

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

September 17, 2020

City Hall Commission Chambers

506 W. Berckman Street

Fruitland Park, Florida 34731

6:00 p.m.

A joint workshop meeting of the Fruitland Park City Commission and the Planning and Zoning (P&Z) Board was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, September 17, 2020 at 6:00 p.m.

Commission Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave, and John Mobilian; **P&Z Board Members:** Al Goldberg, Chair; Fred Collins, and Walter Birriel

Members Absent: Vice Chair Dan Dicus, P&Z Board, Carlisle Burch and School Board Member Dr. Kristi Burns, Non-Voting Member

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Community Development Director Tracy Kelley; Administrative Assistant Kelly Turner; Deputy City Clerk Jabari Hopkins, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ACTION: 6:00:23 PM After Mayor Cheshire called the meeting to order, Vice Mayor Gunter led in the Pledge of Allegiance to the flag.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

3. LAND DEVELOPMENT REGULATIONS

Mayor Cheshire recognized the land development regulations (LDRs) to be in order at this day's meeting,

ACTION: 6:11:49 p.m. **By unanimous consent, the city commission and planning and zoning board agreed to take out of order on this evening's agenda and review Land Development Regulations Chapters 152, Administration; 163, Sign Regulations, and 164, Landscape Requirements and Tree Protection as well as consider any questions before the workshop.**

- Chapter 150, General Provisions

Chapter 150, General Provisions was not addressed at this time. .

- **Chapter 151, Definitions Interpretations**

Chapter 151, Definitions Interpretations was not addressed at this time. .

- **Chapter 152, Administration**

After Mr. Beliveau noted the changes under Chapter 152, Administration and Ms. Geraci-Carver described the code enforcement process, Vice Mayor Gunter referenced subsection 152.040:b),1)A), adjoining owners notification of public hearing rezoning and future land use map amendments where the minimum of one sign was reduced from 500 to 150 feet along any one footage.

ACTION: 6:32:33 p.m. Following much discussion, and upon Commissioner Bell's suggestion, **the city commission and planning and zoning board agreed to change the provision under 152:040: b), 1)A), notification of public hearing rezoning to 250 feet along any one footage.**

After deliberations and **by unanimous consent, the city commission and planning and zoning board agreed to change the language under subsection 152.090: b)5)C), board members to read: *If any member fails to attend two (2) of three (3) consecutive meetings without cause or without prior approval***

- **Chapter 153, Concurrency Management System**

Chapter 153, Concurrency Management System was not addressed at this time.

- **Chapter 154, Zoning District Regulations**

Chapter 154, Zoning District Regulations was not addressed at this time. .

- **Chapter 155, Conditional Uses and Special Exceptions**

Chapter 155, Conditional Uses and Special Exceptions was not addressed at this time.

- **Chapter 156, Miscellaneous Regulations**

Chapter 156, Miscellaneous Regulations was not addressed at this time. .

- **Chapter 157, Subdivisions and Plats**

Later in the meeting, Commissioner DeGrave cited the provisions under subsection 157.080: a) 4) F) i), Sodding, Seeding and Mulching.

ACTION: 8:47:52 p.m and 8:48:58 p.m.. Upon Commissioner DeGrave's request and **by unanimous consent, the city commission and Planning and Zoning Board requested that staff include language specifying the dimensions on two (2) strips of sod under subsection 157.080: a) 4) F) i), Sodding, Seeding and Mulching.**

Commissioner DeGrave referred to subsection 159.090, City Cost Participation in Infrastructure Improvements and addressed the city's construction and management of infrastructure utilizing its inspectors especially as it pertains to the water wastewater treatment plant.

ACTION: 8:48:58 p.m.. After discussion, and upon Commissioner DeGrave's suggestion, **the city commission and the planning and zoning board directed staff and the city attorney to develop a procedure on the:**

- **city's management on the development, infrastructure and construction projects utilized and overseen by city inspectors;**
 - **verification and production of daily field notes used to identify permitted and liquated damages and**
 - **confirmation on as-built plans submitted for city-owned development or construction projects, from a qualified licensed engineering firm, outlining developer's costs as a performance bond and cash escrow payment (the second lift of asphalt requiring the developer's financial institution's account containing two signatures with the city as secondary).**
- **Chapter 158, Stormwater**
Chapter 158, Stormwater was not addressed at this time. .
 - **Chapter 159, Utilities**
Chapter 161, Utilities was not addressed at this time.
 - **Chapter 160, Site Development Plan Approval**
Chapter 160, Site Development Plan Approval was not addressed at this time. .
 - **Chapter 161, Building and Fire Codes**
Chapter 161, Building and Fire Codes was not addressed at this time. .
 - **Chapter 162, Transportation Standards**
Chapter 162, Transportation Standards was not addressed at this time. .
 - **Chapter 163, Sign Regulations**
After Mr. Beliveau confirmed the changes made to Chapter 163, sign regulations, as previously requested at the previous joint workshop meetings, Commissioner Bell cited the provisions under subsection 163.050: c) 1), Continuance of Non-Conformities.

ACTION: 7:14:01 p.m., 7:24:33 p.m. and 7:41:39 p.m. After extensive deliberations and **by unanimous consent, the city commission and planning and zoning board agreed to include language as a new subsection under 163.050, Repairs, Maintenance and Improvements . . . any repair modification or structure that uses a light emitting diodes (LED) screen display sign.**

Following Mr. Beliveau's reference to discussions made at the February 13, 2020 joint workshop regarding the provisions under subsection 163:040 22), prohibited signs . . . *Window signs which obscure more than 25% of the transparent area of any window,* Commissioner DeGrave addressed the need to include the definition of snipe signs, regulate and prohibit off-premises signs, and specify temporary sponsorship banners as

to where they can be erected and removed to which Ms. Geraci-Carver recognized the recent case law on “off-premises” and “on-premises” sign distinctions as content based.

After extensive discussion, and upon Commissioner DeGrave’s suggestion, **the city commission and planning and zoning board, by unanimous consent, agreed to include language under Chapter 163 regulating commercial (off-premises or off-site advertising) signs, on vacant properties and the definition of snipe signs.** (It was recognized that signs on government properties are characterized as exempt.)

Subsequent to further discussion, and **upon Commissioner DeGrave’s suggestion, the city commission and planning and zoning board, by unanimous consent, agreed to direct the city attorney to draft language under subsection 163.040 13), Wall Wrap or Building Wrap Signs with guidance to staff defining the differences between artwork mural and a mural which is to specifically advertise or display the business contained within the building.**

- **Chapter 164, Landscape Requirements and Tree Protection**

After Mr. Beliveau requested guidance on House Bill 1159 (163.045, F.S.), Private Property Rights which includes the prohibition of local governments requiring trimming and removal of trees on residential properties, Commissioner DeGrave suggested reviewing and adhering to the city’s landscape plan from the time of construction and continued maintenance.

Mr. Beliveau referred to the language under subsection 164.090: c) 6) A), *amount of replacement: At least 25% of the total number of trees removed . . .* and pointed out the provisions under Lake County’s Code of Ordinances, Subsection 6.5-9(c)., Conditions on Street Occupancy . . . *The grantee shall have the authority to trim trees. . . such trimming may be done by the county or under its supervision and direction, with the expense borne by the grantee. . . .* He outlined the tree protection and replacement options by designating certain (species) trees in various locations and placing a figure by determining a fair tree replacement ratio or work around the punitive process.

Lengthy discussions ensued on Mr. La Venia’s acknowledgement of the consumptive use permit (CUP) process and St. John’s River Water Management District’s restrictions on landscape requirements and tree protection with the anticipation of submitting same before the city commission for consideration and Commissioner Bell’s recollection on the Landscape Requirements Tree Protection Ordinance 2008-015 (postponed and referred to the P&Z Board for review).

ACTION: 7:59:39 p.m. Following much discussion, and by unanimous consent the city commission and planning and zoning board accepted LPG Urban Planning Inc. Executive Director’s recommendation to change the provisions under subsection 164.090 c) 6) A), amount of replacement to change the number of total trees removed from 25% to 40%.

- **Chapter 165, Environmental Protection Regulations**
Chapter 165, Environmental Protection Regulations was not addressed at this time. .
- **Chapter 166, Wellfield and Aquifer Protection**
Chapter 166, Wellfield and Aquifer Protection was not addressed at this time. .
- **Chapter 167, Historic and Archaeological Resource Protection**
Chapter 167, Historic and Archaeological Resources Protection was not addressed at this time: .
- **Chapter 168, Variance Procedures**
In response to Commissioner DeGrave’s inquiry, Ms. Geraci-Carver indicated that she would review the issue of existing or placing stringent penalty provisions within the LDRs for individuals requesting a variance after-the-fact and subsequently asking for forgiveness.
 - o **Appendix 1, Road Functional and Classification Trip Generation**
 - o **Appendix 2, Water and Sewer Utilities Standard Specifications**
 - o **Appendix 3, Vegetative Community Descriptions**
 - o **Appendix 4, Sample Design Standards**

ACTION: 8:45:36 p.m. No action was taken.

4. OTHER BUSINESS

Mr. Beliveau addressed the intent to include the revisions and provide a clean version of the draft LDRs following this evening’s meeting. He referred to changes recently provided by Ms. Coulson which were excluded from previous workshops and confirmed the plan to incorporate same into the next draft revisions.


Mr. Beliveau recognized the noticing requirements and approval process for the adoption of the LDRs provided by Ms. Geraci-Carver.

ACTION: 8:43:51 p.m. No action was taken at this time.

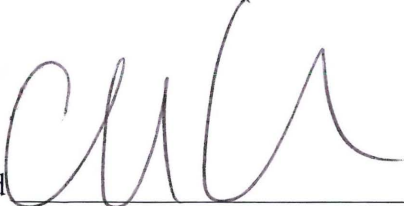
5. ADJOURNMENT

The meeting adjourned at 8:58 p.m.

The minutes were approved at the January 14, 2021 regular meeting.

Signed 

Esther B. Coulson, City Clerk, MMC

Signed 

Chris Cheshire, Mayor