

**FRUITLAND PARK CITY COMMISSION AND PLANNING AND ZONING
BOARD JOINT WORKSHOP
MEETING MINUTES**

September 26, 2019

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

6:00 p.m.

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 26, 2019 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian; Planning and Zoning (P&Z) Board members Vice Chair Phillip Pearle, Fred Collins, and Dan Dicus.

Members Absent: Planning and Zoning Board members Chairperson Al Goldberg and Walter Birriel.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Community Development Director Tracy Kelley; Administrative Assistant Kelly Turner, Community Development Department; Police Chief Erik Luce; Public Works Director Dale Bogle; Deputy City Clerk Stevie Taub, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:00 PM Mayor Cheshire called the meeting to order and Police Chief Luce led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Ms. Coulson called the roll and a quorum was declared present.

3. LAND DEVELOPMENT REGULATIONS

Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc. (consultants retained by the city), reviewed the changes and provisions to the following Land Development Regulations (LDRs):

- Chapter 152, Administration

Mr. Beliveau pointed out House Bill 7103, Community Development and Housing and outlined the procedures involved with the development permits and orders approval and application requirements and as a result, addressed the need to amend the provisions under subsection 152.020, Development Order and Development Permit. After discussion, he recommended, after applications are received, to establish Technical Review Committee (TRC) meetings at a specific date and time.

Following further deliberations, Ms. Geraci-Carver addressed her plan to review whether penalties would apply in the applicable state statutes for noncompliance or deficiencies with applications provided within the specified period.

After Mr. Beliveau referred to language under 152.040:b), notification of public hearing and Mayor Cheshire recalled the city commission's consensus at its April 5, 2018 workshop (accept the revisions and revert the cross-through language), **by unanimous consent, the city commission and planning and zoning board accepted staff's recommendations on the provisions for adjoining owners to read: . . . similar barrier of one hundred and fifty (150) feet.**

After Mr. Beliveau addressed the plan to implement a TRC meeting schedule for the subject application process, Ms. Geraci-Carver recognized the TRC as a public advisory board under the Government-in-the-Sunshine Law which needs to be publicly noticed.

Following much discussion, and **by unanimous consent, the city commission and planning and zoning board approved under subsection 152.080, that the technical review committee continue to meet informally outside the Florida Government-in-the-Sunshine Laws, and not as a public body, to provide technical review of all applications for development approval and for the community development department director to grant final approval as authorized in the land development code and House Bill 7103, Community Development and Housing.**

Upon Vice Mayor Gunter's suggestion and **by unanimous consent, the city commission and the planning and zoning board approved amending subsection 152.080 b), membership and organizations to include police.**

After Mr. Beliveau pointed out and recognized under subsection 152.110: c), powers and duties, where the local planning agency's purpose is to consider comprehensive plan amendments, Ms. Geraci-Carver referred to the requirements under subsection 163.3174 of the statutes permitting a non-voting member -- representing Lake County School District to be appointed by the school board -- to serve on the P&Z Board as it relates to approvals that will increase residential density which has an impact to the schools.

In response, Commissioner Bell recommended that school board be encouraged to appoint a board member for district 2 (who represents Fruitland Park Elementary).

Chapter 158, Stormwater Management

Chapter 158, Stormwater Management was not addressed at this time.

Chapter 159, Utilities

Vice Mayor Gunter questioned the proposed changes to update the city's boundaries if the service area has changed outlined under subsection 159.020:b), City of Fruitland Park Utility Service Zone,

The city commission and planning and zoning board, by unanimous consent, accepted the city attorney's recommendations to transfer the provisions under subsection 159.020:b), City of Fruitland Park Utility Service Zone, to the city's code of ordinances.

Additionally the city commission and planning and zoning board agreed to incorporate within the Land Development Regulations the city's current Waterworks System, Chapter 50 and Chapter 180 of the Florida Statutes which provides municipalities with the establishment and operation of same and requires connections to utilities and all related matters outlining utilities and specifications for development and accepted the recommendation, upon determination, to include such provisions under the proposed Utility Service Provision Outside Municipal Boundaries Ordinance 2019-013 to be considered later in this evening's special meeting and prior to the second reading.

Chapter 160, Site Development Plan Approval

Following extensive deliberations, Mr. Beliveau noted the revisions under Chapter 160, Site Development Plan Approval.

After extensive discussions and in response to Commissioner Mobilian's concerns, Mayor Cheshire requested that Mr. Beliveau report back on a more stringent tree preservation requirement.

Chapter 163, Sign Regulations

After discussion and at Commissioner DeGrave's request, **the city commission and planning and zoning board, by unanimous consent, agreed to direct staff to include under subsection 163.040 2), sign spinners and later in the meeting, hot air balloon signs as prohibited signs.**

Later in the meeting, **the city commission and the planning and zoning board, by unanimous consent, accepted LPG Urban and Regional Planners Inc's recommendation to incorporate the change of sign spinners under subsection 163.070: c) 2) xii), Temporary Signs and draft language that all freestanding monument (multi-tenant) signs are exempt.**

Earlier in the meeting, subsequent to lengthy discussions and after Commissioner DeGrave pointed out subsection 163:070: c) 1) xii), Billboard Signs and voiced concerns on the close proximity of same, Mayor Cheshire concurred in the affirmative to Ms. Geraci-Carver's recommendations to review the statutory requirement and requested that she subsequently meet with Mr. Beliveau in that regard.

Following further discussions and at Mayor Cheshire's request, Ms. Coulson referred to political and campaign signs not addressed in the LDRs; pointed out the election laws (Chapter 479, Outdoor Advertising, Usage and Removal of Political Campaign Advertisements) and the City of Leesburg's Code (subsection 25-424(i)(1)c.,

temporary signs), and agreed with Ms. Geraci-Carver's suggestion for her to review same, include such provision in the LDRs and report back.

Upon Commissioner DeGrave's suggestion, concurred by Mr. Beliveau, it was agreed that there be a regulation for businesses with a large (monument) permitted signs as an anchor to be predicted on the unit's square footage non-transferrable between property owners.

Following much discussion and subsequent to Commissioner Bell's reference to subsection 163.070 b), Signs in Multi-Family Developments, Messrs. Beliveau and La Venia addressed the nonconformity of monument signs as reflected under subsection 163:050, non-conforming signs where it was acknowledged to change same to conforming signs; recognized the expense involved, and noted the opportunity to utilize the city's existing Community Redevelopment Agency's (CRA's) business improvement matching grant façade program for \$2,500 which includes the retrofitting of signs.

Mayor Cheshire questioned the signs on US Highway 27/441 that are not permitted and nonconforming to the LDRs and the businesses that the code enforcement officer is visiting which are not permitted which should be removed.

After much discussion, Mayor Cheshire recalled the city commission's consensus at its April 5, 2018 workshop to change the provisions under Subsection 163.050: a) 7), Continuance of Non-Conformities, *to be repaired within one year* and Subsection 163.050: c), Repairs Maintenance and Improvements to be made during any one-year period and accepted the concept of utilizing Community Redevelopment Agency funds.

Following further deliberations, Ms. Geraci-Carver gave reasons on the need for Subsection 163.050 to be rewritten due to the trigger in the change of use or property ownership, tenancy and annexation into the city; Commissioner DeGrave addressed the requirements to regulate new change of certificate of occupancy, and Mayor Cheshire reiterated the need to conform with the provisions of the LDRs.

Mr. Beliveau made recommendations to revise the following provisions under non-conforming signs:

- Subsection 163.050: b) 3)
Signs located on property annexed into the City that are nonconforming can remain in place for a period of not more than two (2) years from the adoption of the annexation ordinance to read: one and one-half (1.5) years;
- Subsection 163.050 b) 5)
There may be a change of tenancy or ownership of a non-conforming sign without the loss of non-conforming status, if the property is not abandoned as defined in

this Chapter of the City of Fruitland Park Land Development Code to indicate the change of use and ownership to comply with the LDRs;

- Subsection 163.050: d)
If any non-conforming sign is damaged to such an extent that the cost of repair and reconstruction will exceed fifty (50) percent of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of the Land Development Code, and
- Subsection 163.050: b) 4)
Conforming changed to nonconforming status.

After Commissioner Bell pointed out concerns on the language under subsection 163:070: c) 1) ix), Multiple Frontage Properties and subsection 163:070: a) 1) v), Permanent Signs and following much discussion, **the city commission and the planning and zoning board, by unanimous consent directed the city attorney to draft language (under subsection 163.070 a) 1) v)) that the change of occupancy would trigger the signage on the building structure and not the freestanding monument (multi-tenant) sign for the street frontage allowing up to five years and at the request of the property owner either grant a variance or an extension based on evidence of a hardship or; otherwise, decide for a shorter period (a year).**

Upon Commissioner DeGrave's suggestion, and by unanimous consent, the city commission and planning and zoning board directed staff to include prioritizing under subsection 163.070: c) 2) xi) the:

- enforcement of nonconforming signs by focusing on the signs located on US Highway 27/441 that are not permitted and
- regulation of temporary signs and 25% (percent) of glass with the total square footage of retail space on commercial window signs; implementation of voluntary compliance and utilization of the code enforcement process when property owners are in violation when the percentage exceeds 10 or 15 percent (with the decision on the dimensions to be determined by the special magistrate), and

communicate with The Villages Community Development District requesting that its sign code be shared with the city commission and the planning and zoning board and ensure that the subject provisions conform with Lake County arterials under its land development regulations.

4. OTHER BUSINESS

- **Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses)**
Mr. Beliveau recalled the city commission's review of Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses) at its August 2, 2018 workshop; referred to the additional information on water conservation received from Ms. Jennifer "Jen" Bolling, Jacobs - Boling Engineering LLC (formally known as CH2M Hill

Companies Inc., consultants retained by the city who is assisting with the Consumptive Use Permits, and addressed the ability to address such amendments to the subject chapter.

Mr. Beliveau noted the city's requirements to implement St. Johns River Water Management District's guidelines existing waterwise plant and the Florida-Friendly plant databases accessible under its website link: <https://www.sjrwmd.com/water-conservation/waterwise-landscaping/efficient-water-use/> which can be referenced under Chapter 158, Stormwater Management or LPG can provide said component as a section to be inserted within the code. He referred to the guidelines entitled "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions"; a copy of which is filed with the supplemental papers to the minutes of this meeting.


By unanimous consent, the city commission and the planning and zoning board, agreed to allow staff to incorporate St. Johns River Water Management District's (SJRWMD's) guidelines, as previously cited, by reference under Chapter 164, Landscape Requirements and Tree Protection (Buffers and Uses).

In response to Ms. Kelley's inquiry, Mayor Cheshire suggested that one final revision of the complete LDRs ought to be reviewed at a future meeting.

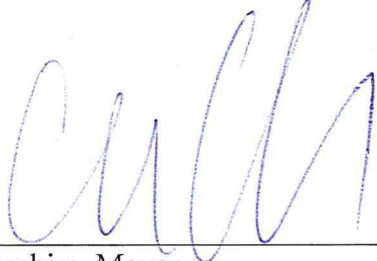
5. ADJOURNMENT

There being no further business to come before the city commission and planning and zoning board, the meeting adjourned at 8:33 p.m.

The minutes were approved at the November 14, 2019 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor