

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
FEBRUARY 27, 2009**

The Lake County Local Planning Agency met on FEBRUARY 27, 2009 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:**

Timothy Morris	District 1
Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Nadine Foley, Chairman	District 5
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative

**Members Absent:**

Terry Godts	At-Large Representative
-------------	-------------------------

**Staff Present:**

Erin Hartigan, Assistant County Attorney  
 Brian T. Sheahan, AICP, Planning & Community Design Director  
 Terrie Diesbourg, Zoning Director  
 Anita Greiner, Chief Planner, Zoning Department  
 Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Nadine Foley, Chairman, called the meeting to order at 9:00 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.

## TABLE OF CONTENTS

AGENDA DESCRIPTION	PAGE NO.
Multi-Family Ordinance	4
Open Air Vendor Ordinance	5
Noise Ordinance	6
Postponement Ordinance	8
Tower Ordinance	9

The LPA reviewed the October 2, 2008 minutes and discussed the appropriate amount of detail for the minutes. Brian T. Sheahan, AICP, Planning & Community Design Director, said care must be taken when editing another person's statement since the minutes must reflect what was said not what was thought to be intended. The LPA agreed to delete the sentence under discussion in the interest of brevity.

**MOTION by Michael Carey, SECONDED by Rob Kelly to approve the October 2, 2008 minutes as amended.**

**FOR: Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris**

**ABSENT: Godts**

**AGAINST: None**

**MOTION PASSED: 8-0**

Erin Hartigan, Assistant County Attorney said the minutes should accurately reflect what was said at the meeting, the accuracy of the statement is a separate issue. The LPA agreed to delete the sentence under discussion.

Cindy Barrow was absent from the room for the following vote.

**MOTION by Michael Carey, SECONDED by Rob Kelly to approve the November 24, 2008 minutes as amended.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis, Morris**

**ABSENT: Godts, Barrow**

**AGAINST: None**

**MOTION PASSED: 7-0**

**MOTION by Michael Carey, SECONDED by Vicki Zaneis to approve the December 1, 2008 minutes as amended.**

**FOR: Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris**

**ABSENT: Godts**

**AGAINST: None**

**MOTION PASSED: 8-0**

**MOTION by Michael Carey, SECONDED by Rob Kelly to approve the December 11, 2008 minutes as amended.**

**FOR:** Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris  
**ABSENT:** Godts  
**AGAINST:** None  
**MOTION PASSED: 8-0**

**MOTION by Rob Kelly, SECONDED by Vicki Zaneis to approve the December 18, 2008 minutes as amended.**

**FOR:** Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris  
**ABSENT:** Godts  
**AGAINST:** None  
**MOTION PASSED: 8-0**

The LPA discussed the December 18, 2008 minutes and there was consensus to delete the comments made by Ian McDonald, Chief Planner, during discussion on Future Land Use Element (FLUE) Policy 4.3.7, Minimization of Adverse Impacts to Wetlands and Flood Plains Caused by Development Activities.

**MOTION by Michael Carey, SECONDED by Vicki Zaneis to approve the January 5, 2009 minutes as submitted.**

**FOR:** Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris  
**ABSENT:** Godts  
**AGAINST:** None  
**MOTION PASSED: 8-0**

Vicki Zaneis gave a brief report on the activities of the Affordable Housing Committee including the status of hurricane damage repairs and the status of state funds.

Peggy Belflower discussed the second letter received from the Central Florida Mining Association and noted that no further response was necessary from the LPA. In response to several questions from Ms. Belflower, Mr. Sheahan said his understanding was that the City of Umatilla no longer wishes to pursue a Joint Planning Agreement (JPA) with the County. He updated the LPA regarding the status of the Landscaping Ordinance including the results of a recent workshop. He said that there had been no response received from the Board of County Commissioners (BCC) regarding the LPA's proposed joint workshop on the 2030 Plan. Mr. Sheahan said staff is working very closely with the Department of Community Affairs (DCA) to ensure they approve the Wekiva Ordinance when it is resubmitted.

**Ordinance 2009 -**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 3.01.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED SCHEDULE OF PERMITTED AND CONDITIONAL USES; CHANGING CEMETERY FROM A CONDITIONAL USE TO A PERMITTED USE IN THE COMMUNITY FACILITIES DISTRICT (CFD); ADDING MULTI-FAMILY USE AS A PERMITTED USE IN R-6 AND R-7 ZONING DISTRICTS; ADDING GENERAL AGRICULTURE AND NON-INTENSIVE AGRICULTURE AS A PERMITTED USE IN THE CFD ZONING DISTRICT AND REMOVING AS CONDITIONAL USE FROM THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Sheahan read the above title of the ordinance into the record. He said multi-family uses are currently allowed only within the Planned Unit Development (PUD) zoning classification, which requires a variance for any PUD on less than the ten (10) acre minimum. Rob Kelly noted that R-6 and R-7 zonings are currently allowed in the unincorporated areas and those densities will not necessarily be allowed in those same places in the future. There was discussion regarding the time frame between adoption of the new Comprehensive Plan and the adoption of the Land Development Regulations (LDRs). Mr. Sheahan noted that this ordinance does not change the density, only the configuration of the development. Mr. Kelly said he needed to be able to identify and review areas with R-6 and R-7 zonings before making a decision on this ordinance.

