MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
JANUARY 16, 2008

The Lake County Local Planning Agency met on JANUARY 16, 2008 at 9:00 a.m. in the Commission Chambers on the second floor of the Round Administration Building in Tavares, Florida. The Lake County Local Planning Agency considers comprehensive planning issues including amendments to Lake County's Comprehensive Plan and the Land Development Regulations.

Members Present:

Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Sean Parks	At-Large Representative
Cindy Barrow	School Board Representative

Members Absent:

David Jordan, Vice-Chairman	District 1

Staff Present:

LeChea Parson, Assistant County Attorney
Gregg Welstead, Deputy County Manager
Brian T. Sheahan, AICP, Planning & Community Design Director
Terrie Diesbourg, Zoning Director
Anita Greiner, Chief Planner, Zoning
Grant Wenrick, Landscape Architect, Planning & Community Design
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:06 a.m. and noted that a quorum was present. She confirmed that Proof of Publication was on file in the Planning and Community Design Division and that the meeting had been noticed pursuant to the Sunshine Statute.

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Sean Parks said it was with regret that other commitments, including his family and the Lake County Water Authority (LCWA) board, made it necessary for him to resign from the LPA effective after this meeting. The LPA agreed with Chairman Foley's acknowledgment of Mr. Parks' expertise and his many contributions since the 2025 Plan process had started. Mr. Parks complimented staff for their hard work, particularly Brian Sheahan, AICP, Planning & Community Design Director.

Mr. Sheahan said the items for today's meeting included the Accessory Use memorandum, the continued review of the Landscape Ordinance and the status of the population data. It was the consensus of the LPA to remove the agenda items relating to the Cities of Eustis and Mt. Dora because staff has not received comments from them.

Accessory Uses and Structure Ordinance Memorandum

Terrie Diesbourg, Zoning Director, said this memorandum was based on concerns from the County Attorney's Office that this ordinance, as previously approved by the LPA, would generate too many variances. She said the County Attorney had requested the LPA's reconsideration and she hoped the additional information provided would help to clarify those concerns.

Keith Schue said he thought the third recommendation in the memorandum was less restrictive than the first staff recommendation. Ms. Diesbourg agreed because of the inclusion of garages, patios and porches in this third recommendation. Chairman Foley said the height recommendation had been changed from 25 feet to 40 feet.

Rob Kelly arrived at 9:20 a.m.

Ms. Diesbourg said staff was recommending removal of the height restriction in zoning districts allowing livestock in order to allow for barns. Mr. Schue suggested excluding R-1 zoning because generally those lots were in subdivisions. Vicki Zaneis agreed with Mr. Schue, citing aesthetic concerns. The LPA agreed to exclude lots with R-1 zoning. There was discussion regarding smaller lots with Agriculture zoning and clustered subdivisions with common open areas. There was consensus by the LPA to exempt lots in A, RA and AR zoning districts that are two (2) acres in size or larger.

There was discussion about calculating the square footage of Accessory Structures and if "garages, porches, patios and the like" should be included. Mr. Schue suggested they continue to exclude "porches…" and then decide if a percentage should be applied. Rob Kelly said because visual proportionality between structures was the issue perhaps "porches…" should be included. The LPA agreed to use an 80% allowance of the enclosed area of the primary structure, excluding "porches…." and with Ms. Diesbourg's suggestion to use the term "main floor" in place of "ground floor."

There was discussion regarding the relationship of the height of accessory structures to the residence. There was consensus to limit the accessory structure height to that of the primary structure or 25 feet whichever is greater.

PUBLIC COMMENT

Bob Curry said barns and stables generally are "lofted" to allow for circulation and those buildings are 30 feet tall.

Vicki Zaneis said that restriction would only apply to lots less than two (2) acres. There was brief discussion regarding how to structure the ordinance and Mr. Sheahan said staff could provide a copy of the revised ordinance after break.

The meeting reconvened at 10:09 a.m. after a short break.

Ms. Diesbourg said Item "D" had been deleted because it was duplicated in another section of the Land Development Regulations (LDRs).

There was agreement to add "within residential and agricultural zoning districts…" to Section 10.01.01, General Standards.

MOTION by Michael Carey, SECONDED Cindy Barrow to transmit the Ordinance for Accessory Structure Size amending Section 10.01.01of the Land Development Regulations to the Board of County Commissioners with a recommendation for approval with the changes included above.

FOR: **Foley, Schue, Carey, Parks, Barrow, Kelly, Zaneis**
ABSENT: **Jordan, Belflower**
AGAINST: **None**
MOTION PASSED: 7-0

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER II, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED DEFINITIONS; AMENDING CHAPTER IX, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS ENTITLED DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; AMENDING SECTION 9.01.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED LANDSCAPING STANDARDS; AMENDING SECTION 9.02.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PROTECTED TREES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Grant Wenrick, Landscape Architect, Planning and Community Design, noted this was continued from December 20, 2007 and said the draft on the screen showed those changes highlighted in yellow. He briefly reviewed those changes including lower shrub heights, buffer requirements, a ban on St. Augustine turf and the percentage of required native plants. Mr. Schue said he had made many comments to staff and he thanked staff for their time. The LPA agreed that minor changes to the ordinance would be approved by consensus.

There was discussion that the plant list should be a list of approved and prohibited plants. Mr. Sheahan said Planned Unit Developments (PUDs) and Developments of Regional Impact (DRIs) could have landscaping regulations specific to them and he explained how approved, but not completed, subdivisions could be affected by these changes.

Mr. Sheahan said staff would review the ordinance for consistency regarding the requirement that landscaping be complete prior to occupation or operation and possible exceptions to that requirement.

The LPA discussed the following items: Monoculture, Maintenance and Palms. There was consensus of the LPA to increase the caliper size for canopy trees.

PUBLIC COMMENT

Jim Bible, representing Showcase Homes, said his comments would be general. He said a cost analysis for residential and commercial uses should be done because he believed the cost of theses regulations could be prohibitive.

Some of his concerns were the following:

- Prohibiting St. Augustine turf could create supply issues and increased fertilizer costs for alternative turf
- The status of ongoing projects

- Questioned if additions to single family residences on large lots would require would homeowners to remove exotic and invasive species
- Restricting the amount of sod for residential uses could create expense and/or maintenance issues
- The cost of "bubblers" for trees and irrigation
- Number of trees required on small lots including possible problems with septic systems

Mr. Parks agreed that a cost analysis was important but thought the savings in irrigation costs over a period of time should be included. The LPA discussed irrigation costs and the fertilizer and water requirements of different turf grasses.

Teresa Watkins said, for the record, that she was not representing any particular agency but was speaking as a citizen with a certain level of expertise.

Some of her concerns included the following:

- Spread of disease through improper pruning and failure to maintain pruning tools
- That the minimum number of plants is what will be installed
- Should have still more diversity
- Who will enforce the pruning provision
- Plant list should be more general
- Consideration of the soil Ph and sunlight requirements for plants
- Proper location for plants lowers the need for watering
- Water Star program is voluntary and certification is allowed at 90 points out of 300. Criteria covers landscaping, irrigation and indoor plumbing
- Florida Friendly standards should incorporate what is on the site not removing everything and then trying to re-establish native plants
- Need to limit fertilizer use and require drought tolerance of turf grasses
- Recognition that some areas do not need irrigation because of the soil types

Amber Dickerson, Green Consulting Inc., suggested using one standard size for tree credits and asked about buffering around wetlands. Mr. Wenrick said existing trees and shrubs that meet the minimum size standards can be part of the buffer requirement. Ms. Dickerson suggested clarifying regulations for parking-stops and the Landscape Buffers between Zoning Types.

Mr. Schue asked if this would require "double buffering." Mr. Wenrick said generally installation of buffers is the responsibility of the more intense use. Chairman Foley asked about size consistency between existing and new trees. Mr. Wenrick said it had been written as an incentive to have larger trees planted.

The meeting reconvened at 1:25 p.m. Peggy Belflower was present for the afternoon portion of the meeting. Rob Kelly arrived at 1:42 p.m. and Michael Carey at 1:28 p.m. Keith Schue left at 1:55 p.m.

Mr. Wenrick said some items were "encouraged" because enforcement would be an issue for some of these regulations.

After some discussion, there was agreement to retain the list of reasons for prohibiting cypress mulch. During discussion on the proposed ban on St. Augustine grass for new construction, Mr. Schue asked if the ban should include replacement turf. Mr. Carey supported the new construction ban but thought it would be difficult to prohibit St. Augustine grass for existing sites or homes. Chairman Foley said time would be needed for sod farmers to switch their production from St. Augustine. There was discussion regarding water use zones and a threshold for turf replacement in residential and commercial uses. Mr. Sheahan said the County would be conducting follow-up landscape inspections that would improve the survive-ability of plants.

PUBLIC COMMENT
Jon Pospisil said he would support including language similar to "except as provided somewhere else" in order to cross-reference and clarify the ordinance as much as possible. He suggested requiring a maintenance plan for commercial corridors. He thought properly landscaped retention areas could be an enhancement to the community. He discussed the restrictions on turf and said some homeowners would prefer turf particularly on small lots. He thought the County should encourage the use of natural lawn care products and supported the retention of "snag trees."

Chairman Foley said she would support the preservation of "snag trees" that are not hazards and the LPA agreed to consider that where appropriate in the Ordinance. Mr. Sheahan said a maintenance plan and a landscape plan were the same. There was consensus to include language encouraging natural lawn care.

During discussion regarding the 75% requirement for native plants, Mr. Wenrick said the St. John's River Water Management District (SJWMD) suggested the emphasis should be on site-appropriate planting. They thought no more than 50% of native plants should be required because of current availability levels.

PUBLIC COMMENT
Jon Pospisil said he agreed with increasing the percentage of native plants in the future.

There was consensus of the LPA to require 50% native plants at this time and to increase that requirement to 75% two (2) years after the ordinance was adopted.

Mr. Wenrick said Table 9.01.04.B.2.A, Landscape Buffers between Zoning Types would increase the buffer requirements beginning with R-1 up to R-7, applicable to subdivisions of 10 units or more. Mr. Sheahan said the responsibility for buffer maintenance would be the owner's, which would be the individual home owner or the homeowners' association, if the buffer was located in a separate track.

PUBLIC COMMENT
Jon Pospisil thought buffers to agricultural uses should differentiate between pasture usage and other agricultural uses such as those using chemicals.

Mr. Kelly asked if there should be buffer requirements for agricultural uses. Mr. Sheahan said some homeowners liked to have citrus trees as a buffer and he discussed the general types of agricultural uses in Lake County. Mr. Kelly raised the concern of agricultural primacy, and Mr. Sheahan said that had not been an issue because of the type of agricultural uses in the County. He said analysis should be done on this issue in order to avoid unintended consequences.

The meeting reconvened at 3:15 p.m. after a short break.

The LPA discussed the Zoning Based Buffering and Landscape Requirements including the concern about subdivision lots that back up to roadways and the desire to have consistent fencing to improve aesthetics. Mr. Sheahan said fencing regulations could be included in PUD ordinances. He said the County does not issue permits for fences, unless a building permit is required. Mr. Wenrick said Item 7 included a buffer requirement to help address that concern.

The LPA discussed not allowing chain link fencing as a buffer but allowing it for retention areas. Staff said it will research requiring the landscape buffer along roadways to be a separate tract, instead of on individual lots.

PUBLIC COMMENT
Jon Pospisil suggested requiring subdivisions to have a landscape buffer around the perimeter and considering it to be part of the open space requirement.

There was discussion regarding buffering residential areas. Staff said buffering between subdivisions could be enforced by the County; however, there was not enough staff to enforce buffers between individual lots.

PUBLIC COMMENT
Jon Pospisil said subdivision landscape buffers in urban areas could affect the location of common areas. He noted that narrow border areas are not generally used by the residents. He thought it might be appropriate to require buffers between subdivisions with significant differences in densities.

Mr. Kelly said placing buffers on individual lots was a risk and that a buffer in an individual lot is not counted as open space. He said if a buffer is a separate tract, then the

Homeowners' Association is responsible but then it could count as open space. Mr. Wenrick suggested a landscape easement. The LPA discussed these options and how to enhance connectivity and ensure maintenance.

Staff said Item "11" is covered by "7" and it was decided to delete "11."

Cindy Barrow left the meeting at 4:18 p.m.

The discussion on street trees included planting on right-of-ways, maintenance of roadways and sidewalks, the aesthetic value of street trees and the possible use of root barriers. Staff said they would confer with Public Works and return with additional draft language. There was agreement to remove "R-2" zoning from Item "14."

Ms. Zaneis said the Austin Horse Park is considering the sale of some of their property and she thought they should consider reviewing that area on the FLUM to decide if clustered development would be suitable because of the area's rural character.

The Chair adjourned the meeting at 4:40 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary