



FRUITLAND PARK LOCAL PLANNING AGENCY MEETING AGENDA

October 26, 2017

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:15 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)
June 8, 2017
- 4. ORDINANCE 2017-029 FLOODPLAIN** (city manager/community development director/city attorney)
AN ORDINANCE BY THE FRUITLAND PARK CITY COMMISSION AMENDING THE FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CHAPTER 161.090 TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on November 9, 2017.)
- 8. PUBLIC COMMENTS**
This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the Local Planning Agency at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.
- 9. OTHER BUSINESS**

10. ADJOURNMENT

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and 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 does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE. 1



FRUITLAND PARK LOCAL PLANNING AGENCY MEETING AGENDA

October 26, 2017

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

6:00 p.m.

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PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE. 1

**FRUITLAND PARK LOCAL PLANNING AGENCY
MEETING MINUTES
June 8, 2017**

A meeting of the City of Fruitland Park's Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 8, 2017 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

Also Present: City Manager Gary La Venia, City Attorney Anita Geraci-Carver, City Treasurer; Jeannine Racine; Police Chief Michael Fewless; Captain Eric Luce; Sergeant David Brown, Detective Jennifer Hutchins, Officers Brad Heidt, Jerimiah Ricketts, Paul Sandbrakken, and Mike Whitaker, Police Department; Interim Fire Chief Don Gilpin; Assistant Fire Chief Tim Yoder; and Madison Leary, Fire Department; Parks and Recreation Director Michelle Yoder; Community Development Director Charlie Rector, Public Works Director Dale Bogle, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Cheshire called the meeting to order at 6:02 p.m.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

3. APPROVAL OF MINUTES

On motion of Vice Mayor Gunter, seconded by Commissioner Ranize and unanimously carried, the LPA approved the February 23, 2017 minutes as submitted.

4. SITE PLAN REVIEW – COMMERCIAL BUILDING – APPLICANT: SUNSHINE PROPERTIES & RENTALS INC.

The LPA considered its actions on the site plan for a commercial building designated as Commercial 2 zoning district.

Mr. Rector addressed the intent for the applicant, Sunshine Properties and Rentals, to construct rental units on the corner of Rose Avenue and Miller Boulevard; described the dimensions of the proposed property which was reviewed by LPG Urban and Regional Planners and engineers retained by the city, and relayed the Planning and Zoning (P&Z) Board's unanimous approval of same.

Commissioner Ranize questioned the source of written information and the approval process certifying the correctness, at staff level and referred to the recent issue in this regard.

In response, Ms. Geraci-Carver addressed the typical inclusion of staff report from department heads and consultants retained by the city that the project is consistent with the

city's respective code provisions; the recommendation to the governing body, and meeting minutes reflecting the actions taken. She addressed the ability, at the city commission level, to adopt a resolution in connection with the respective issue.

After discussion, Mayor Cheshire referred to Commissioner Ranize' remarks directing Mr. La Venia to work with Ms. Geraci-Carver on the approval process submitted in writing before it is considered before the governing body.

Commissioner Lewis referred to his discussions with Mr. La Venia earlier this day regarding the proposed site plan before the LPA; relayed the information he received for a six-foot instead of eight-foot height privacy fence, and questioned whether it ought to be considered before the LPA and the city commission.

After much discussion and in response to Commissioner Lewis' preference for an eight-foot fence height, he recalled the city commission's discussions at its January 26, 2017 regular meeting on the dumpster's setback requirements.

Following further discussion, Mr. Rector conveyed the concurrence of Mr. Keith Riddle, the applicant who was present at this evening's meeting, and responded in the affirmative to Commissioner Lewis' reference on increasing the height of the fence to eight feet noting that it abuts the residents' properties to the rear northern boundary of the subject property.

A motion was made by Commissioner Lewis and seconded by Vice Mayor Gunter the LPA recommended that the city commission adopt the site plan for a commercial building designated as Commercial 2 zoning district as submitted with the caveat requiring an eight-foot fence on the rear northern boundary of the property.

There were no comments from the public at this time.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

7. NEW BUSINESS

There was no new business to come before the LPA at this time.

8. PUBLIC COMMENTS

No one from the public appeared before the LPA at this time.

9. ADJOURNMENT

There being no further business to come before the city commission at this time, on motion made, second and unanimously carried, the meeting adjourned at 6:14 p.m.

The minutes were approved at the October 26, 2017 meeting.

Signed _____
Esther B. Coulson, City Clerk

Signed _____
Chris Cheshire, Mayor

DRAFT



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley	Others: Charlie Rector, Community Development Director Tracy Kelley, Administrative Assistant
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**AGENDA
PLANNING & ZONING BOARD
OCTOBER 19, 2017
6:00PM**

- I. INVOCATION:**
- II. ROLL CALL:**
- III. MINUTES FROM PREVIOUS MEETING: Approve meeting minutes from May 18, 2017.**
- IV. OLD BUSINESS: None**
- V. NEW BUSINESS:**
 - A Recommend and Elect Chair and Vice Chair to the Planning & Zoning Board
 - B Recommend for approval City Ordinance 2017-029
 - b. Amending City of Fruitland Park Land Development Regulations Chapter 161.090 to bring the regulations into agreement with the most current FEMA approved, Code Companion Floodplain Management Ordinance for Florida

BOARD MEMBERS' COMMENTS:

ADJOURNMENT:



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley	Others: Charlie Rector, Community Development Director Tracy Kelley, Administrative Assistant
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**MINUTES
PLANNING & ZONING BOARD
MAY 18, 2017
6:00PM**

- I. INVOCATION:** Chairwoman Bame called the meeting to order at 6:00P.M. Board member Tom Bradley gave the invocation and led the pledge of allegiance.
- II. ROLL CALL:** All Board members present. Present CDD Rector and Assistant Kelley.
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from February 16, 2017. Approved 5-0.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**

A Sunshine Properties & Rentals, Inc. (ALT Key #1170273)

a. Site Plan Review for Commercial Building in C2 Zoning District

CDD Rector introduced application for Site Plan approval; Engineer Keith Riddle in attendance on behalf of applicant; it is recommended for approval by City Land Planner LPG.

Board member Dicus questioned about non-existing fire hydrants on submitted plans; CDD explained there are existing hydrants available for the project. Board member Dicus also questioned if a restaurant was permitted for proposed commercial building, would a grease trap be required; CDD discussed in detail and yes, would be required and would depend on demand of restaurant.

No further questions.

Motion to approve Site Plan by Board member Purlee. Second by Board member Bradley. Approved 5-0.

B Review and Recommendation for Modification of R2 Zoning

PULLED FROM AGENDA PER CITY ATTORNEY ANITA GERACI-CARVER

PUBLIC COMMENTS: None

BOARD MEMBERS' COMMENTS: None

ADJOURNMENT: 6:07PM



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

Board Members: Connie Bame, Chairwoman Colin Crews Daniel Dicus Philip Purlee Tom Bradley	Others: Charlie Rector, Community Development Director Tracy Kelley, Administrative Assistant
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**MINUTES
PLANNING & ZONING BOARD
MAY 18, 2017
6:00PM**

- I. INVOCATION:** Chairwoman Bame called the meeting to order at 6:00P.M. Board member Tom Bradley gave the invocation and led the pledge of allegiance.
- II. ROLL CALL:** All Board members present. Present CDD Rector and Assistant Kelley.
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from February 16, 2017. Approved 5-0.
- IV. OLD BUSINESS:** None
- V. NEW BUSINESS:**

A Sunshine Properties & Rentals, Inc. (ALT Key #1170273)

a. Site Plan Review for Commercial Building in C2 Zoning District

CDD Rector introduced application for Site Plan approval; Engineer Keith Riddle in attendance on behalf of applicant; it is recommended for approval by City Land Planner LPG.

Board member Dicus questioned about non-existing fire hydrants on submitted plans; CDD explained there are existing hydrants available for the project. Board member Dicus also questioned if a restaurant was permitted for proposed commercial building, would a grease trap be required; CDD discussed in detail and yes, would be required and would depend on demand of restaurant.

No further questions.

Motion to approve Site Plan by Board member Purlee. Second by Board member Bradley. Approved 5-0.

B Review and Recommendation for Modification of R2 Zoning

PULLED FROM AGENDA PER CITY ATTORNEY ANITA GERACI-CARVER

PUBLIC COMMENTS: None

BOARD MEMBERS' COMMENTS: None

ADJOURNMENT: 6:07PM

ORDINANCE NO. 2017-029

AN ORDINANCE BY THE FRUITLAND PARK CITY COMMISSION AMENDING THE FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CHAPTER 161.090 TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA; PROVIDING FOR APPLICABILITY, SEVERABILITY, REPEALER, AND INCLUSION IN THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Fruitland Park participates in the National Flood Insurance Program and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the City Commission determined that it is in the public interest to amend the Fruitland Park Land Development Regulations Chapter 161.090, to make modifications to bring the regulations into agreement with the most current Model Floodplain Management Ordinance approved by FEMA for Florida communities.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fruitland Park that the Fruitland Park Land Development Regulations Chapter 161.090 is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. AMENDMENTS.

The Fruitland Park Land Development Regulations Chapter 161.090, is hereby amended by the following amendments

(A) Section 1. C. 4. is amended to read:

4. Determinations for existing buildings and structures Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of

the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

(B) Section 1. C. 8. is amended to read:

8. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section C(4) of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code*, ~~and this ordinance~~ to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of City of Fruitland Park are modified.

(C) Section 1. C. 9. is amended to read:

9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the

Florida Building Code. These records shall be available for public inspection at the City of Fruitland Park City Hall, at 506 W. Berckman Street, Fruitland Park, Florida 34731.

(D) Section 1. D. 7. is amended to read:

7. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The St Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

(E) The following definitions in **Section 2. B.** are amended as follows:

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance ~~or a request for a variance.~~

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 12 Chapter 14* Historic Buildings.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S. 45C-4.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [~~See Defined in~~ section 320.01(b), F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction. The date of issuance of permits for new construction and substantial improvements ~~to existing structures,~~ provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of

permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

(F) Section 3. B. 2. is amended to read:

2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 1(E)(2)(1)- of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 3(C) of this ordinance.

(G) Section 3. D. 1. is amended to read:

1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(H) Section 3. D. 2. is amended to read:

2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 3(D)(4)(b) of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(I) Section 3. D. 5. is amended to read:

5. Enclosures. Fully Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

(J) **Section 3. G. 1.** is amended to read:

-1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 3(C)(4)- of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fruitland Park. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. REPEALER.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Fruitland Park Land Development Regulations, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption.

PASSED on first reading _____.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this _____ day of _____, 2017.

Chris Cheshire, Mayor

Attest:

Esther Coulson, City Clerk

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice-Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Lewis _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Ranize _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney