



## **FRUITLAND PARK LOCAL PLANNING AGENCY MEETING AGENDA**

**October 11, 2018 (Revised 12:00 p.m.)**

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

**As soon as practical at 6:15 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk) (revised)  
June 28, 2018

### **PUBLIC HEARING**

- 4. First Reading Ordinance 2018-019 Definitions and Interpretations – Commercial Parking** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE; TO AMEND THE DEFINITION SECTION OF CHAPTER 151; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT, PROVIDING FOR CONFLICTS AND SEVERABILITY; AND AN EFFECTIVE DATE. (The second reading will be held on October 11, 2018.)

### **QUASI-JUDICIAL PUBLIC HEARING**

- 5. Quasi-Judicial Public Hearing – Ordinance 2018-021 Rezoning - Petitioner: James Phillips, Owner** (city attorney/city manager/community development)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.75 ± ACRES OF THE PROPERTY FROM RESIDENTIAL PROFESSIONAL (RP) TO NEIGHBORHOOD COMMERCIAL (C-1) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**END OF QUASI-JUDICIAL PUBLIC HEARING AND PUBLIC HEARING**

**6. 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.

**7. OTHER BUSINESS**

**8. 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 MINUTES**  
**June 28, 2018**

A meeting of the City of Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, June 28, 2018 at 6:15 p.m.

**Members Present:** Mayor Chris Cheshire, Commissioners Christopher Bell, Ray Lewis, and Rick Ranize.

**Member Absent:** Vice Mayor John L. Gunter, Jr..

**Also Present:** City Manager Gary La Venia, City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; District 2 Candidate Fred Collins; Captain Eric Luce, Police Department; Interim Fire Chief Don Gilpin, Deputy Chief Tim Yoder, Fire Department; Public Works Director Dale Bogle; Parks and Recreation Director Michelle Yoder; Community Development Director Tracy Kelley, Administrative Assistant Kelly Turner; Community Development Department; Human Resources Director Diane Kolcun, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**2. ROLL CALL**

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

**By unanimous consent, the city commission excused the absence of Commissioner John L. Gunter Jr. at this time.**

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order at 6:04 p.m.

**2. ROLL CALL**

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

**3. APPROVAL OF MINUTES**

**On motion of Commissioner Bell, seconded by Commissioner Lewis and unanimously carried, the LPA approved the May 24, 2018 LPA minutes as submitted.**

**QUASI-JUDICIAL PUBLIC HEARING**

**4. Quasi-Judicial Public Hearing – Ordinance 2018-006 to Correct Scrivener's Error on Ordinance 2016-023 SSCPA – 1.0± Acres - N CR 466A and W Timbertop Lane - Urban Low to Commercial – Petitioner: James Phillips, Owner**

Ms. Geraci-Carver read into the record proposed Ordinance 2018-006, the substance of which is as follows,

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-023 WHICH PROVIDED FOR A COMPREHENSIVE PLAN AMENDMENT AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN LOW TO CITY COMMERCIAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 1.0± ACRES OF PROPERTY GENERALLY LOCATED NORTH OF CR 466A AND WEST OF TIMBERTOP LANE; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

There were no comments from the public.

**On motion of Commissioner Lewis, seconded by Commissioner Bell and unanimously carried, the LPA recommended the approval of proposed Ordinance 2018-006 as previously cited.**

**By unanimous consent, the city commission withdrew LPA Agenda Items 5 to 9 from this evening's LPA agenda at the city attorney's request.**

**5. Quasi-Judicial Public Hearing – Ordinance 2018-007 to Correct Ordinance 2016-025 – Rezoning - Petitioner: James Phillips, Owner**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CORRECTING A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF ORDINANCE 2016-025 WHICH REZONED 1.0 ± ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (AG) TO GENERAL COMMERCIAL (C-2) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**END OF QUASI-JUDICIAL PUBLIC HEARING**

**PUBLIC HEARING**

**6. Resolution 2018-026 Granting a Variance LDRs Rule of Rear Setback – Petitioner: K Crispin**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS (LDR) RULE OF REAR

SETBACK FROM 10' TO 5' ON THE DESCRIBED PROPERTY LOCATED AT 102 W BERCKMAN STREET IN THE CITY OF FRUITLAND PARK, FLORIDA, OWNED BY KAREN CRISPIN, PROVIDING FOR AN EXPIRATION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

**7. Resolution 2018-039 Site Plan Approval Multi-Purpose Building Construction – Petitioner: Village Park Campus of First Baptist Church Leesburg**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING SITE PLAN APPROVAL FOR CONSTRUCTION OF A MULTI-PURPOSE BUILDING, A SANCTUARY, AN EDUCATION BUILDING, AND AN ADMINISTRATIVE BUILDING LOCATED ON CR466A IN FRUITLAND PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**8. First Reading - Resolution 2018-040 The Glen - Developer's Agreement Modification**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE MODIFICATION OF DEVELOPER'S AGREEMENT FOR THE GLEN; PROVIDING FOR RECORDING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**9. Resolution 2018-041 The Glen - Phase 10 Final Plat Approval - Petitioner: M. Moukhtara**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING FINAL PLAT APPROVAL FOR PHASE 10 OF THE GLEN GENERALLY LOCATED; AND PROVIDING FOR AN EFFECTIVE DATE.

**10. PUBLIC COMMENTS**

There were no comments from the public at this time.

**11. OTHER BUSINESS**

There was no one from the public to appear before the LPA at this time.

**12. ADJOURNMENT**

**On motion made, seconded and unanimously carried, the meeting adjourned at 6:04 p.m.**

The LPA minutes were approved at the October 11, 2018 meeting.

Signed \_\_\_\_\_  
Esther B. Coulson, City Clerk

Signed \_\_\_\_\_  
Chris Cheshire, Mayor

## ORDINANCE 2018-019

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE DEFINITION OF COMMERCIAL PARKING IN CHAPTER 151 OF THE *LAND DEVELOPMENT CODE*; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR DIRECTIONS FOR IMPLEMENTATION; PROVIDING FOR CONFLICTS, SEVERABILITY; AND AN EFFECTIVE DATE

**WHEREAS**, under its home rule powers, the City of Fruitland Park may regulate land use matters of the Land Development Code; and

**WHEREAS**, the City Commission from time to time provides updates and amendments to the Land Development Code in order to provide proper clear interpretation of adopted regulations within the City; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to amend the Fruitland Park Land Development Code; and

**WHEREAS**, the City Commission of the City of Fruitland Park hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

NOTE: Underlined words constitute additions to the original text of the *Land Development Code*; ~~strikethroughs~~ constitute deletions to the original text of the *Land Development Code*; and asterisks (\*\*\*) indicate omissions from the original text of the *Land Development Code* which is intended to remain unchanged.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS**

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

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

**SECTION 3: Amendments to the City's Land Development Code.** The following Land Development Code Sections and Sub-Sections shall be amended:

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

**CHAPTER 151**

**DEFINITIONS AND INTERPRETATIONS**

**SECTION 151.010: *INTERPRETATIONS OF CERTAIN TERMS AND WORDS\*\*\****

**SECTION 151.020: *DEFINITIONS\*\*\****

**COMMERCIAL PARKING** – An area where vehicles, including, but not limited to, automobiles, trucks, recreational vehicles or boats are parked for storage within the appropriate zoning district. Commercial parking does not include the overnight parking of commercial vehicles associated with the on-site business.

**SECTION 4. SAVINGS PROVISION.** All prior actions of the City of Fruitland Park pertaining to Land Development Code, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 5. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 6. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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

Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_

(SEAL)



**RESOLUTION 2004-014**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:**

**Section 1.** The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;  
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective

or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
- (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
- (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or

written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

**Section 2.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

**Section 3.** This resolution shall be effective upon passage.

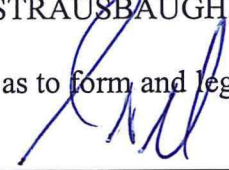
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney



Select Year:  

## The 2018 Florida Statutes

---

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)[PUBLIC BUSINESS](#)[PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS](#)**286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.** –

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking

body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government **land** use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government **land** use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government **land** use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

**History.**—s. 1, ch. 95-352; s. 31, ch. 96-324.

## ORDINANCE 2018 - 021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 0.75 ± ACRES OF THE PROPERTY FROM RESIDENTIAL PROFESSIONAL (RP) TO NEIGHBORHOOD COMMERCIAL (C-1) WITHIN THE CITY LIMITS OF FRUITLAND PARK; PROVIDING FOR CONDITIONS AND CONTINGENCIES; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a petition has been submitted by Larry Smith, Trustee, as Owner, requesting that approximately 0.75 acres of real property generally located north of East Berckman and west of US 27/441 (the "Property") be rezoned from Residential Professional (RP) to Neighborhood Commercial (C-1) within the city limits of Fruitland Park; and

**WHEREAS**, the petition bears the signature of all applicable parties; and

**WHEREAS**, the required notice of the proposed rezoning has been properly published; and

**WHEREAS**, the City Commission reviewed said petition, the recommendations of the Planning and Zoning Board, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fruitland Park, Florida, as follows:

Section 1. The following described property consisting of approximately 0.75 ± acres of land generally located north of East Berckman and west of US 27/441 shall hereafter be designated as C-1, Neighborhood Commercial, as defined in the Fruitland Park Land Development Regulations. The property is more particularly described as:

**LEGAL DESCRIPTION:** Begin 100 feet East of the Northwest corner of the South ½ of Block 15 of Fruitland Park, according to the Plat thereof as recorded in Plat Book 3, Page 9, of the Public Records of Lake County, Florida, and run thence South 4 feet, thence East 3 feet, thence South 12 feet, thence West 3 feet, thence South 178.5 feet, thence East 170 feet, thence North 194.5 feet, thence West 170 feet to the Point of Beginning, in Section 4, Township 19 South, Range 24 East.

### **Parcel Alternate Key No. 1324378**

Section 2. That the City Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the City of Fruitland Park, Florida to include said designation consistent with this Ordinance.

Section 3. That the zoning classification is consistent with the Comprehensive Plan of the City of Fruitland Park, Florida.

Section 4. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective immediately upon adoption.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, CMC, City Clerk

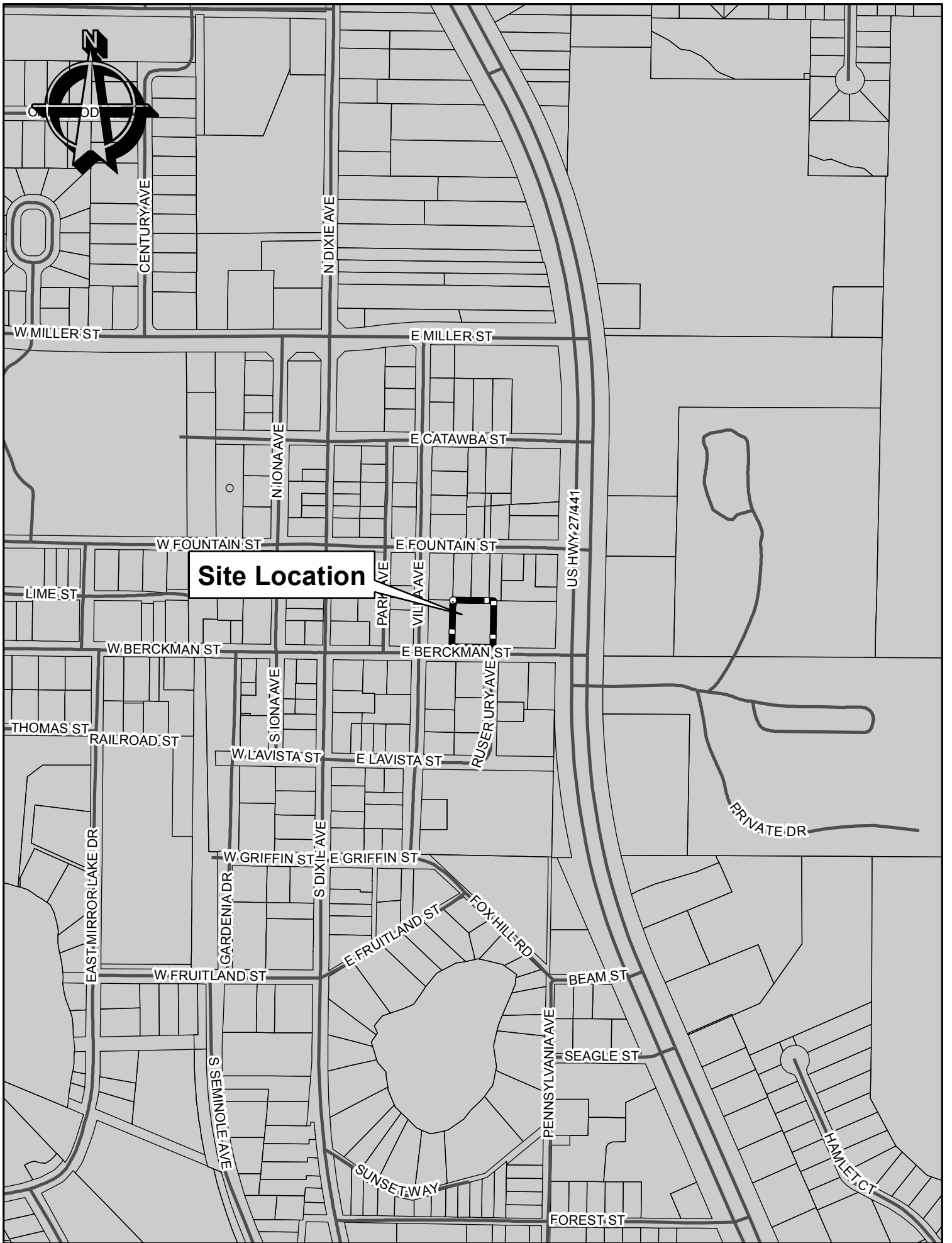
\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

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

Passed First Reading \_\_\_\_\_

Passed Second Reading \_\_\_\_\_





**Site Location**

W MILLER ST

E MILLER ST

CENTURY AVE

N DIXIE AVE

N IONA AVE

E CATAWBA ST

W FOUNTAIN ST

E FOUNTAIN ST

US HWY 27/441

LIME ST

**Site Location**

PARRY AVE

VILVA AVE

W BERCKMAN ST

E BERCKMAN ST

THOMAS ST

RAILROAD ST

S IONA AVE

W LAVISTA ST

E LAVISTA ST

RUSERURY AVE

PRIVATE DR

EAST MIRROR LAKE DR

W GRIFFIN ST

E GRIFFIN ST

GARDENIA DR

S DIXIE AVE

E FRUITLAND ST

FOX HILL RD

W FRUITLAND ST

BEAM ST

S SEMINOLE AVE

SUNSET WAY

PENNSYLVANIA AVE

SEAGLE ST

FOREST ST

HAMLET CT

**CITY OF FRUITLAND PARK  
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

**SSCPA AND REZONING**

**Owner:** Larry Smith, Trustee

**General Location:** West of US 27/441 and north of Berckman

**Number of Acres:** 0.75 ± acres

**Existing Zoning:** Residential Professional (RP)

**Proposed Zoning:** Neighborhood Commercial (C-1)

**Existing Land Use:** Central Business District Mixed Use

**Date:** August 13, 2018

**Description of Project**

The owners are seeking a rezoning to Neighborhood Commercial (C-1) for the business administration/maintenance contractor office of Spa Kingdom in response to a Code Violation letter from the City. The land use allows for a maximum ISR of 80%. Review of the property tax card indicates the site is developed with approximately 2,764 sf of impervious surface which equates to 0.08%. No additional floor area or additional impervious surface is proposed.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	RP	Central Business District
<b>South</b>	RP	Central Business District
<b>East</b>	C-2	Central Business District
<b>West</b>	RP	Central Business District

**Assessment**

The proposed rezoning is compatible with the adjacent properties and is consistent with the land use category and comprehensive plan.

The applicant is offering a 15' buffer along Beckman Street, a 10' buffer along a portion of the eastern property boundary, a 6' vinyl fence along the remaining eastern and southern property boundary and a 10' vinyl fence along the western property boundary. The subject site is exempt from the non-residential design standards (25' buffer along East Berckman consisting of 5 canopy trees, 4 understory trees, and 30 shrubs per 100') since no expansion of the site is

requested pursuant to Chapter 154, Section 154.050. The proposed buffer widths offered do meet the C-1 district criteria. The applicant is proposing to provide shrub planting only within the vegetative buffers offered. Chapter 164.100 exempts the parcel from having to meet the landscape code since no additional impervious area or building expansion is proposed.

Adjustments to the proposed parking will need to be made as there appears to be insufficient width for a 2 way drive aisle as required by code unless the applicant proposes a 1 way entrance and a 1 way exit. The minimum # of parking spaces required is six (6). Please label and dimension the parking spaces on the site plan.

**Recommendation**

Please submit a signed and notarized Owner's Affidavit. Staff supports a solid vinyl fence in lieu of a 10' buffer along the properties, eastern and western property boundary and in lieu of a 15' buffer along the northern property boundary. Staff supports the additional vegetative planting along East Berckman and along the eastern portion of the site. Please revise the site plan as indicated above.

---

---

DRAFT

**RESOLUTION 2013 -023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1.        Citizen's Rights

(a)        Definition.        For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b)        Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1.        An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2.        An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3.        A meeting that is exempt from §286.011; or
4.        A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2.        Suspension and Amendment of these Rules

(a)        Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b)        Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney