | 100,000        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>100,000</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Economic Environment                 | 100,000        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>100,000</b> |

**HWY 441/27 CRA****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                    |                |
|----------------------------------------------------|----------------|
| Fund Balance Appropriated                          | 149,195        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>149,195</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Economic Environment                 | 149,195        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>149,195</b> |

**CAPITAL PROJECTS FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                                |                   |
|----------------------------------------------------------------|-------------------|
| Intergovernmental Revenue                                      | 5,639,489         |
| Other Financing Sources:                                       |                   |
| Fund Balance Appropriated- American Rescue Plan Administration | 650,511           |
| Fund Balance Appropriated                                      | 5,701,992         |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b>             | <b>11,991,992</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                   |
|--------------------------------------|-------------------|
| General Government                   |                   |
| Transportation                       | 2,545,595         |
| Culture/ Recreation                  | 9,446,397         |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>11,991,992</b> |

**ELECTRIC FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                    |                |
|----------------------------------------------------|----------------|
| Fund Balance Appropriated- Renewal & Replacement   | 681,964        |
| Fund Balance Appropriated- Note Proceeds           | 202,648        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>884,612</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Physical Environment                 | 884,612        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>884,612</b> |

**GAS FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                    |                  |
|----------------------------------------------------|------------------|
| Fund Balance Appropriated-Capital Contributed      | 1,301,927        |
| Fund Balance Appropriated                          | 233,874          |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>1,535,801</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                  |
|--------------------------------------|------------------|
| Physical Environment                 | 1,535,801        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>1,535,801</b> |



**WATER FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                  |           |
|--------------------------------------------------|-----------|
| Fund Balance Appropriated- Renewal & Replacement | 2,852,924 |
| Fund Balance Appropriated                        | 301,127   |

|                                                    |                  |
|----------------------------------------------------|------------------|
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>3,154,051</b> |
|----------------------------------------------------|------------------|

**PROPOSED APPROPRIATIONS**

|                      |           |
|----------------------|-----------|
| Physical Environment | 3,154,051 |
|----------------------|-----------|

|                                      |                  |
|--------------------------------------|------------------|
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>3,154,051</b> |
|--------------------------------------|------------------|

**WASTEWATER FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                                                  |            |
|--------------------------------------------------|------------|
| Fund Balance Appropriated- Renewal & Replacement | 2,643,861  |
| Fund Balance Appropriated- Impact Fees           | 2,630,250  |
| Fund Balance Appropriated- Note Proceeds         | 30,000,000 |
| Fund Balance Appropriated                        | 3,653,973  |

|                                                    |                   |
|----------------------------------------------------|-------------------|
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>38,928,084</b> |
|----------------------------------------------------|-------------------|

**PROPOSED APPROPRIATIONS**

|                      |            |
|----------------------|------------|
| Physical Environment | 38,928,084 |
|----------------------|------------|

|                                      |                   |
|--------------------------------------|-------------------|
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>38,928,084</b> |
|--------------------------------------|-------------------|

**AIRPORT FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

|                           |           |
|---------------------------|-----------|
| Intergovernmental Revenue | 2,908,463 |
|---------------------------|-----------|

Other Financing Sources:

|                           |         |
|---------------------------|---------|
| Fund Balance Appropriated | 891,940 |
|---------------------------|---------|

|                                                    |                  |
|----------------------------------------------------|------------------|
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>3,800,403</b> |
|----------------------------------------------------|------------------|

**PROPOSED APPROPRIATIONS**

|                |           |
|----------------|-----------|
| Transportation | 3,800,403 |
|----------------|-----------|

|                                      |                  |
|--------------------------------------|------------------|
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>3,800,403</b> |
|--------------------------------------|------------------|

**POLICE FORFEITURE****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                           |        |
|---------------------------|--------|
| Fund Balance Appropriated | 36,571 |
|---------------------------|--------|

|                                                    |               |
|----------------------------------------------------|---------------|
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>36,571</b> |
|----------------------------------------------------|---------------|

**PROPOSED APPROPRIATIONS**

|               |        |
|---------------|--------|
| Public Safety | 36,571 |
|---------------|--------|

|                                      |               |
|--------------------------------------|---------------|
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>36,571</b> |
|--------------------------------------|---------------|

**DISCRETIONARY SALES TAX****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

|                           |        |
|---------------------------|--------|
| Fund Balance Appropriated | 81,025 |
|---------------------------|--------|

|                                                    |               |
|----------------------------------------------------|---------------|
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>81,025</b> |
|----------------------------------------------------|---------------|

**PROPOSED APPROPRIATIONS**

Non-Expenditures:

|                          |        |
|--------------------------|--------|
| Transfers to Other Funds | 81,025 |
|--------------------------|--------|

|                                      |               |
|--------------------------------------|---------------|
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>81,025</b> |
|--------------------------------------|---------------|

**FLEET SERVICES FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

Fund Balance Appropriated 535,740

**TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS** 535,740**PROPOSED APPROPRIATIONS**

General Government 535,740

**TOTAL PROPOSED APPROPRIATIONS** 535,740**BUILDING SERVICES FUND****ESTIMATED REVENUES AND OTHER RECEIPTS**

Other Financing Sources:

Fund Balance Appropriated 119,780

**TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS** 119,780**PROPOSED APPROPRIATIONS**

Public Safety 119,780

**TOTAL PROPOSED APPROPRIATIONS** 119,780**ALL FUNDS****ESTIMATED REVENUES AND OTHER RECEIPTS**

Intergovernmental Revenue 8,551,665

Total Estimated Revenues 8,551,665

Other Financing Sources:

Transfer from Other Funds 81,025

Fund Balance Appropriated- American Rescue Plan Administration 1,429,039

Fund Balance Appropriated- Capital Contributed 1,301,927

Fund Balance Appropriated- Impact Fees 2,630,250

Fund Balance Appropriated- Note Proceeds 30,202,648

Fund Balance Appropriated 14,501,413

Fund Balance Appropriated- Renewal &amp; Replacement 6,178,749

**TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS** 64,876,716**PROPOSED APPROPRIATIONS**

Transportation 6,345,998

Public Safety 213,161

General Government 2,558,430

Physical Environment 45,869,554

Economic Environment 310,373

Culture/ Recreation 9,498,175

**TOTAL PROPOSED APPROPRIATIONS** 64,876,716**SECTION II.**

This resolution shall become effective upon its passage and adoption by the Leesburg City Commission in the manner provided by law.

**PASSED AND ADOPTED** at a regular meeting of the City Commission of the City of Leesburg, Florida held the 23rd day of January 2023.

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Mayor

ATTEST:

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City Clerk

**Rollovers Budget Adjustments Additional Information**

| <b>Fund:</b>                                    | <b>PO #</b> | <b>Issue Date</b> | <b>Vendor</b>                 | <b>Description</b>                                                 | <b>Amount</b>     | <b>Reason</b>                                                                                         |
|-------------------------------------------------|-------------|-------------------|-------------------------------|--------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------|
| <b>General</b>                                  |             |                   |                               |                                                                    |                   |                                                                                                       |
| Misc                                            | 536992      | 8/24/2021         | GSC                           | American Rescue Plan Act (ARPA) Administrator                      | 28,528            | Funds were awarded to the City, Grants were not paid out in FY 21                                     |
| Misc                                            |             |                   |                               | ARPA West Leesburg CDC Grant                                       | 750,000           | Funds were awarded to the City, Grants were not paid out in FY 22                                     |
| Recreation                                      |             |                   |                               | Sports Marketing                                                   | 50,000            | Funds were awarded to the City, Grants were not paid out in FY 23                                     |
| Misc                                            |             |                   |                               | Downtown Redevelopment Grant (Transfer from GLCRA, WWT & Electric) | 1,000,000         | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Misc                                            |             |                   |                               | Home Improvement Grant                                             | 5,000             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Misc                                            |             |                   |                               | CURE Vouchers                                                      | 73,700            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| IT                                              | 537563      | 5/10/2022         | High Performance Technologies | Core Switch                                                        | 77,829            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Police                                          | 537653      | 6/21/2022         | Florida Bullet                | Ammunition                                                         | 6,623             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Police                                          |             |                   |                               | K-9 (dog was reserved but was not received until FY 23)            | 12,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Fire                                            | 537591      | 5/17/2022         | Municipal Emergency Services  | Bunker Gear                                                        | 8,268             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Fire                                            | 537819      | 8/30/2022         | Carolina Carports             | Metal Building for Station 63                                      | 13,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Fire                                            | 537820      | 8/30/2022         | Municipal Emergency Services  | Battery Operated Fans (2)                                          | 10,010            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Fire                                            |             |                   |                               | Training Facility                                                  | 3,196             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Fire                                            |             |                   |                               | Fire Marshal 45 Hoods Grant                                        | 3,713             | Grant was awarded to City, funds were not spent in FY22 and need to be rolled forward to FY23 budget  |
| PW Facilities                                   |             |                   |                               | HVAC Unit Repair Funds                                             | 22,670            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| PW Grounds                                      | 537870      | 9/20/2022         | Lakeside Electric             | Cemetery Lighting Repairs                                          | 14,963            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Planning & Zoning                               |             |                   |                               | Update Comprehensive Plan                                          | 50,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| Library                                         | 537867      | 9/19/2022         | Library Interiors of Florida  | Book Shelves                                                       | 1,778             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| <b>Total General Fund</b>                       |             |                   |                               |                                                                    | <b>2,131,278</b>  |                                                                                                       |
| <b>Stormwater</b>                               |             |                   |                               |                                                                    |                   |                                                                                                       |
|                                                 | 537801      | 8/17/2022         | Sorko Services                | Lake Lorraine Cleaning                                             | 8,500             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
|                                                 | 537643      | 6/14/2022         | Super Products LLC            | Vacuum Truck                                                       | 468,238           | Truck was ordered, received in FY 23, funds need to be rolled forward to FY 23 budget                 |
|                                                 |             |                   |                               | Lone Oak & Main Drainage                                           | 69,848            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Lake Robinhood Improvements                                        | 126,690           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Drainage Improvements to the North                                 | 25,320            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Po Boys Project North of 44                                        | 230,863           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Stormwater Improvements Flamingo Dr & Crest Ave                    | 165,000           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Stormwater Improvements Flamingo Dr & Warehouse Dr.                | 172,547           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Lake Hollywood Design                                              | 100,000           | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| <b>Total Stormwater</b>                         |             |                   |                               |                                                                    | <b>1,367,006</b>  |                                                                                                       |
| <b>Greater Leesburg CRA</b>                     |             |                   |                               |                                                                    |                   |                                                                                                       |
|                                                 |             |                   |                               | Housing Rehab Program                                              | 2,317             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
|                                                 |             |                   |                               | FSL Grant Program                                                  | 58,861            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| <b>Total Greater Leesburg CRA</b>               |             |                   |                               |                                                                    | <b>61,178</b>     |                                                                                                       |
| <b>Carver Heights/ Montclair Area CRA</b>       |             |                   |                               |                                                                    |                   |                                                                                                       |
|                                                 |             |                   |                               | Housing Rehab Program                                              | 50,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
|                                                 |             |                   |                               | FSL Grant Program                                                  | 50,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| <b>Total Carver Heights/ Montclair Area CRA</b> |             |                   |                               |                                                                    | <b>100,000</b>    |                                                                                                       |
| <b>Hwy 441/27 CRA</b>                           |             |                   |                               |                                                                    |                   |                                                                                                       |
|                                                 |             |                   |                               | Housing Rehab Program                                              | 45,100            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
|                                                 |             |                   |                               | FSL Grant Program                                                  | 104,095           | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                             |
| <b>Total Hwy 441/27 CRA</b>                     |             |                   |                               |                                                                    | <b>149,195</b>    |                                                                                                       |
| <b>Capital Projects</b>                         |             |                   |                               |                                                                    |                   |                                                                                                       |
|                                                 |             |                   |                               | Road Resurfacing                                                   | 12,588            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | Pine St. Improvements/Downtown Master Plan                         | 2,111,447         | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 | 536555      | 3/11/2021         | CPH Engineers                 | Market St. Design                                                  | 321,559           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 |             |                   |                               | John L. Johnson Park Improvements                                  | 100,001           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 | 537900      | 9/30/2022         | Mid Florida Signs & Graphics  | Aquatics Center Monument Sign                                      | 112,799           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 | 536555      | 3/11/2021         | CPH Engineers                 | Rails to Trails                                                    | 346,997           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget           |
|                                                 | 537564      | 5/10/2022         | WHM Services LLC              | Dabney Pool Demolition                                             | 87,725            | Project is now complete but was not complete in FY 22, funds need to be rolled forward to FY22 budget |
|                                                 |             |                   |                               | Marina Rehabilitation                                              | 2,000,000         | ARPA Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget      |
|                                                 |             |                   |                               | Susan St./Sleepy Hollow Improvements                               | 3,158,140         | ARPA Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget      |
|                                                 |             |                   |                               | Unallocated Capital Funds                                          | 3,740,736         | ARPA Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget      |
| <b>Total Capital Projects</b>                   |             |                   |                               |                                                                    | <b>11,991,992</b> |                                                                                                       |

Rollers Budget Adjustments Additional Information (cont.)

| Fund:             | PO #   | Issue Date | Description                                                     | Amount            | Reason                                                                                         |
|-------------------|--------|------------|-----------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------|
| <b>Electric</b>   |        |            |                                                                 |                   |                                                                                                |
|                   |        |            | Reconductoring                                                  | 834,982           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | East Substation Breaker                                         | 25,540            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   | 537447 | 2/18/2022  | Pole Trailer                                                    | 24,090            | Equipment was ordered but not received in FY22, funds need to be rolled forward to FY23 budget |
|                   |        |            | <b>Total Electric</b>                                           | <b>884,612</b>    |                                                                                                |
| <b>Gas</b>        |        |            |                                                                 |                   |                                                                                                |
|                   |        |            | Spring Creek Subdivision Developer Contributed Project          | 15,215            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Seasons at Hillside/Deems Landing Developer Contributed Project | 7,217             | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Bradford Ridge Developer Contributed Project                    | 37,647            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Liberty Preserve Radio Road Developer Contributed Project       | 106,535           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lake Griffin Preserve Developer Contributed Project             | 79,558            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Leesburg Landing Developer Contributed Project                  | 75,830            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Bentley Ridge                                                   | 70,324            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Hu's Landing Apartments Developer Contributed Project           | 25,463            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lake Griffin Reserve Developer Contributed Project              | 151,744           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Windsong Developer Contributed Project                          | 58,757            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Tara Oaks Phase 1A & 1C Developer Contributed Project           | 247,975           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Venetian Isle                                                   | 39,600            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Stonegate ALF Developer Contributed Project                     | 7,281             | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Fox Pointe Developer Contributed Project                        | 72,685            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Eagletail Landing (Phase I) Developer Contributed Project       | 79,948            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Robuck & Ostrander Property Developer Contributed Project       | 321,624           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | CR 48 East 6' Poly Main Ext.                                    | 134,448           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   | 537811 | 8/24/2022  | Pickling Device                                                 | 3,950             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   |        |            | <b>Total Gas</b>                                                | <b>1,535,801</b>  |                                                                                                |
| <b>Water</b>      |        |            |                                                                 |                   |                                                                                                |
|                   | 536405 | 1/13/2021  | Water & Wastewater Modeling                                     | 200               | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537675 | 6/30/2022  | CUP Modification                                                | 111,411           | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537655 | 6/21/2022  | Contollers                                                      | 33,983            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   |        |            | Highway 441 Perkins to SR 44                                    | 206,493           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Westside 12" Water Main Replacement                             | 293,840           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Treadway School Road Water Main Extension                       | 420,140           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | 3rd St. Water Main                                              | 7,350             | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | CR44 Water Main Ext                                             | 189,516           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | US Hwy 27 (South St to Citizen Blvd.)                           | 125,000           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Carver Heights (Thomas to Hwy 27 Design)                        | 100,000           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Hwy 27 Main Upgrade (Middlesex to CR48)                         | 484,242           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Stock Subdivision Design                                        | 100,000           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | CL2 Analyzers                                                   | 61,762            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Highland Lakes Water Tank                                       | 1,020,114         | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | <b>Total Water</b>                                              | <b>3,154,051</b>  |                                                                                                |
| <b>Wastewater</b> |        |            |                                                                 |                   |                                                                                                |
|                   | 536405 | 1/13/2021  | Water & Wastewater Modeling                                     | 981               | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537337 | 11/16/2021 | Industrial Pretreatment Program Update                          | 23,998            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537655 | 6/21/2022  | Compact Logix Contoller                                         | 96,668            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537795 | 8/10/2022  | Bioxide Treatment Turnpike Plant                                | 33,000            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 536739 | 5/22/2021  | WWT Master Plan                                                 | 7,077             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   | 537871 | 9/20/2022  | Replace Pump Lift Station 6                                     | 47,734            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                      |
|                   |        |            | Highway 441 Perkins to SR 44                                    | 205,820           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lift Station Control Panels                                     | 43,829            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Venetian Isle System Upgrade                                    | 43,968            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lift Station Generator                                          | 92,400            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Mini Odor Control Lift Station 50                               | 25,850            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Wet Well Lift Station 93                                        | 17,900            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Replace Broken Pipe Manhole                                     | 56,738            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Portable Bypass Pump                                            | 48,000            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Forcemain S. 27 (Royal Highlands to Turnpike)                   | 783,712           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lift Station 70H Landscaping                                    | 6,675             | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Fire St. 64 Connect to Sewer                                    | 15,500            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Air Release Valve Improvements                                  | 75,000            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Lift Station 72                                                 | 1,097,500         | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Turnpike Plant Rehabilitation                                   | 3,444,515         | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Turnpike Plant Expansion to 6 MGD                               | 32,700,285        | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Sumitomo Gear Reducers                                          | 11,200            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | Canal Street Improvements                                       | 49,734            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget    |
|                   |        |            | <b>Total Wastewater</b>                                         | <b>38,928,084</b> |                                                                                                |

Rollovers Budget Adjustments Additional Information (cont.)

| <u>Fund:</u>                   | <u>PO #</u> | <u>Issue Date</u> |                           | <u>Description</u>                                 | <u>Amount</u>     | <u>Reason</u>                                                                                                |
|--------------------------------|-------------|-------------------|---------------------------|----------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Airport</b>                 |             |                   |                           |                                                    |                   |                                                                                                              |
|                                | 537642      | 6/14/2022         | Johnson-Laux Construction | Roof Replacement- 32800 Echo Dr.                   | 162,773           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                |             |                   |                           | Hangar Design                                      | 34,788            | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                |             |                   |                           | Hangar Bldg. Taxiway                               | 2,991,602         | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                | 537253      | 11/19/2021        | GAI Consultants           | Apron Main Ramp Pavement Rehab                     | 327,239           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                | 537772      | 8/30/2022         | GAI Consultants           | Farm Fuel Replacement Design                       | 157,001           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                |             |                   |                           | Dev. New Wildlife Hazard Assessment                | 127,000           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                |             |                   |                           | <b>Total Airport</b>                               | <b>3,800,403</b>  |                                                                                                              |
| <b>Police Forfeiture</b>       |             |                   |                           |                                                    |                   |                                                                                                              |
|                                | 537182      |                   | Dana Safety Supply        | Side Arm Guns                                      | 36,571            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                                    |
|                                |             |                   |                           | <b>Total Police Forfeiture</b>                     | <b>36,571</b>     |                                                                                                              |
| <b>Building Permits</b>        |             |                   |                           |                                                    |                   |                                                                                                              |
|                                |             |                   |                           | New Software                                       | 119,780           | Project was not completed in FY22, remaining funds need to be rolled forward to FY23 budget                  |
|                                |             |                   |                           | <b>Total Building Permits</b>                      | <b>119,780</b>    |                                                                                                              |
| <b>Discretionary Sales Tax</b> |             |                   |                           |                                                    |                   |                                                                                                              |
|                                |             |                   |                           | Transfer to General Fund (Core Switch- IT)         | 77,829            | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                                    |
|                                |             |                   |                           | Transfer to General Fund (Training Facility- Fire) | 3,196             | Funds were not spent in FY22 and need to be rolled forward to FY23 budget                                    |
|                                |             |                   |                           | <b>Total Discretionary Sales Tax</b>               | <b>81,025</b>     |                                                                                                              |
| <b>Fleet Services</b>          |             |                   |                           |                                                    |                   |                                                                                                              |
|                                | 537192      | 11/1/2021         | Ridge Equipment Co., Inc  | Replace Recreation Kubota                          | 12,000            | Vehicle was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY23           |
|                                | 537316      | 12/16/2021        | Alan Jay Fleet Sales      | Replace WWT F150 Truck                             | 34,750            | Truck was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY23             |
|                                | 537317      | 12/16/2021        | Alan Jay Fleet Sales      | Replace WWT S10 Truck                              | 27,500            | Truck was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY23             |
|                                | 537318      | 12/16/2021        | Alan Jay Fleet Sales      | Replace WWT Utility Truck                          | 47,500            | Truck was ordered in FY22, but was received in FY23, funds need to be rolled forward to FY23                 |
|                                | 537319      | 12/17/2021        | Alan Jay Fleet Sales      | Replace Water F150 Truck                           | 34,750            | Truck was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY23             |
|                                | 537321      | 12/17/2021        | Alan Jay Fleet Sales      | Replace Recreation 1/2 ton Truck                   | 34,750            | Truck was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY24             |
|                                | 537335      | 12/28/2021        | Alan Jay Fleet Sales      | Replace Gas F550 Truck                             | 71,650            | Truck was ordered in FY22, but was received in FY23, funds need to be rolled forward to FY23                 |
|                                | 537338      | 1/4/2022          | Alan Jay Fleet Sales      | Replace Fire Explorer                              | 53,000            | Truck was ordered in FY22 but has not been received yet, funds need to be rolled forward to FY24             |
|                                | 537379      | 1/27/2022         | Vermeer Southeast Sales   | Replace Gas Trencher                               | 92,000            | Truck was ordered in FY22, but was received in FY23, funds need to be rolled forward to FY23                 |
|                                | 537519      | 4/4/2022          | Global Public Safety, LLC | Replace Police Exp K-9 Accessories                 | 19,654            | Accessories were ordered in FY22 but has not been received yet, funds need to be rolled forward to FY 23     |
|                                | 537667      | 6/24/2022         | Global Public Safety, LLC | Police Cruiser Accessories (8)                     | 108,186           | Accessories were ordered in FY22 but has not all been received yet, funds need to be rolled forward to FY 23 |
|                                |             |                   |                           | <b>Total Fleet Services</b>                        | <b>535,740</b>    |                                                                                                              |
|                                |             |                   |                           | <b>Total Rollover Budget Adjustments</b>           | <b>64,876,716</b> |                                                                                                              |

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.2.

**Meeting Date:** January 23, 2023

**From:** Al Minner, (City Manager)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Lease with the U.S. House of Representatives (Congressman Daniel Webster) through March 2, 2023; and providing an effective date.

---

### Staff Recommendation:

Staff recommends approval between the City and the U.S. House of Representatives providing a District Office for Congressman Daniel Webster in the facility located at 318 South 2nd Street.

### Analysis:

Congressional staff from Daniel Webster's office approached the City concerning the renewal of the lease for the facility at 318 South 2nd Street. Congressman Webster and staff have resided at this location since January 2, 2019. This renewal extends the lease from January 3, 2023 to March 2, 2023. The Congressman is moving his office to provide better outreach access to the citizens.

### Procurement Analysis:

N/A

### Options:

1. Approve Resolution for lease agreement renewal; or
2. Such alternative action as the Commission may deem appropriate.

### Fiscal Impact:

This renewal continues the rent at \$875 a month.

Account No. 001-0000-362-0100

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,  
FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A  
LEASE WITH THE U.S. HOUSE OF REPRESENTATIVES (CONGRESSMAN  
DANIEL WEBSTER) THROUGH MARCH 2, 2023; AND PROVIDING AN  
EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

**THAT** the Mayor and City Clerk are hereby authorized to execute an agreement with the U.S. House of Representatives for leasing space to Congressman Daniel Webster at 318 South 2nd Street, Leesburg, Florida 34748 through March 2, 2023.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 23rd day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## District Office Lease – Instructions

**NO LEASE OR ATTACHMENT CAN BE SIGNED BEFORE THEY HAVE BEEN APPROVED BY THE OFFICE OF ADMINISTRATIVE COUNSEL.**

**The term for a District Office Lease for the 118th Congress may not commence prior to January 3, 2023.**

**Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 118th Congress, leases should end on January 2, 2025, rather than December 31, 2024.**

- The Member/Member-Elect is required to personally sign the documents.
- Prior to either party signing a Lease, the Member/Member-Elect must submit the proposed Lease, accompanied by the District Office Lease Attachment for the 118<sup>th</sup> Congress (“Attachment”), to the Office of Administrative Counsel (“Administrative Counsel”) via e-mail in PDF form ([leases@mail.house.gov](mailto:leases@mail.house.gov)) or fax (202-226-0357) for review and approval.
- After the Lease or Amendment, accompanied by the Attachment are executed by both parties, a copy must be submitted to Administrative Counsel via e-mail in PDF form ([leases@mail.house.gov](mailto:leases@mail.house.gov)) or fax (202-226-0357) for final approval.
- If approved, Administrative Counsel will notify the Office of Finance that monthly rental payments can begin. If changes are necessary, Administrative Counsel will contact the office of the Member/Member-Elect.
- The parties agree that any charges for default, early termination, or cancellation of the Lease or Amendment which result from actions taken by or on behalf of the Lessee shall be the Lessee’s sole responsibility and are not reimbursable from the Member’s Representational Allowance.

Instructions for completing the District Office Lease (“Lease”):

- Preamble — Insert:
  - Landlord’s name; Landlord’s address; and Member/Member-Elect’s name
- Section 1 — Insert:
  - Square footage of the leased office (if known)
  - Street address including city, state, and ZIP of the leased office
- Section 3 — Insert:
  - Date lease begins (must be on or after January 3, 2023)
  - Date lease ends (must be on or before January 2, 2025)
- Section 4 — Insert the amount of monthly rent. If there is no rent, insert “\$0.00”. If rent is not constant over the lease term, insert “See Section 11” and note any rent variations in Section 11.
- Section 5 — Insert the number of days’ notice required for either party to terminate the lease before the end of the term. If the lease may not terminate early, enter “N/A” in this blank.
- Section 11 — Insert any additional lease provisions.

**Note:** Sections 1-9, other than filling in the blanks, may not be altered or deleted.



*U.S. House of Representatives*

Washington, D.C. 20515

**District Office Lease**

(Page 1 of 3 – 118th Congress)

Pursuant to 2 U.S.C.A. § 4313, and the Regulations of the Committee on House Administration (as modified from time to time by Committee Order) relating to office space in home districts,

City of Leesburg, 501 West Meadow Street, Leesburg, FL 34748  
(Landlord's name) (Landlord's street address, city, state, ZIP code)

("Lessor"), and Daniel Webster, a Member/Member-Elect of the U.S. House of Representatives ("Lessee"), agree as follows:

1. **Location.** Lessor shall lease to Lessee \_\_\_\_\_ square feet of office space located at 318 South 2nd Street, #A  
(Office street address)  
in the city, state and ZIP code of Leesburg, Florida 34748.  
(Office city, state and ZIP)
2. **Lease Amenities.** Lessee shall be entitled to receive and Lessor shall be required to provide the amenities selected in Section A of the District Office Lease Attachment ("Attachment") accompanying this Lease.
3. **Term.** Lessee shall have and hold the leased premises for the period beginning January 3, 2023 and ending March 2, 2023. The term of this District Office Lease ("Lease") may not exceed two (2) years and may not extend beyond January 2, 2025, which is the end of the constitutional term of the Congress to which the Member is elected.
4. **Rent.** The monthly rent shall be \$875, and is payable in arrears on or before the last day of each calendar month. Rent payable under this Lease shall be prorated on a daily basis for any fraction of a month of occupancy.
5. **Early Termination.** This Lease may be terminated by either party giving 7 days' prior written notice to the other party. The commencement date of such termination notice shall be the date such notice is delivered or, if mailed, the date such notice is postmarked.
6. **Payments.** During the term of this Lease, rent payments under Section 4 of this Lease shall be remitted to the Lessor by the Chief Administrative Officer of the U.S. House of Representatives (the "CAO") on behalf of the Lessee.
7. **District Office Lease Attachment for 118th Congress.** The District Office Lease Attachment attached hereto is incorporated herein by reference, and this Lease shall have no force or effect unless and until accompanied by an executed District Office Lease Attachment for the 118th Congress.
8. **Counterparts.** This Lease may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
9. **Section Headings.** The section headings of this Lease are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

*U.S. House of Representatives*

Washington, D.C. 20515

**District Office Lease**

(Page 2 of 3 – 118th Congress)

10. **Modifications.** Any amendments, additions or modifications to this Lease inconsistent with Sections 1 through 9 above shall have no force or effect to the extent of such inconsistency.
11. **Other.** Additionally, the Lessor and the Lessee agree to the following:

*[Signature page follows.]*

*U.S. House of Representatives*

Washington, D.C. 20515

**District Office Lease**

(Page 3 of 3 – 118th Congress)

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease as of the later date written below by the Lessor or the Lessee.

City of Leesburg, Florida

The Honorable Daniel Webster

\_\_\_\_\_  
*Print Name of Lessor/Landlord/Company*

\_\_\_\_\_  
*Print Name of Lessee*

By: \_\_\_\_\_  
*Lessor Signature*

\_\_\_\_\_  
*Lessee Signature*

Name:

Title:

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

***This District Office Lease must be accompanied with an executed District Office Lease Attachment.***



## **District Office Lease Attachment- Instructions**

The District Office Lease Attachment (“Attachment”) must accompany *every* Lease or Amendment submitted for a Member/Member-elect’s District Office.

**THE OFFICE OF ADMINISTRATIVE COUNSEL MUST APPROVE ANY LEASE, AMENDMENT, OR ATTACHMENT PRIOR TO SIGNATURE.**

**The term of a District Office Lease or Amendment for the 118th Congress may not commence prior to January 3, 2023.**

**Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 118th Congress, leases should end on January 2, 2025, not December 31, 2024.**

- The Member/Member-elect is required to personally sign the documents.
- The Lessor must complete the amenities checklist in Section A (“Lease Amenities”), including both the “required amenities” and “optional amenities” portions.
- Section B (“Additional Lease Terms”) of the Attachment SHALL NOT have any provisions deleted or changed.
- Prior to either party signing a Lease or an Amendment, the Member/Member-elect must submit the proposed Lease or Amendment, accompanied by the Attachment, to the Office of Administrative Counsel (“Administrative Counsel”) via e-mail in PDF form ([leases@mail.house.gov](mailto:leases@mail.house.gov)) or fax (202-226-0357) for review and approval.
- If Administrative Counsel determines that the proposed terms and conditions of the Lease or Amendment comply with applicable law and House Rules and Regulations, Administrative Counsel will notify the Member/Member-elect to proceed with the execution of the Lease or Amendment.
- Once signed by both parties, the Lease or the Amendment, accompanied by the Attachment, must be submitted to Administrative Counsel via e-mail in PDF form ([leases@mail.house.gov](mailto:leases@mail.house.gov)) or fax (202-226-0357) for final approval.
- Without a properly signed and submitted Attachment, the Lease or Amendment cannot be approved by Administrative Counsel and payments will not be made.
- If approved, Administrative Counsel will notify the Office of Finance that monthly rental payments can begin. If changes are necessary, Administrative Counsel will contact the office of the Member/Member-elect.
- The parties agree that any changes for default, early termination, or cancellation of the Lease or Amendment which result from actions taken by or on behalf of the Lessee shall be the Lessee’s sole responsibility and are not reimbursable from the Members’ Representational Allowance.
- Lessor shall provide a copy of any assignment, estoppel certificate, notice of a bankruptcy or foreclosure, or notice of a sale or transfer of the leased premises to Administrative Counsel via e-mail in PDF form ([leases@mail.house.gov](mailto:leases@mail.house.gov)).

Washington, D.C. 20515

# District Office Lease Attachment

(Page 1 of 5 – 118th Congress)

**SECTION A**  
**(Lease Amenities)**

Section A sets forth the amenities provided by the Lessor to be included in the Lease. Except as noted below, the amenities listed are not required for all district offices.

**To be completed by the Lessor (required amenities):**

 \* **High-Speed Internet Available Within the Leased Space.**

Please list any internet providers known to provide service to the property:

**\* Interior Wiring CAT 5e or Better within Leased Space.**

**To be completed by the Lessor (optional amenities):**

- ☐ Amenities are separately listed elsewhere in the Lease.  
(The below checklist can be left blank if the above box is checked.)

The Lease includes (please check and complete all that apply):

- ☐ Lockable Space for Networking Equipment.
- ☒ Telephone Service Available.
- ☒ Parking.      \_\_\_\_\_ Assigned Parking Spaces  
                                 ✓ \_\_\_\_\_ Unassigned Parking Spaces  
                                 ☐ General Off-Street Parking on an As-Available Basis
- ☒ Utilities. Includes: Electric, Water & Sewer
- ☐ Janitorial Services. Frequency: \_\_\_\_\_
- ☒ Trash Removal. Frequency: Weekly
- ☐ Carpet Cleaning. Frequency: \_\_\_\_\_
- ☐ Window Washing.    ☐ Window Treatments.
- ☒ Tenant Alterations Included In Rental Rate.
- ☒ After Hours Building Access.
- ☐ Office Furnishings. Includes: \_\_\_\_\_
- ☒ Cable TV Accessible. If checked, Included in Rental Rate: ☐ Yes ☐ No
- ☒ Building Manager. ☐ Onsite ☒ On Call    Contact Name: Al Minner

Phone Number: (352) 728-9800      Email Address: [alminner@leesburgflorida.gov](mailto:alminner@leesburgflorida.gov)



*U.S. House of Representatives*

Washington, D.C. 20515

**District Office Lease Attachment**

(Page 2 of 5 – 118th Congress)

**SECTION B**

**(Additional Lease Terms)**

1. **Incorporated District Office Lease Attachment.** Lessor (Landlord) and Lessee (Member/Member-elect of the U.S. House of Representatives) agree that this District Office Lease Attachment ("Attachment") is incorporated into and made part of the Lease ("Lease") and, if applicable, District Office Lease Amendment ("Amendment") to which it is attached.
2. **Performance.** Lessor expressly acknowledges that neither the U.S. House of Representatives (the "House") nor its Officers are liable for the performance of the Lease. Lessor further expressly acknowledges that payments made by the Chief Administrative Officer of the House (the "CAO") to Lessor to satisfy Lessee's rent obligations under the Lease – which payments are made solely on behalf of Lessee in support of his/her official and representational duties as a Member of the House – shall create no legal obligation or liability on the part of the CAO or the House whatsoever. Lessee shall be solely responsible for the performance of the Lease and Lessor expressly agrees to look solely to Lessee for such performance.
3. **Modifications.** Any amendment to the Lease must be in writing and signed by the Lessor and Lessee. Lessor and Lessee also understand and acknowledge that the Administrative Counsel for the CAO ("Administrative Counsel") must review and give approval of any amendment to the Lease prior to its execution.
4. **Compliance with House Rules and Regulations.** Lessor and Lessee understand and acknowledge that the Lease shall not be valid, and the CAO will not authorize the disbursement of funds to the Lessor, until Administrative Counsel has reviewed the Lease to determine that it complies with the Rules of the House and the Regulations of the Committee on House Administration, and approved the Lease by signing the last page of this Attachment.
5. **Payments.** The Lease is a fixed term lease with monthly installments for which payment is due in arrears on or before the end of each calendar month. In the event of a payment dispute, Lessor agrees to contact the Office of Finance, U.S. House of Representatives, at 202-225-7474 to attempt to resolve the dispute before contacting Lessee.
6. **Void Provisions.** Any provision in the Lease purporting to require the payment of a security deposit shall have no force or effect. Furthermore, any provision in the Lease purporting to vary the dollar amount of the rent specified in the Lease by any cost of living clause, operating expense clause, pro rata expense clause, escalation clause, or any other adjustment or measure during the term of the Lease shall have no force or effect.
7. **Certain Charges.** The parties agree that any charge for default, early termination or cancellation of the Lease which results from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee and shall not be paid by the CAO on behalf of the Lessee.
8. **Death, Resignation or Removal.** In the event Lessee dies, resigns or is removed from office during the term of the Lease, the Clerk of the House may, at his or her sole option, either: (a) terminate the Lease by giving thirty (30) days' prior written notice to Lessor; or (b) assume the obligation of the Lease and continue to occupy the premises for a period not to exceed sixty (60) days following the certification of the election of the Lessee's successor. In the event the Clerk elects to terminate the Lease, the commencement date of such thirty (30) day termination notice



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**District Office Lease Attachment**

(Page 3 of 5 – 118th Congress)

shall be the date such notice is delivered to the Lessor or, if mailed, the date on which such notice is postmarked.

9. **Term.** The term of the Lease may not exceed the constitutional term of the Congress to which the Lessee has been elected. The Lease may be signed by the Member-elect before taking office. Should the Member-elect not take office to serve as a Member of the 118th Congress, the Lease will be considered null and void.
10. **Early Termination.** If either Lessor or Lessee terminates the Lease under the terms of the Lease, the terminating party agrees to promptly file a copy of any termination notice with the Office of Finance, U.S. House of Representatives, Attn: Kellie Wilson, via e-mail at [FCLeasePayments@mail.house.gov](mailto:FCLeasePayments@mail.house.gov), and with the Administrative Counsel by e-mail at [leases@mail.house.gov](mailto:leases@mail.house.gov).
11. **Assignments.** Lessor shall provide thirty (30) days prior written notice to Lessee before assigning any of its rights, interests or obligations under the Lease, in whole or in part, by operation of law or otherwise. Lessor shall promptly file a copy of any such assignment notice with Administrative Counsel by e-mail at [leases@mail.house.gov](mailto:leases@mail.house.gov). Lessee and the House shall not be responsible for any misdirected payments resulting from Lessor's failure to file an assignment notice in accordance with this section.
12. **Sale or Transfer of Leased Premises.** Lessor shall provide thirty (30) days prior written notice to Lessee in the event (a) of any sale to a third party of any part of the leased premises, or (b) Lessor transfers or otherwise disposes of any of the leased premises, and provide documentation evidencing such sale or transfer in such notice. Lessor shall promptly file a copy of any such sale or transfer notice with Administrative Counsel by e-mail at [leases@mail.house.gov](mailto:leases@mail.house.gov).
13. **Bankruptcy and Foreclosure.** In the event (a) Lessor is placed in bankruptcy proceedings (whether voluntarily or involuntarily), (b) the leased premises is foreclosed upon, or (c) of any similar occurrence, Lessor agrees to promptly notify Lessee in writing. Lessor shall also promptly file a copy of any such notice via e-mail with the Office of Finance, U.S. House of Representatives, Attn: Kellie Wilson, via e-mail at [FCLeasePayments@mail.house.gov](mailto:FCLeasePayments@mail.house.gov), and with Administrative Counsel by e-mail at [leases@mail.house.gov](mailto:leases@mail.house.gov).
14. **Estoppel Certificates.** Lessee agrees to sign an estoppel certificate relating to the leased premises (usually used in instances when the Lessor is selling or refinancing the building) upon the request of the Lessor. Such an estoppel certificate shall require the review of Administrative Counsel, prior to Lessee signing the estoppel certificate. Lessor shall promptly provide a copy of any such estoppel certificate to Administrative Counsel by e-mail at [leases@mail.house.gov](mailto:leases@mail.house.gov).
15. **Maintenance of Common Areas.** Lessor agrees to maintain in good order, at its sole expense, all public and common areas of the building including, but not limited to, all sidewalks, parking areas, lobbies, elevators, escalators, entryways, exits, alleys and other like areas.
16. **Maintenance of Structural Components.** Lessor also agrees to maintain in good order, repair or replace as needed, at its sole expense, all structural and other components of the premises including, but not limited to, roofs, ceilings, walls (interior and exterior), floors, windows, doors, foundations, fixtures, and all mechanical, plumbing, electrical and air conditioning/heating



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**District Office Lease Attachment**

(Page 4 of 5 – 118th Congress)

systems or equipment (including window air conditioning units provided by the Lessor) serving the premises.

17. **Lessor Liability for Failure to Maintain.** Lessor shall be liable for any damage, either to persons or property, sustained by Lessee or any of his or her employees or guests, caused by Lessor's failure to fulfill its obligations under Sections 15 and 16.
18. **Initial Alterations.** Lessor shall make any initial alterations to the leased premises, as requested by Lessee and subject to Lessor's consent, which shall not be unreasonably withheld. The cost of such initial alterations shall be included in the annual rental rate.
19. **Federal Tort Claims Act.** Lessor agrees that the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, satisfies any and all obligations on the part of the Lessee to purchase private liability insurance. Lessee shall not be required to provide any certificates of insurance to Lessor.
20. **Limitation of Liability.** Lessor agrees that neither Lessee nor the House nor any of the House's officers or employees will indemnify or hold harmless Lessor against any liability of Lessor to any third party that may arise during or as a result of the Lease or Lessee's tenancy.
21. **Compliance with Laws.** Lessor shall be solely responsible for complying with all applicable permitting and zoning ordinances or requirements, and with all local and state building codes, safety codes and handicap accessibility codes (including the Americans with Disabilities Act), both in the common areas of the building and the leased space of the Lessee.
22. **Electronic Funds Transfer.** Lessor agrees to accept monthly rent payments by Electronic Funds Transfer and agrees to provide the Office of Finance, U.S. House of Representatives, with all banking information necessary to facilitate such payments.
23. **Refunds.** Lessor shall promptly refund to the CAO, without formal demand, any payment made to the Lessor by the CAO for any period for which rent is not owed because the Lease has ended or been terminated.
24. **Conflict.** Should any provision of this Attachment be inconsistent with any provision of the attached Lease or attached Amendment, the provisions of this Attachment shall control, and those inconsistent provisions of the Lease or the Amendment shall have no force and effect to the extent of such inconsistency.
25. **Construction.** Unless the clear meaning requires otherwise, words of feminine, masculine or neuter gender include all other genders and, wherever appropriate, words in the singular include the plural and vice versa.
26. **Fair Market Value.** The Lease or Amendment is entered into at fair market value as the result of a bona fide, arms-length, marketplace transaction. The Lessor and Lessee certify that the parties are not relatives nor have had, or continue to have, a professional or legal relationship (except as a landlord and tenant).
27. **District Certification.** The Lessee certifies that the office space that is the subject of the Lease is located within the district the Lessee was elected to represent unless otherwise authorized by Regulations of the Committee on House Administration.



*U.S. House of Representatives*

Washington, D.C. 20515

**District Office Lease Attachment**

(Page 5 of 5 – 118h Congress)

28. **Counterparts.** This Attachment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
29. **Section Headings.** The section headings of this Attachment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Attachment as of the later date written below by the Lessor or the Lessee.

City of Leesburg, Florida

*Print Name of Lessor/Landlord*

The Honorable Daniel Webster

*Print Name of Lessee*

By: \_\_\_\_\_

*Lessor Signature*

Name:

Title:

\_\_\_\_\_

*Lessee Signature*

\_\_\_\_\_

*Date*

\_\_\_\_\_

*Date*

From the Member's Office, who is the point of contact for questions?

Name Christa Pearson Tamm Phone ( 352 ) 304-7590 E-mail christa.pearson @mail.house.gov

**This District Office Lease Attachment and the attached Lease or Amendment have been reviewed and are approved, pursuant to Regulations of the Committee on House Administration.**

Signed \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_.  
(Administrative Counsel)

**U.S. House of Representatives**  
**Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form**

Internal Revenue Code 6109, 31 U.S.C. 3322, 31 CFR 210 and the 1996 Debt Collection Improvement Act require all entities that do business with the United States Government to provide a Tax Identification Number (TIN) and Electronic Funds Transfer (EFT) information for payment. PL 93-579 protects your privacy and mandates that the information never be published or used for any other purpose than to pay you. *Please complete all sections below, sign and return via the email or fax number listed.*

**RETURN FORM TO:** VendorEFT@mail.house.gov

**FAX NUMBER:** (202) 225-6914

**SECTION I**

**UNITED STATES HOUSE OF REPRESENTATIVES INFORMATION**

ADDRESS US HOUSE OF REPRESENTATIVES - ACCOUNTING, 3110 O'NEILL FEDERAL BUILDING, WASHINGTON, DC 20515  
AGENCY IDENTIFIER 53-6002523 AGENCY LOCATION CODE 4832 TELEPHONE NUMBER (202) 226-2277

**SECTION II**

**PAYEE/COMPANY INFORMATION**

|                                                                                                                                  |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>NAME (AS SHOWN ON YOUR INCOME TAX RETURN)</b>                                                                                 |                                        | <b>CHECK APPROPRIATE BOX FOR FEDERAL TAX CLASSIFICATION (required)</b><br><input type="checkbox"/> Individual/Sole Proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/Estate<br><input type="checkbox"/> Limited Liability Company Enter tax classification (C=C corporation, S=S corporation, P= Partnership) <span style="float: right;">Exempt payee <input type="checkbox"/></span><br><input type="checkbox"/> OTHER (Other entities. Enter your business name below as shown on required federal tax documents "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/ disregarded entity name" line.) |  |
| <b>BUSINESS NAME/DISREGARDED ENTITY NAME or DBA, IF DIFFERENT THAN ABOVE</b>                                                     |                                        | <b>PURCHASE ORDER ADDRESS/CITY/STATE/ZIP</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <b>TYPE OF TAX IDENTIFICATION NUMBER</b><br><input type="checkbox"/> SOCIAL SECURITY NUMBER (or)<br><input type="checkbox"/> EIN | <b>ENTER TAX IDENTIFICATION NUMBER</b> | <b>TELEPHONE NUMBER</b> <b>FAX NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>ADDRESS/CITY/STATE/ZIP</b>                                                                                                    |                                        | <b>TELEPHONE NUMBER</b> <b>FAX NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>CONTACT PERSON NAME</b>                                                                                                       |                                        | <b>EMAIL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <b>EMAIL</b>                                                                                                                     |                                        | <b>TELEPHONE NUMBER</b> <b>FAX NUMBER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| <b>TELEPHONE NUMBER</b> <b>FAX NUMBER</b>                                                                                        |                                        | <b>REMIT TO ADDRESS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |

**SECTION III**

**FINANCIAL INSTITUTION INFORMATION**

|                                                                                                                            |                         |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>BANK NAME (Branch City, State)</b>                                                                                      |                         |
| <b>ACH COORDINATOR NAME</b>                                                                                                | <b>TELEPHONE NUMBER</b> |
| <b>NINE-DIGIT ROUTING TRANSIT NUMBER</b>                                                                                   |                         |
| <b>DEPOSITOR ACCOUNT TITLE</b>                                                                                             |                         |
| <b>DEPOSITOR ACCOUNT NUMBER</b>                                                                                            | <b>LOCKBOX NUMBER</b>   |
| <b>TYPE OF ACCOUNT</b> <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX |                         |

**SECTION IV**

**SOCIO-ECONOMIC INFORMATION**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                  |                                               |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------|
| <b>Type of Business</b>               | <input type="checkbox"/> Large Business-No Socio-Economic Designations <input type="checkbox"/> Minority <input type="checkbox"/> SmBusiness <input type="checkbox"/> Sm-Disadv/Minority <input type="checkbox"/> Sm-Disadv Only <input type="checkbox"/> SmMin Only                                                                                                                                                                                                                                                                                                                              |                                                  |                                               |
| <b>Sm-Disadvantaged Business Prog</b> | <input type="checkbox"/> 8 (a) Firm <input type="checkbox"/> HUBZone Program <input type="checkbox"/> HUBZone Eligible                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Emerging Small Business | <input type="checkbox"/> Women-Owned Business |
| <b>Other Preference Programs</b>      | <input type="checkbox"/> Buy Indian <input type="checkbox"/> Directed to JWOD Non-Profit <input type="checkbox"/> No Preference/Not Listed <input type="checkbox"/> Small Business Set-Aside <input type="checkbox"/> Very Small Business Set-Aside                                                                                                                                                                                                                                                                                                                                               |                                                  |                                               |
| <b>Veteran Owned Status</b>           | <input type="checkbox"/> Non-Vet Owned SmBus <input type="checkbox"/> Other Vet Owned SmBus <input type="checkbox"/> Serv-Disabled Vet Other Bus <input type="checkbox"/> Serv-Disabled Vet Owned SB <input type="checkbox"/> Vet-Owned Other Bus                                                                                                                                                                                                                                                                                                                                                 |                                                  |                                               |
| <b>Size of Business</b>               | <input type="checkbox"/> (A) 50 or less <input type="checkbox"/> (B) 51-100 <input type="checkbox"/> (C) 101-250 <input type="checkbox"/> (D) 251-500 <input type="checkbox"/> (E) 501-750 <input type="checkbox"/> (F) 751-1,000 <input type="checkbox"/> (G) Over 1,000 <input type="checkbox"/> (M) 1 million or less <input type="checkbox"/> (N) 1.1-2 million <input type="checkbox"/> (P) 2.1-3.5 million <input type="checkbox"/> (R) 3.1-5 million <input type="checkbox"/> (S) 5.1-10 million <input type="checkbox"/> (T) 10.1-17 million <input type="checkbox"/> (Z) Over 17 million |                                                  |                                               |

**SECTION V**

**CERTIFICATION OF DATA BY PAYEE/COMPANY**

|                  |                                     |
|------------------|-------------------------------------|
| <b>NAME</b>      | <b>TITLE/POSITION</b>               |
| <b>SIGNATURE</b> | <b>DATE</b> <b>TELEPHONE NUMBER</b> |



**Instructions for Completing  
U.S. House of Representatives  
Substitute W-9 and ACH Vendor/Miscellaneous Payment Enrollment Form**

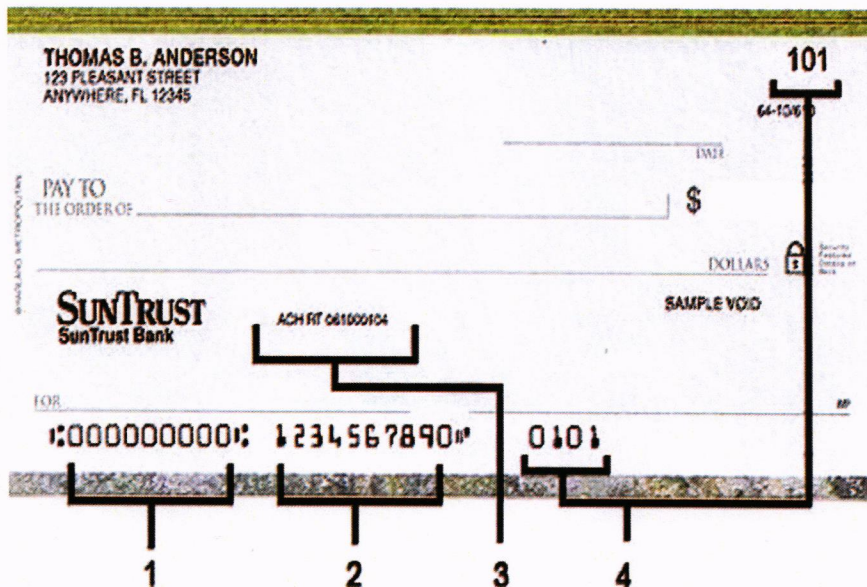
**Section I - Agency Information** – Includes the name and address, agency identifier, agency location code and telephone number for the House of Representatives.

**Section II - Payee/Company Information** – Print or type the name of the payee/company and address that will receive payment, social security or taxpayer ID number, contact person name, telephone number and email of the payee/company. Print or type the purchase order and remit to addresses if different from the payee/company address. Check the appropriate boxes for federal tax classification.

**Section III - Financial Institution Information** – Print or type the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Check the appropriate box for type of account. Payee/Company may include a voided check with this form.

**ACH Account Information Located on a Check or Deposit Ticket**

|                                     |                                                                                                                                                       |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>FINANCIAL INSTITUTION NAME</u>   | name of the financial institution to which the payments are to be directed                                                                            |
| <u>ROUTING TRANSIT NUMBER (RTN)</u> | financial institution's 9 digit routing transit number;<br><i>found on the bottom of a check or deposit ticket or from your Financial Institution</i> |
| <u>ACCOUNT TITLE</u>                | employee's or vendor's name on the account                                                                                                            |
| <u>ACCOUNT NUMBER</u>               | account number at the financial institution                                                                                                           |



1. Routing Transit Number (RTN) – nine digits located between two symbols. This number identifies the bank holding your account and check processing center.
2. Account number – this is your complete account number. Your account number can be up to 17 digits. Please include leading zeros.
3. ACH Routing Transit Number – Automated Clearing House routing number, use this number for your Routing Transit Number (RTN) if you bank with **SunTrust Bank**.
4. Check number – This information is not necessary - do not provide

**Section IV - Socio-Economic Information** – Check the boxes for each category, if applicable: type of business, small disadvantaged business program, HUBZone program, emerging small business, women-owned business, other preference programs, Veteran owned status and size of business. Detailed information related to Small Business programs can be found at <http://www.sba.gov/>.

**Section V - Certification of Data By Payee/Company** – Print or type the name, title/position and phone number of the Authorized official. The Authorized official must sign and date the form.

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.3.

**Meeting Date:** January 23, 2023

**From:** Al Minner, (City Manager)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Quit Claim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc., transferring the real property described therein; and providing an effective date.

---

### **Staff Recommendation:**

Staff recommends authorizing the Mayor and City Clerk to execute a Quit Claim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc. transferring the real property described in the document, together with the statutory petroleum and mineral rights automatically reserved under §270.11(1), Fla. Stat.

### **Analysis:**

The Community Development Corporation of Leesburg, Inc. has requested the donation of three parcels from the City. These parcels are located on Childs Street just south of East Main Street.

### **Procurement Analysis:**

N/A

### **Options:**

1. Approve the Resolution as presented; or
2. Such alternative action as the Commission may deem appropriate.

### **Fiscal Impact:**

None

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A QUIT CLAIM DEED BETWEEN THE CITY OF LEESBURG AND THE COMMUNITY DEVELOPMENT CORPORATION OF LEESBURG, INC., TRANSFERRING THE REAL PROPERTY DESCRIBED THEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

**THAT** the City of Leesburg hereby authorizes the Mayor and City Clerk to execute a Quit Claim Deed between the City of Leesburg and the Community Development Corporation of Leesburg, Inc. transferring the real property described in the document, together with the statutory petroleum and mineral rights automatically reserved under §270.11(1), Fla. Stat.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 23rd day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Prepared by and return to:  
**William G. Watson/dl**  
**Attorney at Law**  
**Stone & Gerken, P.A.**  
**4850 N. Highway 19A**  
**Mount Dora, FL 32757**  
**352-887-1700**  
File Number: **CITLEE-MISC**  
Will Call No.:

[Space Above This Line For Recording Data]

## Quit Claim Deed

**This Quit Claim Deed** made this \_\_\_\_\_ day of **January, 2023** between **The City of Leesburg, Florida, a Florida municipal corporation**, whose post office address is **P.O. Box 490630, Leesburg, FL 34749-0630**, grantor, and **Community Development Corporation of Leesburg, Inc., a Florida not for profit corporation**, whose post office address is **314 S. Canal Street, Leesburg, FL 34748**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described lands, situate, lying and being in **Lake County, Florida** to-wit:

**Parcel 1:**

**The West 1/2 of Lot 7, Block 57, of the City of Leesburg, according to the map or plat thereof as recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida.**

**Parcel Identification Number: 2619243900-057-00704**

**Parcel 2:**

**A strip of land in the NW ¼ of the NW ¼ of Section 25, Township 19 South, Range 24 East, being a 50-foot wide right of way, i.e., 25 feet wide on each side of the center line of the roadbed extending from the east line of Childs Street in a northeasterly direction a distance of 148 feet, more or less, to the south line of Main Street.**

**Parcel Identification Number: 2519240002-000-13000**

**Parcel 3:**

**The West 1/2 of Lot 7 of J.W. Lee's Subdivision of Lots 6, 8, 9, and 10, Block 57, of the City of Leesburg, according to the map or plat thereof as recorded in Plat Book 2, Page 19, Public Records of Lake County, Florida.**

**Parcel Identification Number: 2519240600-000-00401**

The statutory petroleum and mineral rights automatically reserved under §270.11(1), Fla. Stat., with respect to the property described above, are hereby conveyed to the Grantee, pursuant to a Resolution approved by the Leesburg City Commission of The City of Leesburg, Florida, authorizing such release and conveyance.

The legal description was furnished to the preparer of this instrument by the Grantor, and the preparer assumes no responsibility for its accuracy, No Party to this transaction has requested the preparer of this instrument to perform a title search or survey on the premises conveyed, nor has the preparer rendered a title search or opinion of title for any party to this transaction.

**To Have and to Hold**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

The City of Leesburg, Florida, a Florida municipal corporation

\_\_\_\_\_  
Witness Name: \_\_\_\_\_

By: \_\_\_\_\_  
James A. Burry, Jr., Mayor

\_\_\_\_\_  
Witness Name: \_\_\_\_\_

Attest: \_\_\_\_\_  
J. Andi Purvis, City Clerk

(Corporate Seal)

State of Florida  
County of Lake

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this \_\_\_\_ day of January, 2023 by James A. Burry, Jr., Mayor, and J. Andi Purvis, City Clerk of The City of Leesburg, Florida, a Florida municipal corporation. They ☐ are personally known to me or ☒ have produced valid driver's licenses as identification.

[Notary Seal]

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**Board of Directors**

Pastor John Christian, Chairman  
Carolyn Samuel, Vice Chairman  
Bettye S. Coney, Secretary  
Frazier Marshall, Treasurer  
Randy Hepburn  
Dr. Erika Jasper

Martinis McDuffie  
Pastor Tony Person  
Daniel Richardson .

*Building Communities...Improving Lives*

**City of Leesburg  
501 West Meadow Street  
Leesburg, Florida 34748**

**December 19<sup>th</sup> 2022**

**RE: Donation of Property**

**Dear Mr. Minner**

There is an item on tonight's agenda that identifies 3 parcels to be listed for affordable housing and donated to non-profits. The Community Development Corporation of Leesburg would like to formally request that lots 1265797, 1773741 and 3921439 be donated to the Community Development Corporation of Leesburg inc. While we are strong in our advocacy of affordable housing we believe these lots will serve a better commercial/social purpose for the continuation of the redevelopment plan we have for Pine Street.

Thank you for considering our request and pray it falls on the City Commission hearts to continue the great work on pine Street and Leesburg, Florida.

Sincerely,

**Rev. John H. Christian  
Chairman of the Board**

**cc. Mrs. Sandra Wilson**

**COMMUNITY DEVELOPMENT CORPORATION OF LEESBURG & VICINITY  
314 S. CANAL STREET, LEESBURG, FL 34748  
PHONE: (352) 314-8868 FAX: (352) 314-9479  
[www.leesburgcdc.org](http://www.leesburgcdc.org)  
CDC of Leesburg & Vicinity is a 501 (c) 3 Non-Profit Corporation**



# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.4.

**Meeting Date:** January 23, 2023

**From:** Al Minner, (City Manager)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Gas Service Agreement between the City of Leesburg and Red Maple Lodge Properties, LLC, for the purpose of setting forth the terms under which the city will provide natural gas service to the development known as Red Maple Lodge; and providing an effective date.

---

### Staff Recommendation:

Staff recommends accepting and approving the Resolution authorizing the Mayor and City Clerk to execute a gas service agreement between the City of Leesburg and Red Maple Lodge Properties, LLC.

### Analysis:

The City of Leesburg is agreeing to provide natural gas service to Red Maple Lodges Properties, LLC for the development known as Red Maple Lodge pursuant to the terms of the Gas Service Agreement. The estimated cost of the infrastructure, which will be fully funded by the developer, is \$26,971.64.

### Procurement Analysis:

N/A

### Options:

1. Approve the Resolution accepting and approving the Gas Service Agreement as presented; or
2. Such alternative action as the Commission may deem appropriate.

### Fiscal Impact:

The developer will place construction funds totaling \$26,971.64 into an escrow account sufficient to fully fund the project. A budget adjustment will be processed to add these funds to the current budget.

Account No. 042-0000-223-3100  
WF No. WF1463848



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG,  
FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A  
GAS SERVICE AGREEMENT BETWEEN THE CITY OF LEESBURG AND  
RED MAPLE LODGE PROPERTIES, LLC, FOR THE PURPOSE OF SETTING  
FORTH THE TERMS UNDER WHICH THE CITY WILL PROVIDE NATURAL  
GAS SERVICE TO THE DEVELOPMENT KNOWN AS RED MAPLE LODGE;  
AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

**THAT** the Mayor and City Clerk are hereby authorized and directed to execute a Gas Service Agreement between the City of Leesburg and Red Maple Lodge Properties, LLC, for the purpose of setting forth the terms under which the City will provide natural gas service to the development known as Red Maple Lodge.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 23rd day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## **GAS SERVICE AGREEMENT**

**THIS AGREEMENT** is made and entered into this 12<sup>th</sup> day of January, 2023 by and between the City of Leesburg, Florida, a municipal corporation organized under the laws of the State of Florida, located at 501 W. Meadow Street, Leesburg, Florida, 34748, (hereinafter referred to as "City"), and Red Maple Lodge Properties, LLC, PO Box 1885, Mount Dora, FL 32756 (hereinafter jointly referred to as "Owner"), sometimes collectively referred to as "Party" or "Parties".

### **WITNESSETH:**

**WHEREAS**, Owner is the current owner of the following real property located in Leesburg, Lake County, Florida (the "Property"):

See Exhibit "A" attached hereto

Parcel Identification Number(s): 11-20-24-0110-000-00101

**WHEREAS**, development of the Property has been authorized in accordance with the master plan on file with the City for "Red Maple Lodge" (the "Development"); and

**WHEREAS**, Section 22-7 of the Code of Ordinances of the City of Leesburg, Florida, requires that Owner utilize natural gas in connection with development of the Property; and

**WHEREAS**, the City has agreed to provide natural gas service to the Property under the terms and conditions set forth below.

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, City and Owner do agree as follows:

1. The City shall, subject to the provisions of this Agreement, supply natural gas service which shall include main, service and meter installations, to the Property. Owner shall be responsible for installing and connecting all natural gas appliances to the outlet of City gas meters. A map of the Development is attached hereto as Exhibit "B" and by reference is made a part hereof. City shall provide such natural gas service from the supply line, including the gas meter.

2. Owner, as a single unit community, will utilize a gas load of 6443 MBH as follows:

Gas furnaces, gas cooking, gas water heating, gas dryers, gas fireplaces and gas generator.

3. The Parties understand that the City is relying upon the assurances from Owner as the primary consideration for the execution of this Agreement.

4. The Owner is obligated to pay the full cost of the infrastructure required to serve the Property and the cost of the services, meters, appurtenances and installation, which will be performed by the City. The Owner's estimated costs of the infrastructure to be funded by Owner as set forth below, is twenty-six thousand nine hundred seventy-one dollars and sixty-four cents (\$26,971.64). Fifteen (15) days prior to construction, Owner shall place in escrow with the City, funds equal to that estimate to be used to pay for the construction as it proceeds. Notwithstanding inclusion of this estimate herein, Owner shall be obligated to pay the full cost of the infrastructure required to serve the Development and Property except as expressly set forth in paragraph 5 hereof.

5. The City will contract for, or at its option, have done by in house personnel, the actual installation of the infrastructure. The City will follow all legal requirements for bidding and award of the contract. If the cost of construction exceeds the original estimate, then the City will cover such increased costs for a limited period that expires automatically eighteen (18) months after the date of this Agreement. Thereafter, any costs exceeding the original estimate shall be the sole responsibility of Owner. Owner shall within 15 days of notice from the City that the costs of installation exceed or are reasonably anticipated to exceed the original estimate, place into the escrow account an amount sufficient to cover the increased costs of the construction. If Owner fails to place the additional funds into the escrow account, the City at its option may halt construction of the infrastructure until Owner deposits the additional funds, together with any other costs incurred as a result of the cessation of construction, into the escrow account.

6. The City shall both own and maintain the natural gas system on the Property up to and including the natural gas meter. The natural gas system from the outlet of the gas meter to the appliance utilizing the natural gas shall be maintained by the Owner and Owner's heirs, successors, or assigns.



Notwithstanding anything to the contrary contained herein, to the extent the natural gas system owned and maintained by the City or any part thereof is damaged as a result of the acts, conduct, or failure to act of Owner and/or Owner's agents, employees, representatives, members, managers, shareholders, officers, directors, tenants, contractors, laborers, or material suppliers, or in the event of any deviation from standard service to any existing or proposed natural gas infrastructure occurs, then Owner shall be responsible for paying for all costs, charges, and expenses whatsoever associated with any repairs, reconstruction, and replacements to the natural gas system, including but not limited to, all costs of gas loss resulting from the damage.

**7.** The Owner shall grant to the City all easements needed to install, operate, maintain, repair, and replace the natural gas pipelines on the Property, including minimum five foot (5') side lot easements, and shall dedicate or otherwise convey those easements to the perpetual use of the City and its successors in interest for the purpose of laying, installing, operating, maintaining, repairing and replacing the natural gas pipelines. In addition, the Owner shall provide a location and easement, agreed to by the City for the purpose of installation, maintenance, repair, and replacement of any necessary regulator stations and all associated equipment on the Property.

**8.** The Owner shall locate natural gas service meters on the side of each building in a manner to allow for two buildings to be serviced by one service line wherever possible. The City may require that these services be located on the same side of the building as the electric or water service.

**9.** The City shall bear responsibility for installing all gas piping and other gas infrastructure, up to and including the meters, necessary to supply the natural gas service reflected in this Agreement. Owner and City will share trench space, which will be dug by the Owner's water and or electric utility contractor at no charge to the City. Each unit within the Development will be individually metered.

**10.** The City shall provide, when requested, individual residential unit hookups to the natural gas system within the Development. The City shall ensure that such service is provided at the same rates and on the same terms as those provided to other natural gas customers of the City within a comparable

service area. The Parties understand that any and all hookup fees, meter charges and impact fees shall be paid by the residential customers at the time service is hooked up to the home.

11. Owner agrees to pay any and all costs that City incurs in the collection of any unpaid reimbursement fees from Owner, including reasonable attorney's fees and court costs and any attorney fees and costs for appellate proceedings, efforts to collect any judgment entered in favor of the City, and in any proceedings in receivership, bankruptcy or insolvency.

12. If the developer fails to pay the funds required under this Agreement or otherwise defaults under the terms of this agreement, the City is not obligated to install the natural gas infrastructure in the development, may discontinue installation and may terminate this Agreement. In addition, the City may suspend issuance of any and all permits for construction on the Property or within the Development until such time as Owner has paid the amount due and the natural gas service Agreement has been reinstated.

13. The Parties agree that the laws of the State of Florida shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it. The parties agree that in the event of any litigation arising out of or otherwise related to this Agreement, venue shall lie only in a state court of competent jurisdiction in Lake County, Florida.

14. The Parties understand and agree that this Agreement sets forth the entire understanding between the parties and supersedes and takes precedence over any and all prior negotiations, representations and agreements, oral or written, all of which are deemed to have merged into this Agreement and to have been extinguished thereby, except to the extent they are specifically set forth herein. Each party warrants, for the benefit and reliance of the other, that it has not entered into this Agreement in reliance on or on the basis of any promise, undertaking, representation or agreement of the other party, except as specifically set forth within the four corners of this instrument, and the parties mutually waive and disclaim any and all rights, remedies and causes of action which may otherwise exist, based wholly or partly on any such



promise, undertaking, representation or agreement of the other party, except as specifically set forth within the four corners of this instrument.

15. This Agreement may be assigned to any successor of the Owner, but only with prior, written consent from the City. However, this Agreement may not be partially assigned, or assigned separately from title to all remaining lots not yet transferred to third parties intending to use the lot for personal residential purposes.

16. The Parties understand and agree that this Agreement may not be amended orally, by implication, by course of conduct, or in any manner other than by way of a written instrument approved by the Leesburg City Commission and duly executed by both parties hereto.

17. This Agreement is binding on and shall inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed as of the date herein above written.

**CITY OF LEESBURG**

BY: \_\_\_\_\_  
James A. Burry, Jr., Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form and content:

\_\_\_\_\_  
City Attorney

RED MAPLE LODGE PROPERTIES, LLC,  
a Florida limited liability company

By: Red Maple Lodge Holdings, LLC,  
a Florida limited liability company, its Manager

BY: \_\_\_\_\_  
Tom L. Hofmeister, Manager



**EXHIBIT "A"**

**Legal Description**

That part of the South 1/2 of Lots 1, 2, 3, 4 and all of Lots 13, 14, 15, and 16, Edward Delouest's Subdivision, being East of Highway No. 27, in Section 11, Township 20 South, Range 24 East, according to the plat thereof as recorded in Plat Book 1, Page 1, Public Records of Sumter County (now Lake County), Florida.

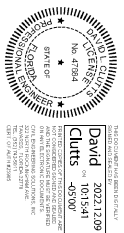
# SITE CONSTRUCTION PLANS

## FOR

### RED MAPLE LODGE

#### (A 136 BED ASSISTED LIVING FACILITY)

#### (U.S. HIGHWAY 27 / STATE ROAD 25)



| REVISIONS: |                   |
|------------|-------------------|
| 1          | PER FOOT DRAINAGE |
| 2          | PER FOOT ACCESS   |
| 3          | PER CITY          |
| 4          | PER FOOT ACCESS   |
| 5          | PER CITY          |
| 6          | PER CITY          |

**Civil Engineering Solutions, Inc.**  
Civil & Environmental Engineering

323 North Rockingham Ave., Tallahassee, FL 32378  
Phone: 904.742.5511 Fax: 904.742.5544  
www.civilengr.com  
Date of Review Certificate of Authorization 02/05/00

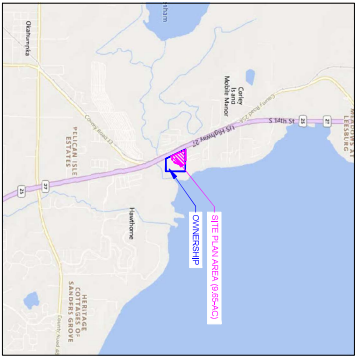
DRAWN BY: P.E. TFL/CLK/47884  
Date:

## RED MAPLE LODGE

### SITE CONSTRUCTION PLAN

LEESBURG, FLORIDA

|                          |
|--------------------------|
| DRAWN BY: RMA & JH       |
| CHECKED BY: DC           |
| FILE NUMBER:<br>15-10-28 |
| ISSUE DATE:<br>07/20/22  |
| SHEET SIZE<br>24 X 36    |
| COVER SHEET              |
| SHEET NUMBER<br>C0.00    |



**SITE PLAN LEGAL DESCRIPTION (0.65-Ac)**  
THE 2.00 AC PORTION OF A SEVANTE KEY # 130335, PARCELS 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 6J, 6K, 6L, 6M, 6N, 6O, 6P, 6Q, 6R, 6S, 6T, 6U, 6V, 6W, 6X, 6Y, 6Z, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M, 7N, 7O, 7P, 7Q, 7R, 7S, 7T, 7U, 7V, 7W, 7X, 7Y, 7Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, 8N, 8O, 8P, 8Q, 8R, 8S, 8T, 8U, 8V, 8W, 8X, 8Y, 8Z, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9J, 9K, 9L, 9M, 9N, 9O, 9P, 9Q, 9R, 9S, 9T, 9U, 9V, 9W, 9X, 9Y, 9Z, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K, 10L, 10M, 10N, 10O, 10P, 10Q, 10R, 10S, 10T, 10U, 10V, 10W, 10X, 10Y, 10Z, 11A, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I, 11J, 11K, 11L, 11M, 11N, 11O, 11P, 11Q, 11R, 11S, 11T, 11U, 11V, 11W, 11X, 11Y, 11Z, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K, 13L, 13M, 13N, 13O, 13P, 13Q, 13R, 13S, 13T, 13U, 13V, 13W, 13X, 13Y, 13Z, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, 14M, 14N, 14O, 14P, 14Q, 14R, 14S, 14T, 14U, 14V, 14W, 14X, 14Y, 14Z, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K, 15L, 15M, 15N, 15O, 15P, 15Q, 15R, 15S, 15T, 15U, 15V, 15W, 15X, 15Y, 15Z, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16I, 16J, 16K, 16L, 16M, 16N, 16O, 16P, 16Q, 16R, 16S, 16T, 16U, 16V, 16W, 16X, 16Y, 16Z, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 17M, 17N, 17O, 17P, 17Q, 17R, 17S, 17T, 17U, 17V, 17W, 17X, 17Y, 17Z, 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M, 18N, 18O, 18P, 18Q, 18R, 18S, 18T, 18U, 18V, 18W, 18X, 18Y, 18Z, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H, 19I, 19J, 19K, 19L, 19M, 19N, 19O, 19P, 19Q, 19R, 19S, 19T, 19U, 19V, 19W, 19X, 19Y, 19Z, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 21A, 21B, 21C, 21D, 21E, 21F, 21G, 21H, 21I, 21J, 21K, 21L, 21M, 21N, 21O, 21P, 21Q, 21R, 21S, 21T, 21U, 21V, 21W, 21X, 21Y, 21Z, 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J, 22K, 22L, 22M, 22N, 22O, 22P, 22Q, 22R, 22S, 22T, 22U, 22V, 22W, 22X, 22Y, 22Z, 23A, 23B, 23C, 23D, 23E, 23F, 23G, 23H, 23I, 23J, 23K, 23L, 23M, 23N, 23O, 23P, 23Q, 23R, 23S, 23T, 23U, 23V, 23W, 23X, 23Y, 23Z, 24A, 24B, 24C, 24D, 24E, 24F, 24G, 24H, 24I, 24J, 24K, 24L, 24M, 24N, 24O, 24P, 24Q, 24R, 24S, 24T, 24U, 24V, 24W, 24X, 24Y, 24Z, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 25I, 25J, 25K, 25L, 25M, 25N, 25O, 25P, 25Q, 25R, 25S, 25T, 25U, 25V, 25W, 25X, 25Y, 25Z, 26A, 26B, 26C, 26D, 26E, 26F, 26G, 26H, 26I, 26J, 26K, 26L, 26M, 26N, 26O, 26P, 26Q, 26R, 26S, 26T, 26U, 26V, 26W, 26X, 26Y, 26Z, 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J, 27K, 27L, 27M, 27N, 27O, 27P, 27Q, 27R, 27S, 27T, 27U, 27V, 27W, 27X, 27Y, 27Z, 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I, 28J, 28K, 28L, 28M, 28N, 28O, 28P, 28Q, 28R, 28S, 28T, 28U, 28V, 28W, 28X, 28Y, 28Z, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 29M, 29N, 29O, 29P, 29Q, 29R, 29S, 29T, 29U, 29V, 29W, 29X, 29Y, 29Z, 30A, 30B, 30C, 30D, 30E, 30F, 30G, 30H, 30I, 30J, 30K, 30L, 30M, 30N, 30O, 30P, 30Q, 30R, 30S, 30T, 30U, 30V, 30W, 30X, 30Y, 30Z, 31A, 31B, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 31U, 31V, 31W, 31X, 31Y, 31Z, 32A, 32B, 32C, 32D, 32E, 32F, 32G, 32H, 32I, 32J, 32K, 32L, 32M, 32N, 32O, 32P, 32Q, 32R, 32S, 32T, 32U, 32V, 32W, 32X, 32Y, 32Z, 33A, 33B, 33C, 33D, 33E, 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N, 33O, 33P, 33Q, 33R, 33S, 33T, 33U, 33V, 33W, 33X, 33Y, 33Z, 34A, 34B, 34C, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 34L, 34M, 34N, 34O, 34P, 34Q, 34R, 34S, 34T, 34U, 34V, 34W, 34X, 34Y, 34Z, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 35H, 35I, 35J, 35K, 35L, 35M, 35N, 35O, 35P, 35Q, 35R, 35S, 35T, 35U, 35V, 35W, 35X, 35Y, 35Z, 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J, 36K, 36L, 36M, 36N, 36O, 36P, 36Q, 36R, 36S, 36T, 36U, 36V, 36W, 36X, 36Y, 36Z, 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 37Q, 37R, 37S, 37T, 37U, 37V, 37W, 37X, 37Y, 37Z, 38A, 38B, 38C, 38D, 38E, 38F, 38G, 38H, 38I, 38J, 38K, 38L, 38M, 38N, 38O, 38P, 38Q, 38R, 38S, 38T, 38U, 38V, 38W, 38X, 38Y, 38Z, 39A, 39B, 39C, 39D, 39E, 39F, 39G, 39H, 39I, 39J, 39K, 39L, 39M, 39N, 39O, 39P, 39Q, 39R, 39S, 39T, 39U, 39V, 39W, 39X, 39Y, 39Z, 40A, 40B, 40C, 40D, 40E, 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, 40O, 40P, 40Q, 40R, 40S, 40T, 40U, 40V, 40W, 40X, 40Y, 40Z, 41A, 41B, 41C, 41D, 41E, 41F, 41G, 41H, 41I, 41J, 41K, 41L, 41M, 41N, 41O, 41P, 41Q, 41R, 41S, 41T, 41U, 41V, 41W, 41X, 41Y, 41Z, 42A, 42B, 42C, 42D, 42E, 42F, 42G, 42H, 42I, 42J, 42K, 42L, 42M, 42N, 42O, 42P, 42Q, 42R, 42S, 42T, 42U, 42V, 42W, 42X, 42Y, 42Z, 43A, 43B, 43C, 43D, 43E, 43F, 43G, 43H, 43I, 43J, 43K, 43L, 43M, 43N, 43O, 43P, 43Q, 43R, 43S, 43T, 43U, 43V, 43W, 43X, 43Y, 43Z, 44A, 44B, 44C, 44D, 44E, 44F, 44G, 44H, 44I, 44J, 44K, 44L, 44M, 44N, 44O, 44P, 44Q, 44R, 44S, 44T, 44U, 44V, 44W, 44X, 44Y, 44Z, 45A, 45B, 45C, 45D, 45E, 45F, 45G, 45H, 45I, 45J, 45K, 45L, 45M, 45N, 45O, 45P, 45Q, 45R, 45S, 45T, 45U, 45V, 45W, 45X, 45Y, 45Z, 46A, 46B, 46C, 46D, 46E, 46F, 46G, 46H, 46I, 46J, 46K, 46L, 46M, 46N, 46O, 46P, 46Q, 46R, 46S, 46T, 46U, 46V, 46W, 46X, 46Y, 46Z, 47A, 47B, 47C, 47D, 47E, 47F, 47G, 47H, 47I, 47J, 47K, 47L, 47M, 47N, 47O, 47P, 47Q, 47R, 47S, 47T, 47U, 47V, 47W, 47X, 47Y, 47Z, 48A, 48B, 48C, 48D, 48E, 48F, 48G, 48H, 48I, 48J, 48K, 48L, 48M, 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63X, 63Y, 63Z, 64A, 64B, 64C, 64D, 64E, 64F, 64G, 64H, 64I, 64J, 64K, 64L, 64M, 64N, 64O, 64P, 64Q, 64R, 64S, 64T, 64U, 64V, 64W, 64X, 64Y, 64Z, 65A, 65B, 65C, 65D, 65E, 65F, 65G, 65H, 65I, 65J, 65K, 65L, 65M, 65N, 65O, 65P, 65Q, 65R, 65S, 65T, 65U, 65V, 65W, 65X, 65Y, 65Z, 66A, 66B, 66C, 66D, 66E, 66F, 66G, 66H, 66I, 66J, 66K, 66L, 66M, 66N, 66O, 66P, 66Q, 66R, 66S, 66T, 66U, 66V, 66W, 66X, 66Y, 66Z, 67A, 67B, 67C, 67D, 67E, 67F, 67G, 67H, 67I, 67J, 67K, 67L, 67M, 67N, 67O, 67P, 67Q, 67R, 67S, 67T, 67U, 67V, 67W, 67X, 67Y, 67Z, 68A, 68B, 68C, 68D, 68E, 68F, 68G, 68H, 68I, 68J, 68K, 68L, 68M, 68N, 68O, 68P, 68Q, 68R, 68S, 68T, 68U, 68V, 68W, 68X, 68Y, 68Z, 69A, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 69I, 69J, 69K, 69L, 69M, 69N, 69O, 69P, 69Q, 69R, 69S, 69T, 69U, 69V, 69W, 69X, 69Y, 69Z, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70I, 70J, 70K, 70L, 70M, 70N, 70O, 70P, 70Q, 70R, 70S, 70T, 70U, 70V, 70W, 70X, 70Y, 70Z, 71A, 71B, 71C, 71D, 71E, 71F, 71G, 71H, 71I, 71J, 71K, 71L, 71M, 71N, 71O, 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86Z, 87A, 87B, 87C, 87D, 87E, 87F, 87G, 87H, 87I, 87J, 87K, 87L, 87M, 87N, 87O, 87P, 87Q, 87R, 87S, 87T, 87U, 87V, 87W, 87X, 87Y, 87Z, 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88J, 88K, 88L, 88M, 88N, 88O, 88P, 88Q, 88R, 88S, 88T, 88U, 88V, 88W, 88X, 88Y, 88Z, 89A, 89B, 89C, 89D, 89E, 89F, 89G, 89H, 89I, 89J, 89K, 89L, 89M, 89N, 89O, 89P, 89Q, 89R, 89S, 89T, 89U, 89V, 89W, 89X, 89Y, 89Z, 90A, 90B, 90C, 90D, 90E, 90F, 90G, 90H, 90I, 90J, 90K, 90L, 90M, 90N, 90O, 90P, 90Q, 90R, 90S, 90T, 90U, 90V, 90W, 90X, 90Y,



# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.5.

**Meeting Date:** January 23, 2023

**From:** Al Minner, (City Manager)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida, accepting a Utility Easement from Red Maple Lodge Properties, LLC, along with a Joinder and Consent to Utility Easement from United Southern Bank, for the purpose of creating a utility easement affecting the property described therein; and providing an effective date.

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### Staff Recommendation:

Staff recommends accepting and approving the Resolution accepting a Utility Easement from Red Maple Lodge Properties, LLC, along with the Joinder and Consent to Utility Easement from United Southern Bank joining and consenting to the Utility easement.

### Analysis:

Red Maple Lodge Properties, LLC is granting a Utility Easement to the City of Leesburg, Florida for the purpose of construction, installation, repair, maintenance, replacement, and improvement of underground or above ground utilities, including but not limited to water, sewer, reuse water, natural gas, and electricity.

United Southern Bank is the holder of a mortgage, lien, or other encumbrance upon the property described therein and joins and consents to the Utility Easement from Red Maple Lodge Properties, LLC and agrees that its mortgage, lien or other encumbrance shall be subordinated to said easement.

### Procurement Analysis:

N/A

### Options:

1. Adopt the Resolution accepting and approving the Utility Easement and Joinder as presented; or
2. Such alternative action as the Commission may deem appropriate.

### Fiscal Impact:

N/A



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM RED MAPLE LODGE PROPERTIES, LLC, ALONG WITH A JOINDER AND CONSENT TO UTILITY EASEMENT FROM UNITED SOUTHERN BANK, FOR THE PURPOSE OF CREATING A UTILITY EASEMENT AFFECTING THE PROPERTY DESCRIBED THEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:**

**THAT** the City of Leesburg hereby accepts the Utility Easement granted to the City of Leesburg by Red Maple Lodge Properties, LLC, along with the Joinder and Consent to Utility Easement from United Southern Bank, which creates a Utility Easement over, under, upon, across, through and within the real property described in the document.

**THAT** this resolution shall become effective immediately.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 23rd day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



Prepared by/return to:  
William Grant Watson, Esq.  
Stone & Gerken, P.A.  
4850 N. Highway 19A  
Mount Dora, Florida 32757

### **UTILITY EASEMENT**

THIS PERMANENT UTILITY EASEMENT ("**Easement**") is hereby granted by **RED MAPLE LODGE PROPERTIES, LLC**, a Florida limited liability company, whose mailing address is Post Office Box 1885, Mount Dora, Florida 32756, ("**GRANTOR**,"") to **THE CITY OF LEESBURG, FLORIDA**, whose mailing address is P.O. Box 490630, Leesburg, Florida 34749-0630, and its successors and assigns ("**GRANTEE**");

### **WITNESSETH:**

THAT **GRANTOR**, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto **GRANTEE**, its successors and assigns forever, a perpetual non-exclusive easement for the construction, installation, alteration, operation, repair, maintenance, and replacement of utility improvements, including but not limited to water, wastewater, reclaimed water lines, natural gas and electricity and related facilities (the "**Facilities**"), over, under, upon, across, through and within the following described lands in Lake County, Florida, and referred to hereinafter as the "**Easement Area**" to wit:

### **SEE THE SKETCH OF DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"**

The easement rights specifically include: (a) the right of perpetual ingress and egress to patrol, inspect, alter, improve, construct, repair, maintain, rebuild, relocate, remove and provide access and service to the Facilities; (b) the right to decrease or increase, or to change the quantity and type of, the Facilities; (c) the right to clear the Easement Area of trees, limbs, undergrowth, and other physical objects (regardless of the location of such trees, limbs, undergrowth and other objects) which, in the opinion of Grantee, endanger or interfere with the safe and efficient installation, operation, or maintenance of the Facilities; and (e) all other rights and privileges reasonably necessary or convenient for the safe and efficient installation, operation, and maintenance of the facilities and for the enjoyment and use of such Easement for the purposes described above. Such easement rights shall include any temporary construction easement over and across such property as is necessary to the proper use and enjoyment of any right granted herein.

**GRANTOR** shall not erect, construct, or create any buildings, structures, or obstacles within the Easement Area that interfere with **GRANTEE'S** rights as described herein or install any landscaping with root systems that may damage the Facilities; however, **GRANTOR** may use the surface of the Easement Area in any manner that does not interfere with the rights granted to **GRANTEE** herein, which shall specifically include usage as and for roadways, parking areas, sidewalks, curbs, and sodding. **GRANTEE** will repair and/or replace any roadways, parking areas, sidewalks, curbs, and sodding in the Easement Area that is damaged in connection with any maintenance or repairs made by **GRANTEE** to the Facilities. **GRANTOR** reserves the right to grant rights to others affecting said Easement Area provided that such rights do not create an unsafe condition or conflict with the rights granted to **GRANTEE** herein. Failure to exercise the rights herein granted to **GRANTEE** shall not constitute a waiver or abandonment.



**GRANTOR** warrants and covenants that **GRANTOR** is lawfully seized and in possession of the real property underlying the Easement Area, as specifically described and depicted in Exhibit "A" attached hereto, and has the right to convey this Easement, and that **GRANTEE**, its successors, successors-in-title and assignees shall have quiet and peaceful possession, use, and enjoyment of this Easement. The rights, privileges, and burden of the Easement granted herein shall be a covenant running with the land and the rights and duties shall descend to the parties' successors and assigns. **GRANTEE** shall include **GRANTEE'S** agents, contractors, subcontractors, licensees, franchisees, employees, and other parties associated with Grantee in furtherance of the purposes herein set forth.

**IN WITNESS WHEREOF**, this Easement has been executed by **GRANTOR** on the day and year first above written.

**WITNESSES:**

**GRANTOR:**

RED MAPLE LODGE PROPERTIES, LLC, a  
Florida limited liability company,

By: RED MAPLE LODGE HOLDINGS, LLC, a  
Florida limited liability company, Its Manager

Carrie C. Cornfield  
Signature  
Carrie C. Cornfield  
Printed Name

By: Tom Hofmeister  
Tom Hofmeister, Manager

Robyn Sambor  
Signature  
Robyn Sambor  
Printed Name

STATE OF Florida  
COUNTY OF Lake

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9th day of January, 2023, by Tom Hofmeister, Manager of Red Maple Lodge Holdings, LLC, a Florida limited liability company, as Manager of Red Maple Lodge Properties, LLC, a Florida limited liability company, who is ☐ personally known to me or ☒ who produced the following identification: FLDL

Robyn Sambor  
Notary Public Signature  
Robyn Sambor  
Notary Public Name

My Commission Number:  
My Expiration Date:





# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 01 OF 06

## LEGAL DESCRIPTION - EASEMENT "A"

THAT PART OF LOTS 3, 4, 14 AND 15 OF EDWARD DELOUEST'S SUBDIVISION, BEING EAST OF HIGHWAY NO. 27 IN SECTION 11, TOWNSHIP 20 SOUTH, RANGE 24 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF SUMTER COUNTY (NOW LAKE COUNTY), FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

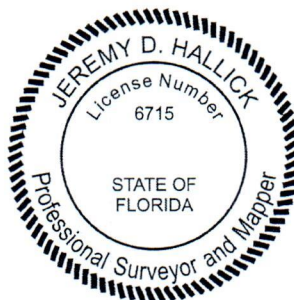
BEGIN AT A 5/8" IRON ROD AND CAP STAMPED LB#4709 MARKING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 27 (A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 4; THENCE RUN SOUTH 89°13'01" EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 4, A DISTANCE OF 16.66 FEET TO A POINT ON A LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 25°00'18" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 422.69 FEET; THENCE DEPARTING SAID PARALLEL LINE, RUN NORTH 65°14'44" EAST, A DISTANCE OF 132.65 FEET; THENCE RUN SOUTH 24°45'16" EAST, A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 65°14'44" WEST, A DISTANCE OF 132.59 FEET TO A POINT ON THE AFFORESAID LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE RUN SOUTH 25°00'18" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 272.06 FEET; THENCE DEPARTING SAID PARALLEL LINE, RUN NORTH 65°14'44" EAST, A DISTANCE OF 133.40 FEET; THENCE RUN SOUTH 24°45'16" EAST, A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 65°14'44" WEST, A DISTANCE OF 133.33 FEET TO A POINT ON THE AFORESAID LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE RUN SOUTH 25°00'18" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 394.10 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 15, THENCE DEPARTING SAID PARALLEL LINE, RUN NORTH 89°02'56" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 16.68 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 25°00'18" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1118.79 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 20,772 SQUARE FEET, (0.477 ACRES), MORE OR LESS.

(SEE SHEET 2 FOR EASEMENT "B")

## LEGEND:

LB = LICENSED BUSINESS  
L# = REFERENCE TO LINE TABLE  
R/W = RIGHT-OF-WAY  
⊙ = CHANGE IN DIRECTION



Jeremy  
Hallick

Digitally signed by Jeremy  
Hallick  
DN: cn=Jeremy Hallick,  
o=Clymer Farner Barley, Inc., ou,  
email=jhallick@cfb-inc.com,  
c=US  
Date: 2022.12.27 13:19:37 -05'00'

JEREMY D. HALLICK, FLORIDA LICENSED SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 6715

## GENERAL NOTES:

1. THIS SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (IF A HARD COPY), OR THE ADOBE PDF CONTAINING THE ELECTRONIC SIGNATURE HAS NOT BEEN VALIDATED TO BE THE ORIGINAL SIGNED AND SEALED VERSION (IF AN ELECTRONIC FILE). IF AN ELECTRONIC FILE, PRINTED COPIES OF THE SURVEY MAP ARE NOT CONSIDERED TO BE A VALID SIGNED AND SEALED COPY.
2. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY. THIS SKETCH IS BASED ON A PREVIOUS BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY THIS FIRM.
3. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 WITH 1990 ADJUSTMENT. AS A REFERENCE FOR THIS SKETCH, THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 27 HAS A BEARING OF NORTH 25°00'18" WEST.
4. EASEMENT LINE WORK DEPICTED HEREON WAS PROVIDED BY CIVIL ENGINEERING SOLUTIONS, INC.
5. EASEMENTS OF RECORD NOT SHOWN.

JOB S01022.0164  
SEE SHEETS 3-5 FOR SKETCH  
SEE SHEET 6 FOR LINE AND CURVE TABLE



**CFB**  
SURVEYING

CLYMER  
FARNER  
BARLEY

4450 NE 83RD ROAD - WILLOWOOD, FL 34785  
(352) 748-3126 LB8498



# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 02 OF 06

## LEGAL DESCRIPTION - EASEMENT "B"

THAT PART OF LOTS 2, 3, 4, 14 AND 15 OF EDWARD DELOUEST'S SUBDIVISION, BEING EAST OF HIGHWAY NO. 27 IN SECTION 11, TOWNSHIP 20 SOUTH, RANGE 24 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF SUMTER COUNTY (NOW LAKE COUNTY), FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 5/8" IRON ROD AND CAP STAMPED LB#4709 MARKING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 27 (A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 4; THENCE RUN SOUTH 89°13'01" EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 4, A DISTANCE OF 16.66 FEET TO A POINT ON A LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 25°00'18" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 174.04 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID PARALLEL LINE, RUN NORTH 64°31'51" EAST, A DISTANCE OF 75.73 FEET; THENCE RUN NORTH 21°10'28" EAST, A DISTANCE OF 24.51 FEET; THENCE RUN NORTH 66°10'28" EAST, A DISTANCE OF 218.76 FEET; THENCE RUN SOUTH 25°51'54" EAST, A DISTANCE OF 46.94 FEET; THENCE RUN NORTH 63°59'45" EAST, A DISTANCE OF 113.38 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF AFOREMENTIONED LOT 2; THENCE RUN SOUTH 89°13'01" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 33.28 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 63°59'45" WEST, A DISTANCE OF 143.13 FEET; THENCE RUN SOUTH 25°51'54" EAST, A DISTANCE OF 166.84 FEET; THENCE RUN NORTH 64°12'38" EAST, A DISTANCE OF 12.33 FEET; THENCE RUN SOUTH 25°47'10" EAST, A DISTANCE OF 15.00 FEET; THENCE RUN SOUTH 64°12'42" WEST, A DISTANCE OF 10.23 FEET; THENCE RUN SOUTH 51°18'54" EAST, A DISTANCE OF 24.70 FEET; THENCE RUN SOUTH 23°16'10" EAST, A DISTANCE OF 300.38 FEET; THENCE RUN SOUTH 19°12'50" WEST, A DISTANCE OF 100.33 FEET; THENCE RUN SOUTH 64°31'51" WEST, A DISTANCE OF 249.74 FEET TO A POINT ON THE AFORESAID LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE RUN NORTH 25°00'18" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 15.00 FEET; THENCE DEPARTING SAID PARALLEL LINE, RUN NORTH 64°31'51" EAST, A DISTANCE OF 243.35 FEET; THENCE RUN NORTH 19°12'50" EAST, A DISTANCE OF 88.24 FEET; THENCE RUN NORTH 23°16'10" WEST, A DISTANCE OF 23.42 FEET; THENCE RUN SOUTH 64°08'52" WEST, A DISTANCE OF 37.83 FEET; THENCE RUN NORTH 25°51'08" WEST, A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 64°08'52" EAST, A DISTANCE OF 38.50 FEET; THENCE RUN NORTH 23°16'10" WEST, A DISTANCE OF 252.37 FEET; THENCE RUN NORTH 51°18'54" WEST, A DISTANCE OF 27.34 FEET; THENCE RUN SOUTH 65°16'57" WEST, A DISTANCE OF 67.96 FEET; THENCE RUN NORTH 24°45'16" WEST, A DISTANCE OF 11.84 FEET TO A POINT ON THE FACE OF A BUILDING; THENCE ALONG SAID BUILDING FACE THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) THENCE RUN NORTH 65°14'44" EAST, A DISTANCE OF 28.12 FEET; 2) THENCE RUN NORTH 24°45'16" WEST, A DISTANCE OF 3.12 FEET; THENCE DEPARTING SAID BUILDING FACE, RUN NORTH 65°14'44" EAST, A DISTANCE OF 38.77 FEET; THENCE RUN NORTH 25°51'54" WEST, A DISTANCE OF 214.97 FEET; THENCE RUN SOUTH 66°10'28" WEST, A DISTANCE OF 198.07 FEET; THENCE RUN SOUTH 21°10'28" WEST, A DISTANCE OF 24.26 FEET; THENCE RUN SOUTH 64°31'51" WEST, A DISTANCE OF 81.81 FEET TO A POINT ON THE AFORESAID LINE THAT IS 15 FEET EAST (WHEN MEASURED BY PERPENDICULAR MEASURE), OF AND PARALLEL TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 27; THENCE RUN NORTH 25°00'18" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 21,762 SQUARE FEET, (0.500 ACRES), MORE OR LESS.

JOB S01022.0164  
SEE SHEETS 3-5 FOR SKETCH  
SEE SHEET 6 FOR LINE AND CURVE TABLE



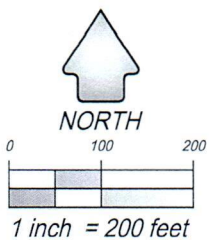
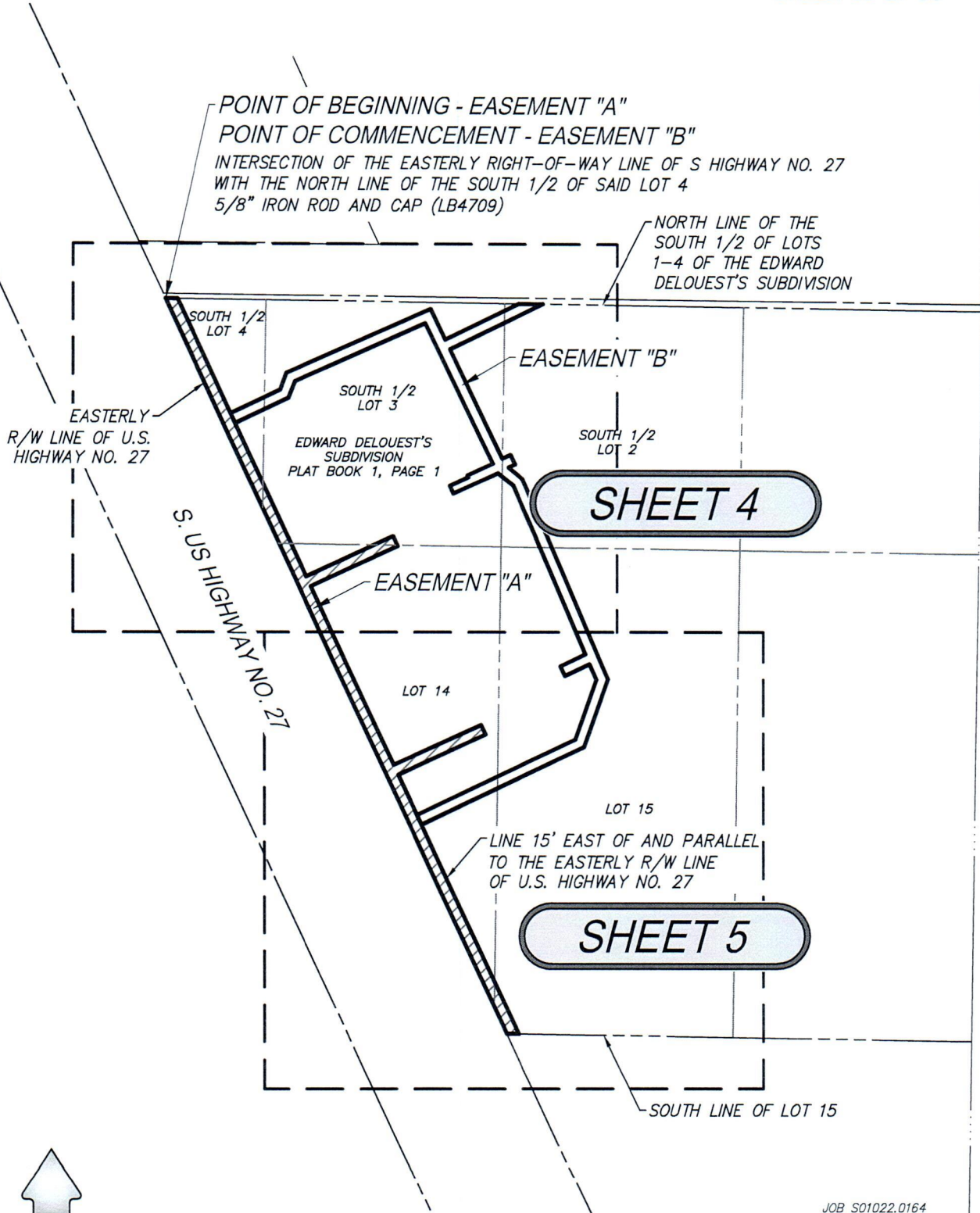
**CFB**  
CLYMER  
FARNER  
BARLEY  
**SURVEYING**  
4450 NE 83RD ROAD - WILDLWOOD, FL 34785  
(352) 748-3126 LB8498



DRAWING NAME: S. SURVEY NEW SURVEY LANE W/ON VILLAGES PROJECTS 20-24 SECTION 11 RED MAPLE LODGE DNG RED MAPLE LODGE UTILITY EASEMENT SURSKETCH REV. 03 8.5 X 11 12/27/2022 1:14 PM BY: JHALICK

# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 03 OF 06



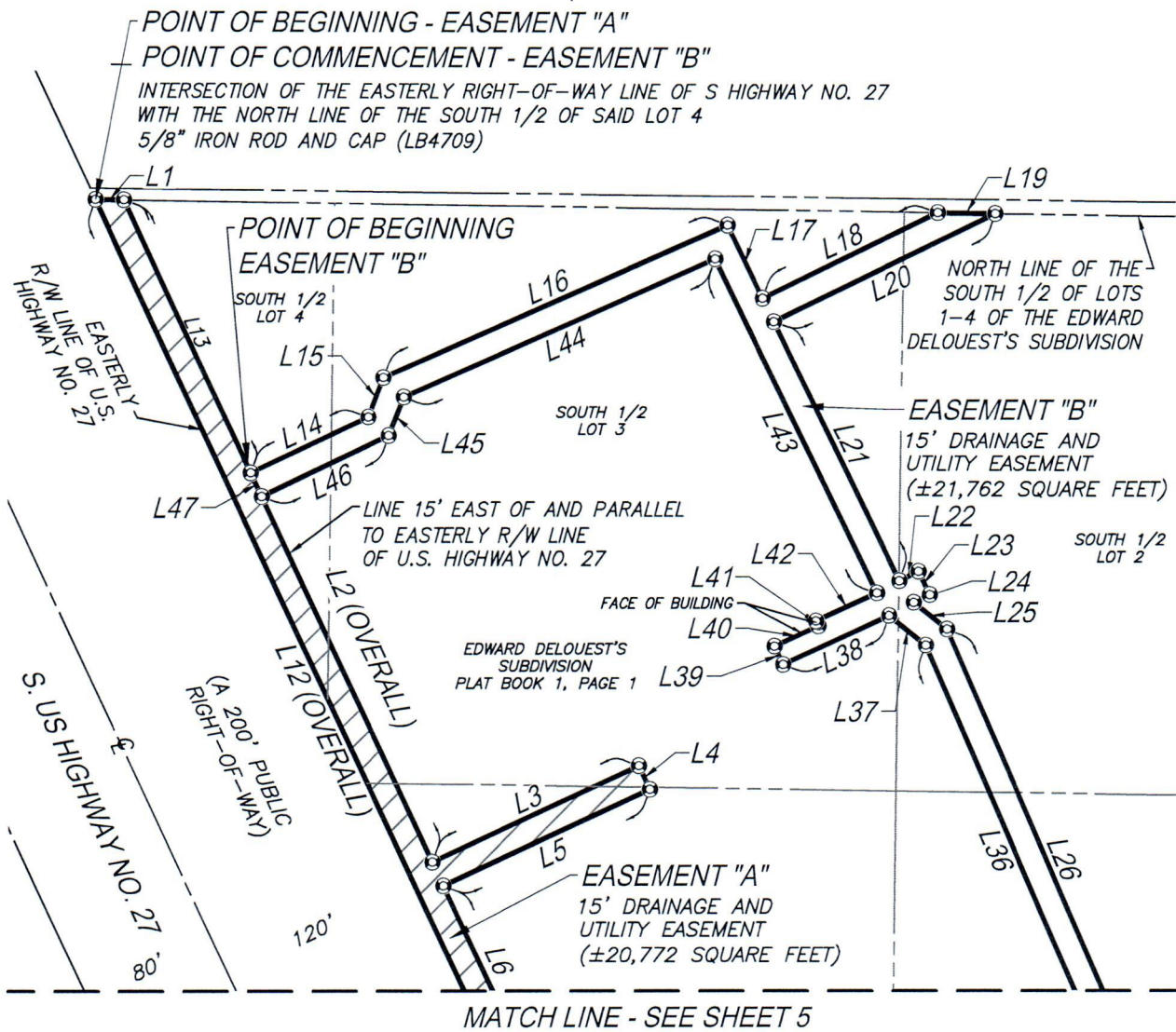
JOB S01022.0164  
SEE SHEETS 1-2 FOR DESCRIPTION  
SEE SHEET 6 FOR LINE AND CURVE TABLE



**CFB** | CLYMER  
FARNER  
BARLEY  
**SURVEYING**  
4450 NE 83RD ROAD - WILLOWOOD, FL 34765  
(352) 748-3128 LB8468

# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 04 OF 06



NORTH

0 50 100



1 inch = 100 feet

JOB S01022.0164

SEE SHEETS 1-2 FOR DESCRIPTION  
SEE SHEET 6 FOR LINE AND CURVE TABLE



**CFB**

CLYMER  
FARNER  
BARLEY

**SURVEYING**

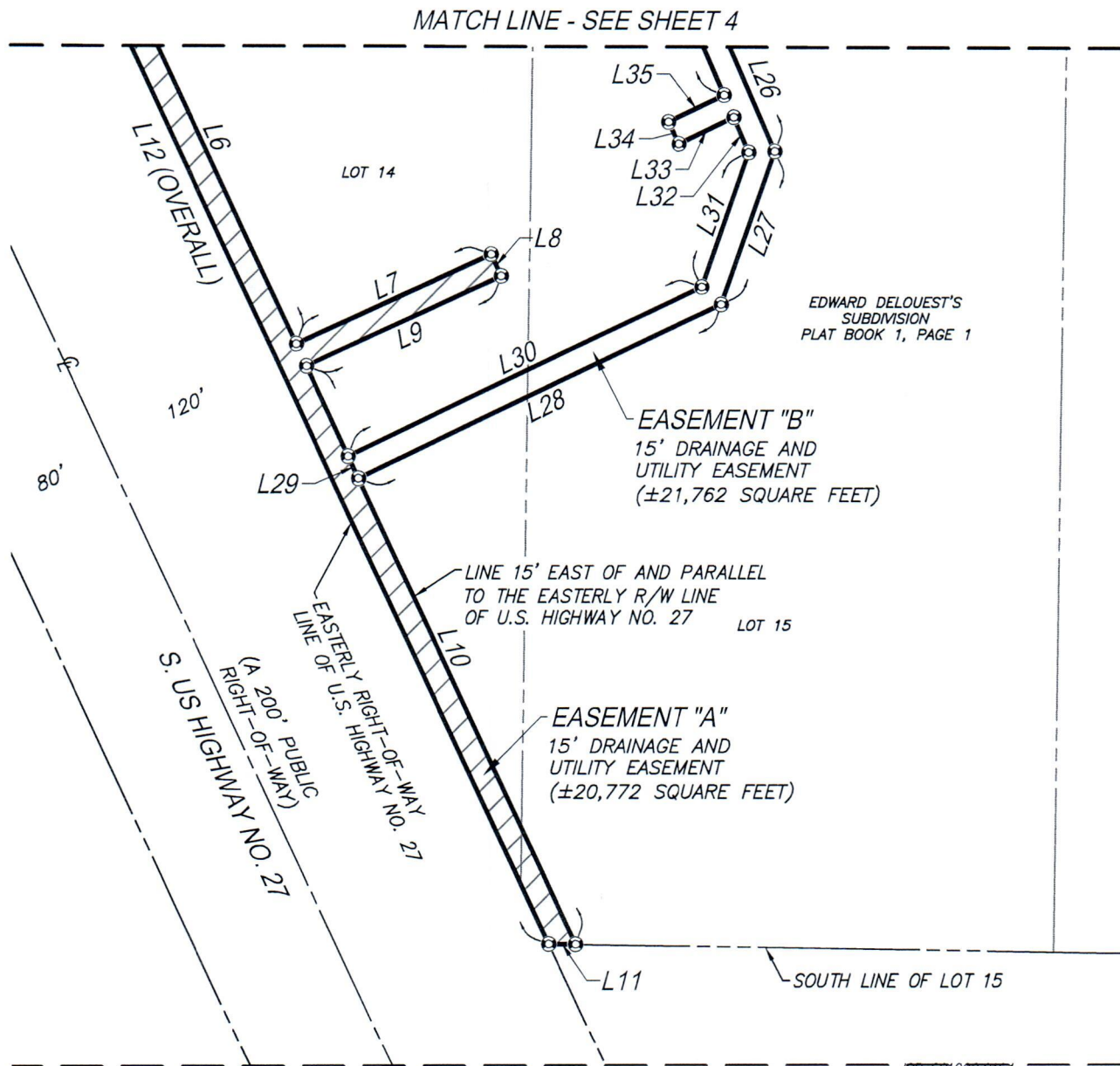
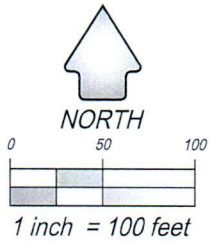
4450 NE 83RD ROAD - WILDOOD, FL 34785  
(352) 748-3126 LB8498



DRAWING NAME: S:\SURVEY\NEW SURVEY\LAKE WOOD-VILLAGES PROJECTS\20-24\SECTION 11\VED MAPLE LODGE\VED MAPLE LODGE UTILITY EASEMENT SURSKETCH\_REV.DWG :05 8.5 X 11 12/27/2022 1:18 PM BY: JHALICK

# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 05 OF 06



JOB: SD1022.0164  
SEE SHEETS 1-2 FOR DESCRIPTION  
SEE SHEET 6 FOR LINE AND CURVE TABLE



**CFB**  
CLYMER  
FARNER  
BARLEY  
**SURVEYING**  
4450 NE 83RD ROAD - WILDWOOD, FL 34785  
(352) 748-3126 LB8498

DRAWING NAME: S:\SURVEY\NEW SURVEY\LAKE NON-VILLAGES PROJECTS\20-24\SECTION 11\RED MAPLE LODGE\DWG\REV\DWG :06 8.5 X 11 12/27/2022 1:18 PM BY: JHALLUCK

# SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"  
SHEET 06 OF 06

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE TAG   | BEARING     | DISTANCE |
| L1         | S89°13'01"E | 16.66'   |
| L2         | S25°00'18"E | 422.69'  |
| L3         | N65°14'44"E | 132.65'  |
| L4         | S24°45'16"E | 15.00'   |
| L5         | S65°14'44"W | 132.59'  |
| L6         | S25°00'18"E | 272.06'  |
| L7         | N65°14'44"E | 133.40'  |
| L8         | S24°45'16"E | 15.00'   |
| L9         | S65°14'44"W | 133.33'  |
| L10        | S25°00'18"E | 394.10'  |
| L11        | N89°02'56"W | 16.68'   |
| L12        | N25°00'18"W | 1118.79' |
| L13        | S25°00'18"E | 174.04'  |
| L14        | N64°31'51"E | 75.73'   |
| L15        | N21°10'28"E | 24.51'   |
| L16        | N66°10'28"E | 218.76'  |
| L17        | S25°51'54"E | 46.94'   |
| L18        | N63°59'45"E | 113.38'  |
| L19        | S89°13'01"E | 33.28'   |
| L20        | S63°59'45"W | 143.13'  |

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE TAG   | BEARING     | DISTANCE |
| L21        | S25°51'54"E | 166.84'  |
| L22        | N64°12'38"E | 12.33'   |
| L23        | S25°47'10"E | 15.00'   |
| L24        | S64°12'42"W | 10.23'   |
| L25        | S51°18'54"E | 24.70'   |
| L26        | S23°16'10"E | 300.38'  |
| L27        | S19°12'50"W | 100.33'  |
| L28        | S64°31'51"W | 249.74'  |
| L29        | N25°00'18"W | 15.00'   |
| L30        | N64°31'51"E | 243.35'  |
| L31        | N19°12'50"E | 88.24'   |
| L32        | N23°16'10"W | 23.42'   |
| L33        | S64°08'52"W | 37.83'   |
| L34        | N25°51'08"W | 15.00'   |
| L35        | N64°08'52"E | 38.50'   |
| L36        | N23°16'10"W | 252.37'  |
| L37        | N51°18'54"W | 27.34'   |
| L38        | S65°16'57"W | 67.96'   |
| L39        | N24°45'16"W | 11.84'   |
| L40        | N65°14'44"E | 28.12'   |

| LINE TABLE |             |          |
|------------|-------------|----------|
| LINE TAG   | BEARING     | DISTANCE |
| L41        | N24°45'16"W | 3.12'    |
| L42        | N65°14'44"E | 38.77'   |
| L43        | N25°51'54"W | 214.97'  |
| L44        | S66°10'28"W | 198.07'  |
| L45        | S21°10'28"W | 24.26'   |
| L46        | S64°31'51"W | 81.81'   |
| L47        | N25°00'18"W | 15.00'   |

JOB S01022.0164  
SEE SHEETS 1-2 FOR DESCRIPTION  
SEE SHEETS 3-5 FOR SKETCH



**CFB**  
SURVEYING

CLYMER  
FARNER  
BARLEY

4450 NE 83RD ROAD - WILLOWOOD, FL 34785  
(352) 748-3126 LB8498

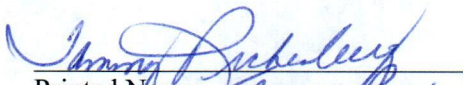
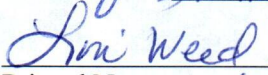


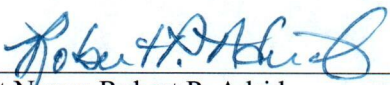
**JOINDER AND CONSENT TO UTILITY EASEMENT**

**UNITED SOUTHERN BANK**, ("Lender"), hereby certifies that it is the owner and holder of a mortgage, lien, or other encumbrance upon the property shown and described on Exhibit "A" attached hereto, located in Leesburg, Lake County, Florida, and hereby joins and consents to the Utility Easement between RED MAPLE LODGE PROPERTIES, LLC and the CITY OF LEESBURG; and agrees that its interest in the property by virtue of the Amended and Restated First Mortgage and Security Agreement dated December 1, 2020, and recorded on January 19, 2021, in Official Records Book 5623, Page 1173, Public Records of Lake County, Florida, as may be affected by that certain Assignment of Leases and Rentals, dated December 1, 2020, and recorded on January 19, 2021 in Official Records Book 5623, Page 1194, Public Records of Lake County, Florida, and as may be further affected by that certain State of Florida Uniform Commercial Code Financing Statement Form recorded on January 19, 2021 in Official Records Book 5623, Page 1202, Public Records of Lake County, Florida, shall be subordinated to said Utility Easement.

**Signed and sealed in the presence of:**

**UNITED SOUTHERN BANK,**

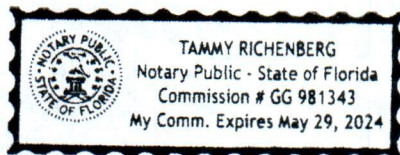
  
Printed Name: Tammy Richenberg  
  
Printed Name: LORI Weed

By:   
Print Name: Robert P. Adrid  
Title: Executive Vice President

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 9<sup>th</sup> day of January, 2023, by Robert P. Adrid, as Executive Vice President of United Southern Bank, who is ✓ personally known or produced \_\_\_\_\_ as identification.

(Seal)



  
NOTARY PUBLIC

**EXHIBIT "A"**

**Legal Description**

That part of the South 1/2 of Lots 1, 2, 3, 4 and all of Lots 13, 14, 15, and 16, Edward Delouest's Subdivision, being East of Highway No. 27, in Section 11, Township 20 South, Range 24 East, according to the plat thereof as recorded in Plat Book 1, Page 1, Public Records of Sumter County (now Lake County), Florida.

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 5.C.6.

**Meeting Date:** January 23, 2023

**From:** Brandy McDaniel, (Budget Director)

**Subject:** Resolution of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2022-23 Budget for the General, Stormwater, Carver Heights CRA, Wastewater and Airport Funds for the First Quarter; and providing an effective date.

---

### Staff Recommendation:

Staff recommends adoption of the attached resolution amending the Fiscal Year 2022-23 Budget.

### Analysis:

As established in the Budget Policy, adopted September 28, 1998, total appropriations within a fund cannot increase or decrease without formal action by the City Commission.

|                                             |                   |                                        |
|---------------------------------------------|-------------------|----------------------------------------|
| <b>General Fund</b>                         | <b>Amount</b>     | <b>Funding Source</b>                  |
| Metal Shelving Units (Library)              | \$ 4,788          | Interlocal Agreement-Grant             |
| Personal Protective Equipment (Fire)        | <u>30,350</u>     | Firehouse Subs Public Safety Grant     |
| <b>Total General Fund</b>                   | <b>\$ 35,138</b>  |                                        |
| <b>Stormwater Fund</b>                      | <b>Amount</b>     | <b>Funding Source</b>                  |
| Center Street Project                       | <u>\$ 106,500</u> | Lake County Water Authority Grant      |
| <b>Total Stormwater Fund</b>                | <b>\$ 106,500</b> |                                        |
| <b>Carver Heights CRA Fund</b>              | <b>Amount</b>     | <b>Funding Source</b>                  |
| 701 McCormack St. Food Pantry               | <u>\$ 245,100</u> | CDBG Federal Grant                     |
| <b>Total Carver Heights CRA Fund</b>        | <b>\$ 245,100</b> |                                        |
| <b>Wastewater Fund</b>                      | <b>Amount</b>     | <b>Funding Source</b>                  |
| Lift Station Generators (4)                 | <u>\$ 163,485</u> | Hazard Mitigation Grant Program (FDEM) |
| <b>Total Wastewater Fund</b>                | <b>\$ 163,485</b> |                                        |
| <b>Airport Fund</b>                         | <b>Amount</b>     | <b>Funding Source</b>                  |
| Infrastructure Design- N. of Veterans Blvd. | <u>\$ 102,770</u> | Fund Balance                           |
| <b>Total Airport Fund</b>                   | <b>\$ 102,770</b> |                                        |

**Procurement Analysis:**

N/A

**Options:**

1. Adopt the attached resolution amending the Fiscal Year 2022-23 budget for the General, Stormwater, Carver Heights CRA, Wastewater and Airport Funds for the First Quarter; or
2. Such alternative action as the Commission may deem appropriate.

**Fiscal Impact:**

See attached

| <u>FUND</u>               | FY 2023<br><u>ADOPTED</u> | <u>CHANGE</u> | FY 2023<br><u>AMENDED</u> |
|---------------------------|---------------------------|---------------|---------------------------|
| General                   | 32,520,199                | 35,138        | 32,555,337                |
| Stormwater                | 3,177,252                 | 106,500       | 3,283,752                 |
| Housing Assistance        | 162,112                   | -             | 162,112                   |
| Greater Leesburg CRA      | 813,641                   | -             | 813,641                   |
| Carver Heights CRA        | 754,068                   | 245,100       | 999,168                   |
| Hwy 441/27 CRA            | 1,979,110                 | -             | 1,979,110                 |
| Debt Service              | 1,745,218                 | -             | 1,745,218                 |
| Capital Projects          | 12,671,992                | -             | 12,671,992                |
| Electric                  | 102,434,356               | -             | 102,434,356               |
| Gas                       | 11,502,651                | -             | 11,502,651                |
| Water                     | 17,551,963                | -             | 17,551,963                |
| Wastewater                | 63,869,702                | 163,485       | 64,033,187                |
| Solid Waste               | 5,454,110                 | -             | 5,454,110                 |
| Airport                   | 6,948,191                 | 102,770       | 7,050,961                 |
| Police Pension            | 2,223,377                 | -             | 2,223,377                 |
| Fire Pension              | 1,720,614                 | -             | 1,720,614                 |
| General Employees Pension | 3,240,408                 | -             | 3,240,408                 |
| Health Insurance          | 7,769,137                 | -             | 7,769,137                 |
| Workers' Compensation     | 1,160,309                 | -             | 1,160,309                 |
| Discretionary Sales Tax   | 2,680,893                 | -             | 2,680,893                 |
| Gas Tax                   | 1,200,000                 | -             | 1,200,000                 |
| Building Permits          | 1,570,402                 | -             | 1,570,402                 |
| Police Forfeiture         | 61,571                    | -             | 61,571                    |
| Police Education Receipts | 3,500                     | -             | 3,500                     |
| Fleet Services            | 5,376,089                 | -             | 5,376,089                 |
| Total                     | 288,590,865               | 652,993       | 289,243,858               |



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA,  
AMENDING THE FISCAL YEAR 2022-23 BUDGET FOR THE GENERAL, STORMWATER,  
CARVER HEIGHTS CRA, WASTEWATER AND AIRPORTFUNDS FOR THE FIRST QUARTER;  
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Commission of the City of Leesburg adopted a budget for the Fiscal Year 2022-23 on September 26, 2022, which they felt was in the best interest of the citizens of the City of Leesburg, and

WHEREAS, it is now necessary to amend the current budget for Fiscal Year 2022-23 to provide funds for various projects as adopted at City Commission meetings, and

WHEREAS, such action was not anticipated in the original 2022-23 annual budget;

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:**

**SECTION I.**

Pursuant to Section 200.065, Florida Statutes, and all other applicable laws, the following amounts for use by the various funds during Fiscal Year 2022-23 as reflected below, including all modifications or amendments made during this meetings, are hereby adopted as increases/decreases to the original budget for Fiscal Year 2022-23 for the City of Leesburg, Florida:

**GENERAL FUND**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |               |
|----------------------------------------------------|---------------|
| Intergovernmental Revenue                          | 35,138        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>35,138</b> |

**PROPOSED APPROPRIATIONS**

|                                      |               |
|--------------------------------------|---------------|
| General Government                   |               |
| Public Safety                        | 30,350        |
| Culture/Recreation                   | 4,788         |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>35,138</b> |

**STORMWATER**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                |
|----------------------------------------------------|----------------|
| Intergovernmental Revenue                          | 106,500        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>106,500</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Physical Environment                 | 106,500        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>106,500</b> |

**CARVER HEIGHTS CRA FUND**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                |
|----------------------------------------------------|----------------|
| Intergovernmental Revenue                          | 245,100        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>245,100</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Economic Environment                 | 245,100        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>245,100</b> |

**WASTEWATER FUND**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                |
|----------------------------------------------------|----------------|
| Intergovernmental Revenue                          | 163,485        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>163,485</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Physical Environment                 | 163,485        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>163,485</b> |

**AIRPORT FUND**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                |
|----------------------------------------------------|----------------|
| Other Financing Sources:                           |                |
| Fund Balance Appropriated                          | 102,770        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>102,770</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Transportation                       | 102,770        |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>102,770</b> |

**ALL FUNDS**

**ESTIMATED REVENUES AND OTHER RECEIPTS**

|                                                    |                |
|----------------------------------------------------|----------------|
| Intergovernmental Revenue                          | 550,223        |
| Total Estimated Revenues                           | 550,223        |
| Other Financing Sources:                           |                |
| Fund Balance Appropriated                          | 102,770        |
| <b>TOTAL ESTIMATED REVENUES AND OTHER RECEIPTS</b> | <b>652,993</b> |

**PROPOSED APPROPRIATIONS**

|                                      |                |
|--------------------------------------|----------------|
| Transportation                       | 102,770        |
| Public Safety                        | 30,350         |
| Economic Environment                 | 245,100        |
| Physical Environment                 | 269,985        |
| Culture/Recreation                   | 4,788          |
| <b>TOTAL PROPOSED APPROPRIATIONS</b> | <b>652,993</b> |

SECTION II.

This resolution shall become effective upon its passage and adoption by the Leesburg City Commission in the manner provided by law.

**PASSED AND ADOPTED** at a regular meeting of the City Commission of the City of Leesburg, Florida held the 23rd day of January 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

1st Quarter Budget Adjustments Additional Information

| <u>Fund:</u>              | <u>Description</u>                                                      | <u>Amount</u>  | <u>Reason</u>                                                                             |
|---------------------------|-------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------|
| <b>General</b>            |                                                                         |                |                                                                                           |
| Library                   | Metal Shelving Units                                                    | 4,788          | City Commission approved 7/25/22, Grant was awarded to City 9/22/22                       |
| Fire                      | Personal Protective Equipment- Firehouse Subs Public Safety Grant       | 30,350         | City Commission approved 1/24/22, Grant was awarded to the City 10/10/22                  |
|                           | <b>Total General Fund</b>                                               | <b>35,138</b>  |                                                                                           |
| <b>Stormwater</b>         |                                                                         |                |                                                                                           |
|                           | Center St. Retrofit Land Acquisition/Design- Lake County Wtr. Authority | 106,500        | City Commission approved 5/9/22, Grant was awarded to the City                            |
|                           | <b>Total Stormwater</b>                                                 | <b>106,500</b> |                                                                                           |
| <b>Carver Heights CRA</b> |                                                                         |                |                                                                                           |
|                           | Food Pantry 701 McCormack St- CDBG Grant                                | 245,100        | City Commission approved 9/12/22, Grant was awarded to the City 12/1/22                   |
|                           | <b>Total Carver Heights CRA</b>                                         | <b>245,100</b> |                                                                                           |
| <b>Wastewater</b>         |                                                                         |                |                                                                                           |
|                           | Lift Station Generators (4)- Hazard Mitigation Grant Program -FDEM      | 163,485        | City Commission approved 12/20/21, Grant was awarded to the City 10/26/22                 |
|                           | <b>Total Wastewater</b>                                                 | <b>163,485</b> |                                                                                           |
| <b>Airport</b>            |                                                                         |                |                                                                                           |
|                           | Infrastructure Design- North of Veteran's Blvd.                         | 102,770        | Lease was approved by City Commission 10/24/22, is now fully executed, condition of lease |
|                           | <b>Total Airport</b>                                                    | <b>102,770</b> |                                                                                           |
|                           | <b>Total 1st Qtr Budget Adjustments</b>                                 | <b>652,993</b> |                                                                                           |

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.A.1.

**Meeting Date:** January 23, 2023

**From:** Dan Miller, (Planning and Zoning Director)

**Subject:** An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 11 +/- acres from City of Leesburg Low Density Residential to City of Leesburg Industrial, for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)

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### Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed small-scale comp plan amendment of the City's Future Land Use Map on 11 +/- acres from City of Leesburg Low Density Residential to City of Leesburg Industrial.

### Analysis:

The project site is approximately 11 acres. The property is generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard. Currently, the property has one (1) single-family residence with one (1) detached garage, one (1) carport, and one (1) utility building. The proposed use is for 5,000 sf office and 40,000 sf warehouse facilities for the manufacture of metal structures/carports. The surrounding Future Land Use Map designations of Lake County Rural, Lake County Urban Low Density, Lake County Industrial, City of Leesburg Low Density Residential, City of Leesburg Industrial, and City of Leesburg Conservation are compatible, as conditioned in the PUD zoning, with the proposed future land use designation of City Industrial. The proposed zoning designation of City PUD (Planned Unit Development) will provide for development that is consistent with the City's adopted Growth Management Plan and would allow an appropriate use for the property.

This property lies within the ISBA (Interlocal Service Boundary Area) agreement. This agreement, which was approved by City Commission on November 24, 2014, allows property within the ISBA area but outside the current city limits to be annexed and obtain City of Leesburg utility services.

The Planning Commission held a public hearing on the application on December 15, 2022 and recommended approval.

### Procurement Analysis:

N/A

**Options:**

1. Approve the requested small-scale comprehensive plan amendment from City of Leesburg Low Density Residential to City of Leesburg Industrial; or
2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

There is no direct fiscal impact to the City due to this action. Future development of the property will increase this anticipated impact from collection of impact fees, ad valorem taxes and utility charges.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING 11 +/- ACRES FROM CITY OF LEESBURG LOW DENSITY RESIDENTIAL TO CITY OF LEESBURG INDUSTRIAL, FOR A PROPERTY GENERALLY LOCATED WEST OF FLATWOODS ROAD, NORTH OF CASTEEN ROAD, AND SOUTH OF PARKWAY BOULEVARD, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (WAREHOUSE FLATWOODS)**

**WHEREAS**, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

**WHEREAS**, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

**NOW, THEREFORE,**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;**

**Section 1.**

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner;

The Future Land Use Map is amended by changing the designation of approximately 11 acres of land generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard from City of Leesburg Low Density Residential to City of Leesburg Industrial, as shown on the revised map of said area, lying in Section 29, Township 19 South, Range 24 East, Lake County Florida;

**Section 2.**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

**Section 3.**

This ordinance shall become effective upon its passage and adoption, according to law.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the 23rd day of January 2023.

**THE CITY OF LEESBURG, FLORIDA**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit A**

**LEGAL DESCRIPTION  
METAL STRUCTURES COMPANY USA, LLC**

PARCEL "A": The North 396.00 feet of the N.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida; LESS the North 208.71 feet of the East 208.71 feet of the above described property and also less the East 232.58 feet of the South 187.29 feet thereof.

PARCEL "B": The South 187.29 feet of the North 396.0 feet of the East 232.58 feet of the N.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida. LESS: Right of way for County Road No. 2-4105.

PARCEL "C": The North 208.71 feet of the East 208.71 feet of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida. LESS: Right of way for County Road No. 2-4105.



**CITY OF LEESBURG PLANNING & ZONING DIVISION  
RECOMMENDATIONS**

**DATE:** December 15, 2022  
**OWNER:** Metal Structures Company USA, LLC  
**PETITIONER:** Hosea Ortigoza  
**PROJECT:** Warehouse Flatwoods  
**REQUEST:** Small Scale Comprehensive Plan Amendment from Low Density Residential to Industrial  
**CASE NO.:** SSCP-22-493

---

**THE PLANNING & ZONING DIVISION RECOMMENDS:**

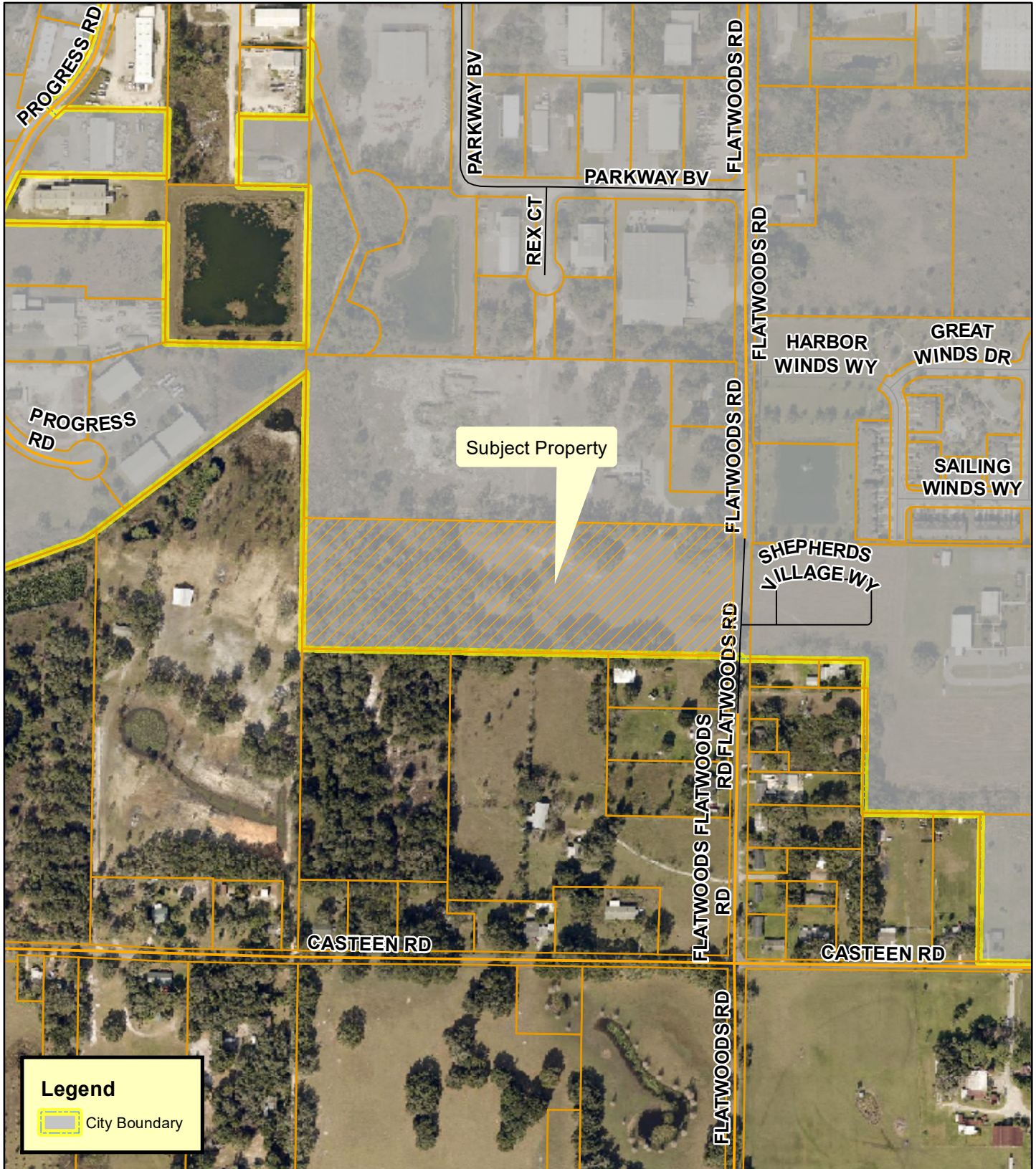
**APPROVAL of this request for the following reason(s):**

1. The use of the property meets the requirements of Chapter 163.3187 Florida Statutes, for Small Scale Comprehensive Plan Amendments.
2. The proposed Future Land Use Designation of City of Leesburg Industrial is compatible with the current surrounding Future Land Use categories of City of Leesburg Industrial and Lake County Agriculture.
3. The proposed Future Land Use Designation of Industrial is compatible with the proposed zoning of City of Leesburg PUD (Planned Unit Development) and does not appear to create a detriment to the adjacent Lake County Future Land Use Categories of Lake County Rural and Industrial.
4. The proposed Future Land Use Designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

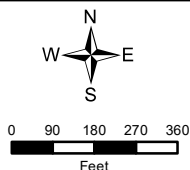
**Action Requested:**

1. Vote to approve staff's recommendation to change the future land use of the subject property from Low Density Residential to Industrial and forward to the City Commission for consideration.

# City of Leesburg Boundary



**Planning  
& Zoning  
Division**



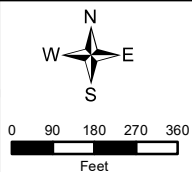
Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Locator



**Planning  
& Zoning  
Division**



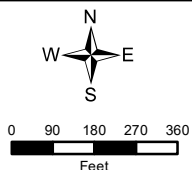
Flatwoods Warehouse  
Comp Plan & Zoning



# Aerial



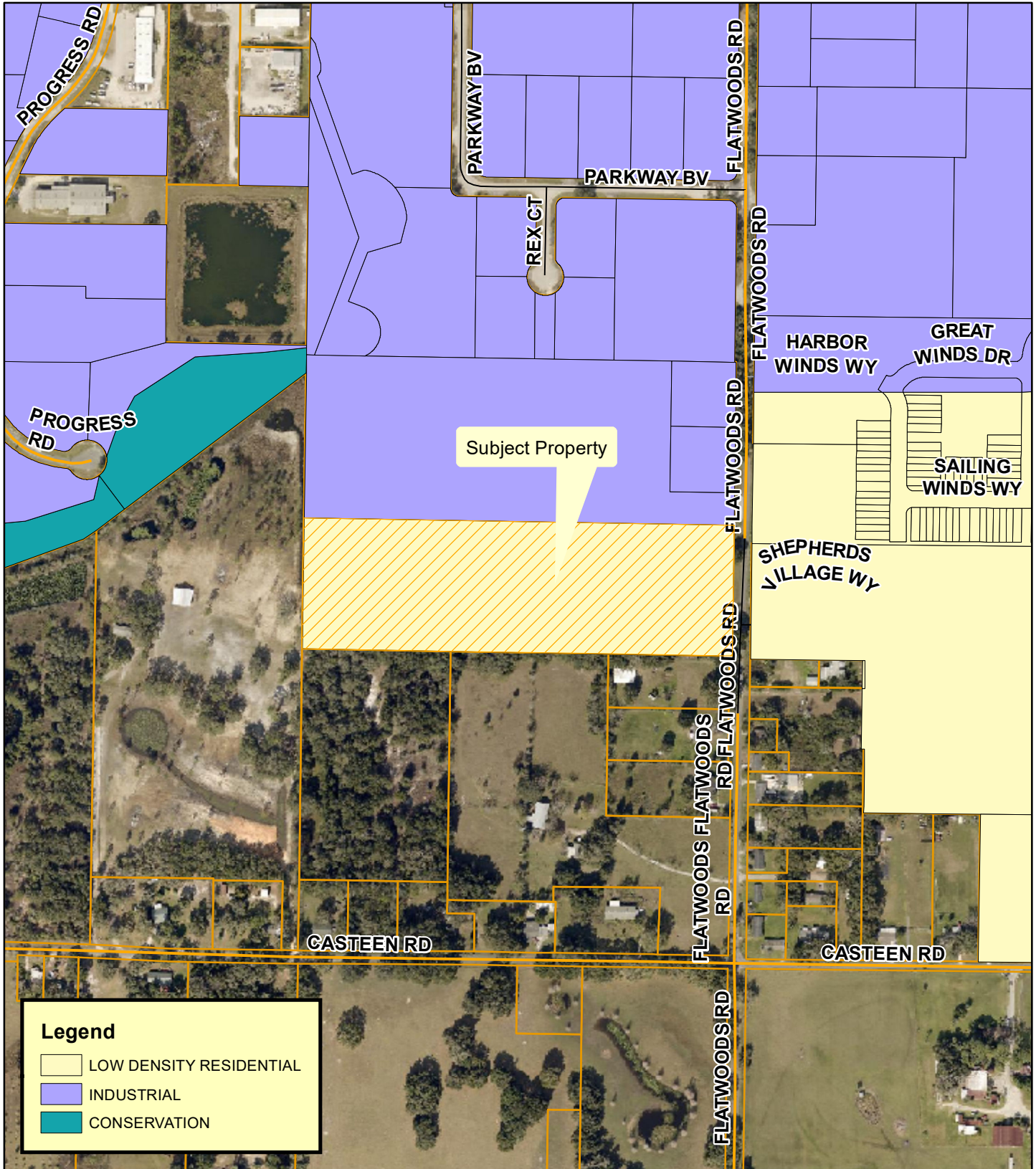
**Planning  
& Zoning  
Division**



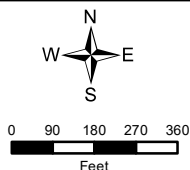
Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
November 8, 2022



# Future Land Use



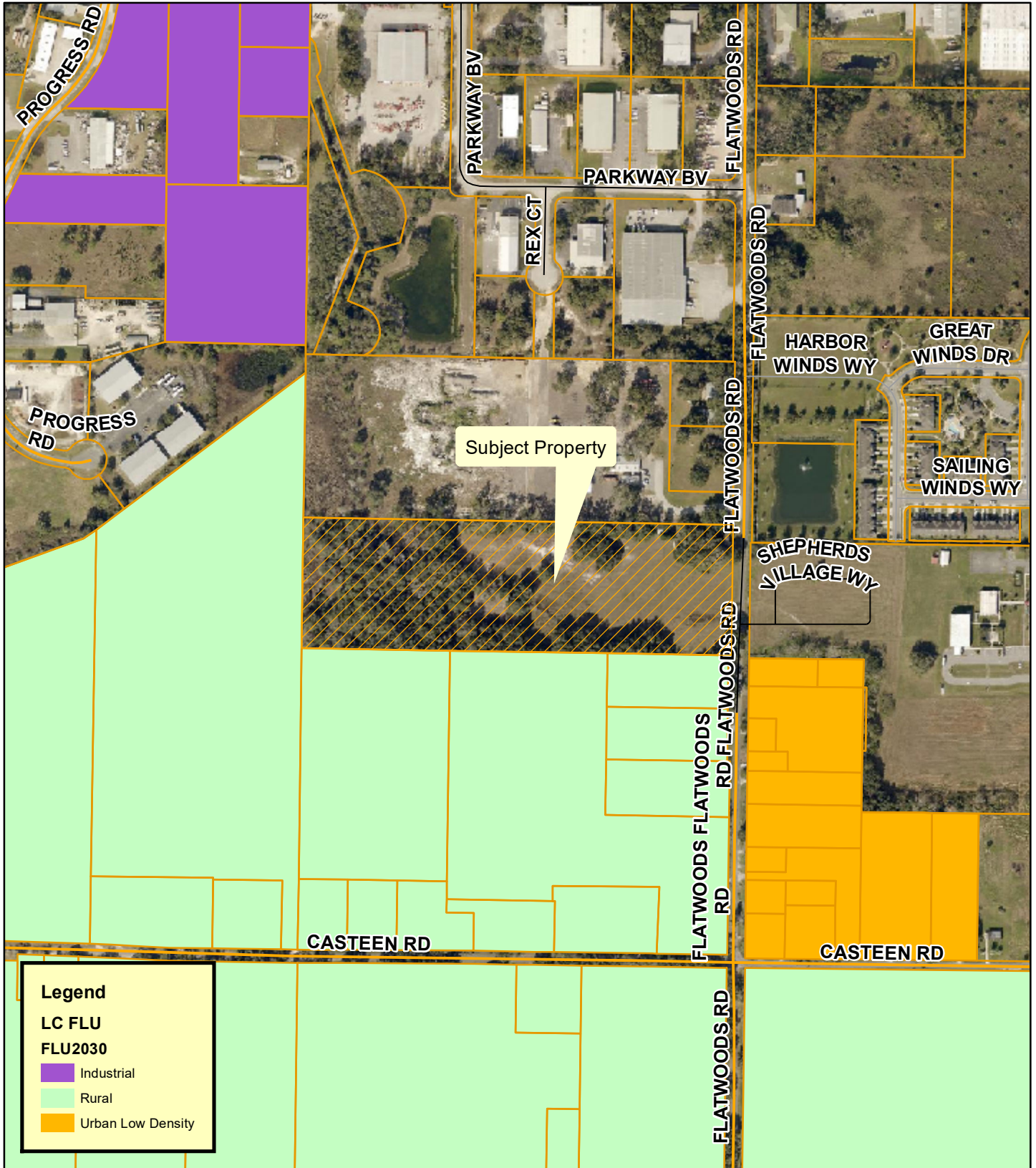
**Planning  
& Zoning  
Division**



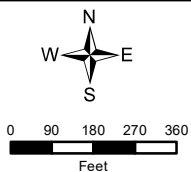
Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Lake County Future Land Use



## Planning & Zoning Division



Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Proposed Future Land Use

**Subject Property**

**Legend**

- Industrial

**THE LAKEFRONT CITY  
LEESBURG  
EST. 1857**

**Planning  
& Zoning  
Division**

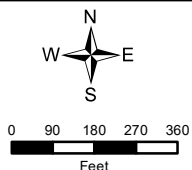
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Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
November 3, 2022



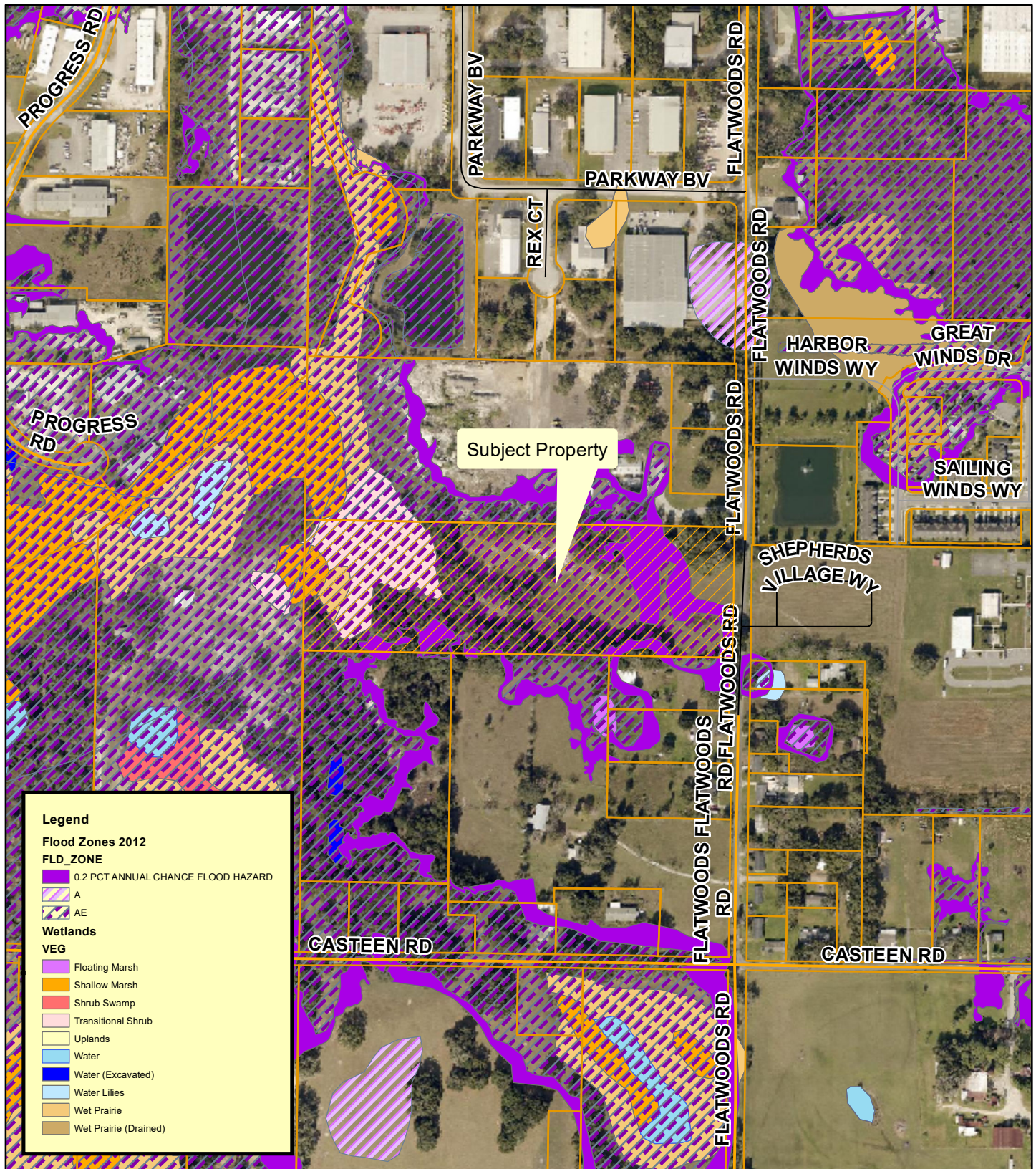
## Planning & Zoning Division



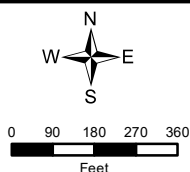
Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
November 3, 2022



# Flood Zone and Wetlands



**Planning  
& Zoning  
Division**



Warehouse Flatwoods  
 Case Numbers: SSCP-22-493, PUD-22-495  
 AK#: 2700572  
 Section 29, Township 19 South, Range 24 East  
 October 31, 2022



# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.A.2.

**Meeting Date:** January 23, 2023

**From:** Dan Miller, (Planning and Zoning Director)

**Subject:** An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 11 +/- acres from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports for a property generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard, lying in Section 29, Township 19 South, Range 24 East, Lake County, Florida; and providing an effective date. (Warehouse Flatwoods)

---

### Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development) to allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports.

### Analysis:

The project site is approximately 11 +/- acres, and is generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard as shown on the attached maps. At this time, the property has one (1) single-family residence with one (1) detached garage, one (1) carport, and one (1) utility building. The proposal will allow for the development of a 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports. The existing land uses surrounding the property are industrial, single-family, vacant residential, manufactured subdivision, plate of worship, timber, and industrial. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on December 15, 2022 and recommended approval.

### Procurement Analysis:

N/A

### Options:

1. Approve the proposed rezoning to PUD (Planned Unit Development); or

2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

Future development of this site will create a substantial positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 11 +/- ACRES FROM CITY OF LEESBURG R-2 (MEDIUM DENSITY RESIDENTIAL) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE DEVELOPMENT OF A 5,000 SF OFFICE AND 40,000 SF WAREHOUSE FACILITIES FOR METAL STRUCTURES/CARPORTS FOR A PROPERTY GENERALLY LOCATED WEST OF FLATWOODS ROAD, NORTH OF CASTEEN ROAD, AND SOUTH OF PARKWAY BOULEVARD, LYING IN SECTION 29, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (WAREHOUSE FLATWOODS)**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:**

**Section 1.**

Based upon the petition of Hosea Ortigoza (Metal Structure Company USA, LLC, Petitioner) for Warehouse Flatwoods of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from City of Leesburg R-2 (Medium Density Residential) to City of Leesburg PUD (Planned Unit Development), to-wit:

**(Legal Description)  
(See Exhibit A)**

**Section 2.**

This ordinance shall become effective upon its passage and adoption, according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 23rd day of January 2023.

**THE CITY OF LEESBURG, FLORIDA**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## **Exhibit A**

### **LEGAL DESCRIPTION METAL STRUCTURES COMPANY USA, LLC**

PARCEL "A": The North 396.00 feet of the N.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida; LESS the North 208.71 feet of the East 208.71 feet of the above described property and also less the East 232.58 feet of the South 187.29 feet thereof.

PARCEL "B": The South 187.29 feet of the North 396.0 feet of the East 232.58 feet of the N.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida. LESS: Right of way for County Road No. 2-4105.

PARCEL "C": The North 208.71 feet of the East 208.71 feet of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29, Township 19 South, Range 24 East, Lake County, Florida. LESS: Right of way for County Road No. 2-4105.

**FLATWOODS WAREHOUSE  
PLANNED UNIT DEVELOPMENT CONDITIONS  
December 15, 2022**

These Planned Unit Development Conditions for a PUD (Planned Unit Development) zoning district are granted by the City of Leesburg Planning Commission, Lake County, Florida to **Metal Structures Company USA, LLC 2206 Griffin Road, Leesburg, FL, 34748**, (Greg Beliveau, LPG Urban and Regional Planners, 1162 Camp Avenue, Mt. Dora, Florida 32757 **Petitioner**), “Permittee” for the purposes described herein, and subject to the terms and conditions as set forth in this document, pursuant to authority contained in Chapter 25 “Zoning”, Section 25-278 “Planned Unit Development” of the City of Leesburg Code of Ordinances, as amended.

## **BACKGROUND**

The “Permittee” is requesting approval for a proposed Planned Unit Development (PUD) zoning district to allow construction of a 5,000 square foot office and maximum 40,000 square foot industrial space on approximately 11.84 +/- acres, generally located north of Casteen Road, west of Flatwoods Road, and south of Parkway Boulevard, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

## **PURPOSE**

The purpose of this document is to provide appropriate zoning standards for a high-quality built environment through the application of flexible and diversified land development requirements, which shall be implemented in conjunction with a master site development plan and the City of Leesburg Code of Ordinances, therefore allowing for more efficient and optimal use of the subject property, and to increase the overall economic opportunity and employment base of Leesburg, Florida.

## **CONDITIONS**

The following conditions shall apply to the development proposed herein. If any instance where the conditions of this document may conflict with the City of Leesburg Code of Ordinances, this document shall prevail as the determining requirement.

1. **PERMISSION** is hereby granted to **Metal Structures Company USA, LLC, as owner**, to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg, in accordance with the requirements set forth herein. The property is more particularly described below.
2. **LEGAL DESCRIPTION**  
See attached Exhibit A, Legal Description.
3. **LAND USE**  
The above-described property, containing approximately 11.84 +/- acres, shall be used for office and warehouse spaces, pursuant to City of Leesburg development codes and standards.



A. Permitted Uses

1. General office uses
2. Warehouse and freight movement
3. Mini-warehouse
4. Light Industrial
5. Wholesale trade

B. Prohibited Uses

1. Bars, clubs and lounges
2. Liquor/Package stores (alcohol)
3. Second hand "Thrift" or Consignment shops
4. Tattoo parlors
5. Check cashing stores
6. Vehicle sales
7. Adult uses
8. Pawn shops
9. Smoke shops
10. Junk or scrap/recycling collection/distribution
11. Passenger terminals
12. Rehab centers (including drug and alcohol)
13. Residential uses
14. Social services
15. Transient accommodations
16. Truck stops
17. Waste related services
18. Crematoriums
19. Modular homes
20. Manufactured homes
21. All other uses not specifically permitted within these conditions under Permitted Uses
22. above shall be prohibited.

C. Accessory Uses

1. Outdoor storage
2. Retail uses
3. Temporary modular office for use during construction
4. Accessory structures for outside storage

**4. DEVELOPMENT STANDARDS**

A. General

1. The project shall contain a maximum of 45,000 square feet of industrial, uses on approximately 11.84 acres of land, as shown on **Exhibit C, Conceptual Development Plan**.
2. The location and design of the uses within the project may be adjusted to allow adequate access and egress.

B. Minimum Development Standards

1. Minimum lot development standards shall be those of the M-1 (Industrial) zoning district, except as amended by these conditions.

2. Final lot sizes and setbacks may be adjusted by staff during the site plan review process to meet the intent of this PUD (Planned Unit Development) zoning.
  3. The project shall contain a minimum of 35% open space.
- B. Setbacks
1. Minimum distance between structures shall be 20 feet; measured from the nearest vertical wall of adjacent buildings.
  2. Other setbacks shall be governed by the M-1 (Industrial) zoning district.
- C. Impervious Surface Coverage
1. Impervious surface coverage shall not exceed 65 percent of the total property, and open space shall not be less than 35 percent of the total property area.
- D. Easements
1. As part of the development process, easements shall be provided as required by the City of Leesburg and other utility providers, including but not limited to water, wastewater, natural gas, electric, fiber, cable, and communications, for installation and maintenance of utilities
- E. Dark Sky Lighting
1. The Permittee shall utilize “Dark Sky” lighting principles when selecting lighting fixtures for all property lighting. Such lighting shall achieve the overall effect of containing and shielding excessive light pollution from adjacent properties. Appropriate designs are shown on as **Exhibit E**, attached hereto.

## **5. LANDSCAPING, BUFFER & OPEN SPACE REQUIREMENTS**

- A. General landscape and buffer requirements
1. A master landscape plan shall be submitted during the Site Plan Review Process for review by City staff. This plan shall show all buffer/boundary areas, parking lots, access points and new construction, and shall be reviewed for consistency with this PUD document and City of Leesburg landscape code requirements.
  2. All landscaped areas shall be designed to meet Section 25-337, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.  
All required landscaping and buffering shall be constructed in accordance with regulations contained within the City of Leesburg Code of Ordinances.
  3. The use of St. Augustine grass, or other varieties of grass which require significant amounts of water are prohibited. The use of Bahia, Bermuda, Zoysia or other grasses which are more drought tolerant are permitted.
  4. For purposes of water conservation, any required irrigated area shall meet the requirements of section 25-337(c)(4), as amended, City of Leesburg Code of Ordinances.
  5. A ten (10) foot landscaped buffer tract shall be provided to the east adjacent to Flatwoods Road. Where adjacent to residential zoning, twenty-five (25) foot natural buffer, planted as shown below. All wetland areas shall have a minimum twenty-five (25) foot separate buffer tract.
  6. A six (6) foot high fence shall be provided along the interior of the property, where adjacent to residential uses. This fence shall be constructed of PVC, chain, or other synthetic material and shall be constructed on or within the property lines.

7. Where not otherwise required herein, all landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, Section 25-329.
8. Minimum open space allowance for the site shall be 35% which may consist of wetlands, stormwater ponds, recreational areas and common areas.
9. Variations to the Landscape, Open Space and Buffer requirements of this agreement may be approved by the Community Development Director or designee, as long as the intent of the PUD and the Landscaping Code are maintained, including consideration of existing fencing on adjacent properties and existing natural vegetative buffers.
10. The surveying of trees on the property shall be conducted as follows:
  - a. All specimen, heritage and historic trees shall be surveyed. Staff will review the tree survey and such trees shall be saved where possible during the site plan review process. This may include amending the site plan to save specimen, heritage and historic trees.
  - b. Site areas that are to preserve existing trees do not need to be included in the survey unless the trees are to be used in preservation/replacement requirements.
  - c. Tree sample plots shall be located and trees identified by a registered landscape architect, certified arborist, or certified forester or licensed surveyor

## **6. TRANSPORTATION IMPROVEMENTS**

### **A. Approvals for Improvements**

1. All transportation improvements shall be contingent upon Site Plan approval by City of Leesburg staff during development review/permit application.
2. Said approval shall also be contingent upon review and approval by the Lake Sumter MPO, Lake County and the Florida Department of Transportation as required by law.
3. The Permittee shall be responsible for obtaining all necessary Lake County and City of Leesburg permits for future development of the project site and a copy of all permits shall be provided to the City of Leesburg.
4. A traffic/transportation study or request for exemption, shall be submitted for review and determination of any necessary access improvements, and including any off-site improvements legally required by Lake County, the Lake-Sumter MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

## **7. SIGNAGE**

### **A. Ground Signs - General**

1. One monument style ground sign shall be permitted for the property. The overall design and architectural style shall be consistent with the overall building design. Ground signs shall not be permitted on vacant property.
2. Ground signs shall be designed and constructed to comply with the standards and meet all sign requirements of the City of Leesburg Code of Ordinances except as noted herein.

### **B. Setbacks/standards for ground signs.**

1. The maximum height shall be eight (8) feet.
2. The maximum sign area shall be forty-eight (48) feet.
3. The minimum setback from a right-of-way line shall be five (5) feet.
4. The minimum setback from any side or rear yard property line shall be twenty (20) feet.
5. The minimum setback from any residential zoning district shall be thirty (30) feet.

### **C. Wall signs**

1. All wall signs shall be designed and constructed to comply with the standards and requirements of the sign regulations of the City of Leesburg Code of Ordinances, as amended.

## **8. PARKING**

### **A. Standard Parking Requirements**

1. The permittee shall provide off-street parking spaces within the property per the conceptual site plan, as amended, pursuant to the City of Leesburg Code of Ordinances, as amended, for each use as proposed.

### **B. Handicapped parking requirements**

1. Parking requirements for handicapped accessible spaces, including number, size and design shall be met through providing the required number based on the City of Leesburg Code of Ordinances, as amended. Handicap parking standards of the Americans with Disabilities Act shall apply.

### **C. Limitations**

1. The location and design of the proposed parking areas will be reviewed during the site plan review process to provide for adequate parking, which may limit the permitted uses of the site.

## **9. UTILITIES**

### **A. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:**

1. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
2. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of all utility infrastructure and other improvements related to the use and development of the property, including such off-site improvements required by the City and all other appropriate government agencies. All such requirements shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
3. The City of Leesburg intends to service the property with water and wastewater services at this time. At the time of connection, all regulations in place at the time of the request shall be required, including but not limited to impact fees, connection and utility service deposit charges. The cost of supplying water and wastewater lines and other necessary infrastructure such as lift stations to the development shall be the responsibility of the applicant.

## **10. STORMWATER/DRAINAGE MANAGEMENT**

### **A. All drainage shall be designed and constructed in a manner to meet all State of Florida and City of Leesburg codes, including the requirement that all stormwater runoff is contained within the boundaries of the properties, and does not create a detriment to surrounding properties. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Prior to any clearing,**

grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

1. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
2. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
3. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowner's or property owner's association is an acceptable maintenance entity.
4. The existing 100-year flood plain shown shall be shown on all plans and lots.
5. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and /or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
6. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District shall be provided to the City during the site plan review process.
7. Should the Permittee desire to dedicate the proposed project's stormwater management system to the City of Leesburg; the City, at its discretion, may accept or not accept the stormwater management system. Prior to acceptance, the Permittee shall demonstrate to the City the stormwater management system is in a suitable condition and meets City of Leesburg and St. Johns River Water Management District requirements. As a condition of accepting the system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project.

## **11. WETLANDS, FLOOD ZONES & WILDLIFE**

- A. All wetlands on the project site shall be identified by a jurisdictional wetland boundary line, and the location and extent of each wetland shall be determined by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the site plan application process.
- B. To the extent practicable, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, the St. Johns River Water Management District or another legal entity such as a homeowner's association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the St. Johns River Water Management District or another legal entity such as a homeowner's association for ownership and maintenance.
- C. Buildings or structures shall be a minimum of twenty-five (25) feet from any wetland jurisdiction boundary, or as determined by the appropriate jurisdictional agency.
- D. Wetlands shall have an average upland buffer of 25 feet, with a minimum of 15 feet or the upland buffer established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-



planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.

- E. Land uses allowed within the upland buffers for wetlands are limited to stormwater facilities as permitted by St. Johns River Water Management District.
- F. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- G. A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the site plan application process.
- H. A map indicating the location of the 100-year flood plain.
- I. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and/or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
- J. If there are currently FEMA flood zones located on the parcel, through the site plan review process, the developer shall coordinate with the City of Leesburg, Lake County and all impacted government agencies regarding elevation determinations, compensatory storage and overall design of the subdivision within and near flood hazard boundary areas, to ensure compliance with all regulations.

## **12. DEVELOPMENT PHASING & IMPLEMENTATION**

- A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the development conditions or conceptual plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process, City of Leesburg Code of Ordinances.
- B. The terms of this PUD (Planned Unit Development) zoning agreement shall be substantially implemented within one hundred twenty (120) months. If the terms of this agreement have not been substantially implemented within this time period, this PUD shall expire of its own accord, without further action by the City, and the City shall initiate the public hearing process to rezone the property to its prior classification, or if that classification is no longer available, the closest available zoning classification. In the interim, after this PUD expires but prior to completion of the rezoning to prior classification, no applications for the use of, or construction of improvements on, the property shall be accepted.
- C. Satisfaction of substantial implementation shall be attained at such point as the developer has performed the following:
- D. Completed and received approval from the City of Leesburg for the site plan review process for completion of one (1) phase of the approved site development plan, to include permits from regional and State of Florida agencies as required by law.
- E. Substantially commenced construction on the site (which shall require vertical construction, not just site work).

### **13. MISCELLANEOUS CONDITIONS**

#### **A. Uses**

1. The uses of the proposed project shall only be those uses identified in the approved Small Planned Unit Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission or City Commission, as applicable, in accordance with the Planned Unit Development amendment process.

#### **B. Approvals**

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Code of Ordinances.

#### **C. Compliance**

1. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.

#### **D. Transfer of Ownership**

1. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Small Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Code of Ordinances, as amended.

#### **E. Benefit**

1. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

#### **F. Plan Submittal**

1. These conditions of approval shall be recited within the site plan and construction plan submittals.

### **14. LEVELS OF SERVICE**

#### **A. Levels of Service**

As submitted, the development resulting from the proposed zoning change may result in demands on public facilities which could exceed the current capacity of some public facilities, such as, but not limited to water, wastewater, roads, drainage, and solid waste. However, no final development order (site plan and building permits) shall be granted for proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

#### **B. Utilities**

#### Projected Capacities

1. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
2. If the development requires construction of new distribution or collection lines, the developer shall be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

#### C. Commitment of Capacity

1. There are no previous commitments of any existing or planned excess capacity for this property.

#### D. Ability to Provide Services

1. At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
2. Future development within the City of Leesburg utility service areas may impact the provision of utility services.

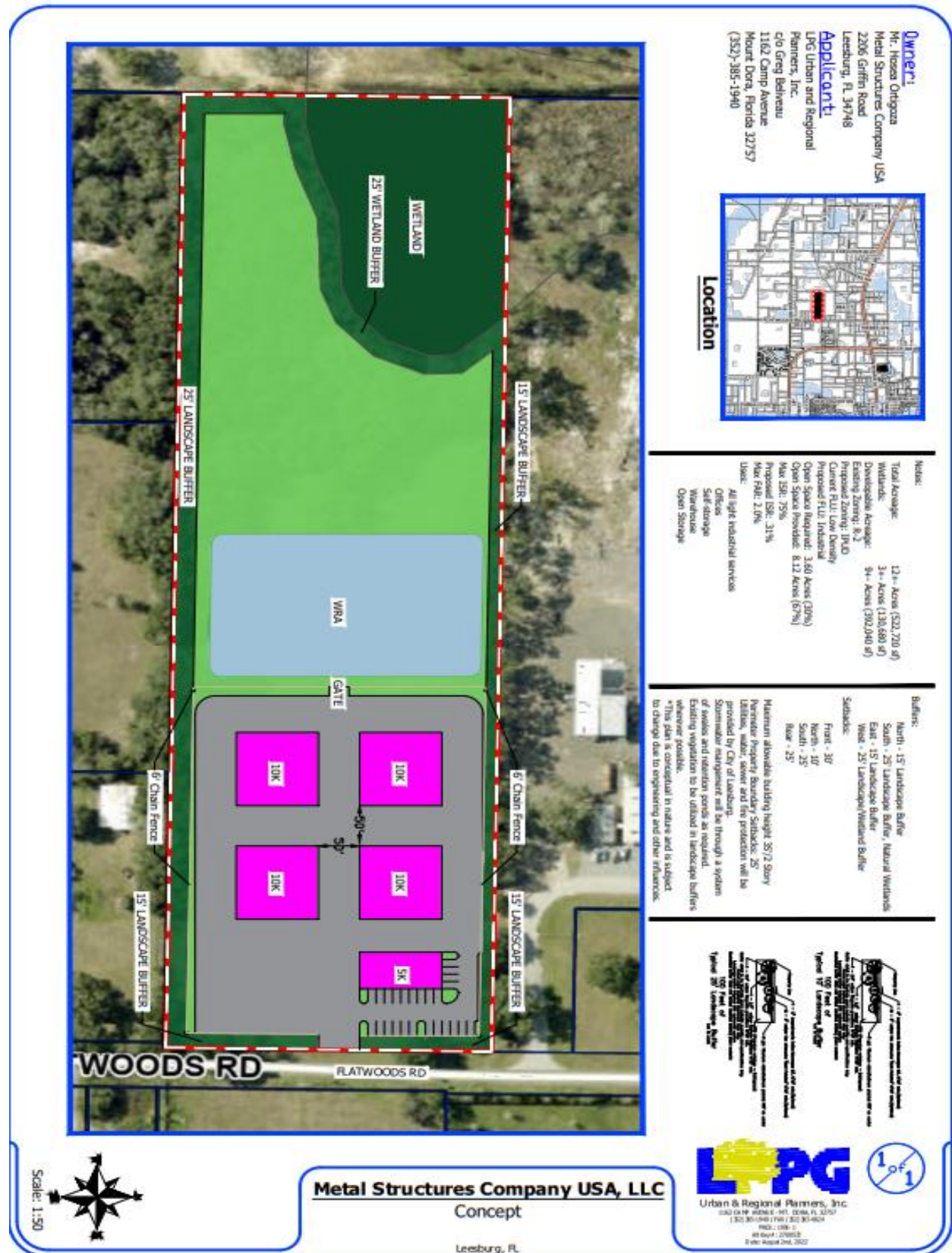
## EXHIBIT A

## LEGAL DESCRIPTION

**PARCEL "A":** The North 396.0 feet of the N.E. 1/4 of the S.E. 1/4 of Section 29, Township 19 South, Range 24 East, Lake County, Florida; LESS the North 208.71 feet of the East 208.71 feet of the above described property and also less the East 232.58 feet of the South 187.29 feet thereof.

**PARCEL "B":** The South 187.29 feet of the North 396.0 feet of the East 232.58 feet of the N.E. 1/4 of the S.E. 1/4 of Section 29, Township 19 South, Range 24 East, Lake County, Florida, LESS right of way for County Road No. 2-4105.

**PARCEL "C":** The North 208.71 feet of the East 208.71 feet of the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 19 South, Range 24 East, Lake County, Florida. LESS: Right of way for County Road No. 2-4105.





## EXHIBIT G

## TYPICAL DARK SKY LIGHTING FIXTURES

## Examples of Acceptable / Unacceptable Lighting Fixtures

**Unacceptable / Discouraged**

Fixtures that produce glare and light trespass

**Acceptable**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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**CITY OF LEESBURG PLANNING & ZONING DIVISION  
STAFF SUMMARY**

**DATE:** December 15, 2022

**OWNER:** Metal Structures Company USA, LLC  
**PETITIONER:** Michael Rankin, LPG Urban and Regional Planners, Inc.,  
**PROJECT:** Warehouse Flatwoods  
**REQUEST:** Small Scale Comprehensive Plan Amendment to Industrial; Zoning to PUD  
(Planned Unit Development)  
**CASE NO.:** SSCP 22-493; PUD-22-495

**GENERAL LOCATION:** The property is generally located west of Flatwoods Road, north of Casteen Road, and south of Parkway Boulevard.

**FUTURE LAND USE DESIGNATION:** City of Leesburg Low Density Residential

**SURROUNDING FUTURE LAND USE DESIGNATION:**

|         |                                                                                                                         |
|---------|-------------------------------------------------------------------------------------------------------------------------|
| North – | City of Leesburg Industrial                                                                                             |
| South – | Lake County Rural                                                                                                       |
| East –  | City of Leesburg Low Density Residential, City of Leesburg Industrial, Lake County Rural, Lake County Urban Low Density |
| West –  | City of Leesburg Industrial, City of Leesburg Conservation, Lake County Rural, Lake County Industrial                   |

**PROPOSED FUTURE LAND USE DESIGNATION:** Industrial

**EXISTING ZONING DESIGNATION:** City of Leesburg R-2 (Medium Density Residential)

**SURROUNDING ZONING DESIGNATIONS:**

|         |                                                                                                                                                                                                                                                    |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North – | City of Leesburg M-1 (Industrial)                                                                                                                                                                                                                  |
| South – | Lake County A (Agriculture), Lake County R-1 (Rural Residential)                                                                                                                                                                                   |
| East –  | City of Leesburg C-3 (Highway Commercial), City of Leesburg M-1 (Industrial), City of Leesburg R-3 (High Density Residential), Lake County A (Agriculture), Lake County R-1 (Rural Residential), Lake County R-6 (Urban Residential)               |
| West –  | City of Leesburg M-1 (Industrial), City of Leesburg CIP (Commercial/Industrial Planned), City of Leesburg SPUD (Small Planned Unit Development), Lake County A (Agriculture), Lake County LM (Light Industrial), Lake County HM (Heavy Industrial) |

**PROPOSED ZONING DESIGNATION:** PUD (Planned Unit Development)

**EXISTING LAND USE:** Single-family

**SURROUNDING LAND USE:**

|         |                                                             |
|---------|-------------------------------------------------------------|
| North – | Industrial, Single-family                                   |
| South – | Vacant Residential, Manufactured Subdivision, Single-family |
| East –  | Single-family, Place of Worship                             |
| West –  | Timber, Industrial                                          |

**PROPOSED LAND USE:** 5,000 SF office and 40,000 SF warehouse facilities for metal structures/carports.

**CITY OF LEESBURG PLANNING & ZONING DIVISION  
DEPARTMENTAL REVIEW SUMMARY**

**DATE:** December 9, 2022  
**OWNER:** Metal Structures Company USA, LLC  
**PETITIONER:** Hosea Ortigoza, Metal Structures Company USA, LLC  
**PROJECT:** Warehouse Flatwoods  
**REQUEST:** Small Scale Comprehensive Plan Amendment to Industrial; Zoning to PUD (Planned Unit Development)  
**CASE NO.:** SSCP 22-493, PUD-22-495

**THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:**

**POLICE**

No comments received as of 12/9/22

**FIRE**

In reference to Case Number SSCP-22-493 & PUD-22-495

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 Edition. The subject property referenced in Case Number SSCP-22-493 & PUD-22-495 is outside the recommended four-minute response time for initial responding fire apparatus. Amanda Stevenson 12/6/22

**4.1 Fire Department Organizational Statement.**

**4.1.2.1**

The fire department shall establish the following performance objectives for the first-due response zones that are identified by the AHJ:

- (1) Alarm handling time completion in accordance with 4.1.2.3
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response
- (3)\* 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident
- (4) 360 seconds or less travel time for the arrival of the second company with a minimum staffing of 4 personnel at a fire suppression incident
- (5) For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (6) For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (7) 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher-level capability at an emergency medical incident
- (8) 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with an AED or basic life support (BLS) unit arrived in 240 seconds or less travel time

**ELECTRIC**

Electric has no objections. 3 phase power is not available at this time. Line extensions would be required and the cost would be passed on to the developer. Steve Davis 11/30/22

**GAS**

Natural gas is available. Thank you, Brandon Smith 12/8/22

**GIS**

GIS has no comments. Tammy Magamoll 11/30/22

**BUILDING**

No comments received as of 12/9/22

## **PUBLIC WORKS**

Public Works has no issues with this Project. Cliff Kelsey 12/1/22

## **ADDRESSING**

No comments received as of 12/9/22

## **ECONOMIC DEVELOPMENT**

No comments received as of 12/9/22

## **LAKE COUNTY PUBLIC WORKS**

No comments received as of 12/9/22

## **LAKE COUNTY SCHOOLS**

The school district doesn't have any comments for the proposed industrial use. Thanks, Helen LaValley 12/5/22

## **PUBLIC RESPONSES**

### **Approval**

No comments received as of 12/9/22

### **Disapproval**

No comments received as of 12/9/22

### **No comment**

No comments received as of 12/9/22

### **Notice of Appearance filed:**

## **PUBLIC COMMENTS (APPROVAL WITH REQUESTS)**

## **PUBLIC COMMENTS (DISAPPROVAL)**





**CITY OF LEESBURG PLANNING & ZONING DIVISION  
RECOMMENDATIONS**

**DATE:** December 15, 2022  
**OWNER:** Metal Structures Company USA, LLC  
**PETITIONER:** Hosea Ortigoza  
**PROJECT:** Warehouse Flatwoods  
**REQUEST:** Rezoning from R-2 (Medium Density Residential) to PUD (Planned Unit Development)  
**CASE NO.:** PUD-22-495

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**THE PLANNING & ZONING DIVISION RECOMMENDS:**

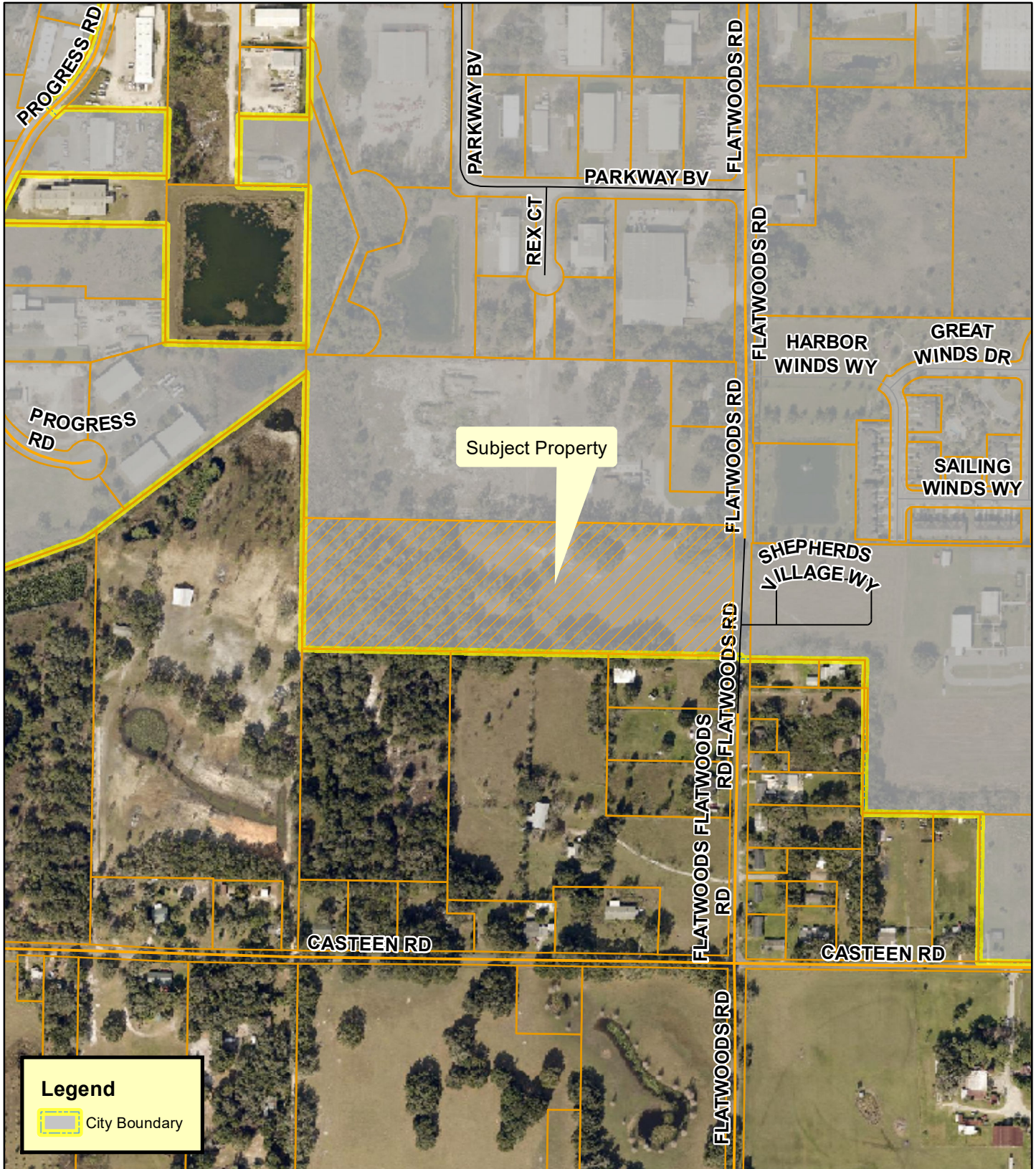
**APPROVAL of this request for the following reason(s):**

1. As conditioned in the PUD, the proposed request is compatible with the current surrounding zoning districts of M-1 (Industrial) and R-3 (High Density Residential) and does not appear to create a detriment to surrounding properties.
2. The proposed zoning district of PUD (Planned Unit Development) as conditioned is compatible with the adjacent, existing Future Land Use categories of City of Leesburg Industrial and Low Density, and with Lake County Rural Future Land Use category.
3. The rezoning of the subject property is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

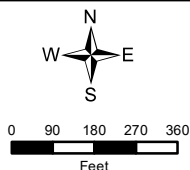
**Action Requested:**

1. Vote to approve staff's recommendation to change the future land use of the subject property from R-2 (Medium Density Residential) to M-1 (Industrial) and forward to the City Commission for consideration.

# City of Leesburg Boundary



**Planning  
& Zoning  
Division**



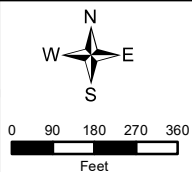
Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Locator



**Planning  
& Zoning  
Division**



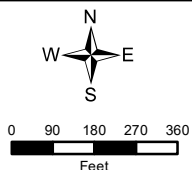
Flatwoods Warehouse  
Comp Plan & Zoning



# Aerial



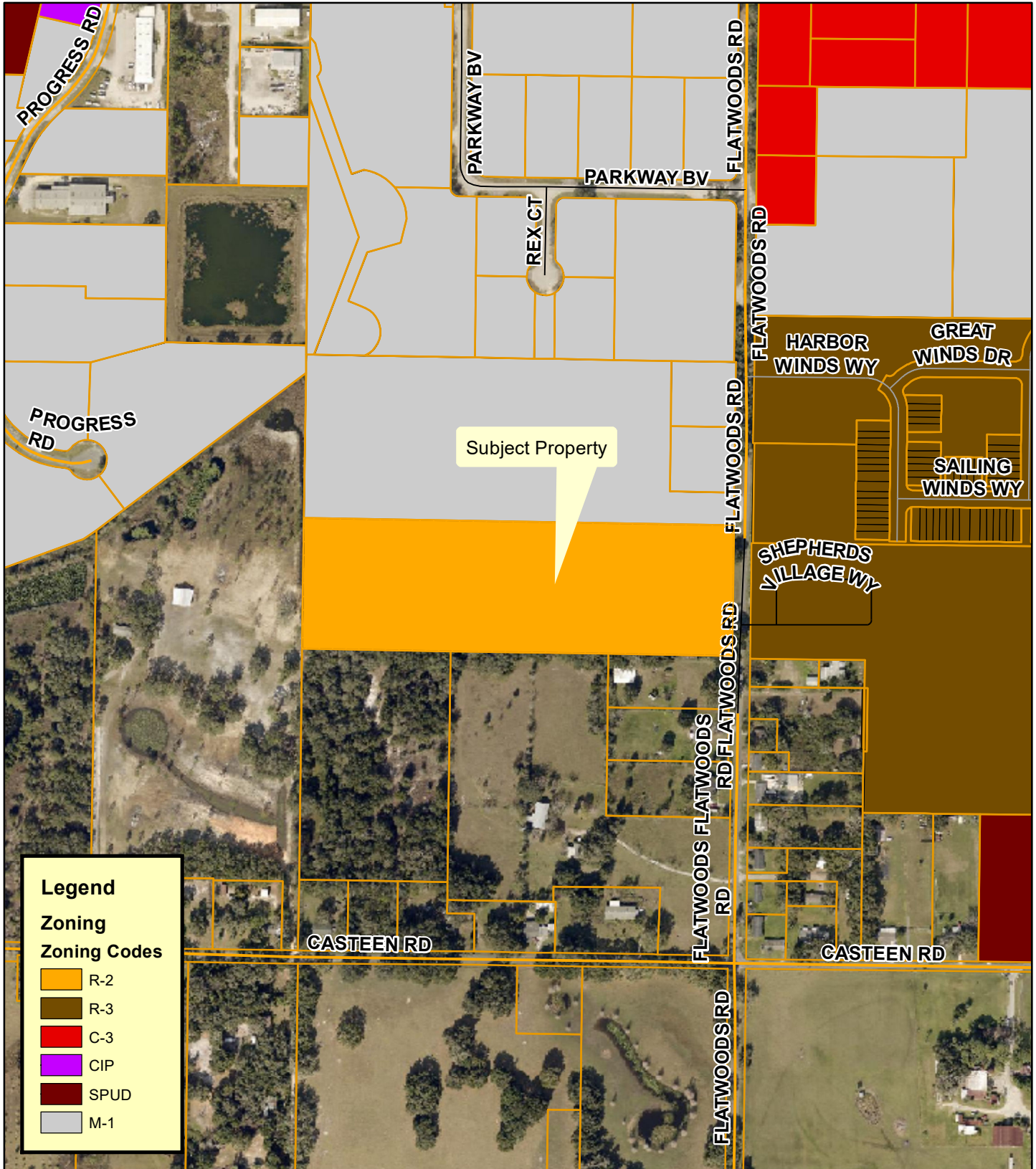
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& Zoning  
Division**



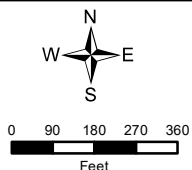
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AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
November 8, 2022



# Zoning



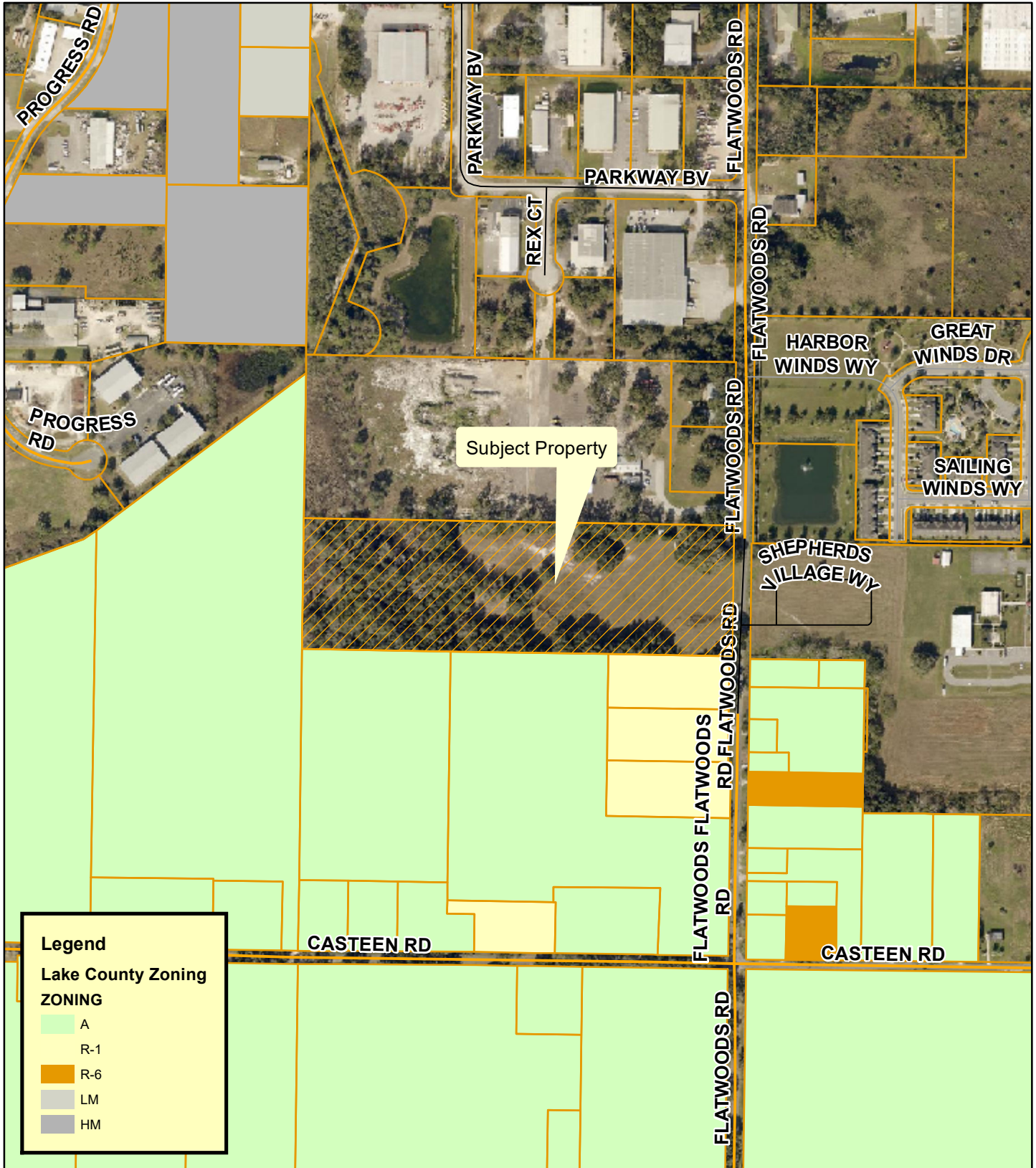
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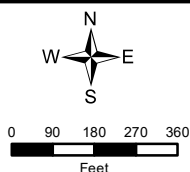
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AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Lake County Zoning



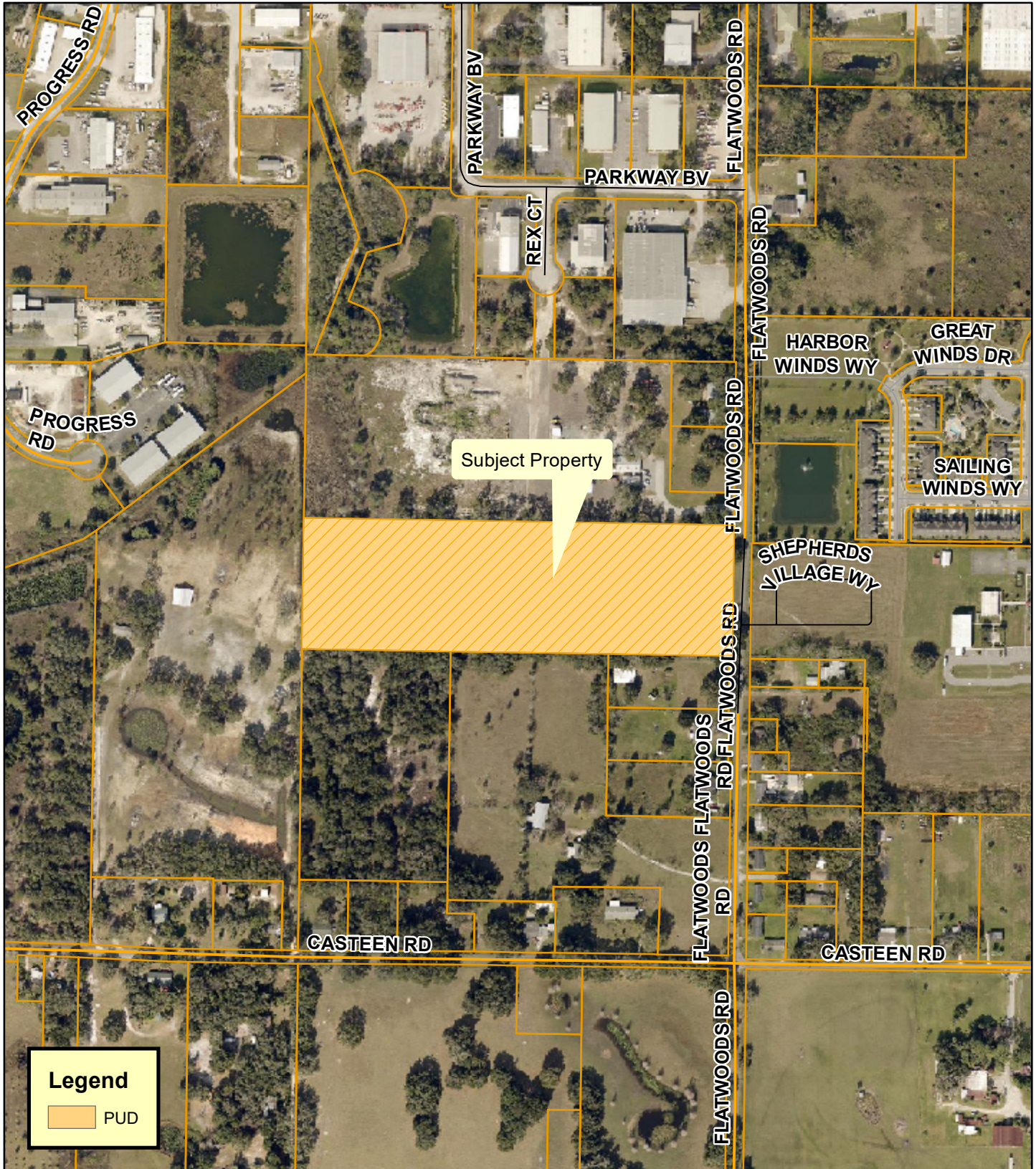
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& Zoning  
Division**



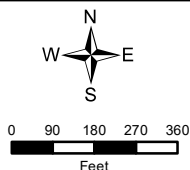
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Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022



# Proposed Zoning



**Planning  
& Zoning  
Division**



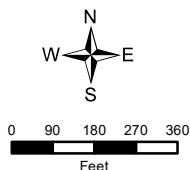
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Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
November 3, 2022



# Surrounding Property Uses



**Planning  
& Zoning  
Division**



Warehouse Flatwoods  
Case Numbers: SSCP-22-493, PUD-22-495  
AK#: 2700572  
Section 29, Township 19 South, Range 24 East  
October 31, 2022

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.B.1.

**Meeting Date:** January 23, 2023

**From:** Al Minner, (City Manager)

**Subject:** An Ordinance of the City of Leesburg, Florida Amending Chapter 28 of the City Code of Ordinances regarding Stormwater Management; providing for inclusion in the Code of Ordinances; providing for severability; providing for conflicts; and providing for an effective date.

---

### **Staff Recommendation:**

Approve the Ordinance to amend Chapter 28 of the City Code of Ordinances regarding Stormwater Management.

### **Analysis:**

The City of Leesburg found that the current Stormwater Management codes and regulations lacked pertinent regulations and standards. The City desires to adopt codes and regulations that are clear and understandable to promote the public health, safety, convenience and welfare of its citizens. Therefore, the City has proposed these changes to Chapter 28, and has determined that it is appropriate and in accordance with protecting the health, safety and welfare of the community.

### **Procurement Analysis:**

N/A

### **Options:**

1. Approve Ordinance as presented; or
2. Such alternative action as the Commission may deem appropriate.

### **Fiscal Impact:**

None



ORDINANCE NO. 2023-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA  
AMENDING CHAPTER 28 OF THE CITY CODE OF  
ORDINANCES REGARDING STORMWATER  
MANAGEMENT; PROVIDING FOR INCLUSION IN THE  
CODE OF ORDINANCES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR CONFLICTS; AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Leesburg found that the current Stormwater Management codes and regulations lacked pertinent regulations and standards; and

**WHEREAS**, the City of Leesburg desires to adopt codes and regulations that are clear and understandable to promote the public health, safety, convenience and welfare of its citizens; and

**WHEREAS**, the City of Leesburg has proposed these changes to Chapter 28, and has determined that it is appropriate and in accordance with protecting the health, safety and welfare of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are adopted and incorporated herein by reference.

**Section 2. Text Amendment.** Chapter 28 of the City of Leesburg Code of Ordinances shall be amended as follows:

**Chapter 28 STORMWATER MANAGEMENT**

**Sec. 28-1. Findings.**

As a result of ~~impairment to the city's surface waters~~flooding, erosion, and sedimentation caused by ~~excessive nutrients, or, because of increasing levels of nitrogen in the surface and/or ground~~storm water ~~within the aquifers or springs~~runoff within the boundaries of ~~the city~~Leesburg, the city commission has determined that ~~the use of fertilizers on lands within the city creates a clear and understandable code is required to prevent risk of adversely impacting surface and/or ground water to the public health, safety, convenience and welfare of its citizens. As the city continues to promote the public health, safety, convenience and general welfare in a manner that is consistent with development, the city will continue to improve, operate and maintain the stormwater system.~~ Accordingly, the city commission finds that management measures are required by this chapter.

**Sec. 28-2. Purpose and intent.**

~~This chapter regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing~~

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~~requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer free zones, low maintenance zones, and exemptions. The chapter requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the city's natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well being of city residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.~~

The purpose of this chapter is to (1) preserve the water resources of the city, which are critical to the public health, safety, and welfare of its citizens, (2) control stormwater runoff so as to prevent erosion, sedimentation, and flooding, and (3) encourage recharge of the aquifer upon which the public depends for potable fresh water. This ordinance is designed to allow landowners reasonable use of their property while promoting adherence to the following requirements:

Prevent loss of life and significant loss of property due to flooding; to protect, restore and maintain the chemical, physical, and biological quality of ground and surface waters; to encourage productive and enjoyable harmony between humanity and nature; to prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources; to encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their beneficial functioning; to minimize the transport of sediments and pollutants to surface waters; to protect, restore and maintain the habitat of fish and wildlife; to perpetuate natural groundwater recharge; to encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system; to assure the attainment of these objectives by requiring approval and implementation of water management plans for all activities which may have an adverse impact upon groundwater and surface water, and to reinforce the directives associated with St. Johns River Water Management District.

### **Sec. 28-3. Definitions.**

For this chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

*Administrator* means the city manager, or an administrative official of city government designated by the city manager to administer and enforce the provisions of this chapter.

*Application* or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

*Applicator* means any Person who applies fertilizer on turf and/or landscape plants in the city.

*Board* or *governing board* means the city commission.

*Best management practices* means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for

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improving water quality, conserving water supplies and protecting natural resources. Best management practices include, but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the city determines appropriate for the control of pollutants or flooding.

Clean Water Act directly refers to the federal Water Pollution Control Act (reference) and any subsequent amendments thereto.

*Code enforcement officer, official, or inspector* means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city commission.

*Commercial fertilizer applicator*, except as provided in F.S. § 482.1562(9) means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Construction activity means any activity subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.

*Fertilizer* means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

*Guaranteed analysis* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, or disposed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except:

- (1) Stormwater, as defined in 40 CFR Part 122.26 (b)(13).
- (2) Water line flushing;
- (3) Landscape irrigation;
- (4) Diverted stream flows;
- (5) Rising groundwater;
- (6) Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20) to separate storm sewers;

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- (7) Uncontaminated pumped groundwater;
- (8) Discharges from potable water sources;
- (9) Foundation drains;
- (10) Air conditioning condensate;
- (11) Irrigation water;
- (12) Springs;
- (13) Water from crawl space pumps;
- (14) Footing drains;
- (15) Lawn watering;
- (16) Individual residential car washing;
- (17) Flows from riparian habitats and wetlands;
- (18) Dechlorinated swimming pool discharges; to include, but not limited to, fountain backwash and cleaning agents.
- (19) Street wash waters resulting from normal street cleaning operations;
- (20) Discharges or flows from emergency firefighting activities.

Illicit connections are defined as any of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater-discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

Industrial activity means any activity that is subject to NPDES industrial permits as defined in 40 CFR Section 122.26 (b)(14)

*Institutional applicator* means any person, other than a private, non-commercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*Landscape plant* means any native or exotic tree, shrub, or groundcover (excluding turf).

Lot grading means the movement, extraction, and/or placement of soils within the limits of an individual residential lot or parcel boundary.

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*Low maintenance zone* means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits* means any general, group, or individual stormwater discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

*Non-stormwater discharge* means any discharge to the storm drain system that is not composed entirely of stormwater.

*Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluid; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

*Pollution* means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the water for beneficial uses or the facilities which serve these beneficial uses.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Prohibited application period* means the period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the city, issued by the National Weather Service, or if rainfall greater than two (2) inches in a 24-hour period is likely.

*Leesburg Approved Best Management Practices Training Program* means a training program approved per F.S. § 403.9338, or any more stringent requirements set forth in this Article that includes the most current version of the Florida Department of Environmental Protection's "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," as revised, and approved by the city manager.

*Saturated soil* (field capacity) means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this chapter, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

*Slow release, controlled release, timed release, slowly available, or water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

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Storm drain system means Publicly-owned facilities operated by the city by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the city and are not part of a publicly owned treatment works as defined in 40 CFR Section 122.2

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

*Turf, sod, or lawn* means a piece of grass-covered soil held together by the roots of the grass.

*Urban landscape* means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in F.S. § 570.02.

#### **Sec. 28-4. Applicability.**

This chapter shall be applicable to and shall regulate all water entering the storm drain system generated on any developed or undeveloped lands lying within the City of Leesburg including any amendments or revisions thereto. This chapter shall be prospective only, and shall not impair any existing contracts

#### **Sec. 28-5. Permit Requirements**

- (a) No person shall conduct a development activity, or subdivide or make any change in the use of land, or construct any stormwater management system or structure, or change in the size of an existing structure or system, except as exempted in section 28-6, without first obtaining the required permits from the city's engineer or designated department.
- (b) The requirements of this section shall be implemented, and shall be satisfied completely, prior to:
  - (1) Final subdivision plat approval;
  - (2) Issuance of a certificate of occupancy on approved site plan projects; and
  - (3) Final inspection for all other projects.
- (c) Approval of the stormwater management permit shall be contingent on approval of any required Management and Storage of Surface waters (MSSW) permit from the St. Johns River Water Management District but will not result in automatic approval of the stormwater management permit by the city engineer or designated department.
- (d) For the purposes of this section, the following activities may alter or disrupt stormwater runoff patterns and shall, therefore, unless exempt in accordance with section 28-6 require a permit prior to the initiation of any project:
  - (1) Clearing and/or construction for the drainage of land;
  - (2) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;

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- (3) Changing the use of land and/or the construction of a structure;
- (4) Changing the size of one (1) or more structures;
- (5) Altering shorelines or banks of water bodies;
- (6) Reserved;
- (7) Using natural or artificial water bodies for stormwater management purposes.

#### **Sec. 28-6. Exemptions**

For the purposes of this section, the following activities shall be exempted from further consideration under the provisions of this section. However, these exemptions do not preclude the need to comply with other chapters of this Code.

(1) *Residential parcel exemption.* Residential parcels where such parcels are part of an overall subdivision which has been approved in accordance with other chapters of this Code.

(2) *Agricultural exemptions.*

(a) Facilities for agricultural lands, provided those facilities are part of an approved conservation plan by the soil conservation service, however, if the conservation plan is not implemented according to its terms, this exemption shall be void.

(b) In determining whether an exemption is available to a person engaged in the occupation of agriculture, the purpose of the topographic alteration must be consistent with the practice of the agriculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. The following activities, structures, and water bodies are considered as having impoundment or obstruction of surface waters as a primary purpose:

(1) When such practice would cause diverted water to flow directly onto the property of another landowner;

(2) Floodwater retarding structure;

(3) Irrigation pit or regulating reservoir;

(4) Pond;

(5) Structure for water control;

(6) Regulating water in drainage systems; and

(7) Pumping plant for waters control, when used for controlling water levels on land.

(c) Other practices which are constructed and operated in compliance with soil conservation service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with the practice of agriculture.

(3) *Emergency Exemption.* Emergency maintenance work performed for the protection of public health and welfare.

(4) *Maintenance Exemption.* Any maintenance to an existing system made in accordance with permitted plans and specifications.

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### Sec. 28-7. Performance criteria.

Stormwater management permit applications shall be approved by the city engineer or appropriate department when it is demonstrated to the satisfaction of the city engineer or designee that the proposed development activity has been planned and designed, and shall be constructed and maintained, to meet the performance criteria described herein. The stormwater management system design shall conform to the stormwater performance and criteria in sections 28-7 and 28-8.

- (1) All developments within a riverine flood hazard shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- (2) All residential and nonresidential structures constructed in the 100-year floodplain shall have the finished floor of the building elevated a minimum of one and one-half (1.5) feet above the elevation of the 100-year flood and twelve (12) inches above the crown of the street. For industrial development, flood proofing may be substituted in lieu of elevating the finished floor.
- (3) Development shall not result in an increase in the 100-year flood elevation. **No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage.** Compensating storage is to be determined by the volume of material removed above the ordinary high-water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year floodplain shall not reduce the flow rate.
- (4) Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District and the City of Leesburg in order to achieve the state water quality standards established by the Florida Department of Environmental Protection.
- (5) The volume of retention to be provided for the project site shall not be less than that generated from a three- and one-half inch, one-hour storm event. The recovery time for the retained volume shall be less than seventy-two (72) hours.
- (6) The peak rate of flow of the discharge hydrology for the project site shall not exceed the pre-development peak rate flow for the range of storms specified in the city stormwater performance and design criteria of sections 28-6 and 28-7, if the project area is not contributory to a landlocked area with no positive outlet. When the project area is contributory to a landlocked area with no positive outlet, the project shall provide extended detention for the difference in volume of stormwater discharge for pre-development conditions from the 25-year, 96-hour storm event.
- (7) The stormwater management system shall not create an adverse impact to upstream or downstream areas. Off-site areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management permit application shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise impact any downstream areas.

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- (8) The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife, or other natural resources.
- (9) Wetlands shall not be used for stormwater treatment.
- (10) Wetlands shall not be used to attenuate runoff peak rates except for isolated wetlands which are wholly-contained on site, provided that the utilization of the wetlands for stormwater attenuation does not disrupt the normal range of water level fluctuation as it existed prior to construction of the wetland discharge facility.
- (11) All proposed stormwater management systems shall be designed to prevent flooding, promote safety, and minimize health standards.
- (12) All stormwater management systems shall be designed to reduce the pollution of surface water and groundwater resources by stormwater, control erosion, and provide for recharge where appropriate. The city engineer or designated department, while enforcing standards set for pollution and sedimentation control, may encourage or request innovative approaches to control pollution and erosion, and to provide for recharge. In ditches with a grade equal to or greater than two (2) percent and/or sidewall slopes greater than 3:1 all disturbed areas shall be sodded. A minimum two-foot wide sod strip shall be required adjacent to all paved streets and around all stormwater structures, regardless of grade.

#### **Sec. 28-8. Clearing and grading standards.**

No site clearing shall take place on any subject property to an approved site development plan until a permit has been issued to do so by the city engineer or designated city representative. Lot grading shall not adversely affect surrounding or downstream wetlands, floodplains or neighboring property. The volume, rate, and quality of stormwater runoff shall be consistent with conditions prior to the lot grading, or consistent with approved site or lot grading plans. Standard practices shall be used to prevent erosion and the depositing of water and soils off-site. This shall also include the protection of bare soils from wind forces. Factors which influence erosion potential include soil characteristics, vegetative cover, topography, and climatic conditions. The following measures must be considered in planning and undertaking construction within a development.

- (a) Plan the development to fit the topography, soils, and drainage patterns;
- (b) Limit clearing area to the smallest possible areas;
- (c) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
- (d) Immediately vegetate with sod, seed, mulch, or other equivalent forms of landscaping in all exposed areas;
- (e) Apply perimeter controls, such as silt fence, berms, or staked hay bales to protect area from off-site runoff and to trap eroded materials on-site to prevent sedimentation in downstream areas;
- (f) Provide an adequate source of water for application to dry exposed soil in order to prevent wind erosion during construction.

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(g) Implement thorough maintenance and follow-up programs.

**Sec. 28-9. Lot grading plans.**

A plan must be prepared and submitted to the city engineer or designated department with the permit application. The plan must include consideration of the site-specific erosion potential, including slopes, soil erodibility, vegetative cover, and runoff characteristics. The following is a listing of the information which must be included in the plan, to be shown on the construction or alteration plans, detail sheets, or other appropriate documents.

- (a) The plan must be submitted and approved prior to the start of lot grading. The plan shall identify the federal Housing Agency grading type used.
- (b) The plan shall be submitted and approved prior to the start of any lot grading that would impact flood zones or wetlands.
- (c) The plan submittal shall be from a Florida licensed professional landscape architect, surveyor, or engineer showing existing elevations and proposed elevations for finished floor, and proposed lot grading. Spot elevations for existing and proposed grades shall be required at property corners and the street centerline, and must detail a proposed drainage pattern. If necessary in order to evaluate impacts to adjacent lots or properties, as determined by the City manager or designated city representative, a partial topography survey (spot elevations) that includes adjacent lots shall be required.
- (d) The plan must show the existing and proposed topography, and also demonstrate the stormwater runoff will be managed to not adversely affect adjacent or nearby properties;
- (e) Swales shall be required to divert runoff around any structure so as not to adversely impact the structure, adjacent property owners, open water bodies, or wetlands;
- (f) A general description of predominant soil types on site, and the corresponding erodibility potential as described by the appropriate soil survey information or on-site investigation; Schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation earthwork, embankment earthwork, site utilities, roads, site grading, and stabilization. The schedule must include estimated starting date and duration. Description must include limits of area impacted by each phase; and
- (g) For each phase a description is required for individual erosion control measures, which are required to be shown on construction plans or detail sheets.
  - (1) Estimated date of installation and removal;
  - (2) Location;
  - (3) Purpose of measure and areas served;
  - (4) Detailed construction drawings and specifications;
  - (5) Operation and maintenance schedule;
  - (6) All documentation including referenced design standards and specifications.

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(h) Upon completion of ground disturbances on a residential or commercial site, a topographical survey must be obtained and then reviewed by a state of Florida licensed civil engineer to determine the final grade conforms with the approved grading and drainage plans. No variances greater than 1 percent shall be allowed. These findings must be submitted to the appropriate city department prior to an issuance of any certificate of occupancy.

(i) For special circumstances where mass grading may be permitted, developers must include the following along with their site plan.

(1) All required NPDES best management practices for erosion control;

(2) SJRWMD and FDEP requirements applicable to the environmental resource permits.

(3) The CLOMR or addendum CLOMR (Conditioned Letter of Map Revision)

Erosion control measures must be taken to prevent detachment and transportation of soil particles. The property owner or his designee shall not adversely impact aquatic vegetation within the wetland littoral zone located between the upland area and the ordinary high-water line. No such vegetation shall be disturbed without the required state and federal regulatory agency permits.

The property owner or his agent shall acquire the necessary permits, if applicable, from all relevant governing and regulatory agencies.

Turbidity barriers must remain in place at all locations until construction is completed and all soils are stabilized and vegetation has been established. Thereafter, the property owner will be responsible for the removal of the barriers.

The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in this chapter. If construction is scheduled to occur within open water areas, turbidity curtains must be correctly placed to control sedimentation and turbidity within the water body. The property owner or his agent is encouraged to use appropriate best management practices for erosion and sediment control.

#### **Sec. 28-10. Construction site waste container.**

The city shall not issue a building permit to construct, renovate, or demolish any building unless the person applying for the permit maintains at the construction site a trash container approved by the city's appropriate department or designated representative. The appropriate department or designated representative shall approve all trash containers at the time the building permit is issued. Any person aggrieved by the decision of the department or city representative shall have a right to appeal to the city commission. If an appeal is filed, the city commission shall hold a public hearing to approve or disapprove the mayor's decision. The decision of the city commission shall be final.

#### **Sec. 28-11. Construction site waste container maintenance.**

All trash containers approved by the city's appropriate department or designated representative shall be maintained at the construction site until all construction is completed. Construction debris shall be placed in the trash container. No person shall dispose of construction



debris except in an approved container. Filled trash containers shall be promptly delivered to a commercial garbage hauler or removed to an authorized disposal facility.

**Sec. 28-12. Dedication of drainage easements and right-of-way.**

- (a) Drainage easements or right-of-way, as specified by the city, shall be conveyed by the owner at no expense to the city for the stormwater facilities within the development.
- (b) When a proposed drainage system will carry water across private land outside the development, off-site drainage easements shall be secured by the owner or applicant and indicated on the plat, or in a separate recorded document approved by the city.
- (c) When a development is transversed by a watercourse or open channel, the applicant shall provide a drainage-right-of-way conforming substantially to the line of such watercourse or open channel, which shall be a minimum width, as specified by the city. Wherever possible, drainage shall be maintained by an open channel with landscaped banks with adequate width for the maximum potential volume of flow.
- (d) Drainage right-of-way shall include suitable access (minimum fifteen-foot width) as specified by the city for maintenance equipment access from public-right-of-way.
- (e) All drainage rights-of-way or easements, both on-site and off-site, shall be recorded on a final plat or a separate recorded document approved by the city.

**Sec. 28-13. Maintenance**

- (a) The city engineer or designated department shall approve a written maintenance plan upon a finding that the plan meets the terms of this section. The written operation and maintenance plan shall contain the information in this section as the minimum criteria that shall be accepted by the city engineer or designee. The maintenance plan shall include:
  - (1) Demonstration of the ability of an entity to provide adequate maintenance;
  - (2) Written agreement of acceptance of an entity to maintain the facility;
  - (3) Specific maintenance activities to be performed;
  - (4) Frequency of maintenance activity; and
  - (5) Measurable objective of maintenance activity.
- (b) The installed stormwater system shall be maintained by a legal entity responsible for maintenance. All stormwater management permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. The city considers the following entities acceptable to operate and maintain stormwater management facilities:
  - (1) Local government units including the city, county, other municipalities or municipal servicing tax units.
  - (2) Florida Statutes, Water control districts or drainage districts, Special Assessment Districts.

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- (3) Nonprofit corporations including homeowners associations, property owners associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of facilities.
- (4) The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one (1) of the following circumstances:
- a. The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, single industrial facility, for example.
  - b. The ownership of the property is retained by the permittee and is either leased to third parties (such as in some shopping centers) or rented to third parties (such as in some mobile parks), for example.
- (c) The stormwater management system to be maintained by the legal entity shall have adequate easements to permit the city to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly.
- (d) Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the city and other appropriate governmental agencies as set forth in the written plan.
- (e) Maintenance shall include compliance with city building and construction codes, and all other acceptable city codes.
- (f) Nonprofit corporations shall annually report to the city the maintenance performed during the year and demonstrate their financial capability to provide the required maintenance for the coming year. This shall be done to reflect compliance with their written maintenance plan.
- (g) The legal entity shall execute and record a document acceptable to the city attorney which defines its authority and responsibility for maintenance of the stormwater management system, defines how maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.
- (h) In order to assure maintenance during a two-year maintenance period, security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not limited to, cash or performance bonds and letters of credit. The amount of security shall be as required by Leesburg Code of Ordinances. The security shall be released at the end of the two-year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.

#### **Sec. 28-14. Inspections.**

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Subsequent to the permittee satisfying the requirements of 28-8 and 28-9, other applicable sections and the issuance of the appropriate permit, the permittee shall, during construction, arrange and schedule the following inspections by the city engineer or designee:

- (1) During clearing operation and excavation to ensure the effective control practices relative to erosion and sedimentation are being followed.
- (2) All underground conveyance and control structures prior to backfilling.
- (3) Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- (4) The professional engineer for the project shall submit a signed and sealed set of as-built plans on reproducible drawing sheets and CAD files, to certify the system has been constructed as designated and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the professional engineer shall submit supporting documentation with the as-built plans which proves that the stormwater systems follow compliance with this section.
- (5) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the city, or as complaints arise concerning the system. By seeking and obtaining a permit under this section, the operator and owner shall be deemed to have consented to inspections by the city and other appropriate regulatory agencies or city engineer or designees upon presentation of proper identification by the representative(s) of the agency(s) conducting the inspection.

#### **Sec. 28-15. Enforcement**

If the city engineer or appropriate department determines that the project is not being carried out in accordance with the approved plan, or if any project subject to this chapter is being carried out without a permit, the city engineer is authorized to:

- (1) Give the legal entity written notice of this corrective action required to be taken. Should the legal entity fail within thirty (30) days of the date of the notice to complete such corrective action, the city may enter upon the property, take the necessary corrective action, bill the violator and, if the bill is not paid within ninety (90) days, file a lien upon the property for the cost of such corrective action.
- (2) The city may take appropriate corrective action in the event of an emergency situation which endangers persons or property or both as determined to exist by the city engineer or designated city representative.
- (3) Issue written notice to the permittee specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- (4) Issue a stop-work order directing the permittee or persons in possession to cease and desist all or any portion of work which violates the provisions of this chapter if the

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remedial work is not completed within the specified time. The permittee shall then bring the project into compliance.

- (5) In the case where the project does not meet the standards included in this chapter, the city can elect to inspect or hire a contract inspector to make the determination of compliance with FDEP requirements. In the event of a reinspection due to non-compliance, the developer and site builder shall incur the expense. These fees will be assessed on an individual inspection basis, and will vary depending on the square footage on the total area being inspected.

#### **Sec. 28-16. Emergency exemption.**

- (a) This chapter shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including, but not limited to, fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- (b) A report of any such emergency action shall be made to the city engineer or designated representative by the owner or person in control of the property upon which the emergency action was taken as soon as practicable, but no more than five (5) days following such action. Remedial action may be required by the city subject to appeal to the city commission in the event of a dispute.

#### **Sec. 28-17. Variances.**

When an applicant can show that, due to no fault of his own, but, because of strict interpretation of this chapter, a hardship has been created, the board of appeals may grant a variance to any of the requirements of this chapter, in accordance with this Code.

#### **Sec. 28-18. Appeals.**

The board of appeals shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the city engineer or designee in the administration of this chapter, to determine whether the administration determination appeal form was correct or not, and if not, to make proper determination.

#### **Sec. 28-19. Violations and penalties.**

The following penalties shall be available in the event of a violation of the provisions of this chapter in the City of Leesburg Municipal Code, or any other applicable laws, rules, or regulations or permits.

- (1) Enforcement. All violations of the terms and conditions of the approved stormwater management system permit, this chapter, or any other chapter, rule, regulation, or law may be enforced by enforcement action of the city code enforcement board.
- (2) Civil or criminal enforcement. Nothing in this chapter precludes the city from seeking immediate injunctive relief or taking such other lawful action, including but not limited to, forfeiture of the financial security held by the city to prevent or remedy any

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violation of any approved stormwater management system permit, or any violation of the terms of this or any other city code, or any other law, rule, or regulation. Violation of any of the terms and conditions of any approved stormwater management system permit, or any of the terms and conditions of this chapter, may be prosecuted as provided in Florida Statutes.

- (3) *Cumulative effect.* The penalties provided for herein are cumulative. Use of one (1) method of enforcement shall not preclude the city from using other methods of enforcement for the same violation.

**Sec. 28-20. Responsibility of the administration.**

A city appointed representative shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the representative may be delegated in writing by said representative to persons or entities acting in the beneficial interest of or in the employ of the city.

**Sec. 28-21. Ultimate responsibility of discharger.**

The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This section shall not create liability on the part of the City of Leesburg, or any agent or employee thereof for any damages that result from any discharger's reliance on this section or any administrative decision lawfully made hereunder.

**Sec. 28-22. Prohibition of illegal discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or water courses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited. The activities prohibited hereby are describer, in part, as follows:

- (1) Sanitary wastewater.
- (2) Effluent from septic tanks.
- (3) Car wash wastewaters, except as specifically exempted herein.
- (4) Improper oil disposal.
- (5) Antifreeze and other automotive products.
- (6) Sump pump discharges.
- (7) Laundry wastewaters.
- (8) Spills form roadway accidents.
- (9) Improper disposal of household toxics.
- (10) Petroleum products, including but not limited to oil, gasoline, and grease.
- (11) Solid waste.
- (12) Pet waste.
- (13) Chemicals.
- (14) Paints.
- (15) Soaps.
- (16) Steam cleaning wastes.
- (17) Pesticides, herbicides, or fertilizers.
- (18) Degreasers, solvents.
- (19) Heated water.
- (20) Chemically treated cooling water.
- (21) Lawn clippings, leaves, branches, etc.
- (22) Animal carcasses.
- (23) Silt.
- (24) Acids or alkalis.
- (25) Recreational vehicles waste.
- (26) Dyes (without prior permission from the appointed City of Leesburg representative).
- (27) Construction materials.

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(28) Toxic or poisonous solids or liquids.

(29) Solids in such quantities or of such size as to be capable of causing interference or obstruction to the flow in the city's stormwater system.

It shall be unlawful to wash any public or private streets, buildings, sidewalks, or parking areas, unless all viable debris and sediments have been removed prior to washing. If the removal of the debris and sediments is not feasible (as determined by the appointed City of Leesburg representative), then the street, building, etc. may only be washed with the representative's prior written approval, which may include requirements to clean the affected drainage pipelines or provide treatment of wash water runoff to prevent downstream pollution. Only water may be used for washing purposes.

Violation of this section shall subject the violator to a civil penalty of not less than two hundred fifty dollars (\$250.00) nor more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation may constitute a separate violation.

#### **Sec. 28-23. Prohibition of illegal connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this section if the person connects to a line conveying sewage to the MS4, or allows a connection to continue.

#### **Sec. 28-24. Waste disposal prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

#### **Sec. 28-25. Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city's appointed representative prior to or as a condition of approving a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

#### **Sec. 28-26. Monitoring of discharges.**

- (1) Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (2) Access to facilities.



- a. The city, or other authorized enforcement agency, shall be permitted to enter and inspect facilities subject to regulations under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- b. Facility operators shall allow the city, or other authorized enforcement agency, ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The city, or authorized enforcement agency, shall have the right to set up on any facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharges.
- d. The city, or other authorized enforcement agency, has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city, or other authorized enforcement agency, and shall not be replaced. The cost of clearing such access shall be borne by the operator.
- f. If the city, or other authorized enforcement agency, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 28-27. Requirement to prevent, control, and reduce stormwater pollutants.**

- (1) Authorization to adopt and impose best management practices. The city may adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. as a separate BMP Guidance Series. Where best management practices requirements are promulgated by the city or any federal, state, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water to the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with the requirements. The city's appointed representative will report to the City Manager



and Public Works Director annually on the status of implementation of BMPs, the pollutants of concern to be addressed the next year, and any new BMPs to be developed.

(2) *New development and redevelopment.* The city may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this section.

(3) Responsibility to implement best management practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (1) and (2), and person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. Best management practices required by the city can be obtained by the city's appointed representative.

#### **Sec. 28-28. Requirement to eliminate illegal discharges.**

The city's appointed representative may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take the measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

#### **Sec. 28-29. Requirement to eliminate or secure approval for illicit connections.**

(1) The city's appointed representative may require by written notice that a person responsible for an illicit connection to a storm drain system comply with the requirements of this section to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this section.

(2) If, subsequent to eliminating a connection found to be in violation of this section, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request city approval to reconnect. The reconnection or reinstallation of the connection shall be the responsible person's request.

#### **Sec. 28-30. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly



retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. A permit from the FDEP may be required prior to this removal and is the responsibility of the owner lessee to obtain. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed to from their property.

#### **Sec. 28-31. Notifications of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information on any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters from the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the city's Public Works department in person or by phone or email no later than 5:00 p.m. on the next business day. Notifications in person or by phone or by email shall be confirmed by written notice within three (3) business days of the initial notification receipt. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

#### **Sec. 28-32. Enforcement; notice of violation.**

Whenever the city, or other authorized enforcement agency, finds that a person has violated a prohibition or failed to meet a requirement of this section, the Public Works Director or other appointed City representative may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution on contamination hazards and the restoration of any affected property;
- (5) Payment of administration and remediation costs; incurred by the city in connection with the violation; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated city's appointed representative and the expense

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thereof shall be charged to the violator. The notice shall advise the violator of the appeal rights afforded by Section 28-32.

**Sec. 28-33. Appeal of notice of violation.**

Notwithstanding the provisions of Code 28-32, cited personnel may appeal the determination of the city's appointed representative to the city manager. The notice of appeal must be received by the city manager within five (5) days from the date of the notice of the violation. Hearing on the appeal before the city manager or his or her designee shall take place within fifteen (15) days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final.

The act of filing an appeal seeking relief from the decision of the city's designated representative shall not be reason to stay the order to eliminate illicit discharges or connections, lift an order to cease and desist violating activities, or suspend the daily accumulation of a potential fine and or imprisonment.

**Sec. 28-34. Cost of abatement of the violation.**

Within thirty (30) days after abatement or remediation of a violation, the city's appointed representative shall notify the property owner of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within ten (10) days. The city clerk shall set the matter for public hearing by the city commission. The decision of the city commission shall be set forth by resolution and shall be final. If the amount due is not paid within ten (10) days of the decision of the city commission of the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall continue a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county appraiser so the amount of the assessment can be recorded against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**Sec. 28-35. Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. A violation of or failure to comply with any of the requirements of this section shall constitute a misdemeanor and shall be punished as set forth below in sections 28-34 and 28-35.

**Sec. 28-36. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such a nuisance may be taken by the city.

**Sec. 28-37. Criminal prosecution.**

Any person that has violated or who continues to violate this section shall be liable to prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not less than two hundred fifty dollars (\$250.00) per violation, per day and or imprisonment for one (1) day for each day that a violation continues without remediation after notification of a violation,

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but not to exceed six (6) months. The city may recover all attorney's fees, court costs, administrative costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

#### **Sec. 28-38. Fertilizer.**

Sections 28-38 through 28-47 of this chapter regulate the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. It requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the city's natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of city residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality. These sections shall be applicable to and shall regulate all applicators of fertilizer and areas of application of fertilizer within the area of the city unless such applicator is specifically exempted by the terms of this chapter from the regulatory provisions of this chapter. This chapter shall be prospective only, and shall not impair any existing contracts.

#### **Sec. 28-539. Timing of fertilizer application.**

No applicator shall apply fertilizers containing nitrogen or phosphorus, or both to turf or landscape plants during the prohibited application period, or to saturated soil. The City of Leesburg prohibits the use of any fertilizers containing nitrogen or phosphorus from June 1 through September 30.

#### **Sec. 28-640. Fertilizer free zones.**

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of three (3) feet shall be maintained. Newly planted turf and/or landscape plants may be fertilized in this zone only for a sixty (60) day period beginning thirty (30) days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

#### **Sec. 28-741. Low maintenance zones.**

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Leesburg Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be

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taken to prevent the over-spray of aquatic weed products in this zone. Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.

**Sec. 28-~~842~~. Fertilizer content and application rates.**

- (a) Fertilizers applied to turf within the city shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
- (b) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.
- (c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

**Sec. 28-~~943~~. Application practices.**

- (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- (c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- (e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

**Sec. 28-~~1044~~. Management of grass clippings and vegetative matter.**

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

**Sec. 28-~~1145~~. Exemptions.**

The provisions set forth above in this chapter shall not apply to:

- (1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;
- (2) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;

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- (3) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.
- (4) Golf courses, athletic fields and Turf managed for active recreation, whose owners implement best management practices as described in Section 5E-1.003(2)(d), F.A.C. entitled "Fertilizers Labeled, for Sports Turf at Golf Courses, Parks and Athletic Fields", as amended.

**Sec. 28-~~1246~~. Training.**

- (a) All commercial and institutional applicators of fertilizer within the incorporated area of the city, shall abide by and successfully complete the six-hour training program in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.
- (b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

**Sec. 28-~~1347~~. Licensing of commercial applicators.**

- (a) Prior to 1 January 2020, all commercial applicators of fertilizer within the incorporated area of the city, shall abide by and successfully complete training and continuing education requirements in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries", offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida Friendly Landscapes" program, or an approved equivalent program. Such proof of training shall be required prior to obtaining ~~a Leesburg Local Business Tax Certificate for~~ any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the Leesburg Tax Collector's office within one hundred eighty (180) days of the effective date of this chapter.
- (b) After 31 December, 2019, all commercial applicators of fertilizer within the incorporated area of the city, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.
- (c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one (1) employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate any category of occupation which may apply any fertilizer to turf and/or landscape plants. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the city tax collector's office.

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**Sec. 28-~~1448~~. Enforcement.**

This chapter shall be enforced in the manner provided herein and in division 2 of the Leesburg Code of Ordinances, either by the special master, or through the citation process as a class III violation. Funds generated by penalties imposed under this section shall be used by Leesburg for the administration and enforcement of F.S. § 403.9337, and the corresponding sections of this chapter, and to further water conservation and nonpoint pollution prevention activities.

**Section 4. Incorporation.** The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Leesburg, Florida, and sections of this ordinances may be renumbered, re-lettered, and the word “ordinance” may be changed to “section”, “article”, or any other phrase in order to accomplish such intention.

**Section 5. Severability and Conflicts.** The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, 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 6. Effective Date.** This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023 by the City Commission of the City of Leesburg, Florida.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
William Grant Watson, City Attorney

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Words in underscored type are additions.



**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA  
AMENDING CHAPTER 28 OF THE CITY CODE OF  
ORDINANCES REGARDING STORMWATER  
MANAGEMENT; PROVIDING FOR INCLUSION IN THE  
CODE OF ORDINANCES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR CONFLICTS; AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Leesburg found that the current Stormwater Management codes and regulations lacked pertinent regulations and standards; and

**WHEREAS**, the City of Leesburg desires to adopt codes and regulations that are clear and understandable to promote the public health, safety, convenience and welfare of its citizens; and

**WHEREAS**, the City of Leesburg has proposed these changes to Chapter 28, and has determined that it is appropriate and in accordance with protecting the health, safety and welfare of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are adopted and incorporated herein by reference.

**Section 2. Text Amendment.** Chapter 28 of the City of Leesburg Code of Ordinances shall be amended as follows:

**Chapter 28 STORMWATER MANAGEMENT**

**Sec. 28-1. Findings.**

As a result of flooding, erosion, and sedimentation caused by storm water runoff within the boundaries of Leesburg, the city commission has determined that clear and understandable code is required to prevent risk to the public health, safety, convenience and welfare of its citizens. As the city continues to promote the public health, safety, convenience and general welfare in a manner that is consistent with development, the city will continue to improve, operate and maintain the stormwater system. Accordingly, the city commission finds that management measures are required by this chapter.

**Sec. 28-2. Purpose and intent.**

The purpose of this chapter is to (1) preserve the water resources of the city, which are critical to the public health, safety, and welfare of its citizens, (2) control stormwater runoff so as to prevent erosion, sedimentation, and flooding, and (3) encourage recharge of the aquifer upon which the public depends for potable fresh water. This ordinance is designed to allow landowners reasonable use of their property while promoting adherence to the following requirements:



Prevent loss of life and significant loss of property due to flooding; to protect, restore and maintain the chemical, physical, and biological quality of ground and surface waters; to encourage productive and enjoyable harmony between humanity and nature; to prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources; to encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their beneficial functioning; to minimize the transport of sediments and pollutants to surface waters; to protect, restore and maintain the habitat of fish and wildlife; to perpetuate natural groundwater recharge; to encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system; to assure the attainment of these objectives by requiring approval and implementation of water management plans for all activities which may have an adverse impact upon groundwater and surface water, and to reinforce the directives associated with St. Johns River Water Management District.

### **Sec. 28-3. Definitions.**

For this chapter, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

*Administrator* means the city manager, or an administrative official of city government designated by the city manager to administer and enforce the provisions of this chapter.

*Application* or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

*Applicator* means any Person who applies fertilizer on turf and/or landscape plants in the city.

*Board* or *governing board* means the city commission.

*Best management practices* means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources. Best management practices include, but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the city determines appropriate for the control of pollutants or flooding.

*Clean Water Act* directly refers to the federal Water Pollution Control Act (reference) and any subsequent amendments thereto.

*Code enforcement officer, official, or inspector* means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city commission.

*Commercial fertilizer applicator*, except as provided in F.S. § 482.1562(9) means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

*Construction activity* means any activity subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Fertilize, fertilizing, or fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.

*Fertilizer* means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

*Guaranteed analysis* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

*Hazardous materials* means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, or disposed.

*Illegal discharge* means any direct or indirect non-stormwater discharge to the storm drain system, except:

- (1) Stormwater, as defined in 40 CFR Part 122.26 (b)(13).
- (2) Water line flushing;
- (3) Landscape irrigation;
- (4) Diverted stream flows;
- (5) Rising groundwater;
- (6) Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20) to separate storm sewers;
- (7) Uncontaminated pumped groundwater;
- (8) Discharges from potable water sources;
- (9) Foundation drains;
- (10) Air conditioning condensate;
- (11) Irrigation water;
- (12) Springs;
- (13) Water from crawl space pumps;
- (14) Footing drains;
- (15) Lawn watering;
- (16) Individual residential car washing;
- (17) Flows from riparian habitats and wetlands;
- (18) Dechlorinated swimming pool discharges; to include, but not limited to, fountain backwash and cleaning agents.
- (19) Street wash waters resulting from normal street cleaning operations;
- (20) Discharges or flows from emergency firefighting activities.



*Illicit connections* are defined as any of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater-discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the city.

*Industrial activity* means any activity that is subject to NPDES industrial permits as defined in 40 CFR Section 122.26 (b)(14)

*Institutional applicator* means any person, other than a private, non-commercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*Landscape plant* means any native or exotic tree, shrub, or groundcover (excluding turf).

*Lot grading* means the movement, extraction, and/or placement of soils within the limits of an individual residential lot or parcel boundary.

*Low maintenance zone* means an area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits* means any general, group, or individual stormwater discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

*Non-stormwater discharge* means any discharge to the storm drain system that is not composed entirely of stormwater.

*Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluid; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes, wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.



*Pollution* means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the water for beneficial uses or the facilities which serve these beneficial uses.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Prohibited application period* means the period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the city, issued by the National Weather Service, or if rainfall greater than two (2) inches in a 24-hour period is likely.

*Leesburg Approved Best Management Practices Training Program* means a training program approved per F.S. § 403.9338, or any more stringent requirements set forth in this Article that includes the most current version of the Florida Department of Environmental Protection's "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," as revised, and approved by the city manager.

*Saturated soil* (field capacity) means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this chapter, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

*Slow release, controlled release, timed release, slowly available, or water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

*Storm drain system* means Publicly-owned facilities operated by the city by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the city and are not part of a publicly owned treatment works as defined in 40 CFR Section 122.2

*Stormwater* means any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

*Turf, sod, or lawn* means a piece of grass-covered soil held together by the roots of the grass.

*Urban landscape* means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in F.S. § 570.02.

#### **Sec. 28-4. Applicability.**

This chapter shall be applicable to and shall regulate all water entering the storm drain system generated on any developed or undeveloped lands lying within the City of Leesburg including any amendments or revisions thereto. This chapter shall be prospective only, and shall not impair any existing contracts

### **Sec. 28-5. Permit Requirements**

- (a) No person shall conduct a development activity, or subdivide or make any change in the use of land, or construct any stormwater management system or structure, or change in the size of an existing structure or system, except as exempted in section 28-6, without first obtaining the required permits from the city's engineer or designated department.
- (b) The requirements of this section shall be implemented, and shall be satisfied completely, prior to:
  - (1) Final subdivision plat approval;
  - (2) Issuance of a certificate of occupancy on approved site plan projects; and
  - (3) Final inspection for all other projects.
- (c) Approval of the stormwater management permit shall be contingent on approval of any required Management and Storage of Surface waters (MSSW) permit from the St. Johns River Water Management District but will not result in automatic approval of the stormwater management permit by the city engineer or designated department.
- (d) For the purposes of this section, the following activities may alter or disrupt stormwater runoff patterns and shall, therefore, unless exempt in accordance with section 28-6 require a permit prior to the initiation of any project:
  - (1) Clearing and/or construction for the drainage of land;
  - (2) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
  - (3) Changing the use of land and/or the construction of a structure;
  - (4) Changing the size of one (1) or more structures;
  - (5) Altering shorelines or banks of water bodies;
  - (6) Reserved;
  - (7) Using natural or artificial water bodies for stormwater management purposes.

### **Sec. 28-6. Exemptions**

For the purposes of this section, the following activities shall be exempted from further consideration under the provisions of this section. However, these exemptions do not preclude the need to comply with other chapters of this Code.

- (1) *Residential parcel exemption.* Residential parcels where such parcels are part of an overall subdivision which has been approved in accordance with other chapters of this Code.
- (2) *Agricultural exemptions.*
  - (a) Facilities for agricultural lands, provided those facilities are part of an approved conservation plan by the soil conservation service, however, if the conservation plan is not implemented according to its terms, this exemption shall be void.
  - (b) In determining whether an exemption is available to a person engaged in the occupation of agriculture, the purpose of the topographic alteration must be consistent with the practice of the agriculture and such alteration may not be for the sole or



predominant purpose of impounding or obstructing surface waters. The following activities, structures, and water bodies are considered as having impoundment or obstruction of surface waters as a primary purpose:

- (1) When such practice would cause diverted water to flow directly onto the property of another landowner;
  - (2) Floodwater retarding structure;
  - (3) Irrigation pit or regulating reservoir;
  - (4) Pond;
  - (5) Structure for water control;
  - (6) Regulating water in drainage systems; and
  - (7) Pumping plant for waters control, when used for controlling water levels on land.
- (c) Other practices which are constructed and operated in compliance with soil conservation service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with the practice of agriculture.
- (3) Emergency Exemption. Emergency maintenance work performed for the protection of public health and welfare.
- (4) Maintenance Exemption. Any maintenance to an existing system made in accordance with permitted plans and specifications.

#### **Sec. 28-7. Performance criteria.**

Stormwater management permit applications shall be approved by the city engineer or appropriate department when it is demonstrated to the satisfaction of the city engineer or designee that the proposed development activity has been planned and designed, and shall be constructed and maintained, to meet the performance criteria described herein. The stormwater management system design shall conform to the stormwater performance and criteria in sections 28-7 and 28-8.

- (1) All developments within a riverine flood hazard shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- (2) All residential and nonresidential structures constructed in the 100-year floodplain shall have the finished floor of the building elevated a minimum of one and one-half (1.5) feet above the elevation of the 100-year flood and twelve (12) inches above the crown of the street. For industrial development, flood proofing may be substituted in lieu of elevating the finished floor.
- (3) Development shall not result in an increase in the 100-year flood elevation. **No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage.** Compensating storage is to be determined by the volume of material removed above the ordinary high-water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year floodplain shall not reduce the flow rate.



- (4) Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District and the City of Leesburg in order to achieve the state water quality standards established by the Florida Department of Environmental Protection.
- (5) The volume of retention to be provided for the project site shall not be less than that generated from a three- and one-half inch, one-hour storm event. The recovery time for the retained volume shall be less than seventy-two (72) hours.
- (6) The peak rate of flow of the discharge hydrology for the project site shall not exceed the pre-development peak rate flow for the range of storms specified in the city stormwater performance and design criteria of sections 28-6 and 28-7, if the project area is not contributory to a landlocked area with no positive outlet. When the project area is contributory to a landlocked area with no positive outlet, the project shall provide extended detention for the difference in volume of stormwater discharge for pre-development conditions from the 25-year, 96-hour storm event.
- (7) The stormwater management system shall not create an adverse impact to upstream or downstream areas. Off-site areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management permit application shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise impact any downstream areas.
- (8) The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife, or other natural resources.
- (9) Wetlands shall not be used for stormwater treatment.
- (10) Wetlands shall not be used to attenuate runoff peak rates except for isolated wetlands which are wholly-contained on site, provided that the utilization of the wetlands for stormwater attenuation does not disrupt the normal range of water level fluctuation as it existed prior to construction of the wetland discharge facility.
- (11) All proposed stormwater management systems shall be designed to prevent flooding, promote safety, and minimize health standards.
- (12) All stormwater management systems shall be designed to reduce the pollution of surface water and groundwater resources by stormwater, control erosion, and provide for recharge where appropriate. The city engineer or designated department, while enforcing standards set for pollution and sedimentation control, may encourage or request innovative approaches to control pollution and erosion, and to provide for recharge. In ditches with a grade equal to or greater than two (2) percent and/or sidewall slopes greater than 3:1 all disturbed areas shall be sodded. A minimum two-foot wide sod strip shall be required adjacent to all paved streets and around all stormwater structures, regardless of grade.

#### **Sec. 28-8. Clearing and grading standards.**

No site clearing shall take place on any subject property to an approved site development plan until a permit has been issued to do so by the city engineer or designated city representative. Lot grading shall not adversely affect surrounding or downstream wetlands, floodplains or



neighboring property. The volume, rate, and quality of stormwater runoff shall be consistent with conditions prior to the lot grading, or consistent with approved site or lot grading plans. Standard practices shall be used to prevent erosion and the depositing of water and soils off-site. This shall also include the protection of bare soils from wind forces. Factors which influence erosion potential include soil characteristics, vegetative cover, topography, and climatic conditions. The following measures must be considered in planning and undertaking construction within a development.

- (a) Plan the development to fit the topography, soils, and drainage patterns;
- (b) Limit clearing area to the smallest possible areas;
- (c) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
- (d) Immediately vegetate with sod, seed, mulch, or other equivalent forms of landscaping in all exposed areas;
- (e) Apply perimeter controls, such as silt fence, berms, or staked hay bales to protect area from off-site runoff and to trap eroded materials on-site to prevent sedimentation in downstream areas;
- (f) Provide an adequate source of water for application to dry exposed soil in order to prevent wind erosion during construction.
- (g) Implement thorough maintenance and follow-up programs.

#### **Sec. 28-9. Lot grading plans.**

A plan must be prepared and submitted to the city engineer or designated department with the permit application. The plan must include consideration of the site-specific erosion potential, including slopes, soil erodibility, vegetative cover, and runoff characteristics. The following is a listing of the information which must be included in the plan, to be shown on the construction or alteration plans, detail sheets, or other appropriate documents.

- (a) The plan must be submitted and approved prior to the start of lot grading. The plan shall identify the federal Housing Agency grading type used.
- (b) The plan shall be submitted and approved prior to the start of any lot grading that would impact flood zones or wetlands.
- (c) The plan submittal shall be from a Florida licensed professional landscape architect, surveyor, or engineer showing existing elevations and proposed elevations for finished floor, and proposed lot grading. Spot elevations for existing and proposed grades shall be required at property corners and the street centerline, and must detail a proposed drainage pattern. If necessary in order to evaluate impacts to adjacent lots or properties, as determined by the City manager or designated city representative, a partial topography survey (spot elevations) that includes adjacent lots shall be required.
- (d) The plan must show the existing and proposed topography, and also demonstrate the stormwater runoff will be managed to not adversely affect adjacent or nearby properties;
- (e) Swales shall be required to divert runoff around any structure so as not to adversely impact the structure, adjacent property owners, open water bodies, or wetlands;



- (f) A general description of predominant soil types on site, and the corresponding erodibility potential as described by the appropriate soil survey information or on-site investigation; Schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation earthwork, embankment earthwork, site utilities, roads, site grading, and stabilization. The schedule must include estimated starting date and duration. Description must include limits of area impacted by each phase; and
- (g) For each phase a description is required for individual erosion control measures, which are required to be shown on construction plans or detail sheets.
  - (1) Estimated date of installation and removal;
  - (2) Location;
  - (3) Purpose of measure and areas served;
  - (4) Detailed construction drawings and specifications;
  - (5) Operation and maintenance schedule;
  - (6) All documentation including referenced design standards and specifications.
- (h) Upon completion of ground disturbances on a residential or commercial site, a topographical survey must be obtained and then reviewed by a state of Florida licensed civil engineer to determine the final grade conforms with the approved grading and drainage plans. No variances greater than 1 percent shall be allowed. These findings must be submitted to the appropriate city department prior to an issuance of any certificate of occupancy.
- (i) For special circumstances where mass grading may be permitted, developers must include the following along with their site plan.
  - (1) All required NPDES best management practices for erosion control;
  - (2) SJRWMD and FDEP requirements applicable to the environmental resource permits.
  - (3) The CLOMR or addendum CLOMR (Conditioned Letter of Map Revision)

Erosion control measures must be taken to prevent detachment and transportation of soil particles. The property owner or his designee shall not adversely impact aquatic vegetation within the wetland littoral zone located between the upland area and the ordinary high-water line. No such vegetation shall be disturbed without the required state and federal regulatory agency permits.

The property owner or his agent shall acquire the necessary permits, if applicable, from all relevant governing and regulatory agencies.

Turbidity barriers must remain in place at all locations until construction is completed and all soils are stabilized and vegetation has been established. Thereafter, the property owner will be responsible for the removal of the barriers.

The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in this chapter. If construction is scheduled to occur within open water areas, turbidity curtains must be correctly placed to control sedimentation and turbidity within the water body. The



property owner or his agent is encouraged to use appropriate best management practices for erosion and sediment control.

**Sec. 28-10. Construction site waste container.**

The city shall not issue a building permit to construct, renovate, or demolish any building unless the person applying for the permit maintains at the construction site a trash container approved by the city's appropriate department or designated representative. The appropriate department or designated representative shall approve all trash containers at the time the building permit is issued. Any person aggrieved by the decision of the department or city representative shall have a right to appeal to the city commission. If an appeal is filed, the city commission shall hold a public hearing to approve or disapprove the mayor's decision. The decision of the city commission shall be final.

**Sec. 28-11. Construction site waste container maintenance.**

All trash containers approved by the city's appropriate department or designated representative shall be maintained at the construction site until all construction is completed. Construction debris shall be placed in the trash container. No person shall dispose of construction debris except in an approved container. Filled trash containers shall be promptly delivered to a commercial garbage hauler or removed to an authorized disposal facility.

**Sec. 28-12. Dedication of drainage easements and right-of-way.**

- (a) Drainage easements or right-of-way, as specified by the city, shall be conveyed by the owner at no expense to the city for the stormwater facilities within the development.
- (b) When a proposed drainage system will carry water across private land outside the development, off-site drainage easements shall be secured by the owner or applicant and indicated on the plat, or in a separate recorded document approved by the city.
- (c) When a development is transversed by a watercourse or open channel, the applicant shall provide a drainage-right-of-way conforming substantially to the line of such watercourse or open channel, which shall be a minimum width, as specified by the city. Wherever possible, drainage shall be maintained by an open channel with landscaped banks with adequate width for the maximum potential volume of flow.
- (d) Drainage right-of-way shall include suitable access (minimum fifteen-foot width) as specified by the city for maintenance equipment access from public-right-of-way.
- (e) All drainage rights-of-way or easements, both on-site and off-site, shall be recorded on a final plat or a separate recorded document approved by the city.

**Sec. 28-13. Maintenance**

- (a) The city engineer or designated department shall approve a written maintenance plan upon a finding that the plan meets the terms of this section. The written operation and maintenance plan shall contain the information in this section as the minimum criteria that shall be accepted by the city engineer or designee. The maintenance plan shall include:
  - (1) Demonstration of the ability of an entity to provide adequate maintenance;
  - (2) Written agreement of acceptance of an entity to maintain the facility;



- (3) Specific maintenance activities to be performed;
  - (4) Frequency of maintenance activity; and
  - (5) Measurable objective of maintenance activity.
- (b) The installed stormwater system shall be maintained by a legal entity responsible for maintenance. All stormwater management permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. The city considers the following entities acceptable to operate and maintain stormwater management facilities:
- (1) Local government units including the city, county, other municipalities or municipal servicing tax units.
  - (2) Florida Statutes, Water control districts or drainage districts, Special Assessment Districts.
  - (3) Nonprofit corporations including homeowners associations, property owners associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of facilities.
  - (4) The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one (1) of the following circumstances:
    - a. The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, single industrial facility, for example.
    - b. The ownership of the property is retained by the permittee and is either leased to third parties (such as in some shopping centers) or rented to third parties (such as in some mobile parks), for example.
- (c) The stormwater management system to be maintained by the legal entity shall have adequate easements to permit the city to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly.
- (d) Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the city and other appropriate governmental agencies as set forth in the written plan.
- (e) Maintenance shall include compliance with city building and construction codes, and all other acceptable city codes.
- (f) Nonprofit corporations shall annually report to the city the maintenance performed during the year and demonstrate their financial capability to provide the required maintenance for the coming year. This shall be done to reflect compliance with their written maintenance plan.



- (g) The legal entity shall execute and record a document acceptable to the city attorney which defines its authority and responsibility for maintenance of the stormwater management system, defines how maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.
- (h) In order to assure maintenance during a two-year maintenance period, security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not limited to, cash or performance bonds and letters of credit. The amount of security shall be as required by Leesburg Code of Ordinances. The security shall be released at the end of the two-year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.

#### **Sec. 28-14. Inspections.**

Subsequent to the permittee satisfying the requirements of 28-8 and 28-9, other applicable sections and the issuance of the appropriate permit, the permittee shall, during construction, arrange and schedule the following inspections by the city engineer or designee:

- (1) During clearing operation and excavation to ensure the effective control practices relative to erosion and sedimentation are being followed.
- (2) All underground conveyance and control structures prior to backfilling.
- (3) Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- (4) The professional engineer for the project shall submit a signed and sealed set of as-built plans on reproduceable drawing sheets and CAD files, to certify the system has been constructed as designated and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the professional engineer shall submit supporting documentation with the as-built plans which proves that the stormwater systems follow compliance with this section.
- (5) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the city, or as complaints arise concerning the system. By seeking and obtaining a permit under this section, the operator and owner shall be deemed to have consented to inspections by the city and other appropriate regulatory agencies or city engineer or designees upon presentation of proper identification by the representative(s) of the agency(s) conducting the inspection.

#### **Sec. 28-15. Enforcement**

If the city engineer or appropriate department determines that the project is not being carried out in accordance with the approved plan, or if any project subject to this chapter is being carried out without a permit, the city engineer is authorized to:



- (1) Give the legal entity written notice of this corrective action required to be taken. Should the legal entity fail within thirty (30) days of the date of the notice to complete such corrective action, the city may enter upon the property, take the necessary corrective action, bill the violator and, if the bill is not paid within ninety (90) days, file a lien upon the property for the cost of such corrective action.
- (2) The city may take appropriate corrective action in the event of an emergency situation which endangers persons or property or both as determined to exist by the city engineer or designated city representative.
- (3) Issue written notice to the permittee specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- (4) Issue a stop-work order directing the permittee or persons in possession to cease and desist all or any portion of work which violates the provisions of this chapter if the remedial work is not completed within the specified time. The permittee shall then bring the project into compliance.
- (5) In the case where the project does not meet the standards included in this chapter, the city can elect to inspect or hire a contract inspector to make the determination of compliance with FDEP requirements. In the event of a reinspection due to non-compliance, the developer and site builder shall incur the expense. These fees will be assessed on an individual inspection basis, and will vary depending on the square footage on the total area being inspected.

#### **Sec. 28-16. Emergency exemption.**

- (a) This chapter shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including, but not limited to, fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- (b) A report of any such emergency action shall be made to the city engineer or designated representative by the owner or person in control of the property upon which the emergency action was taken as soon as practicable, but no more than five (5) days following such action. Remedial action may be required by the city subject to appeal to the city commission in the event of a dispute.

#### **Sec. 28-17. Variances.**

When an applicant can show that, due to no fault of his own, but, because of strict interpretation of this chapter, a hardship has been created, the board of appeals may grant a variance to any of the requirements of this chapter, in accordance with this Code.

#### **Sec. 28-18. Appeals.**

The board of appeals shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the city engineer or designee in the administration of this chapter, to determine whether the

administration determination appeal form was correct or not, and if not, to make proper determination.

**Sec. 28-19. Violations and penalties.**

The following penalties shall be available in the event of a violation of the provisions of this chapter in the City of Leesburg Municipal Code, or any other applicable laws, rules, or regulations or permits.

- (1) *Enforcement.* All violations of the terms and conditions of the approved stormwater management system permit, this chapter, or any other chapter, rule, regulation, or law may be enforced by enforcement action of the city code enforcement board.
- (2) *Civil or criminal enforcement.* Nothing in this chapter precludes the city from seeking immediate injunctive relief or taking such other lawful action, including but not limited to, forfeiture of the financial security held by the city to prevent or remedy any violation of any approved stormwater management system permit, or any violation of the terms of this or any other city code, or any other law, rule, or regulation. Violation of any of the terms and conditions of any approved stormwater management system permit, or any of the terms and conditions of this chapter, may be prosecuted as provided in Florida Statutes.
- (3) *Cumulative effect.* The penalties provided for herein are cumulative. Use of one (1) method of enforcement shall not preclude the city from using other methods of enforcement for the same violation.

**Sec. 28-20. Responsibility of the administration.**

A city appointed representative shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the representative may be delegated in writing by said representative to persons or entities acting in the beneficial interest of or in the employ of the city.

**Sec. 28-21. Ultimate responsibility of discharger.**

The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This section shall not create liability on the part of the City of Leesburg, or any agent or employee thereof for any damages that result from any discharger's reliance on this section or any administrative decision lawfully made hereunder.



**Sec. 28-22. Prohibition of illegal discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or water courses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited. The activities prohibited hereby are described, in part, as follows:

- (1) Sanitary wastewater.
- (2) Effluent from septic tanks.
- (3) Car wash wastewaters, except as specifically exempted herein.
- (4) Improper oil disposal.
- (5) Antifreeze and other automotive products.
- (6) Sump pump discharges.
- (7) Laundry wastewaters.
- (8) Spills from roadway accidents.
- (9) Improper disposal of household toxics.
- (10) Petroleum products, including but not limited to oil, gasoline, and grease.
- (11) Solid waste.
- (12) Pet waste.
- (13) Chemicals.
- (14) Paints.
- (15) Soaps.
- (16) Steam cleaning wastes.
- (17) Pesticides, herbicides, or fertilizers.
- (18) Degreasers, solvents.
- (19) Heated water.
- (20) Chemically treated cooling water.
- (21) Lawn clippings, leaves, branches, etc.
- (22) Animal carcasses.
- (23) Silt.
- (24) Acids or alkalis.
- (25) Recreational vehicles waste.
- (26) Dyes (without prior permission from the appointed City of Leesburg representative).
- (27) Construction materials.

(28) Toxic or poisonous solids or liquids.

(29) Solids in such quantities or of such size as to be capable of causing interference or obstruction to the flow in the city's stormwater system.

It shall be unlawful to wash any public or private streets, buildings, sidewalks, or parking areas, unless all viable debris and sediments have been removed prior to washing. If the removal of the debris and sediments is not feasible (as determined by the appointed City of Leesburg representative), then the street, building, etc. may only be washed with the representative's prior written approval, which may include requirements to clean the affected drainage pipelines or provide treatment of wash water runoff to prevent downstream pollution. Only water may be used for washing purposes.

Violation of this section shall subject the violator to a civil penalty of not less than two hundred fifty dollars (\$250.00) nor more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation may constitute a separate violation.

**Sec. 28-23. Prohibition of illegal connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this section if the person connects to a line conveying sewage to the MS4, or allows a connection to continue.

**Sec. 28-24. Waste disposal prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

**Sec. 28-25. Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city's appointed representative prior to or as a condition of approving a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**Sec. 28-26. Monitoring of discharges.**

- (1) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (2) Access to facilities.



- a. The city, or other authorized enforcement agency, shall be permitted to enter and inspect facilities subject to regulations under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- b. Facility operators shall allow the city, or other authorized enforcement agency, ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The city, or authorized enforcement agency, shall have the right to set up on any facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharges.
- d. The city, or other authorized enforcement agency, has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city, or other authorized enforcement agency, and shall not be replaced. The cost of clearing such access shall be borne by the operator.
- f. If the city, or other authorized enforcement agency, has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 28-27. Requirement to prevent, control, and reduce stormwater pollutants.**

- (1) *Authorization to adopt and impose best management practices.* The city may adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. as a separate BMP Guidance Series. Where best management practices requirements are promulgated by the city or any federal, state, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water to the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with the requirements. The city's appointed representative will report to the City Manager



and Public Works Director annually on the status of implementation of BMPs, the pollutants of concern to be addressed the next year, and any new BMPs to be developed.

- (2) *New development and redevelopment.* The city may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this section.
- (3) Responsibility to implement best management practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (1) and (2), and person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. Best management practices required by the city can be obtained by the city's appointed representative.

#### **Sec. 28-28. Requirement to eliminate illegal discharges.**

The city's appointed representative may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take the measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

#### **Sec. 28-29. Requirement to eliminate or secure approval for illicit connections.**

- (1) The city's appointed representative may require by written notice that a person responsible for an illicit connection to a storm drain system comply with the requirements of this section to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this section.
- (2) If, subsequent to eliminating a connection found to be in violation of this section, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request city approval to reconnect. The reconnection or reinstallation of the connection shall be the responsible person's request.

#### **Sec. 28-30. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly



retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. A permit from the FDEP may be required prior to this removal and is the responsibility of the owner lessee to obtain. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed to from their property.

#### **Sec. 28-31. Notifications of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information on any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters from the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the city's Public Works department in person or by phone or email no later than 5:00 p.m. on the next business day. Notifications in person or by phone or by email shall be confirmed by written notice within three (3) business days of the initial notification receipt. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

#### **Sec. 28-32. Enforcement; notice of violation.**

Whenever the city, or other authorized enforcement agency, finds that a person has violated a prohibition or failed to meet a requirement of this section, the Public Works Director or other appointed City representative may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution on contamination hazards and the restoration of any affected property;
- (5) Payment of administration and remediation costs; incurred by the city in connection with the violation; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated city's appointed representative and the expense



thereof shall be charged to the violator. The notice shall advise the violator of the appeal rights afforded by Section 28-32.

**Sec. 28-33. Appeal of notice of violation.**

Notwithstanding the provisions of Code 28-32, cited personnel may appeal the determination of the city's appointed representative to the city manager. The notice of appeal must be received by the city manager within five (5) days from the date of the notice of the violation. Hearing on the appeal before the city manager or his or her designee shall take place within fifteen (15) days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final.

The act of filing an appeal seeking relief from the decision of the city's designated representative shall not be reason to stay the order to eliminate illicit discharges or connections, lift an order to cease and desist violating activities, or suspend the daily accumulation of a potential fine and or imprisonment.

**Sec. 28-34. Cost of abatement of the violation.**

Within thirty (30) days after abatement or remediation of a violation, the city's appointed representative shall notify the property owner of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within ten (10) days. The city clerk shall set the matter for public hearing by the city commission. The decision of the city commission shall be set forth by resolution and shall be final. If the amount due is not paid within ten (10) days of the decision of the city commission of the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall continue a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county appraiser so the amount of the assessment can be recorded against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**Sec. 28-35. Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. A violation of or failure to comply with any of the requirements of this section shall constitute a misdemeanor and shall be punished as set forth below in sections 28-34 and 28-35.

**Sec. 28-36. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such a nuisance may be taken by the city.

**Sec. 28-37. Criminal prosecution.**

Any person that has violated or who continues to violate this section shall be liable to prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of not less than two hundred fifty dollars (\$250.00) per violation, per day and or imprisonment for one (1) day for each day that a violation continues without remediation after notification of a violation,



but not to exceed six (6) months. The city may recover all attorney's fees, court costs, administrative costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

#### **Sec. 28-38. Fertilizer.**

Sections 28-38 through 28-47 of this chapter regulate the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. It requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the city's natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of city residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality. These sections shall be applicable to and shall regulate all applicators of fertilizer and areas of application of fertilizer within the area of the city unless such applicator is specifically exempted by the terms of this chapter from the regulatory provisions of this chapter. This chapter shall be prospective only, and shall not impair any existing contracts.

#### **Sec. 28-39. Timing of fertilizer application.**

No applicator shall apply fertilizers containing nitrogen or phosphorus, or both to turf or landscape plants during the prohibited application period, or to saturated soil. The City of Leesburg prohibits the use of any fertilizers containing nitrogen or phosphorus from June 1 through September 30.

#### **Sec. 28-40. Fertilizer free zones.**

Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of three (3) feet shall be maintained. Newly planted turf and/or landscape plants may be fertilized in this zone only for a sixty (60) day period beginning thirty (30) days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

#### **Sec. 28-41. Low maintenance zones.**

A voluntary ten (10) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent Leesburg Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be



taken to prevent the over-spray of aquatic weed products in this zone. Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.

**Sec. 28-42. Fertilizer content and application rates.**

- (a) Fertilizers applied to turf within the city shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
- (b) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.
- (c) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in (a) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

**Sec. 28-43. Application practices.**

- (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- (b) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- (c) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (d) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- (e) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

**Sec. 28-44. Management of grass clippings and vegetative matter.**

In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

**Sec. 28-45. Exemptions.**

The provisions set forth above in this chapter shall not apply to:

- (1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;
- (2) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock;



- (3) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.
- (4) Golf courses, athletic fields and Turf managed for active recreation, whose owners implement best management practices as described in Section 5E-1.003(2)(d), F.A.C. entitled "Fertilizers Labeled, for Sports Turf at Golf Courses, Parks and Athletic Fields", as amended.

**Sec. 28-46. Training.**

- (a) All commercial and institutional applicators of fertilizer within the incorporated area of the city, shall abide by and successfully complete the six-hour training program in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.
- (b) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

**Sec. 28-47. Licensing of commercial applicators.**

- (a) Prior to 1 January 2020, all commercial applicators of fertilizer within the incorporated area of the city, shall abide by and successfully complete training and continuing education requirements in the "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries", offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida Friendly Landscapes" program, or an approved equivalent program. Such proof of training shall be required prior to obtaining any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of the program to the Leesburg Tax Collector's office within one hundred eighty (180) days of the effective date of this chapter.
- (b) After 31 December, 2019, all commercial applicators of fertilizer within the incorporated area of the city, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.
- (c) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one (1) employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining any category of occupation which may apply any fertilizer to turf and/or landscape plants. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the city tax collector's office.



**Sec. 28-48. Enforcement.**

This chapter shall be enforced in the manner provided herein and in division 2 of the Leesburg Code of Ordinances, either by the special master, or through the citation process as a class III violation. Funds generated by penalties imposed under this section shall be used by Leesburg for the administration and enforcement of F.S. § 403.9337, and the corresponding sections of this chapter, and to further water conservation and nonpoint pollution prevention activities.

**Section 4. Incorporation.** The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Leesburg, Florida, and sections of this ordinances may be renumbered, re-lettered, and the word "ordinance" may be changed to "section", "article", or any other phrase in order to accomplish such intention.

**Section 5. Severability and Conflicts.** The provisions of this ordinance are severable, and it is the intention of the City Commission of the City of Leesburg, 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 6. Effective Date.** This Ordinance shall take effect immediately upon its final adoption by the City of Leesburg Commission.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023 by the City Commission of the City of Leesburg, Florida.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
William Grant Watson, City Attorney

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.B.2.

**Meeting Date:** January 23, 2023

**From:** Dan Miller, (Planning and Zoning Director)

**Subject:** An Ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 109.63 +/- acres; and being generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be placed in City Commission District 3; and providing an effective date. (Blue Cedar)

---

### Staff Recommendation:

The Planning and Zoning staff recommends approval of the proposed ordinance for the annexation the property known as Blue Cedar.

### Analysis:

The applicant has submitted a request for annexation of approximately 109.63 +/- acres, generally located east of U.S. Highway 27 and south of Florida's Turnpike, as shown on the attached General Location Map. At this time, the property is undeveloped. The current zoning is Lake County A (Agriculture); the proposed zoning is City PUD (Planned Unit Development). The reason for this request is to connect to water and sewer service for a mixed-use development with residential, commercial, office, and medical uses.

The property is surrounded by Lake County A (Agriculture), Lake County CP (Planned Commercial), Lake County C-1 (Neighborhood Commercial), and City of Leesburg PUD (Planned Unit Development). Under the conditions of the associated PUD (Planned Unit Development) zoning case, which is also on this agenda, this proposal does not appear to create negative impacts on adjacent properties.

Also on this City Commission agenda, is a Large-Scale Comprehensive Plan Amendment and Planned Unit Development Application, which had recommendations for approval from the staff and Planning Commission at the public hearing held on December 15, 2022.

**Procurement Analysis:**

N/A

**Options:**

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for the application of City standards to this property; or
2. Disapprove the proposed annexation and allow the property to remain in the County.

**Fiscal Impact:**

A substantial positive fiscal impact will result from the annexation and development of this property due to increased tax revenue added to the General Fund. Future development of the property will increase this anticipated impact.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 109.63 +/- ACRES; AND BEING GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF FLORIDA'S TURNPIKE, LYING IN SECTIONS 07, AND 08, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 3; AND PROVIDING AN EFFECTIVE DATE. (BLUE CEDAR)**

**WHEREAS**, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for approval of the Plan; and

**WHEREAS**, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;**

**Section 1.**

Based upon the petition of Carolyn Haslam (Akerman, LLP, Petitioner) for Blue Cedar for the property hereinafter described, shall be annexed into the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situated in Lake County, Florida, is more particularly described as:

**Legal Description  
(See Exhibit A);**

**Section 2.**

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all the laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of Leesburg, Florida, at the time of the

passage and approval of said laws and ordinances. The property annexed here by is assigned to City Commission District 3;

**Section 3.**

All ordinances or parts of ordinances in conflict with any of the the provisions of this ordinance are hereby repealed;

**Section 4.**

This ordinance shall become effective immediately upon approval at second reading.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**THE CITY OF LEESBURG, FLORIDA**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## Exhibit A

### **Blue Cedar Legal Description**

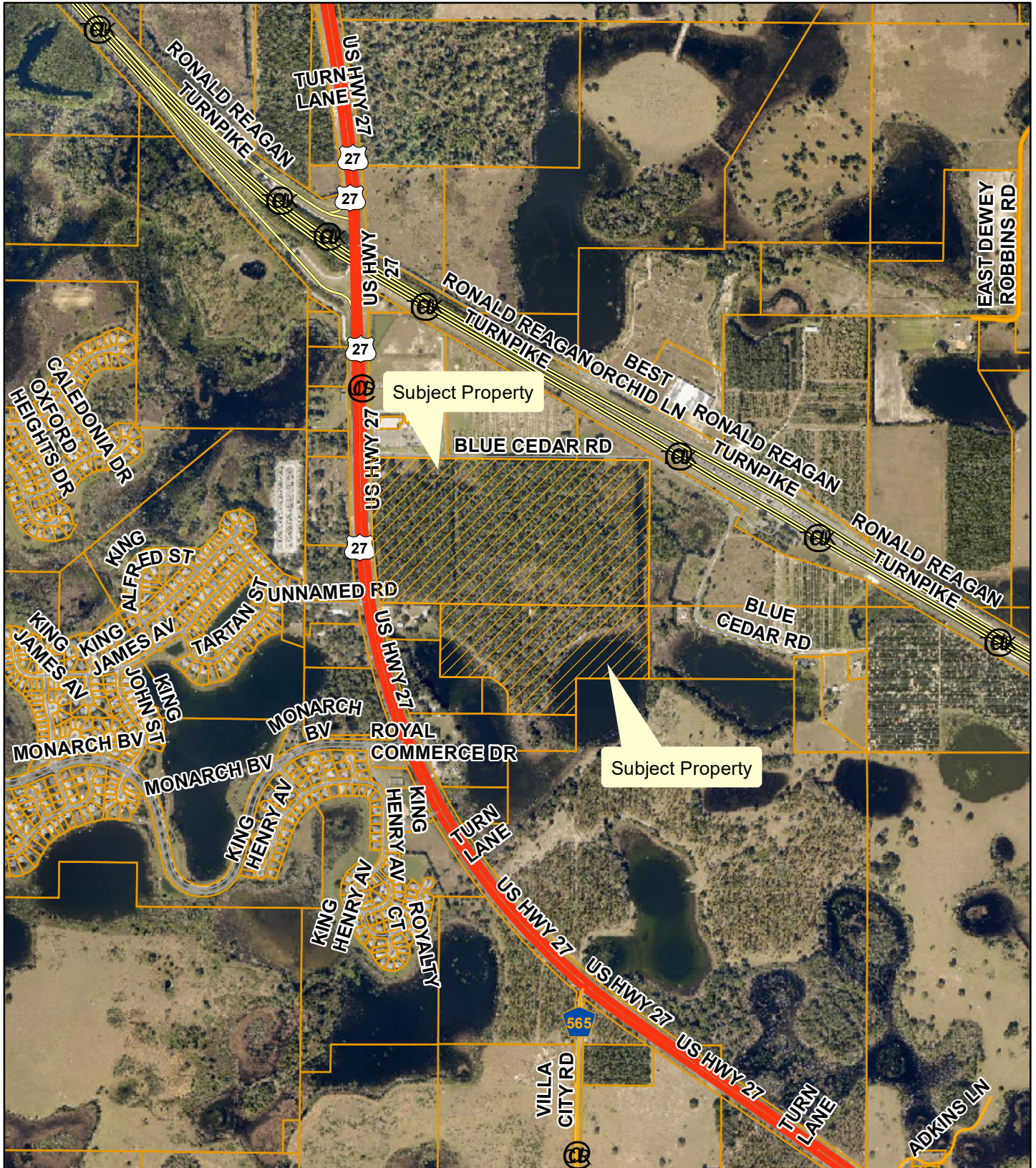
THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOT 4, EAST OF US HIGHWAY 27, IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

AND

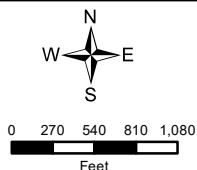
THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 3/4 OF THE EAST 1/4 OF GOVERNMENT LOT 1 AND THE NORTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1 AND THE SOUTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1, LYING NORTH OF LAKE, ALL IN SECTION 18, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.



# Aerial



**Planning  
& Zoning  
Division**



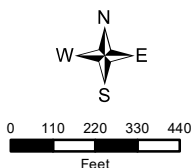
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Surrounding Existing Land Uses



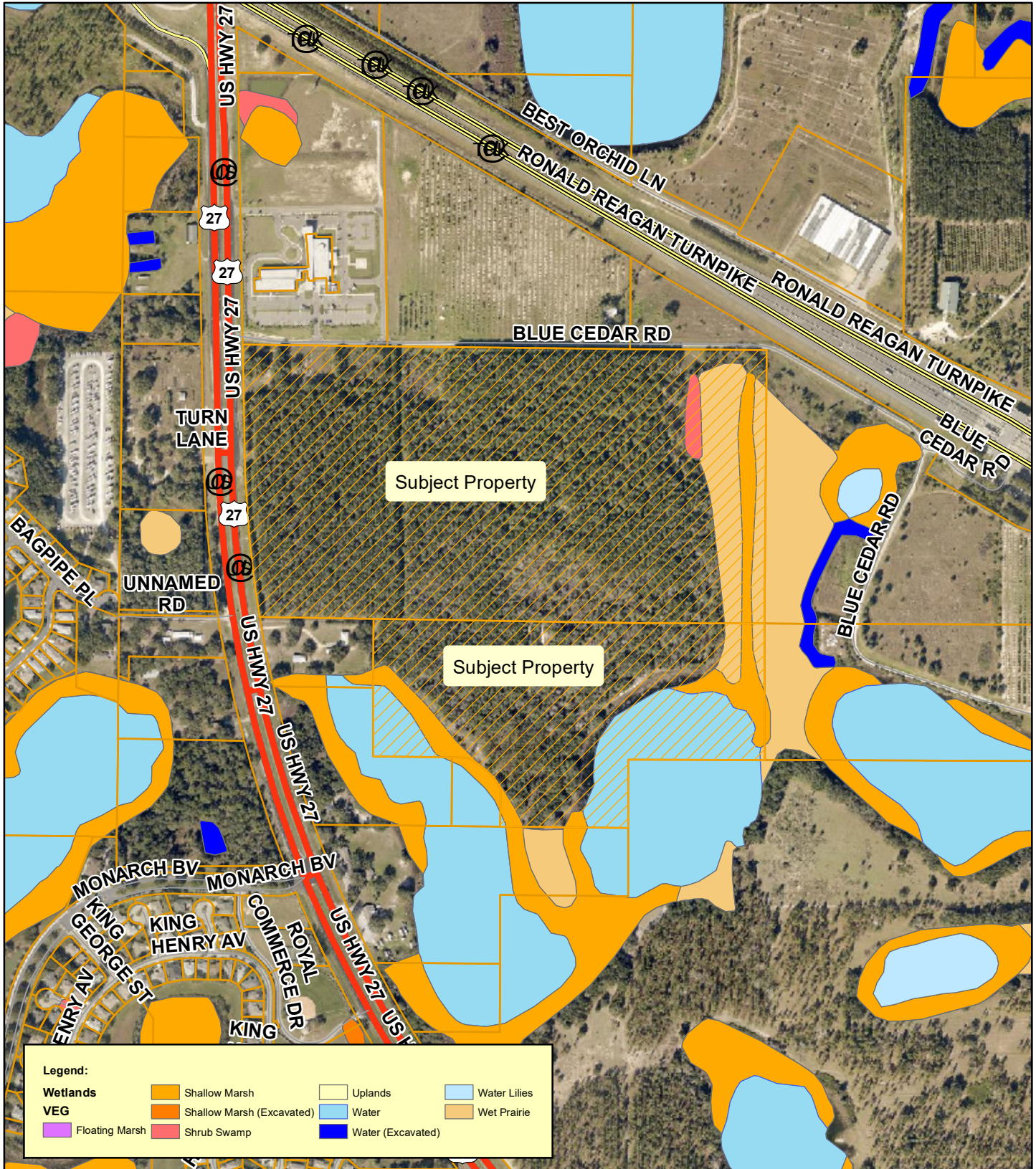
**Planning  
& Zoning  
Division**



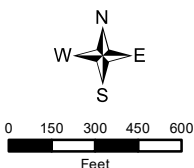
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Wetlands



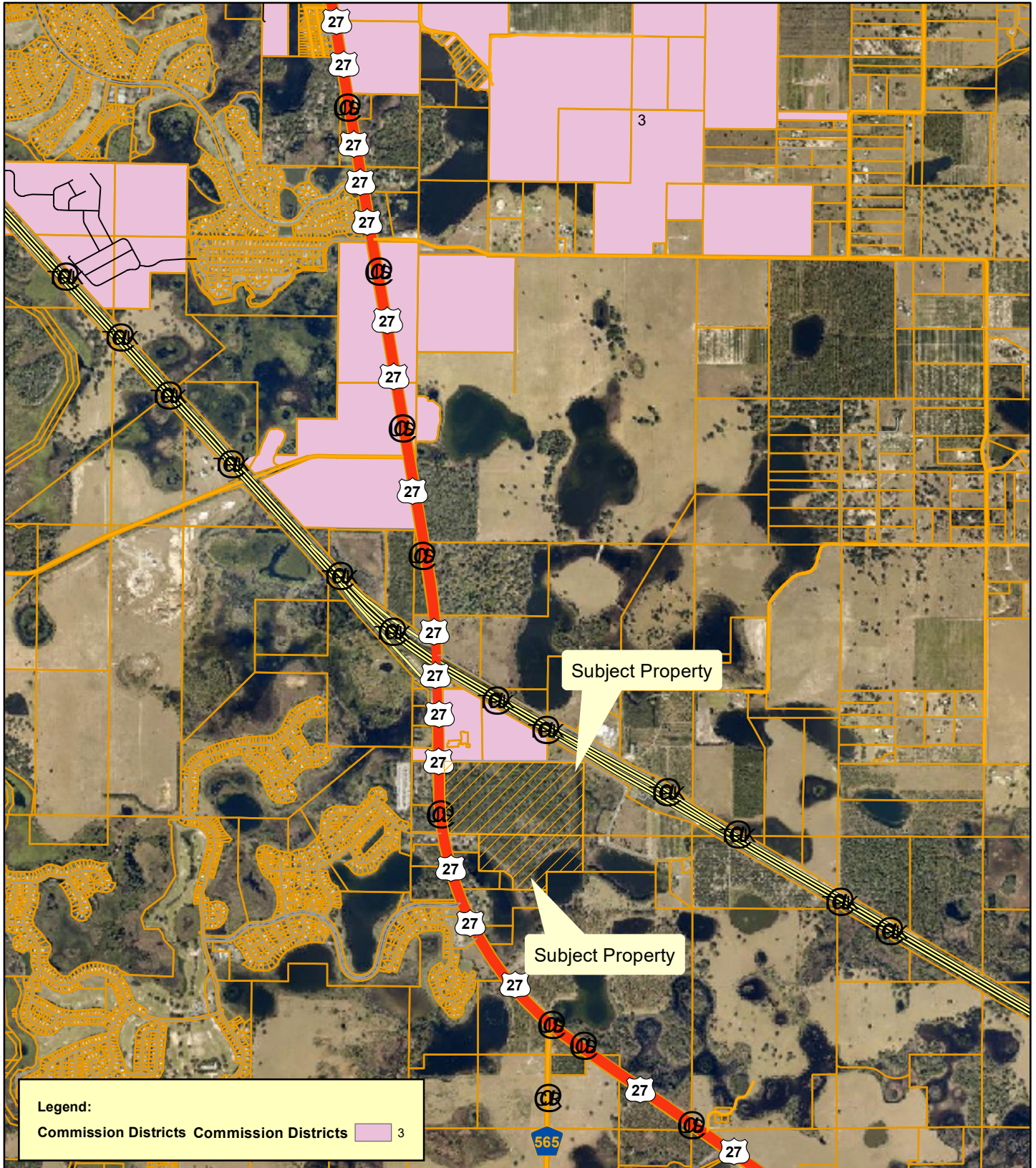
**Planning  
& Zoning  
Division**



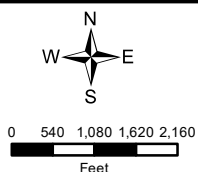
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Commission Districts



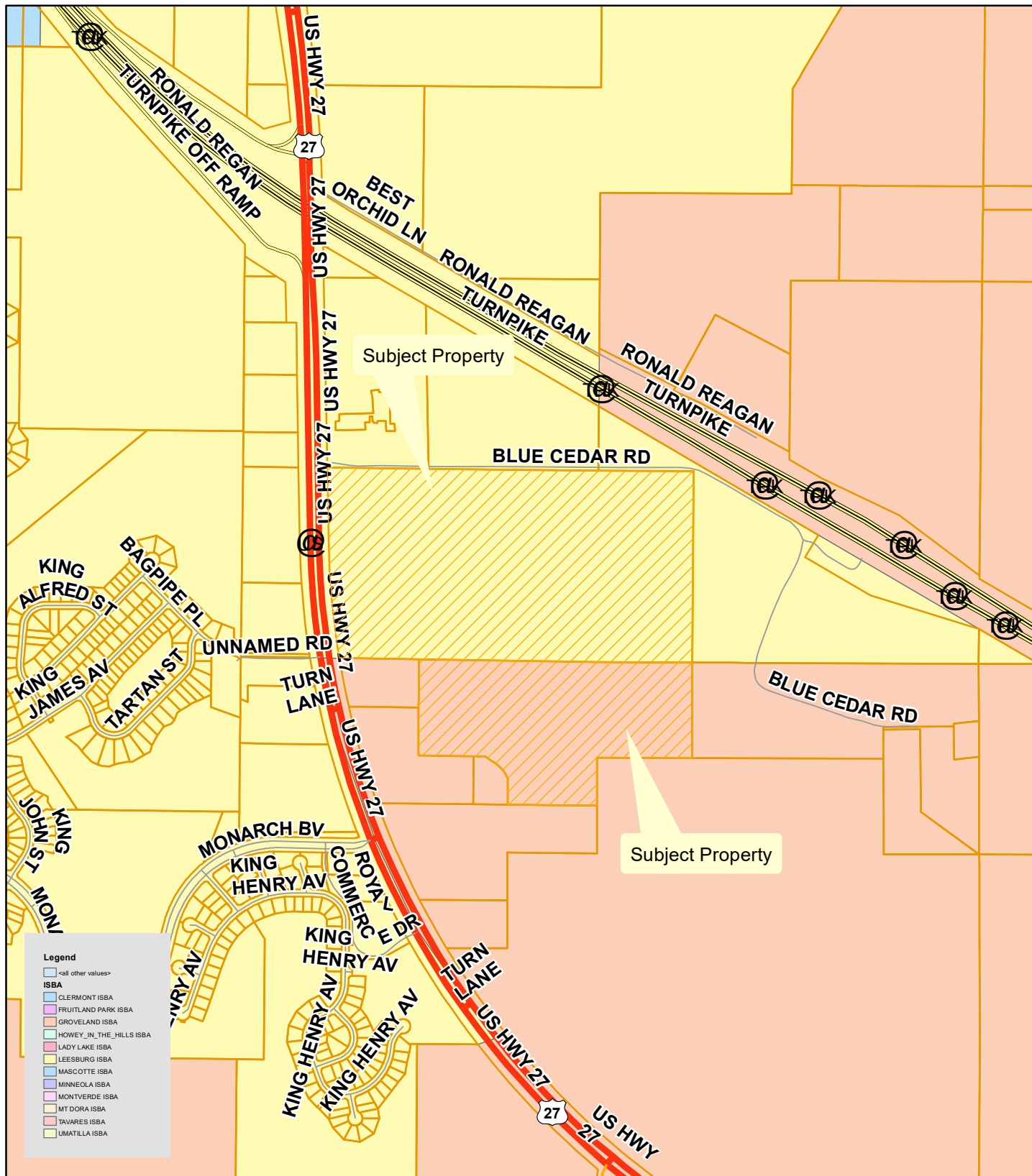
**Planning  
& Zoning  
Division**



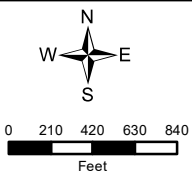
Blue Cedar Mixed Use  
Case Numbers: ANNX-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Interlocal Service Boundary Area



## Planning & Zoning Division



Blue Cedar - Blue Cedar Investments Inc.  
PROPOSED ANNX, LSCP, PUD  
AK#s: 3828496; 1082056  
Section 18, Township 21 South, Range 25 East  
June 8, 2022

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.B.3.

**Meeting Date:** January 23, 2023

**From:** Dan Miller, (Planning and Zoning Director)

**Subject:** An Ordinance amending the Future Land Use Map of the Comprehensive Plan of the City of Leesburg, changing the Future Land Use Map Designation of certain property containing 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar)

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### Staff Recommendation:

The Planning & Zoning Staff and the Planning Commission recommend approval of the proposed large-scale comp plan amendment of the City's Future Land Use Map on 109.63 +/- acres from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use.

### Analysis:

The project site is approximately 109.63 acres. The property is generally located east of U.S. Highway 27 and south of Florida's Turnpike. Currently, the property is undeveloped acreage. The proposed use is for mixed use residential, commercial, retail, office, and medical. The surrounding Future Land Use Map designations of Lake County Regional Office, Lake County Urban Low Density, and City of Leesburg General Commercial are compatible, as conditioned in the PUD zoning, with the proposed future land use designation of City Neighborhood Mixed Use. The proposed zoning designation of City PUD (Planned Unit Development) will provide for development that is consistent with the City's adopted Growth Management Plan and would allow an appropriate use for the property.

This property lies within the ISBA (Interlocal Service Boundary Area) agreement. This agreement, which was approved by City Commission on November 24, 2014, allows property within the ISBA area but outside the current city limits to be annexed and obtain City of Leesburg utility services. This request will be transmitted to the Florida Department of Economic Opportunity for review, per Chapter 163, Florida Statutes.

The Planning Commission held a public hearing on the application on December 15, 2022 and recommended approval.

### Procurement Analysis:



N/A

**Options:**

1. Approve the requested large-scale comprehensive plan amendment from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use; or
2. Other such action as the Commission may deem appropriate.

**Fiscal Impact:**

Future development of this site will create a substantial positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF LEESBURG, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING 109.63 +/- ACRES FROM LAKE COUNTY REGIONAL OFFICE TO CITY OF LEESBURG NEIGHBORHOOD MIXED USE, FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF FLORIDA'S TURNPIKE, LYING IN SECTIONS 07, AND 08, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (BLUE CEDAR)**

**WHEREAS**, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission, acting as the Local Planning Agenda, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

**WHEREAS**, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

**NOW, THEREFORE,**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that;**

**Section 1.**

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner;

The Future Land Use Map is amended by changing the designation of approximately 109.63 acres of land generally located east of U.S. Highway 27 and south of Florida's Turnpike from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use, as shown on the revised map of said area, lying in Section 05, Township 21 South, Range 25 East, Lake County Florida;

**Section 2.**

That this amendment is hereby transmitted to the Department of Economic Opportunity as required by the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes;

**Section 3.**

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed;

**Section 4.**

This ordinance shall become effective upon its passage and adoption, according to law.

**PASSED AND ADOPTED** by the City Commission of the City of Leesburg, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**THE CITY OF LEESBURG, FLORIDA**

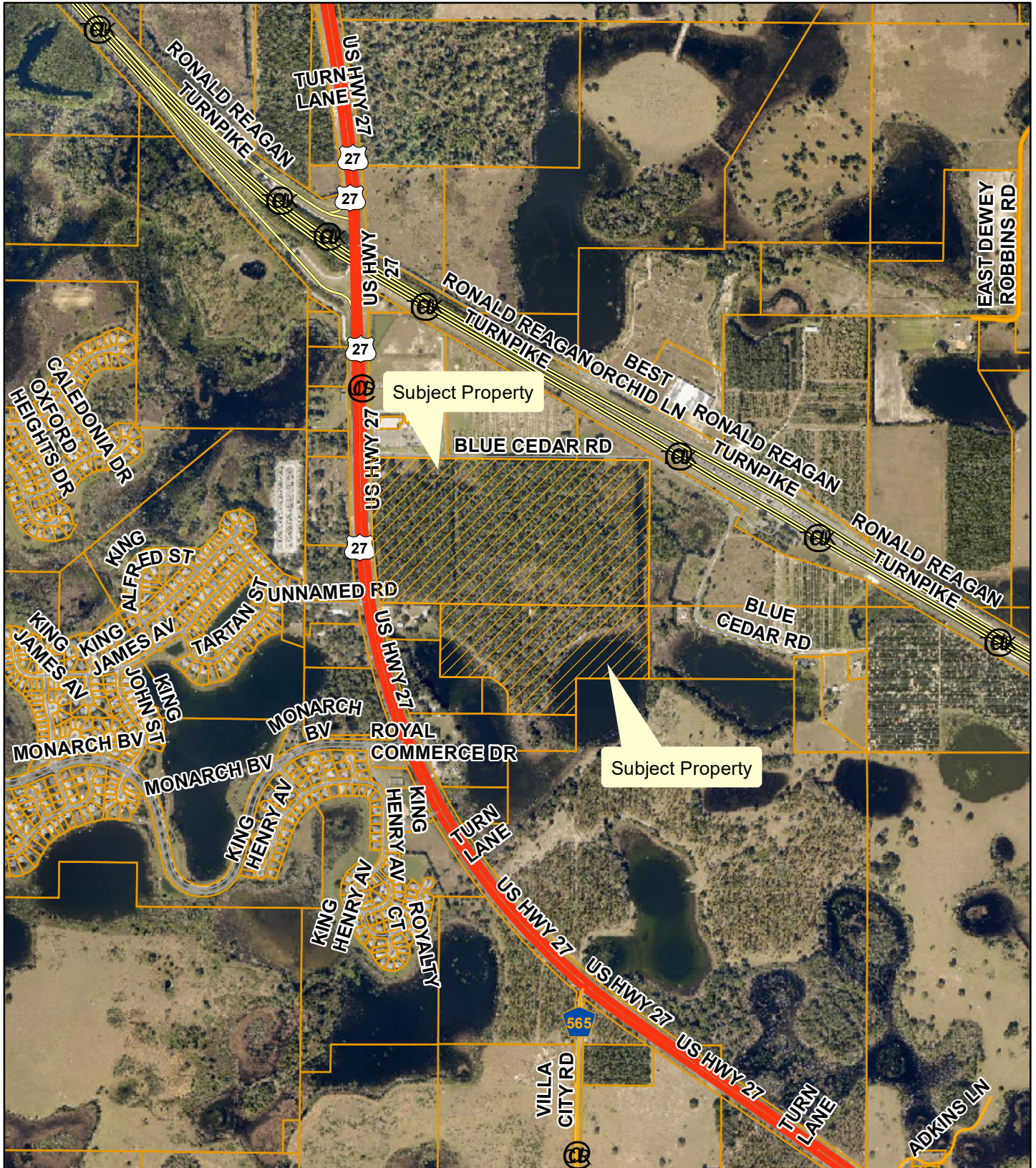
\_\_\_\_\_  
Mayor

ATTEST:

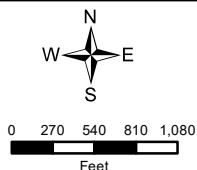
\_\_\_\_\_  
City Clerk



# Aerial



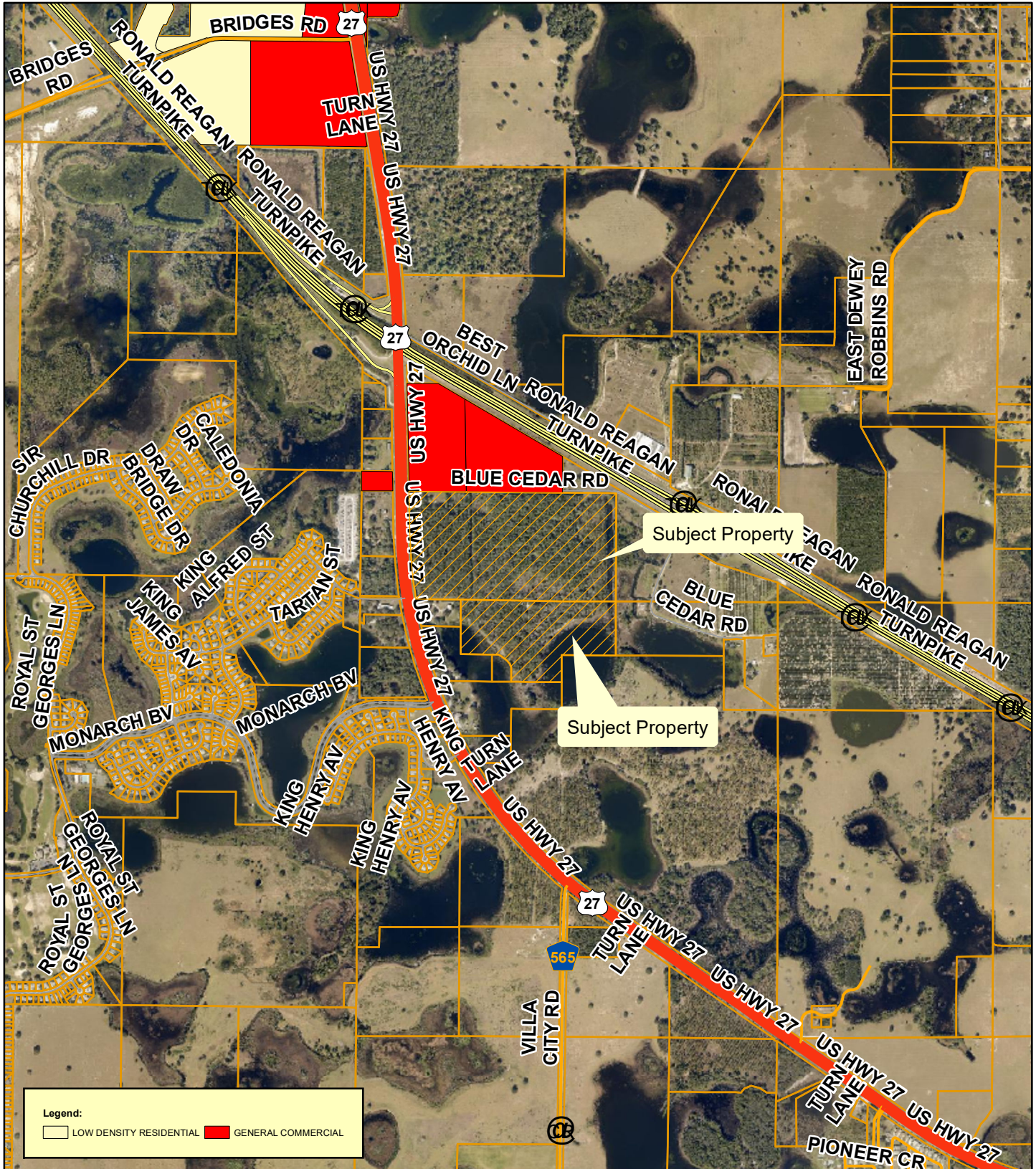
**Planning  
& Zoning  
Division**



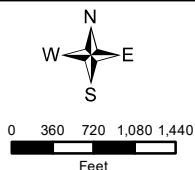
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Future Land Use



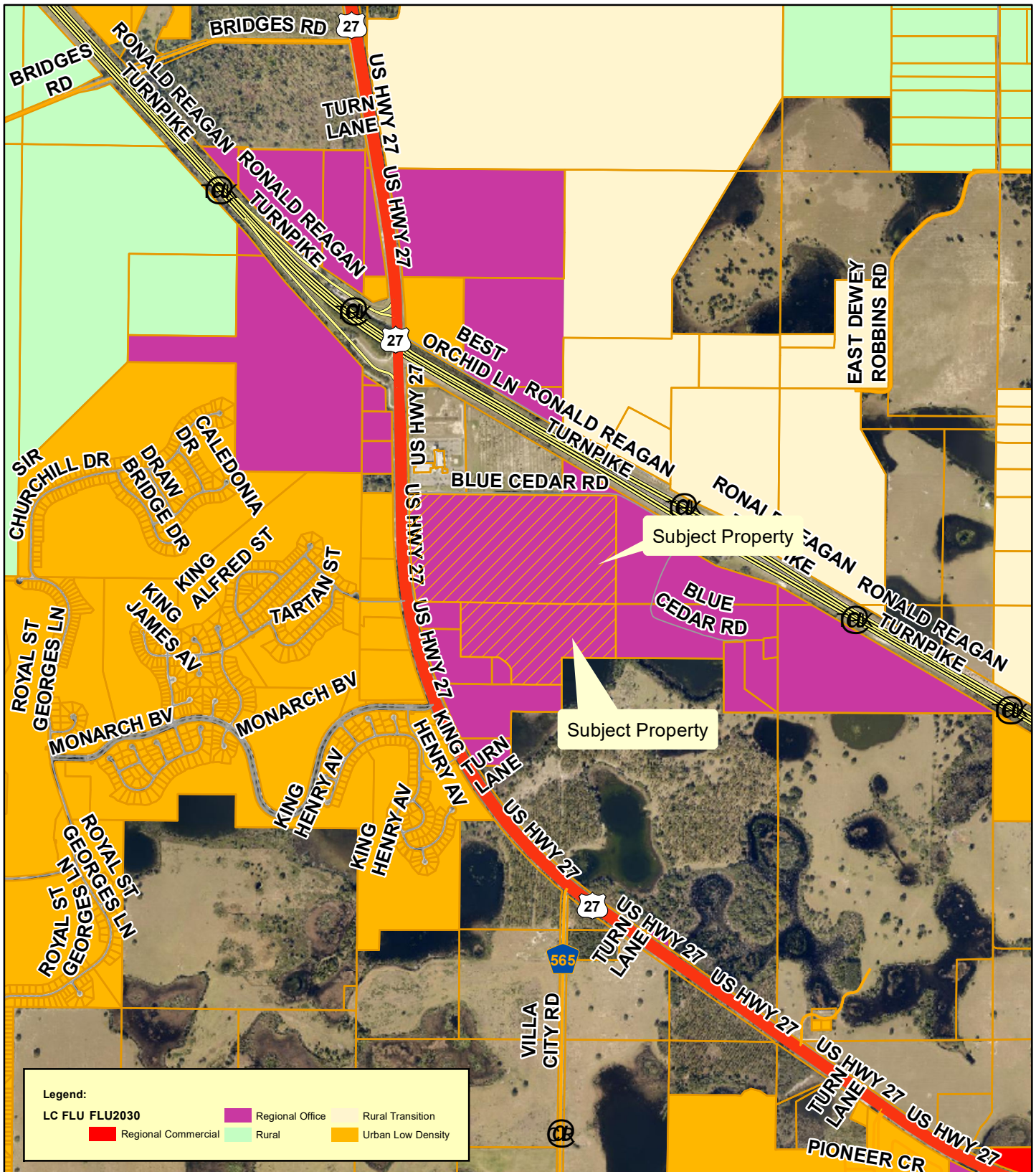
**Planning  
& Zoning  
Division**



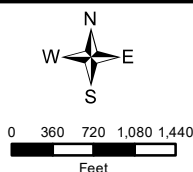
Blue Cedar Mixed Use  
Case Numbers: ANNX-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Lake County Future Land Use



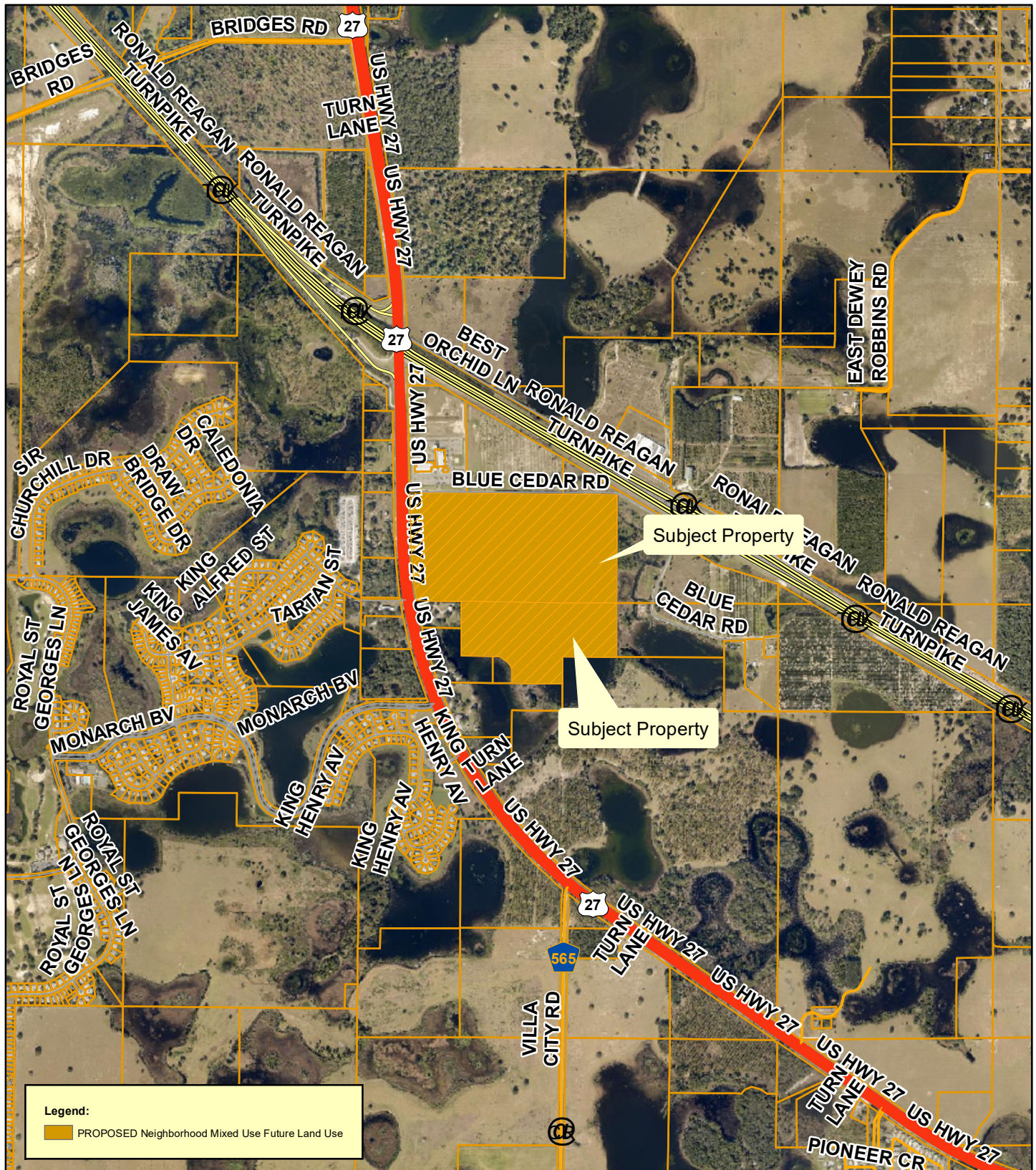
**Planning  
& Zoning  
Division**



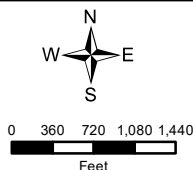
Blue Cedar Mixed Use  
 Case Numbers: ANNX-22-461, LSCP-22-462, PUD-22-463  
 AK #: 3828496, 1082056  
 Sections 07 and 18, Township 21 South, Range 25 East  
 September 23, 2022



# PROPOSED Future Land Use



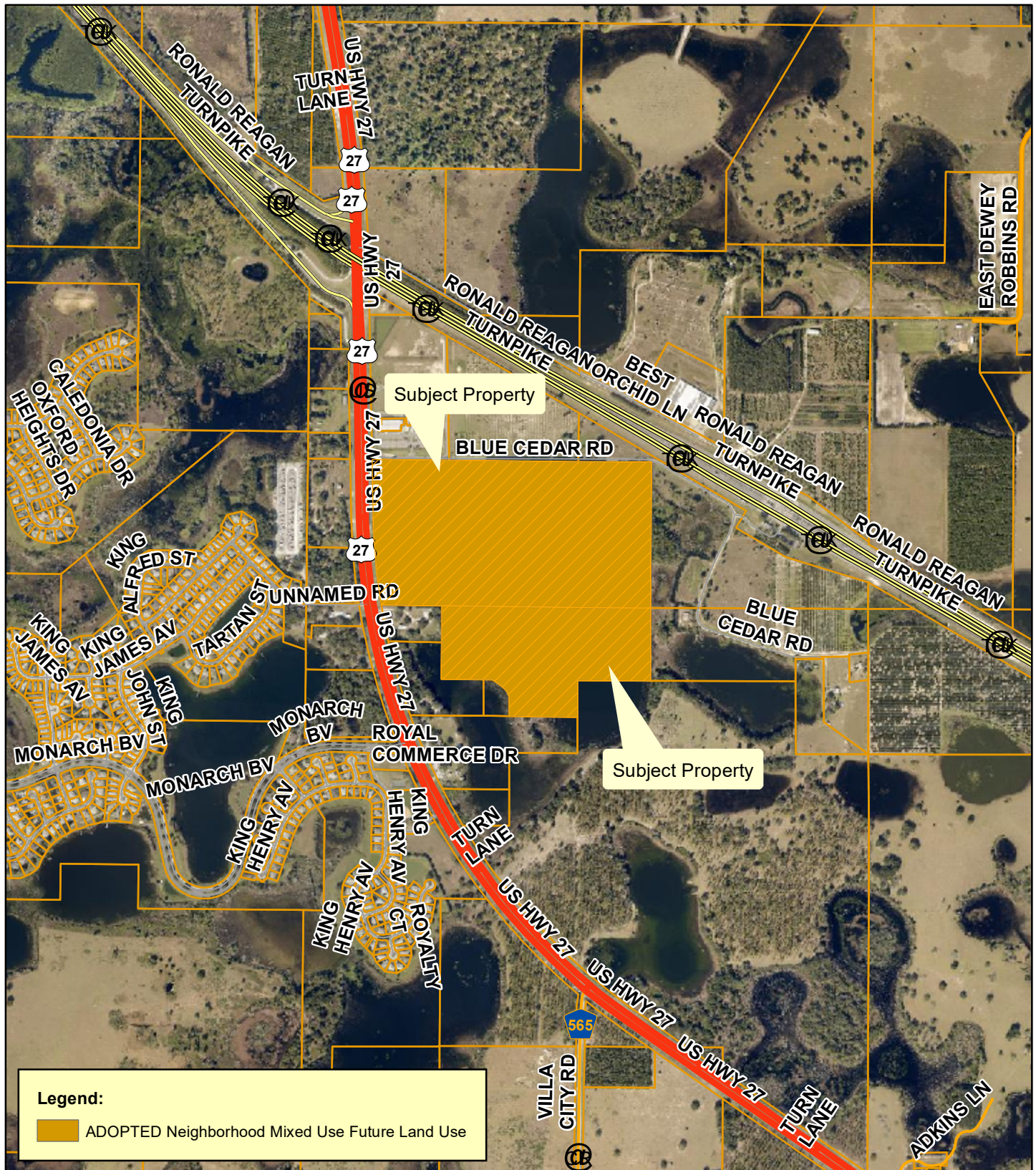
**Planning  
& Zoning  
Division**



Blue Cedar Mixed Use  
 Case Numbers: ANNX-22-461, LSCP-22-462, PUD-22-463  
 AK #: 3828496, 1082056  
 Sections 07 and 18, Township 21 South, Range 25 East  
 September 23, 2022



# ADOPTED Future Land Use

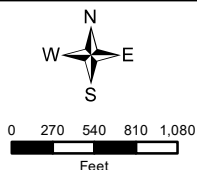


## Legend:

ADOPTED Neighborhood Mixed Use Future Land Use



**Planning  
& Zoning  
Division**



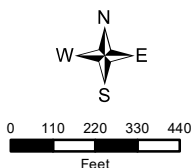
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Surrounding Existing Land Uses



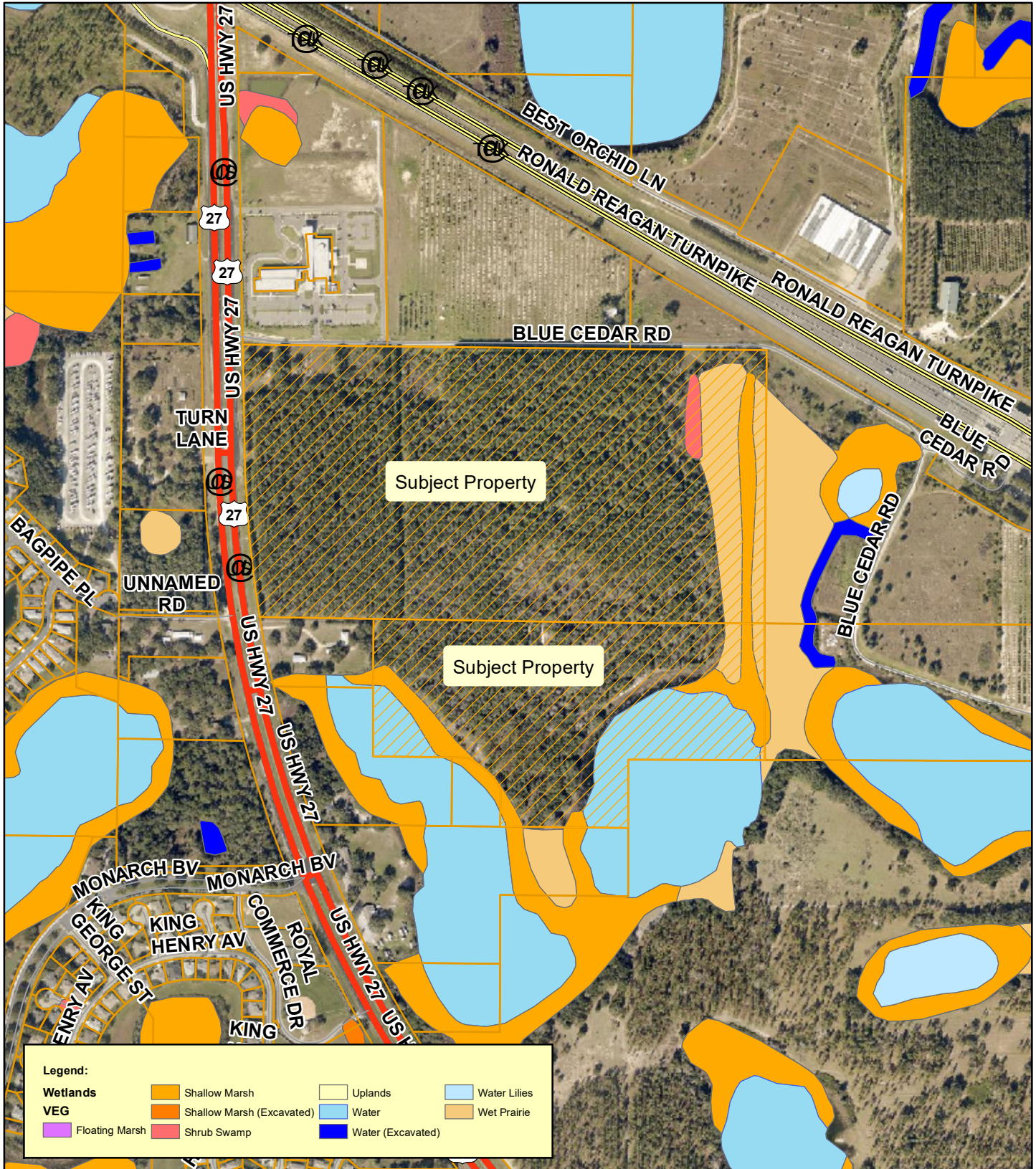
**Planning  
& Zoning  
Division**



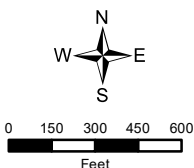
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Wetlands



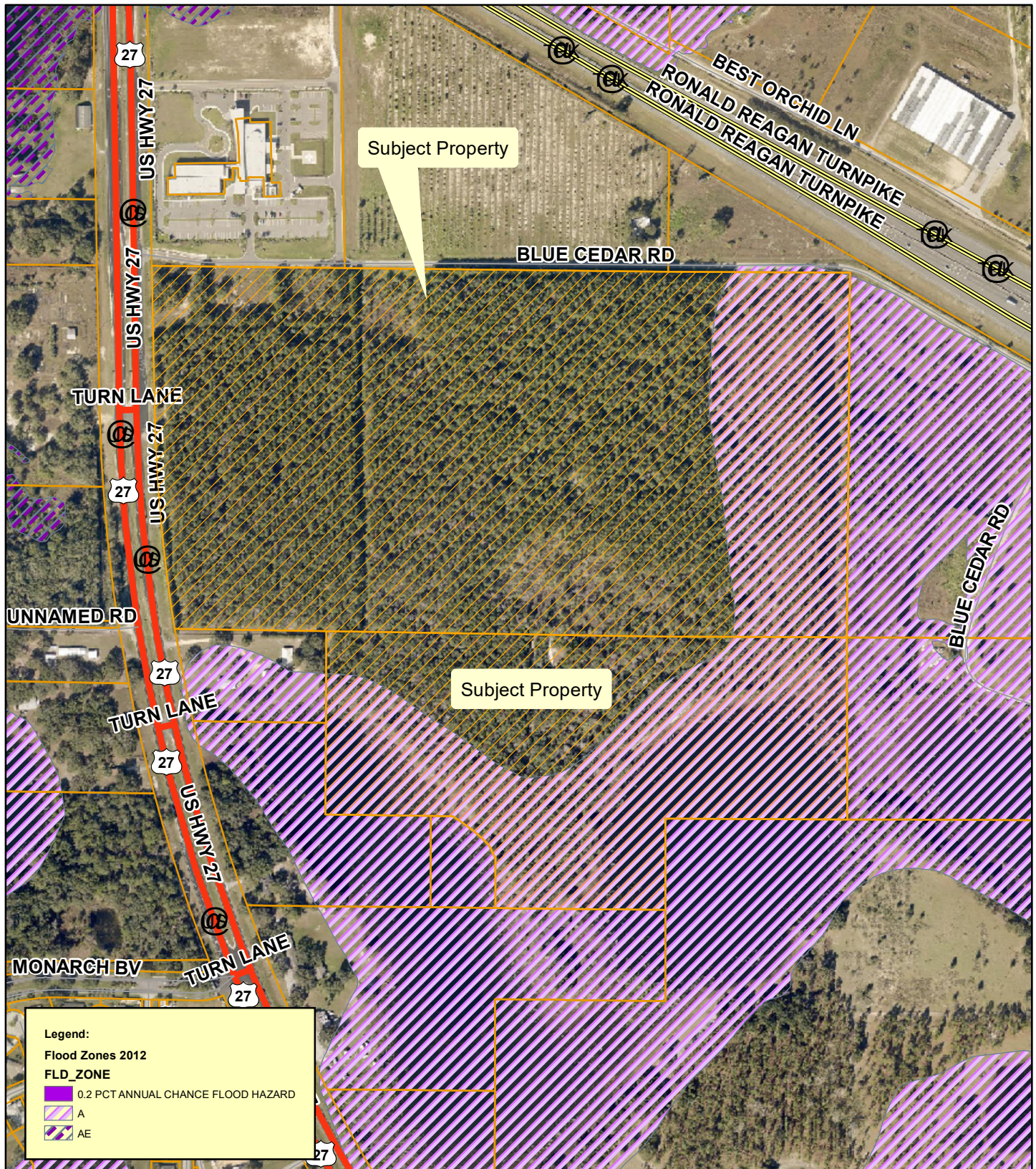
**Planning  
& Zoning  
Division**



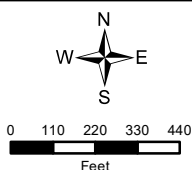
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Flood Zones



## Planning & Zoning Division



Blue Cedar Mixed Use  
Case Numbers: ANNX-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



**CITY OF LEESBURG PLANNING & ZONING DIVISION  
STAFF SUMMARY**

**DATE:** November 17, 2022

**OWNER:** Blue Cedar Investments

**PETITIONER:** Akerman LLP c/o Carolyn Haslam

**PROJECT:** Blue Cedar

**REQUEST:** Large Scale Comprehensive Plan Amendment to Neighborhood Mixed Use;  
Zoning to PUD (Planned Unit Development)

**CASE NO.:** LSCP 22-462; PUD-22-463

**GENERAL LOCATION:** The property is generally located east of US Highway 27 and south of Florida's Turnpike.

**FUTURE LAND USE DESIGNATION:** Lake County Regional Office

**SURROUNDING FUTURE LAND USE DESIGNATION:**

North – General Commercial  
South – Lake County Regional Park; Groveland ISBA  
East – Lake County Regional Park  
West – General Commercial; Lake County Regional Office; Lake County Urban Low Density

**PROPOSED FUTURE LAND USE DESIGNATION:** Neighborhood Mixed Use

**EXISTING ZONING DESIGNATION:** Lake County A (Agriculture)

**SURROUNDING ZONING DESIGNATIONS:**

North – PUD (Planned Unit Development); Lake County CP (Planned Commercial)  
South – Lake County C-1 (Neighborhood Commercial); Groveland ISBA  
East – Lake County CP (Planned Commercial)  
West – Lake County C-1 (Neighborhood Commercial); Lake County A (Agriculture)

**PROPOSED ZONING DESIGNATION:** PUD (Planned Unit Development)

**EXISTING LAND USE:** Vacant acreage

**SURROUNDING LAND USE:**

North – Hospital; Commercial (vacant); Agriculture (timber)  
South – Residential; Hotel / Motel; Agriculture (timber)  
East – Agriculture (Orange Grove; timber)  
West – Residential; Commercial (vacant)

**PROPOSED LAND USE:** Mixed use residential: single family attached and detached units, retail, office, medical uses





## CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

**DATE:** December 15, 2022  
**OWNER:** Blue Cedar Investments  
**PETITIONER:** Akerman LLP c/o Carolyn Haslam, Esquire  
**PROJECT:** Blue Cedar  
**REQUEST:** Large Scale Comprehensive Plan Amendment to Neighborhood Mixed Use  
**CASE NO.:** LSCP 22-462

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### THE PLANNING & ZONING DIVISION RECOMMENDS:

#### APPROVAL of the request **for the following reason(s):**

1. This project meets the requirements of Chapter 163.3184 Florida Statutes, for Large Scale Comprehensive Plan Amendments.
2. The proposed request, as conditioned in City of Leesburg case number PUD 22-463, is compatible with the adjacent future land use designations of City of Leesburg General Commercial and with Lake County Regional Office and Urban Low Density.
3. The proposed request, as conditioned in City of Leesburg Case number PUD 22-463, is compatible with the current surrounding zoning districts of City of Leesburg PUD (Planned Unit Development) and SPUD (Small Planned Unit Development) and with Lake County CP (Planned Commercial), C-1 (Neighborhood Commercial) and A (Agriculture).
4. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

#### **Action Requested:**

1. Vote to **approve** the Large-Scale Comprehensive Plan designation from Lake County Regional Office to City of Leesburg Neighborhood Mixed Use and forward the recommendation to the City Commission for consideration.

## Exhibit A

### **Blue Cedar Legal Description**

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOT 4, EAST OF US HIGHWAY 27, IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

AND

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 3/4 OF THE EAST 1/4 OF GOVERNMENT LOT 1 AND THE NORTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1 AND THE SOUTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1, LYING NORTH OF LAKE, ALL IN SECTION 18, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

# City of Leesburg Lake Front City

## Agenda Memorandum

**Item No:** 6.B.4.

**Meeting Date:** January 23, 2023

**From:** Dan Miller, (Planning and Zoning Director)

**Subject:** An Ordinance of the City of Leesburg, Florida, changing the zoning on approximately 109.63 +/- acres from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development for a property generally located east of U.S. Highway 27 and south of Florida's Turnpike, lying in Sections 07, and 08, Township 21 South, Range 25 East, Lake County, Florida; and providing an effective date. (Blue Cedar PUD)

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### Staff Recommendation:

Planning and Zoning Staff and Planning Commission recommend approval of the request to rezone the subject property from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) to allow for mixed use development.

### Analysis:

The project site is approximately 109.63 +/- acres, and is generally located east of U.S. Highway 27 and south of Florida's Turnpike as shown on the attached maps. At this time, the property is undeveloped acreage. The proposal will allow for mixed-use residential, commercial, retail, office, and medical. The existing land uses surrounding the property are hospital, timber, undeveloped acreage, residential, hotel/motel, orange groves, and vacant commercial. City of Leesburg utilities are available nearby.

The Planning Commission held a public hearing on the application on December 15, 2022 and recommended approval.

### Procurement Analysis:

N/A

### Options:

1. Approve the proposed rezoning to PUD (Planned Unit Development); or
2. Other such action as the Commission may deem appropriate.

### Fiscal Impact:

Future development of this site will create a substantial positive fiscal impact on the City of Leesburg, in the form of impact and utility fees, plus ad valorem taxes.





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, CHANGING THE ZONING ON APPROXIMATELY 109.63 +/- ACRES FROM LAKE COUNTY A (AGRICULTURE) TO CITY OF LEESBURG PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR MIXED USE DEVELOPMENT FOR A PROPERTY GENERALLY LOCATED EAST OF U.S. HIGHWAY 27 AND SOUTH OF FLORIDA'S TURNPIKE, LYING IN SECTIONS 07, AND 08, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (BLUE CEDAR PUD)**

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:**

**Section 1.**

Based upon the petition of Carolyn Haslam (Akerman, LLP, Petitioner) for Blue Cedar of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development), to-wit:

**(Legal Description)  
(See Exhibit A)**

**Section 2.**

This ordinance shall become effective upon its passage and adoption, according to law.

**PASSED AND ADOPTED** at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**THE CITY OF LEESBURG, FLORIDA**

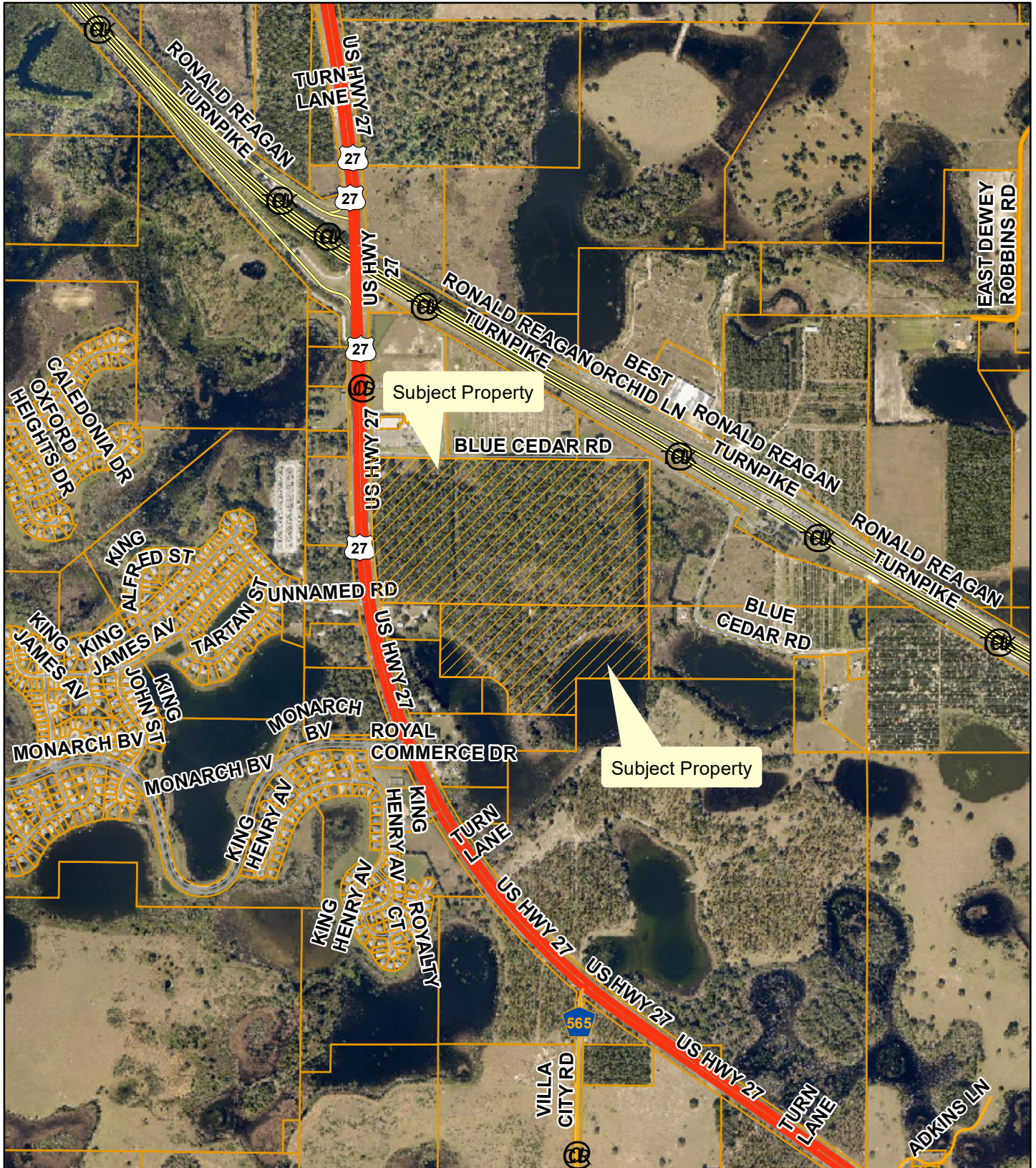
\_\_\_\_\_  
Mayor

ATTEST:

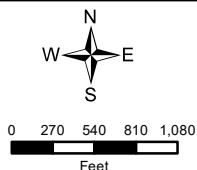
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City Clerk



# Aerial



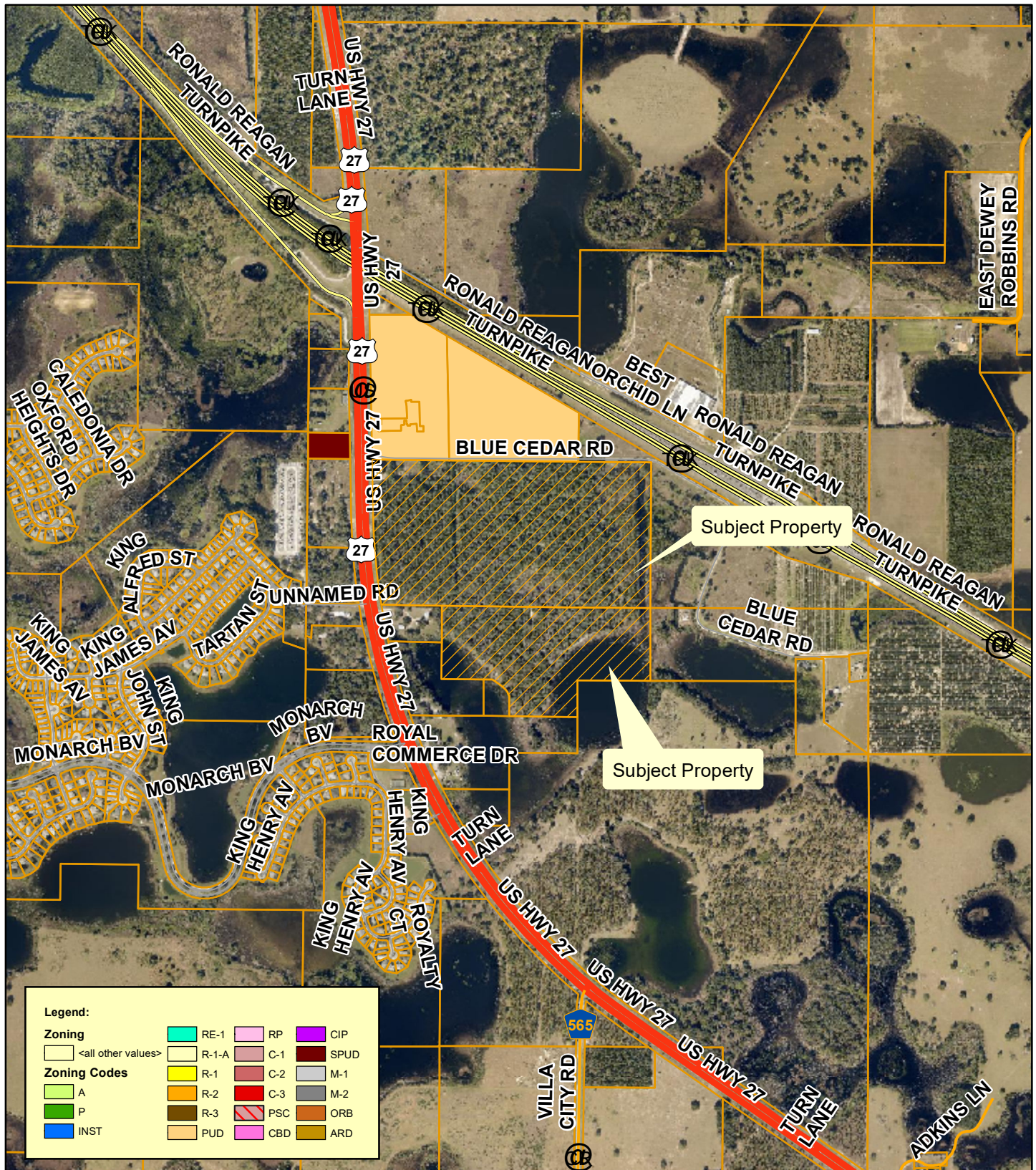
**Planning  
& Zoning  
Division**



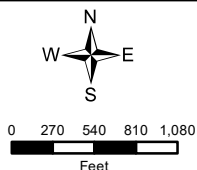
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Zoning



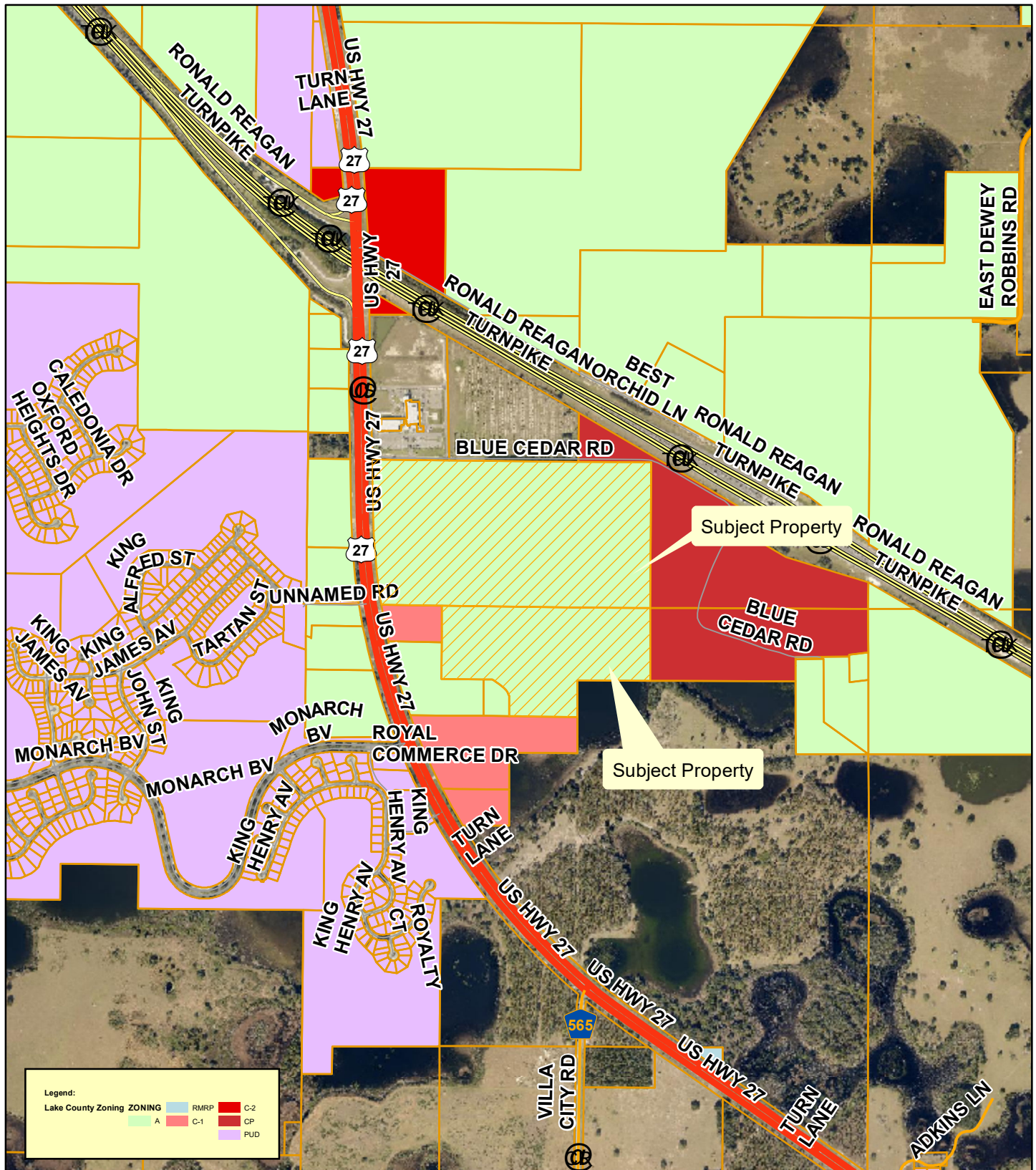
**Planning  
& Zoning  
Division**



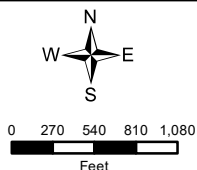
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AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Lake County Zoning



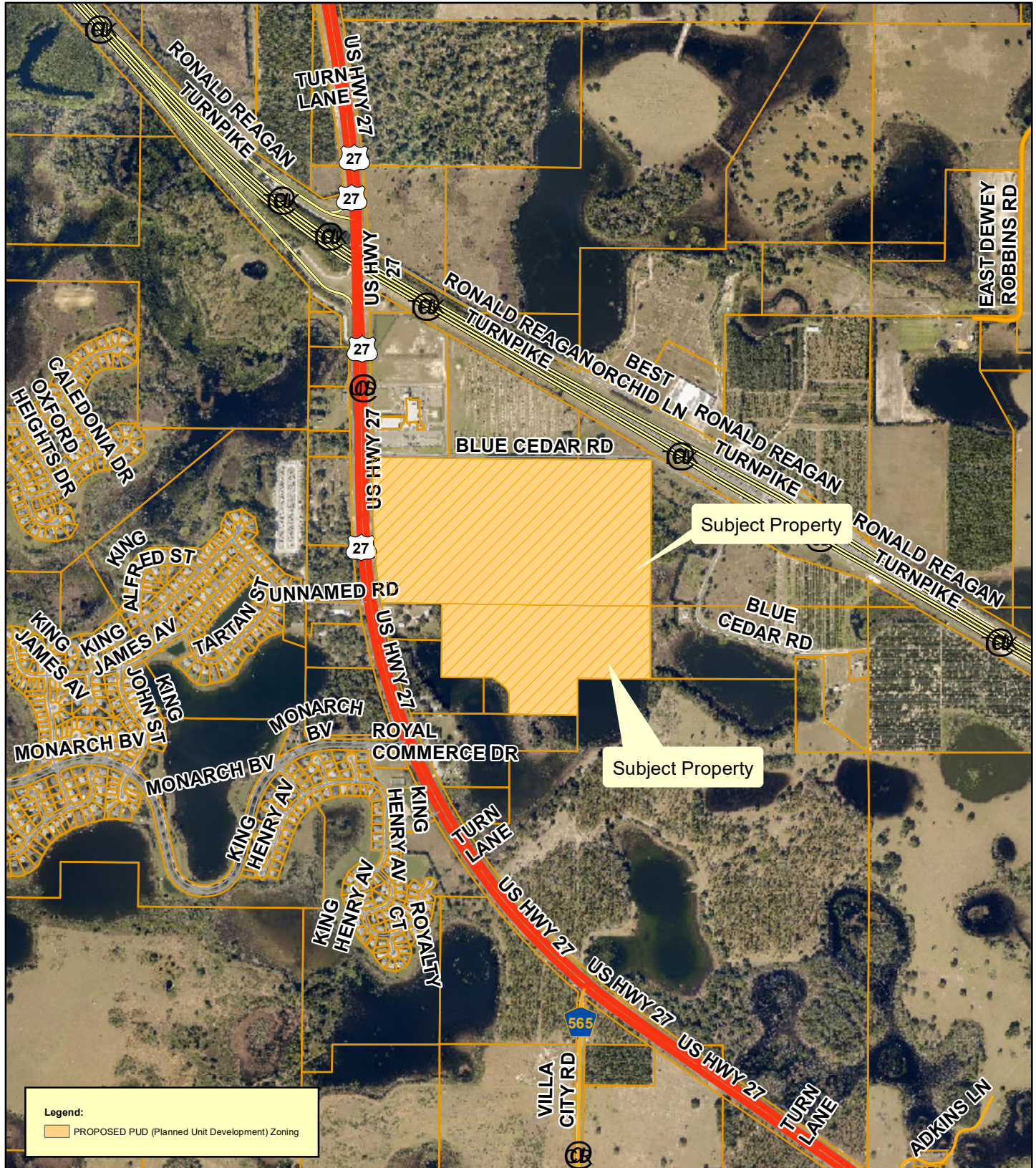
**Planning  
& Zoning  
Division**



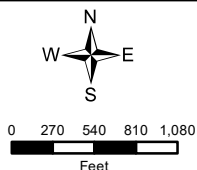
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# PROPOSED Zoning



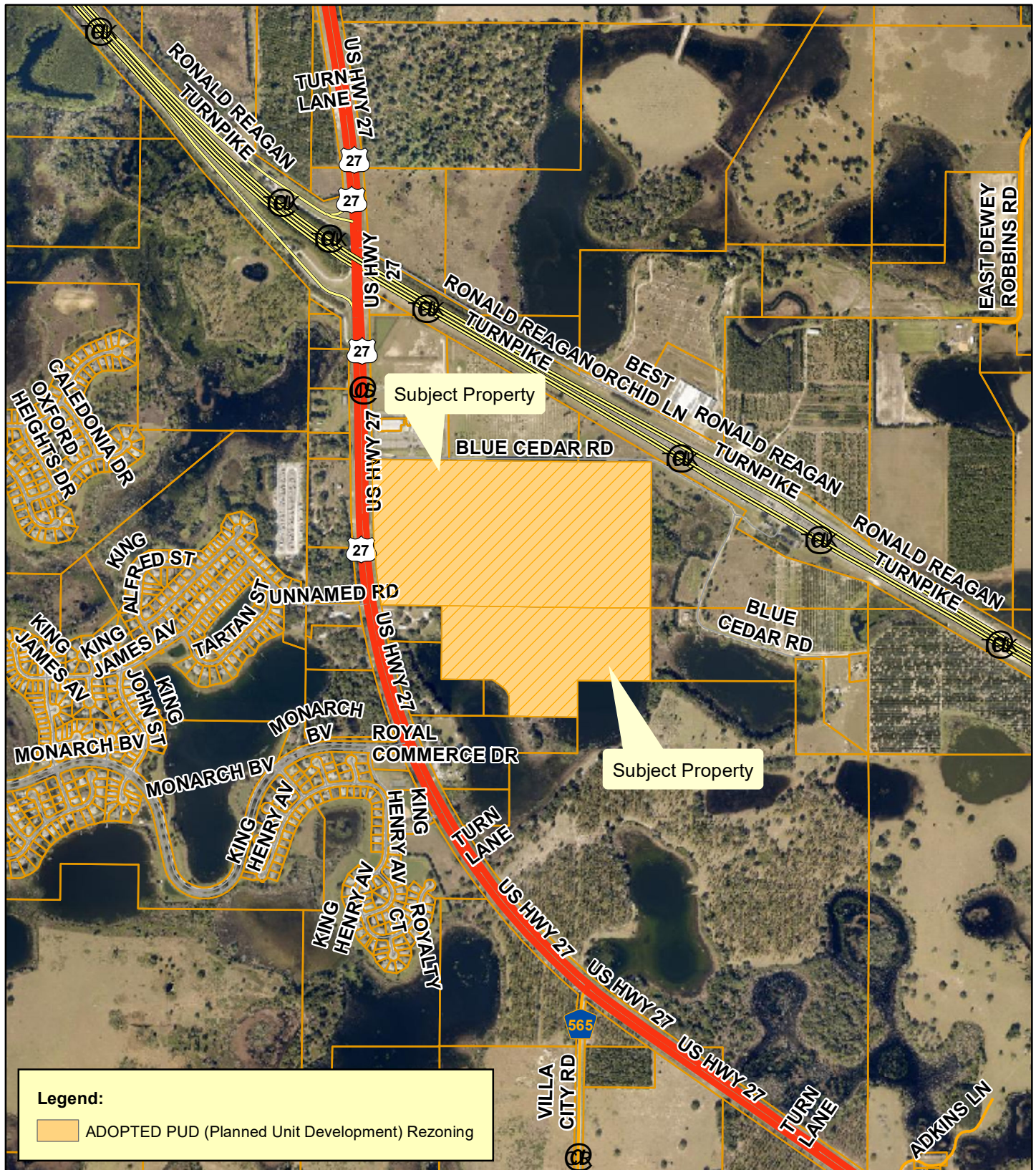
**Planning  
& Zoning  
Division**



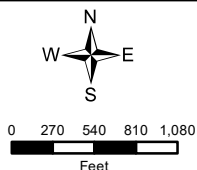
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# ADOPTED PUD (Planned Unit Development) Rezoning



**Planning  
& Zoning  
Division**



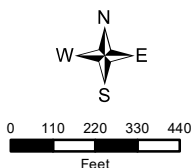
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 Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
 AK #: 3828496, 1082056  
 Sections 07 and 18, Township 21 South, Range 25 East  
 September 23, 2022



# Surrounding Existing Land Uses



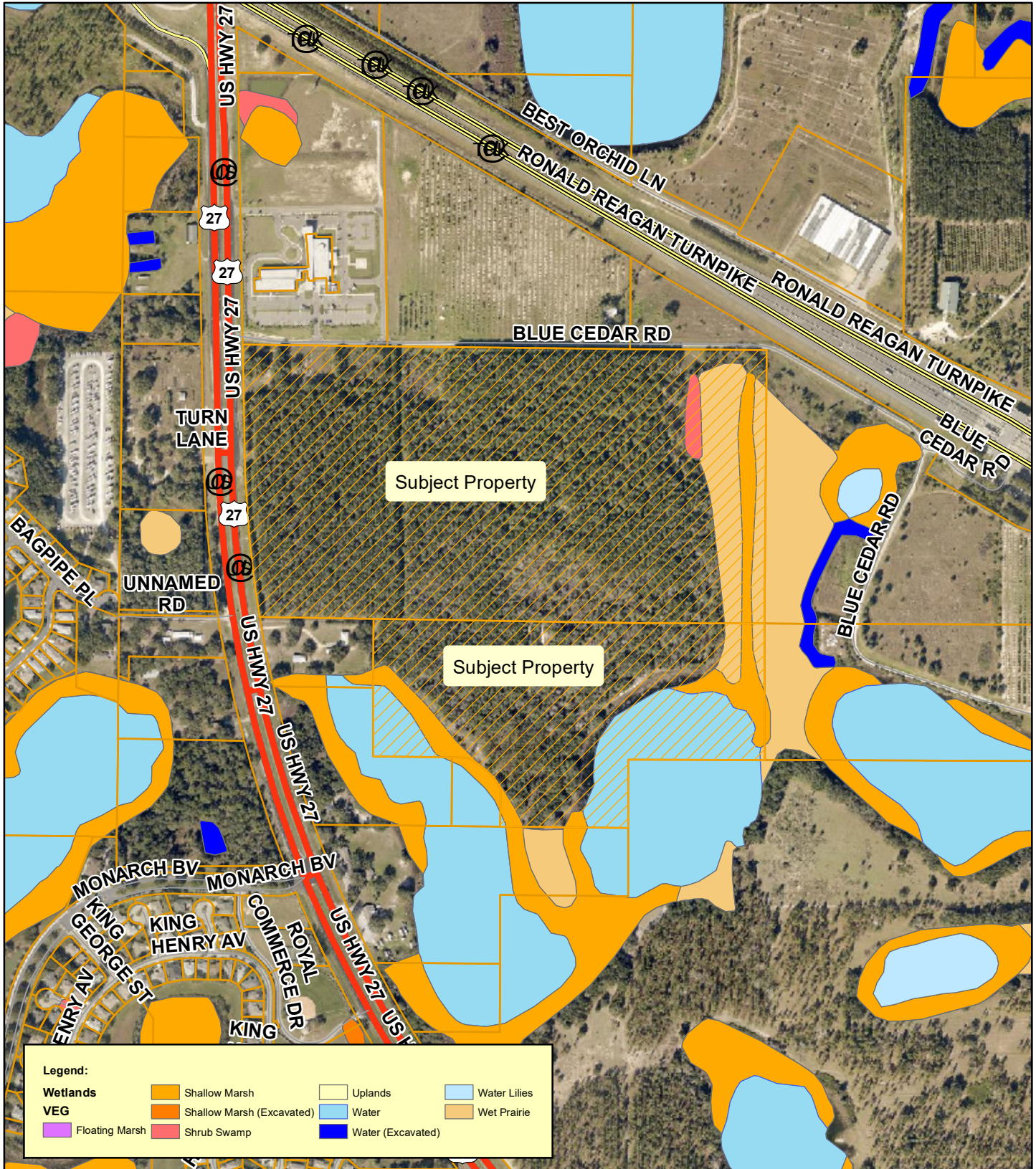
**Planning  
& Zoning  
Division**



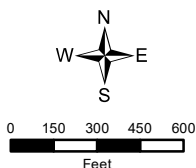
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Wetlands



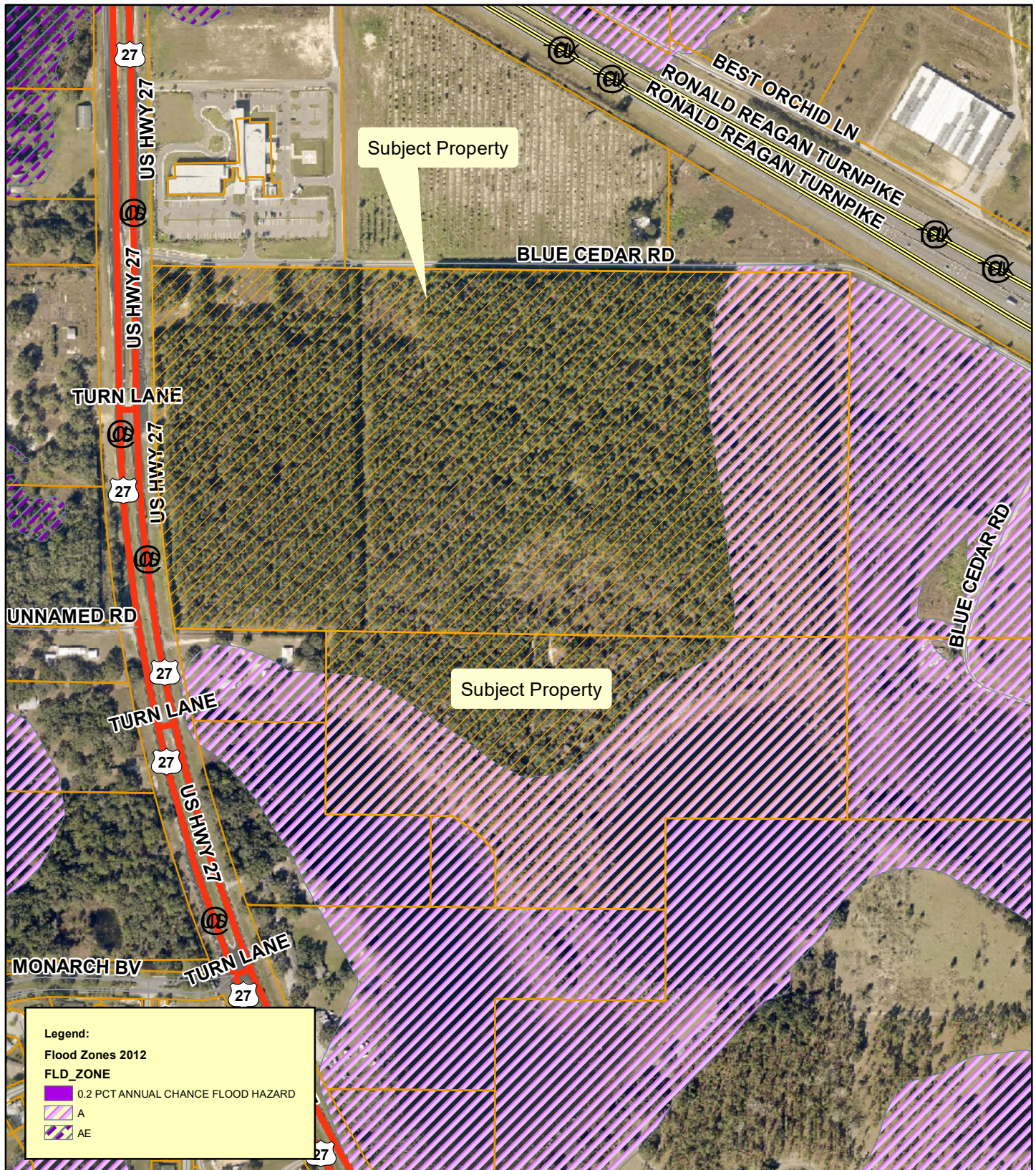
**Planning  
& Zoning  
Division**



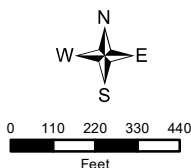
Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



# Flood Zones



**Planning  
& Zoning  
Division**



Blue Cedar Mixed Use  
Case Numbers: ANN-22-461, LSCP-22-462, PUD-22-463  
AK #: 3828496, 1082056  
Sections 07 and 18, Township 21 South, Range 25 East  
September 23, 2022



**CITY OF LEESBURG PLANNING & ZONING DIVISION  
STAFF SUMMARY**

**DATE:** November 17, 2022

**OWNER:** Blue Cedar Investments

**PETITIONER:** Akerman LLP c/o Carolyn Haslam

**PROJECT:** Blue Cedar

**REQUEST:** Large Scale Comprehensive Plan Amendment to Neighborhood Mixed Use;  
Zoning to PUD (Planned Unit Development)

**CASE NO.:** LSCP 22-462; PUD-22-463

**GENERAL LOCATION:** The property is generally located east of US Highway 27 and south of Florida's Turnpike.

**FUTURE LAND USE DESIGNATION:** Lake County Regional Office

**SURROUNDING FUTURE LAND USE DESIGNATION:**

North – General Commercial  
South – Lake County Regional Park; Groveland ISBA  
East – Lake County Regional Park  
West – General Commercial; Lake County Regional Office; Lake County Urban Low Density

**PROPOSED FUTURE LAND USE DESIGNATION:** Neighborhood Mixed Use

**EXISTING ZONING DESIGNATION:** Lake County A (Agriculture)

**SURROUNDING ZONING DESIGNATIONS:**

North – PUD (Planned Unit Development); Lake County CP (Planned Commercial)  
South – Lake County C-1 (Neighborhood Commercial); Groveland ISBA  
East – Lake County CP (Planned Commercial)  
West – Lake County C-1 (Neighborhood Commercial); Lake County A (Agriculture)

**PROPOSED ZONING DESIGNATION:** PUD (Planned Unit Development)

**EXISTING LAND USE:** Vacant acreage

**SURROUNDING LAND USE:**

North – Hospital; Commercial (vacant); Agriculture (timber)  
South – Residential; Hotel / Motel; Agriculture (timber)  
East – Agriculture (Orange Grove; timber)  
West – Residential; Commercial (vacant)

**PROPOSED LAND USE:** Mixed use residential: single family attached and detached units, retail, office, medical uses

**CITY OF LEESBURG PLANNING & ZONING DIVISION  
DEPARTMENTAL REVIEW SUMMARY**

**DATE:** October 28, 2022  
**OWNER:** Blue Cedar Investments  
**PETITIONER:** Akerman LLP c/o Carolyn Haslam, Esquire  
**PROJECT:** Blue Cedar  
**REQUEST:** Large Scale Comprehensive Plan Amendment to Neighborhood Mixed Use; Zoning to PUD (Planned Unit Development)  
**CASE NO.:** LSCP 22-462; PUD-22-463

**THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:**

**POLICE**

No comments received as of 11/11/22

**FIRE**

The Leesburg Fire Department has the following comments in reference to Case Number LSCP-22-462 & PUD-22-463:

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 Edition. The subject property referenced in Case Number LSCP-22-462 & PUD-22-463 is outside the recommended four-minute response time for initial responding fire apparatus. Amanda Stevenson 11/10/22

**4.1 Fire Department Organizational Statement.**

**4.1.2.1**

The fire department shall establish the following performance objectives for the first-due response zones that are identified by the AHJ:

- (1) Alarm handling time completion in accordance with 4.1.2.3
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response
- (3)\* 240 seconds or less travel time for the arrival of the first engine company at a fire suppression incident
- (4) 360 seconds or less travel time for the arrival of the second company with a minimum staffing of 4 personnel at a fire suppression incident
- (5) For other than high-rise, 480 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (6) For high-rise, 610 seconds or less travel time for the deployment of an initial full alarm assignment at a fire suppression incident
- (7) 240 seconds or less travel time for the arrival of a unit with first responder with automatic external defibrillator (AED) or higher-level capability at an emergency medical incident
- (8) 480 seconds or less travel time for the arrival of an advanced life support (ALS) unit at an emergency medical incident, where this service is provided by the fire department provided a first responder with an AED or basic life support (BLS) unit arrived in 240 seconds or less travel time

**ELECTRIC**

Electric has no objections since this outside our service territory. Steve Davis 10/31/22

**GAS**

Natural gas is available and directed per City Ordinance. Thank you, Brandon Smith 11/9/22

**GIS**

GIS has no comments. Tammy Magamoll 10/31/22

**BUILDING**

No comments received as of 11/11/22



## **PUBLIC WORKS**

Public Works has no issues with this item but would like to submit the following comment. “Public Works is in process of developing a strategy for the Southern Sewer shed. This PUD will be affected by that strategy and we will address it with the site engineers when appropriate.” Cliff Kelsey 10/31/22

## **ADDRESSING**

No comments received as of 11/11/22

## **ECONOMIC DEVELOPMENT**

No comments received as of 11/11/22

## **LAKE COUNTY PUBLIC WORKS**

This proposed development fronts both US 27 and Blue Cedar Rd. The development’s connection to US 27 will require permitting with Florida Department of Transportation. There is another connection shown onto Blue Cedar Rd which is not a county-maintained road. The road appears to be within the South Lake Hospital property, and I do not have any right-of-way on file for it. They may need to work with the Hospital and the Florida Turnpike on access from this road. It is recommended the development provide a traffic study following the Lake-Sumter MPO guidelines for traffic studies. There is a flood zone that crosses boundaries of Groveland, Leesburg, and Lake County. The development will need to provide a flood study with future development applications and provide a copy to all governmental agencies for review. Please let me know if you have any questions. Thanks Seth Lynch 11/7/22

## **LAKE COUNTY SCHOOLS**

The Blue Cedar residential project is subjected to school concurrency review. Please be aware that proportionate share mitigation may be required at time of submittal. Thanks, Helen LaValley 11/4/22

## **PUBLIC RESPONSES**

### **Approval**

1 approval

### **Disapproval**

none

### **No comment**

### **Notice of Appearance filed:**

## **PUBLIC COMMENTS (APPROVAL WITH REQUESTS)**

## **PUBLIC COMMENTS (DISAPPROVAL)**



## CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

**DATE:** December 15, 2022  
**OWNER:** Blue Cedar Investments  
**PETITIONER:** Akerman LLP c/o Carolyn Haslam, Esquire  
**PROJECT:** Blue Cedar  
**REQUEST:** Rezoning to PUD (Planned Unit Development)  
**CASE NO.:** PUD-22-463

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### THE PLANNING & ZONING DIVISION RECOMMENDS:

APPROVAL of the request **for the following reason(s):**

1. The proposed request as conditioned in City of Leesburg Case number PUD 22-463, is compatible with the current surrounding zoning districts of City of Leesburg PUD (Planned Unit Development); City of Leesburg SPUD (Small Planned Unit Development) and Lake CP (Planned Commercial); Lake County C-1 (Neighborhood Commercial) and Lake County A (Agriculture).
2. The proposed request, as conditioned in City of Leesburg case number PUD 22-463, is compatible with the adjacent future land use designations of City of Leesburg General Commercial and Lake County Regional Office and Urban Low Density.
3. The proposed future land use designation for the site is consistent with the City's Growth Management Plan, Future Land Use Element, Goal I, Objective 1.6.

### Action Requested:

1. Vote to **approve** the rezoning from Lake County A (Agriculture) to City of Leesburg PUD (Planned Unit Development) and forward the recommendation to the City Commission for consideration.



**BLUE CEDAR**  
**PUD (PLANNED UNIT DEVELOPMENT CONDITIONS)**  
**December 15, 2022**

These Planned Unit Development Conditions for a PUD (Planned Unit Development) zoning district are granted by the City of Leesburg Planning Commission, Lake County, Florida to **Blue Cedar Investments, LLC, 912 Pennsylvania Avenue, Winter Park, Florida 32789 (Akermann, LLP, Carolyn Haslam, 420 South Orange Avenue, Suite 1200, Orlando, Florida 32801 - Agent)** for the purposes described herein, and subject to the terms and conditions as set forth in this document, pursuant to authority contained in Chapter 25 “Zoning”, Section 25-278 “Planned Unit Development” of the City of Leesburg Code of Ordinances, as amended.

**BACKGROUND**

The "Permittee" is requesting a Planned Unit Development (PUD) zoning district to allow future construction of a proposed mixed-use development consisting of approximately 109.63 acres, containing a maximum of 307 residential units, and 9.7+/- acres of institutional uses, generally located east of U.S. Highway 27 and south of South of the Florida Turnpike on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

**PURPOSE**

The purpose of this document is to provide appropriate zoning standards for a high-quality built environment through the application of flexible and diversified land development requirements, which shall be implemented in conjunction with a master site development plan and the City of Leesburg Code of Ordinances, therefore allowing for more efficient and optimal use of the subject property, and to increase the overall economic opportunity and employment base of Leesburg, Florida.

**CONDITIONS**

The following conditions shall apply to the development proposed herein. If any instance where the conditions of this document may conflict with the City of Leesburg Code of Ordinances, this document shall prevail as the determining requirement.

1. **PERMISSION** is hereby granted to **Blue Cedar Investments, LLC, 912 Pennsylvania Avenue, Winter Park, Florida 32789 (Akermann, LLP, Carolyn Haslam, 420 South Orange Avenue, Suite 1200, Orlando, Florida 32801 - Agent)** to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg, in accordance with the requirements set forth herein. The property is more particularly described below.
2. **LEGAL DESCRIPTION**  
See attached **Exhibit B, Legal Description**.

### **3. LAND USE**

The above-described property, containing approximately 109 acres, shall be used for platted residential, plus commercial and institutional development, pursuant to City of Leesburg development codes and standards, and shall occupy the areas shown on Attachment C, Conceptual Site Plan, subject to the conditions of this document.

#### **A. Permitted Uses – Residential Areas (approx. 100 acres)**

1. Detached single family residential units
2. Townhouses
3. Accessory structures for residential uses
4. Sales office in a single-family unit
5. Accessory retail within a recreation center or clubhouse, intended for the primary use of residents, such as a snack bar
6. Temporary modular sales center office (during construction and sales of new units) not to exceed one year, and construction office not to exceed two years from the approval of the final plat of the final phase for the subdivision. Model homes may be used as sales centers during the duration of the project.

#### **B. Permitted Uses – Commercial Areas (approx. 9.8 acres)**

1. Permitted uses within the Commercial areas shall follow the C-3 (Highway Commercial) zoning district requirements, as amended, subject to the conditions of this document.
2. Temporary modular sales center and construction office during construction phase of the commercial pod.

#### **C. Permitted Uses - Institutional Areas**

1. Public, Private or Charter Schools
2. Churches and Synagogues
3. Parks and Open Space
4. Government offices (administrative, fire, police, etc)
5. Utilities
6. Retention areas

#### **D. Prohibited Uses – All areas**

1. Multi-family units (Apartments)
2. Duplexes/Triplexes
3. Industrial uses
4. Auto dealer/auto repair
5. Tattoo Parlors
6. Check cashing stores
7. Adult uses
8. Second hand (thrift) stores
9. Consignment shops
10. Pawn shops
11. Smoke shops
12. Junk or scrap collection/distribution



13. Recycling facility
14. All other uses not specifically permitted within these conditions under Permitted Uses above shall be prohibited.

#### 4. DEVELOPMENT STANDARDS -Residential

- A. The project shall contain a maximum of 307 residential units, at a gross density not to exceed 2.8 units per acre on the approximately 109.63-acre site, as shown on Exhibit C, Conceptual Development Plan, and noted below in Tables 1 & 2.

**Table 1: Residential Lots by Size**

| Residential Style       | Lot Size | Number of Units |
|-------------------------|----------|-----------------|
| SF attached (Townhouse) | 22 x 110 | 118             |
| Single family detached  | 50 x 110 | 141             |
| Single family detached  | 55 x 110 | 48              |
| <b>TOTAL</b>            |          | <b>307</b>      |

**Table 2 Lot Development Standards (Residential)**

| Standard                    | Townhouse | SF 50 | SF 55' |
|-----------------------------|-----------|-------|--------|
| Min. Lot Width              | 22        | 50    | 55     |
| Min. Lot Depth              | 110       | 110   | 110    |
| Min >lot Size               | 2420      | 5500  | 6050   |
| Min. sf under roof          | 1500      | 1600  | 1700   |
| Max building height         | 35        | 35    | 35     |
| Setbacks                    |           |       |        |
| Front - principal structure | 25        | 25    | 25     |
| Front – porch only          | 20        | 20    | 20     |
| Side - internal lots        | 0         | 5     | 5      |
| Side- corner lots           | 15        | 15    | 15     |
| Rear                        | 18        | 18    | 18     |
| Accessory structure         | 5         | 5     | 5      |
| (side & rear)               |           |       |        |

- B. A mix of lot sizes is permitted to the extent that all lots are equal to or larger than the required minimums.
- C. Along each street, homes with the same architectural design shall not be immediately adjacent (side by side) or directly across from a lot with the same design. Facades may be varied to meet this requirement. The maximum impervious surface for the overall project shall be 65%. Individual residential lots shall have a

maximum impervious surface of 70% for each lot. Community and private swimming pools shall not count toward the impervious surface calculation.

- D. For residential units, the minimum lot development standards shall be as follows:
1. Each single-family detached residential unit shall have a minimum two car garage; each single-family attached unit (townhouses) shall have a minimum one car garage.
  2. To direct stormwater away from the foundation of each home, the following requirements for rain gutters shall apply to all primary structures on lots with a side yard setback of five (5) feet or less.
    - a. Homes with a hip roof shall have gutters on all sides of the structure.
    - b. Homes with any other style of roof, other than a hip roof, shall have gutters required only on the sides of the structure.
  3. Minimum distance between structures shall be as noted Table 2 *Lot Development Standards* contained herein; as measured from building wall to building wall.
  4. Roof overhang shall not exceed forty (40) percent of the distance between the building wall and the property line.
  5. Maximum building height: two (2) stories or 35 feet.
  6. Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.
  7. Attached screened enclosures (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line. Attached swimming pool screened enclosure shall also maintain a minimum setback of five (5) feet from the side or rear property lines.
  8. Solid roof structures attached to the residence must meet the required rear setback as noted under “Minimum building setbacks.”
  9. As part of the site plan approval process, city staff shall review final site design standards in accordance with the approved PUD (Planned Unit Development) zoning conditions set forth herein.

**5. DEVELOPMENT STANDARDS - Commercial**

- A. General - The project shall contain a maximum of 100,000 square feet of commercial, uses on approximately 9.82 acres of land within the project, as shown on **Exhibit C, Conceptual Development Plan**. The location of institutional uses may vary within the project may be adjusted to create adequate access.
- B. Development standards for commercial properties shall be as shown on the Conceptual Site Plan Exhibit C, and as follows:



**Table 3 – Lot Development Standards, Commercial**

| <b>Commercial Parcel Development Standards</b> |           |
|------------------------------------------------|-----------|
| Lot Standards                                  |           |
| Min. Lot Width                                 | TBD       |
| Min. Lot Depth                                 | TBD       |
| Min. Lot Size                                  | 20,000 sf |
| Max building height                            | 5 stories |
| <b><i>Setbacks</i></b>                         |           |
| Front*                                         | 30        |
| Side - internal lots                           | 0*        |
| Side- corner lots                              | 15        |
| Rear                                           | 15        |

TBD = to be determined at site plan review

\* = firewall required

**6. ARCHITECTURAL STANDARDS (Residential)**

- A. All residential buildings shall utilize at least five (5) of the following design features to provide visual relief along all elevations of the single-family units. Designs may vary throughout the development.
1. Dormers
  2. Gables
  3. Recessed or raised entries
  4. Covered porch entries
  5. Cupolas
  6. Pillars or decorative posts
  7. Bay window (minimum 12-inch projections)
  8. Eaves (minimum 6-inch projections)
  9. Front windows with arched glass tops and minimum 4-inch trim.
  10. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc.
  11. Front doors shall incorporate the following decorative elements: raised decorative panels, decorative glass panels or panes, decorative handles, etc.
  12. Stone accents
  13. Shutters
  14. Board and batten siding
  15. Hardy board siding
  16. Raised banding
  17. Craftsman style garage doors
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. These materials shall be well designed and integrated into a

comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:

1. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
  2. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).
  3. All textured stucco shall be permitted subject to the provision of at least five (5) unique design features such as recessed garages, tile or metal roofs, arched windows, porches, etc. in the elevations of the buildings or the buildings are all brick stucco.
  4. For all designs, architectural facades and features shall be submitted and reviewed by the Planning and Zoning Manager or designee for compliance prior at time of site plan review.
- C. Other similar design variations meeting the intent of this section may be approved by the Planning and Zoning Manager or designee.
- D. The architectural styles and facades shown in **Exhibit D, Façade Samples** herein are considered conceptual. Architectural facades shall be submitted to staff to review for consistency with the conditions of this PUD agreement.
- E. The Permittee shall utilize “Dark Sky” lighting principles when selecting lighting fixtures for all street lighting. Such lighting shall achieve the overall effect of containing and shielding excessive light pollution from adjacent properties. Appropriate designs are shown on as **Exhibit E**, attached hereto.

## 7. **ARCHITECTURAL STANDARDS, Non-Residential**

- A. The City of Leesburg, under Ordinance 16-35, adopted Commercial Architectural Standards, now codified under Section 25-360, City of Leesburg Code of Ordinances. This section shall be required for all non-residential construction for the subject property.
- B. All commercial development shall follow the C-3 (Highway Commercial) development standards except as amended herein.
- C. Impervious surface coverage for Commercial parcel and the Institutional parcel shall be calculated separately for each parcel, and shall not exceed eighty percent (80%) as calculated for each parcel.
- D. A minimum of twenty (20) percent of the site within the commercial, government/institutional areas shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.



- E. Commercial structures shall have a maximum height of four (4) stories/50 feet.
- F. With the exception of building height and setbacks, spatial requirements set forth herein for non-residential structures shall be deemed satisfied provided as-built measurements do not deviate from such requirement by more than five (5) percent.
- G. The Permittee shall utilize “Dark Sky” lighting principles when selecting lighting fixtures for all street lighting. Such lighting shall achieve the overall effect of containing and shielding excessive light pollution from adjacent properties. Appropriate designs are shown on as Exhibit E, attached hereto.

## **8. PARKING**

### **A. General**

- 1. The permittee shall have off-street parking spaces within all areas of the property per an approved site plan pursuant to the City of Leesburg Code of Ordinances. Nonresidential development shall include the required number of handicapped parking spaces.
- 2. The location and design of the proposed parking areas will be reviewed during the site plan review process to provide for adequate parking, which may limit the permitted uses of the site.

### **B. Commercial/Institutional**

- 1. All parking aisles shall contain landscape islands located at the end of each aisle and at intervals of one each ten (10) spaces in parking aisles. In commercial and institutional areas, each landscape island shall be at least 200 square feet, and contain at a minimum, one canopy or understory tree, plus shrubs and groundcover.

## **9. OPEN SPACE, LANDSCAPING & BUFFER REQUIREMENTS**

- A. A minimum of 35% open space shall be provided throughout the development. Open space may consist of buffers, wetlands, retention and recreation areas.
- B. A master landscape plan shall be submitted for review by City staff for all landscaping, buffer and boundary areas, parking lots, access roads, entry ways and new construction. This plan shall be reviewed for consistency with this PUD document and the Conceptual Site Plan (**Exhibit C**) and City of Leesburg landscape code requirements.
- C. All landscaped areas shall be designed to meet Section 25-337, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.
- D. A minimum twenty-five (25) foot buffer tract with plantings as shown in Figure A below, shall be provided along the entire residential boundary of the property, and shall be constructed simultaneously with each phase of development. All landscape buffers shall be separate tracts, shall not consist of, nor be part of individually platted lots. Such buffers shall be common areas, and shall be maintained by an entity such as a Property Owners or Homeowners Association.

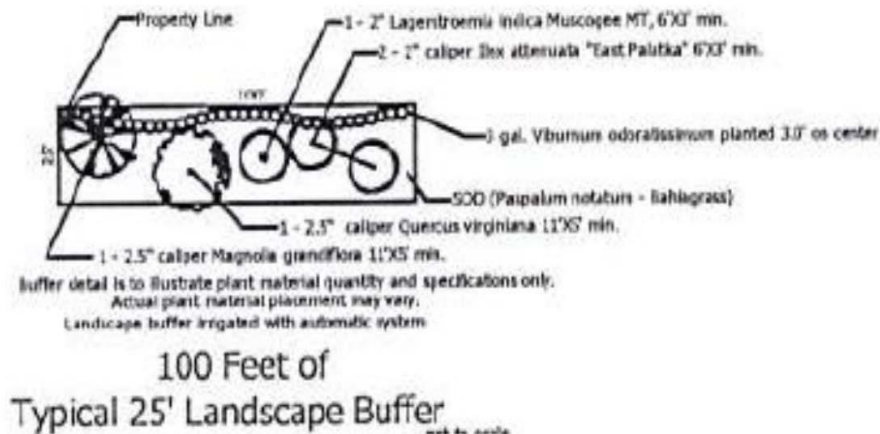
- E. An open style fence (of wood or synthetic construction) or a landscaped berm shall be installed on the property along Blue Cedar Road along the northern boundary of the site. This fence and/or berm shall be installed at a minimum height of four (4) feet. Said fence shall be maintained by the Property Owners of Homeowners Association. Maintenance of fences located within buffer or common areas shall be the responsibility of the neighborhood association, such as a Homeowners of Property Owners Association.”
- F. An eight (8) foot wall, constructed of concrete with stucco or similar synthetic material, shall be constructed on the eastern sides of the commercial properties adjoining the residential property, to create a physical buffer boundary between the commercial and residential uses. The wall shall be maintained by the owners of the commercial property. Exact location of the wall may be established during Site Plan Review process.
- G. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- H. Each platted residential lot of record shall contain a minimum of one canopy tree, located within in the front yard, selected from the list of trees within the City of Leesburg Code of Ordinances, Section 25-,328 Table 1, Canopy Trees, plus at least one canopy or understory other tree, located in the back yard. This requirement shall be reduced to one canopy tree for each villa and townhouse lot, with the canopy tree to be located in either the front or rear yard, alternating lots along the street. All other requirements for tree planting based on lot size under the Code of Ordinances shall remain in effect.
- I. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances, Section 25-329, and at a minimum shall contain the following plantings as noted in Figures A and B below, with the exception of the buffer along Blue Cedar Road, which shall be developed with the enhancements as described herein. The buffer along the project’s frontage on Blue Cedar Road shall comply with the City’s Code of Ordinances and Figures A and B, and is modified to include the enhanced landscaping items identified below:
- Canopy Trees shall be increased in size to a minimum 3” caliper and 12’ overall height;
  - Ornamental Trees shall be required within the buffer with a minimum of 2 ornamental trees per 100 linear feet with a minimum 2” caliper and 7’ overall height;
  - All trees planted in the buffer shall be native trees; and
  - The buffer shall include an earthen berm along the project’s frontage with an average height of 3’.



**Figure A**

|                                                 |                                                                                                                                                                                                                                             |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Canopy Trees (per 100 l.f.)                     | 2 per 100 linear ft                                                                                                                                                                                                                         |
| Tree CAL/Height                                 | 2" cal, 12' overall height                                                                                                                                                                                                                  |
| <b>Optional Ornamental Trees (per 100 l.f.)</b> | 3 per 100 linear ft                                                                                                                                                                                                                         |
| Tree CAL/Height                                 | 2" cal, 7' overall height                                                                                                                                                                                                                   |
| <b>Shrub Screen (per 100 l.f.)</b>              |                                                                                                                                                                                                                                             |
| Square Ft. of Shrubs                            | (33) 3 gal plants, 18"—24" minimum at installation (depending on species); hedges to be 36"—42" high by thirty-six (36) inches wide hedge or continuous landscape screen with a ninety (90) percent opacity within one (1) year of planting |
| Container size                                  | 3 gal                                                                                                                                                                                                                                       |

**Figure B**



- I. All new commercial and institutional building construction shall comply with Section 25-329 *Landscape Buffer Requirements*, City of Leesburg Code of Ordinances, for landscaping around building areas, including a five (5) foot landscape buffer around each building perimeter area facing the entrance and sides. All new structures shall extend the required landscape perimeter area to include all sides visible to the general public. Rear side of each building shall be exempt from landscaping where the rear of the building is not visible to the general public using the building.
- J. All buffers along the exterior property lines shall be distinct and separate from the residential and commercial lots and properties, and shall be platted as buffers which are owned and maintained by a property owners or homeowners association.
- K. Nothing herein shall be construed to prevent the developer/or property owners from increasing buffer width and/or plantings.

- L. Variations to the landscape and buffering requirements of this document may be approved by the Planning and Zoning Manager or designee, to the extent that the overall intent of the PUD and the Landscaping Code are maintained, including consideration of any existing fencing on adjacent properties and existing natural vegetative buffers. Use of the University of Florida IFAS (Institute of Food and Agricultural Sciences) approved standards for “Florida Friendly Landscaping” will also be acceptable.
- M. The surveying of trees on the property shall be conducted as follows:
  - 1. All specimen, heritage and historic trees shall be surveyed. Staff will review the tree survey and such trees shall be saved where possible during the site plan review process. This may include amending the site plan to save specimen, heritage and historic trees.
  - 2. Site areas that are to preserve existing trees do not need to be included in the survey unless the trees are to be used in preservation/replacement requirements.
  - 3. The tree survey shall be completed by a licensed surveyor.

## **10. SITE ACCESS**

- A. The project shall have its primary access on US Highway 27, subject to FDOT approval, and shall be constructed in a “boulevard style” (divided roadway with landscaped median), from west to east, to the eastern boundary of the Commercial Parcel, as shown on Exhibit C, Conceptual Site Plan. There shall be a secondary entrance to the project on Blue Cedar Road, which shall serve as the secondary access. as shown on Exhibit C, Conceptual Site plan.
- B. All access points shall be designed to allow emergency access vehicles room to maneuver and have appropriate traffic flow. Each entrance shall be reviewed and adjusted by staff as needed at the Site Plan and Construction Plan review.
  - 1. Offsite road improvements on existing roads adjacent to the property may be required based on finalized access locations. Such improvements may include, but are not limited to, left and right turn lanes, right-of-way dedication, and pavement rehabilitation. Any proposed offsite road improvements must be reviewed by Lake County Public Works.
  - 2. Prior to completion of the subdivision design plans, the developer shall work with the Lake County Department of Public Works to ensure all appropriate required roadway and access improvements for the development are made part of the plans submitted to the City of Leesburg.
  - 3. The Master Development Plan, and the access points proposed thereon, are considered conceptual until the appropriate engineering and site plan reviews, along with any required upgrades are completed for the project.
- C. All access points shall be reviewed, as legally prescribed by Lake County Public Works, and/or FDOT as applicable, and shown on the Master Development Plan - Exhibit C, as amended. All access points are conceptual and may be amended subject to site constraints or requirements. Actual location and design of all roads shall be determined during the site plan review process and shall include consideration of, and connection

to, sidewalks, recreation paths, etc. All other access shall be reviewed for necessity and requirements through Lake County and the City of Leesburg development and permitting processes. Any additional access points shall be subject to site plan application review process.

- D. All access points are subject to review by the appropriate permitting agency, including FDOT, Lake-Sumter Metropolitan Planning Organization, Lake County and the City of Leesburg as applicable. The developer shall be responsible for on and offsite improvements required as a result of any access points. The developer shall be responsible for all on and offsite improvements required as a result of any access points.
- E. Roadway interconnectivity shall be provided as shown on the Conceptual Site Plan – Exhibit C, as needed, to allow for connection points between this development and future development of adjacent properties.

## 11. SIGNAGE

- A. Each required access point shall provide a decorative entry feature to include a concrete, brick or stucco wall at least five (5) feet in height on each side of the entryway, except for the US Highway 27 entrance which feature can be reduced to locating on only one side of the road to minimize impacts to the wetlands. This may be used for signage per City of Leesburg Code of Ordinances, as amended.
  - 1. *Commercial Signage* - All signs placed or constructed on the property shall comply with *Article VI- Sign Regulations, Section 25-421 through Section 25-426*, City of Leesburg Code of Ordinances, as amended or shall otherwise meet the requirements of this document, whichever is least restrictive.
    - a) *Monument signs* – Monument signs with fully enclosed bases and supports, located adjacent to U.S. Highway 27 shall be allowed as follows:
      - 1. Max overall height: 20 feet
      - 2. Max sign area: 100 sf per side (2 sides)
      - 3. Fully enclosed base, minimum 2 feet solid base (or 10% of overall height)
      - 4. Base width: minimum 50% of sign area width
      - 5. Location minimum 5 feet behind right of way, 10 feet if greater than 12 feet in height.
    - b) *Wall signs* - Wall signs shall be permitted per City of Leesburg Code of Ordinances, as amended.
  - 2. *Access points*- Each required neighborhood or commercial access point shall provide a decorative entry feature to include a concrete, brick or stucco wall at least five (5) feet in height, on each side of the entryway. This decorative entry feature may be used for signage per City of Leesburg Code of Ordinances, as amended.
  - 3. Alternative designs for the ground enclosure support and bases of a monument sign may be approved by the Planning and Zoning Manager or designee, where the architectural style would be in keeping with the intent of these sign regulations.



## 12. TRANSPORTATION IMPROVEMENTS

- A. Any transportation improvements or rights-of-way that may be required shall be based on projected needs and shall be contingent upon site plan approval by City staff during the development review and permitting process. The plan review process shall include consideration of required sidewalks, recreation paths etc.
- B. A traffic/transportation study shall be submitted for review and determination of any necessary access improvements, and including any off-site improvements legally required by Lake County, the Lake-Sumter MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.
- C. The Permittee shall provide necessary traffic improvements within and adjacent to the development which are legally required by Lake County, the Lake-Sumter MPO and City of Leesburg.
- D. All roads within the development shall be designed and constructed to meet the City of Leesburg requirements.
- E. The Permittee shall be responsible for obtaining all necessary legally required Lake County permits and a copy of all permits shall be provided to the City of Leesburg.
- F. The City of Leesburg shall not be responsible for the construction of any roads or transportation improvements.
- G. All roads within the development shall be constructed to meet the City of Leesburg's standards, ARTICLE VII – TECHNICAL STANDARDS, as amended.
  - 1. Should the Permittee (or designee) desire to dedicate the proposed project's internal road system to the City of Leesburg; the Permittee shall demonstrate to the satisfaction of the City of Leesburg that the road system is in suitable condition and meets all City road design requirements.
  - 2. Should the Permittee (or designee) choose to retain the roadways, the Permittee shall establish an appropriate legal entity that shall accept responsibility to pay the cost and perform all services required to maintain the roads and transportation improvements to City of Leesburg codes and standards, as amended. A Homeowners or Property Owners Association, or other such legal entity will be considered acceptable.
- H. Sidewalks shall be provided on both sides of the entrance road(s) and internal roads, and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall contain sidewalks on both sides of each street. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- I. The terms and requirements of this section shall not be interpreted to preclude or interfere with the creation, provision, extension or development of future rights of

way, easements, access points and/or roadways designed for the purposes of increasing access and egress to the property.

**13. UTILITIES**

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- B. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of all utility infrastructure and other improvements related to the use and development of the property, consistent with the typical pioneering agreement approved on new home projects in the city, including such off-site improvements required by the City and all other appropriate government agencies. All such requirements shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- C. Developer shall be responsible for the installation of a natural gas lines in the development so that a minimum of eighty percent (80%) of all residential units in the development are connected to natural gas, as required by the City of Leesburg Code of Ordinances as amended.
- D. The City of Leesburg intends to service the property with water and wastewater services at this time. At the time of connection, all regulations in place at the time of the request shall be required, including but not limited to impact fees, connection and utility service deposit charges. The cost of supplying water and wastewater lines and other necessary infrastructure such as lift stations to the development shall be the responsibility of the applicant.

**14. STORMWATER/DRAINAGE MANAGEMENT**

All drainage shall be designed and constructed in a manner to meet all State of Florida and City of Leesburg codes, including the requirement that all stormwater runoff is contained within the boundaries of the properties, and does not create a detriment to surrounding properties. Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.

- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowner's or property owners association is an acceptable maintenance entity.
- D. The existing 100-year flood plain on the property shall be shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and /or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District shall be provided to the City during the site plan review process.
- G. Should the Permittee desire to dedicate the proposed project's stormwater management system to the City of Leesburg; the City, at its discretion, may accept or not accept the stormwater management system.
  - 1. Prior to acceptance, the Permittee shall demonstrate to the City the stormwater management system is in a suitable condition and meets City of Leesburg and St. Johns River Water Management District requirements.
  - 2. As a condition of accepting the system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project.

**15. WETLANDS, FLOOD ZONES & WILDLIFE**

- A. All wetlands on the project site shall be identified by a jurisdictional wetland boundary line, and the location and extent of each wetland shall be determined by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the site plan application process.
- B. To the extent practicable, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, the St. Johns River Water Management District or another legal entity such as a homeowner's association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to the St. Johns River Water Management District or another legal entity such as a homeowner's association for ownership and maintenance.



- C. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- D. Wetlands shall have an average upland buffer of 25 feet, with a minimum of 15 feet, or the upland buffer established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- E. Land uses allowed within the upland buffers for wetlands are limited to stormwater facilities as permitted by St. Johns River Water Management District.
- F. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- G. A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the site plan application process.
- H. A map indicating the location of the 100-year flood plain.
- I. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100-year flood plain is altered and/or a new 100-year flood elevation is established in reference to the applicable flood insurance rate map.
- J. Through the Site Plan Review process, the developer shall coordinate with the City of Leesburg, Lake County and all impacted government agencies regarding elevation determinations, compensatory storage and overall design of the subdivision within and near flood hazard boundary areas, to ensure compliance with all regulations.

**16. IRRIGATION & WATER USE**

- A. All landscaped areas shall be irrigated and designed to meet Section 25-337, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.
- B. The use of St. Augustine grass, or other varieties of grass which require significant amounts of water are prohibited. The use of Bahia, Bermuda, Zoysia or other grasses which are more drought tolerant are permitted.

- C. For purposes of water conservation, all irrigated areas shall meet the requirements of section 25-337(c)(4), as amended, City of Leesburg Code of Ordinances.

## 17. RECREATIONAL REQUIREMENTS

- A. Recreational development provided on the site shall include active and passive uses, as well as enclosed or unenclosed recreational space, devoted to the joint use of the residents, as seen on the attached **Conceptual Site Plan, Exhibit C**.
- B. The development shall include park areas totaling a minimum of 2.36 acres, as shown on the attached **Conceptual Site Plan, Exhibit C**.
- C. Recreational requirements at the shall include a minimum of two primary active recreation areas. One shall be located at or near the primary entrance to the subdivision off the boulevard entrance. The second shall be located on the south side of the development. These areas shall include a primary recreation area with uses such as a children's playground with equipment, dog park area, gazebo, swimming pool, or other amenities as reviewed and approved by staff. At least one of the areas shall contain a swimming pool and cabana. The first recreation area shall be shall be constructed in conjunction with and completed no later than the completion of 50% of the approved maximum number of residential units. The second shall be completed no later than such time as 80% of the approved maximum number of residential units is completed.
- D. Credit for recreational space shall be given for areas dedicated to recreational space, to include items such as a clubhouse with recreation room, swimming pool, outdoor cooking facilities such as grills, youth playgrounds, play courts, dog parks or other similar uses which will meet the intent of this document. Other similar uses which will meet the intent of this document may be supplied by the developer.
- E. All recreation spaces may include, but are not limited to:
  - 1. Trails, playgrounds, basketball, tennis, handball courts, etc.
  - 2. Community swimming pool, including the deck area surrounding such pools.
  - 3. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreational purposes.
  - 4. Other active recreational activities may be used, subject to approval by the City of Leesburg.

## 18. MAINTENANCE

- A. With the exception of any public utilities, maintenance of all site improvements, including but not limited to roadways, drives, internal sidewalks, landscaping and drainage shall be the responsibility of the property owner. A homeowner's association shall serve as an appropriate entity for all common properties within the development. A property owners association shall be responsible for the entryway landscaping of buffers for the commercial area, including the buffers on the east side the commercial areas.

**19. DEVELOPMENT PHASING & IMPLEMENTATION**

- A. The proposed project may be constructed in phases in accordance with the **Planned Unit Development Conditions and Conceptual Plan, Exhibit C**. Changes to the development conditions or conceptual plan, other than those conditions described in these PUD Conditions of Approval, shall be revised in accordance with the Planned Development review process, City of Leesburg Code of Ordinances.
- B. Implementation of the project shall substantially commence within one-hundred twenty (120) months after approval of this Planned Development by City Commission. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the City of Leesburg shall have the option of scheduling the PUD, with due notice to the owner and surrounding property owners, for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification. "Implementation" for purposes of this subsection shall mean, at a minimum, recording of a final plat, and final approval of construction plans, together with actual commencement of construction on the property.
- C. As part of the overall development process, if the project is constructed in phases, then plat of the lots for each approved phase shall contain only portions of the development approved under the Site Plan Review Process, i.e. each phase platted shall match each phase submitted for site plan review.

**20. MISCELLANEOUS CONDITIONS**

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Conditions. Any other proposed use must be specifically authorized in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with the Planned Unit Development conditions set forth herein, and with all City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in these PUD Conditions of Approval shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by



following the procedures as described in the City of Leesburg Land Development Code, as amended.

- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition as set forth herein.
- F. These conditions of approval shall be recited within the site plan and construction plan submittals.

## **21. LEVELS OF SERVICE**

### **A. Levels of Service**

- A. As submitted, the development resulting from the proposed zoning change may result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to water, wastewater, roads, drainage, and solid water. No final development order (site plan and building permits) shall be granted for proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

### **B. Utilities**

#### **1. Projected Capacities**

- A. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.

- C. If the development requires construction of new distribution or collection lines, or other infrastructure needed to develop the subdivision, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

### **D. Commitment of Capacity**

- 1. There are no previous commitments of any existing or planned excess capacity for this property.

### **E. Ability to Provide Services**

- 1. At this time, the City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
- 2. Future development within the City of Leesburg utility service areas may impact the provision of utility services.

**EXHIBIT B**  
**(provided by applicant)**

**LEGAL DESCRIPTION**

**Blue Cedar Legal Description**

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOT 4, EAST OF US HIGHWAY 27, IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

AND

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 3/4 OF THE EAST 1/4 OF GOVERNMENT LOT 1 AND THE NORTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1 AND THE SOUTHWEST 1/4 OF THE EAST 1/2 OF GOVERNMENT LOT 1, LYING NORTH OF LAKE, ALL IN SECTION 18, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

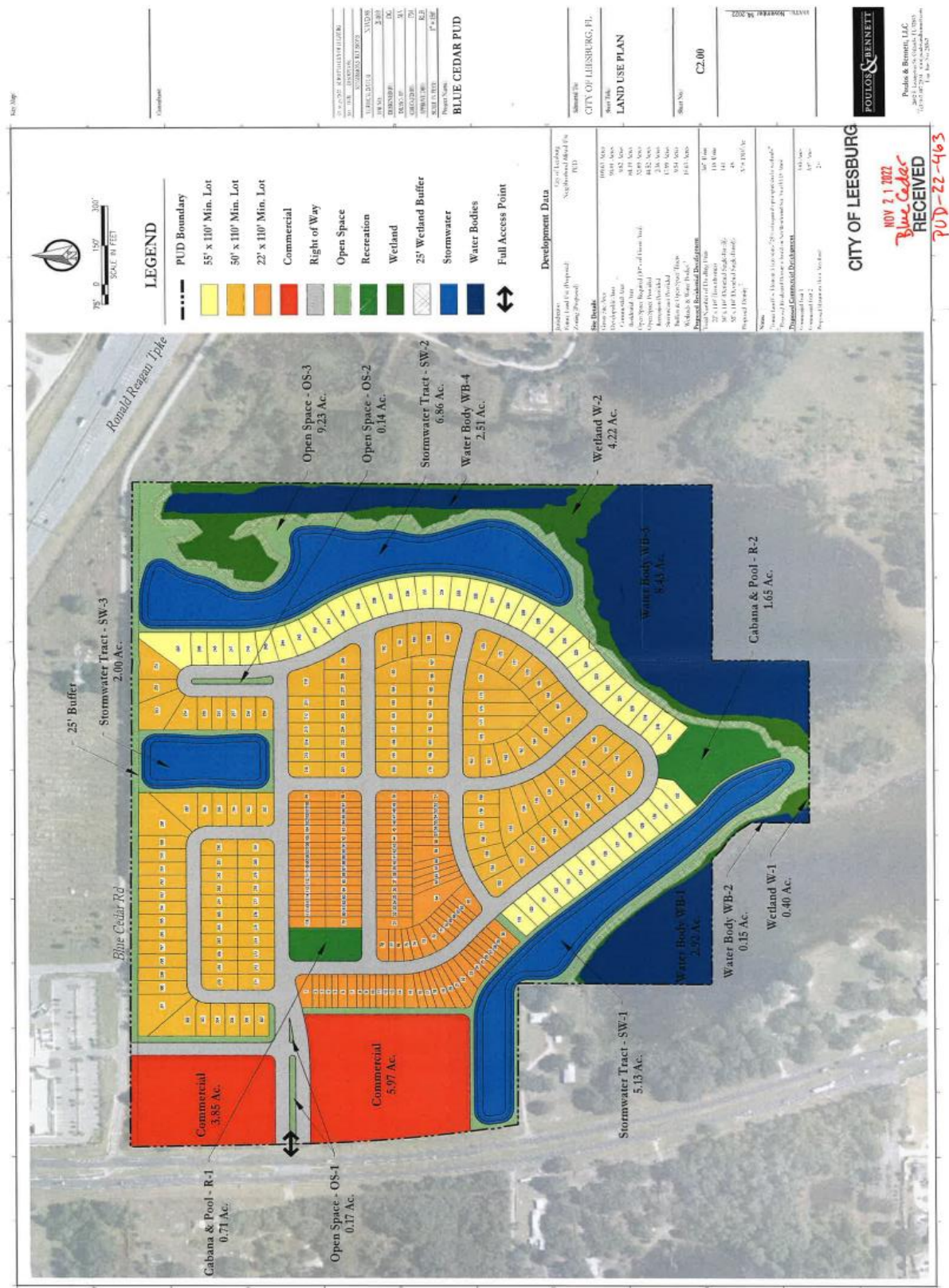






EXHIBIT E  
DARK SKY LIGHTING (Acceptable designs)



TYPICAL DARK SKY LIGHTING FIXTURES





PRESLEY



# Presley

4 Bedrooms, 2.5 Baths, Loft, 2-Car Garage  
drhorton.com/orlando

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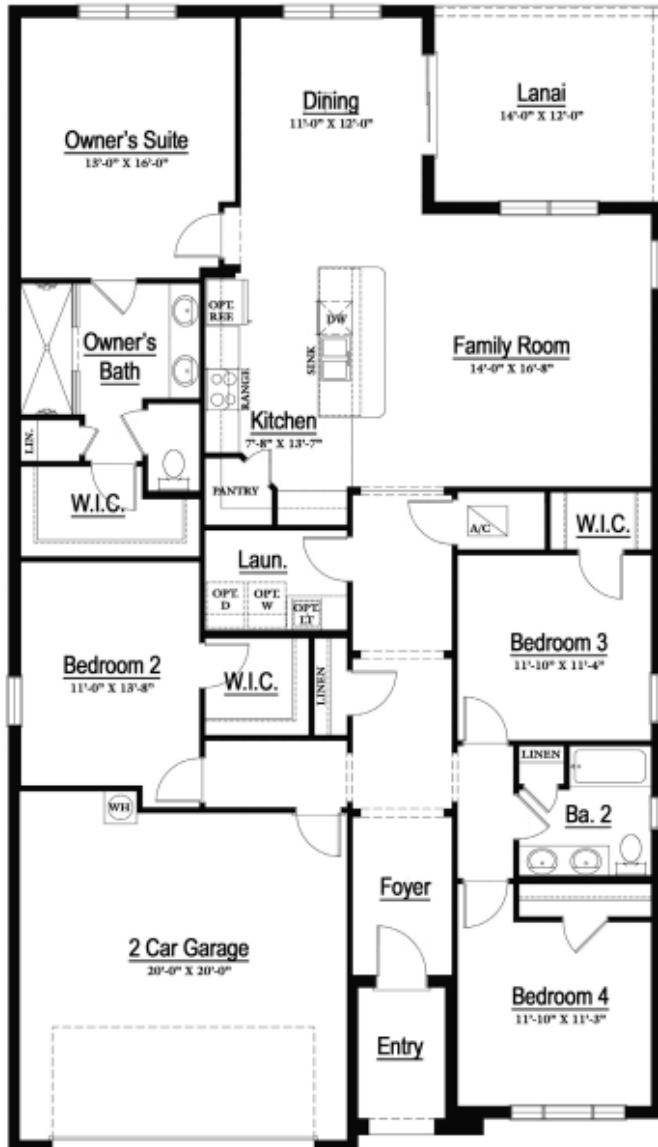


# Ramone

4 Bedrooms, 2 Baths, 2-Car Garage

[drhorton.com/orlando](http://drhorton.com/orlando)

Floorplans and elevations are artist's renderings for illustration purposes only. Features, sizes and details are approximate and will vary from the homes as built. Square footage dimensions are approximate. Builder reserves the right to change and/or alter materials, specifications, features, dimensions, designs and price without prior notice or obligation. # CBC1252212



OPTIONAL BATH 3





# Triumph

3 Bedrooms, 2.5 Baths, Loft, 2-Car Garage

[drhorton.com/orlando](http://drhorton.com/orlando)



Floorplans and elevations are artist's renderings for illustration purposes only. Features, sizes and details are approximate and will vary from the homes as built. Square footage dimensions are approximate. Builder reserves the right to change and/or alter materials, specifications, features, dimensions, designs and price without prior notice or obligation. # CBC1252212





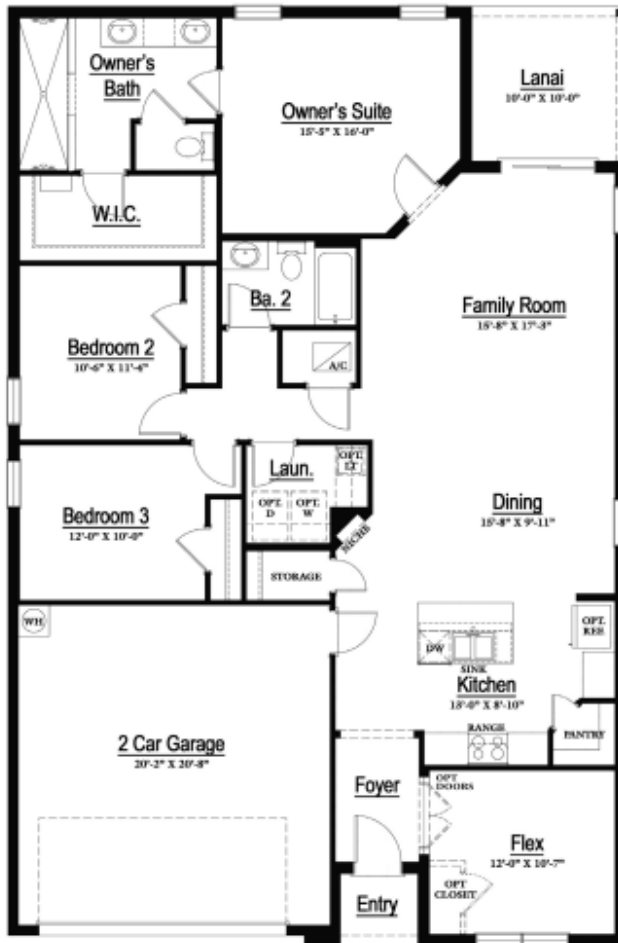
# Steely

3 Bedrooms, 2 Baths, Flex Room, 2-Car Garage

[drhorton.com/orlando](http://drhorton.com/orlando)

Floorplans and elevations are artist's renderings for illustration purposes only. Features, sizes and details are approximate and will vary from the homes as built. Square footage dimensions are approximate. Builder reserves the right to change and/or alter materials, specifications, features, dimensions, designs and price without prior notice or obligation. # CBC1252212





Stair Location with Opt. Upper Floor



Opt. 2nd Floor w/ Game Room

## Exhibit A

### **Blue Cedar Legal Description**

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOT 4, EAST OF US HIGHWAY 27, IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

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