**MOTION by Rob Kelly, SECONDED by Cindy Barrow to postpone this ordinance until the next LPA meeting on March 19, 2009.**

Cindy Barrow said she thought the LPA should exercise due diligence and resolve Mr. Kelly's concern before voting on this ordinance. Tim Morris asked about the additional information being requested. Mr. Sheahan said the ordinance would affect only areas in the urban land use series with R-6 and R-7 zoning because those densities can not be built outside of the Urban Future Land Use Categories (FLUC). Mr. Kelly said some of those areas won't have an urban designation in the 2030 Plan.

There was discussion regarding uses including cemeteries and agriculture within the CFD zoning district, and distinction between CFD zoning and the Public Facility Services and Infrastructure FLUC of the new Comp Plan. There was discussion regarding the Schedule of Permitted and Conditional Uses table and consensus with the changes shown on the monitor.

**FOR: Schue, Carey, Belflower, Barrow, Kelly, Morris**  
**ABSENT: Godts**  
**AGAINST: Foley, Zaneis**  
**MOTION PASSED: 6-2**

**Ordinance 2009 –**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.03.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED OPEN AIR VENDORS, TO ALLOW FOR OPEN AIR VENDORS IN THE NEIGHBORHOOD COMMERCIAL DISTRICT “C-1”, COMMUNITY COMMERCIAL DISTRICT “C-2”, EMPLOYMENT CENTER DISTRICT “C-3”, PLANNED COMMERCIAL DISTRICT “CP”, LIGHT INDUSTRIAL DISTRICT “LM”, HEAVY INDUSTRIAL DISTRICT “HM”, PLANNED INDUSTRIAL DISTRICT “MP”, AND COMMUNITY FACILITY DISTRICT “CFD”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Sheahan read the ordinance title into the record.

Terrie Diesbourg, Zoning Director said this ordinance would allow open air vendors in the additional zoning categories of Light Industrial District (LM), Heavy Industrial District (HM), Planned Industrial District (MP) and Community Facilities District (CFD). She explained that this proposed ordinance addresses different issues from the ordinance presented to the LPA at a previous meeting. She said those issues would be addressed during the rewrite of the Land Development Regulations (LDRs) and added that the Board of County Commissioners (BCC) did not want to move forward with the prior draft ordinance. There was additional discussion regarding the recommendations of the LPA made on that prior ordinance.

There was discussion by some LPA members that the Community Facilities District (CFD) was too broad a category and there was discussion about whether open air vendors should be allowed in Planned Unit Developments (PUDs) with commercial uses. There was discussion regarding the definition of Open Air Vendors, potential conflicts with other established commercial businesses and which staff would have the responsibility to issue these permits.

There was discussion regarding the possibility of open air vendors on County conservation lands (currently zoned CFD). Some LPA members were concerned that this was not restrictive enough to prevent future staff from approving inappropriate vendors. Mr. Sheahan said this ordinance only ensures that the temporary use permit can be applied for and would require the property owner’s approval.

Chairman Foley suggested removing the CFD zoning classification from the ordinance. Ms. Belflower remained concerned that this draft ordinance doesn’t address the comments and concerns of the LPA discussed previously.

**MOTION by Peggy Belflower, SECONDED by Cindy Barrow to recommend approval of the Open Air Vendor Ordinance as presented with the removal of the Community Facilities District (CFD).**

**FOR: Foley, Schue, Carey, Belflower, Barrow, Kelly, Zaneis, Morris**

**ABSENT: Godts**

**AGAINST: None**

**MOTION PASSED: 8-0**

The meeting reconvened at 10:46 a.m. after a short break.

**ORDINANCE 2009 -**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA CREATING SECTION 9.09.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED NOISE PROTECTION STANDARDS; PROVIDING FOR NEW DEVELOPMENT THAT DIFFERS IN USE FROM NEARBY PROPERTY TO SUBMIT A NOISE STUDY; PROVIDING FOR NEW DEVELOPMENT THAT CONTAINS DIFFERENT USES TO SUBMIT A NOISE STUDY; PROVIDING FOR NOISE IMPACTS TO BE MITIGATED THROUGH THE DESIGN AND IMPLEMENTATION OF NEW DEVELOPMENT; AMENDING SECTIONS 14.07.04(A)(12), 14.07.05(A)(2)(G), 14.09.01(B)(2)(J)(8), AND 14.10.02(B), LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, REGARDING SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLATS, CONSTRUCTION PLANS, SITE PLANS, AND MASTER PARK PLANS, RESPECTIVELY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Sheahan read the title of the ordinance into the record and briefly described the concerns that this proposed ordinance was written to address.

Mr. Schue said he didn't think this ordinance would address the need and it would place arbitrary requirements on land owners and he questioned what would constitute mitigation. Chairman Foley said she thought the ordinance should also address sound frequency and the repetition of the noise.

**PUBLIC COMMENT**

Bob Curry explained that he had professional experience with exploiting sound for intelligence purposes. He said decibels do not determine the travel distance of sound and said lower frequency sound travels further than higher frequency sounds. He suggested replacing much of the descriptive language related to sound with "noise impact" and replacing the 300 foot distance with "the range of potential noise impact." He said noise studies would be a better way to identify the potential impact of noise rather than making zoning the basis for noise comparison.

Chairman Foley noted that the duration of the noise and how often the noise would occur should also be addressed. Mr. Sheahan said this ordinance was written to address those situations in which noise issues arise between new developments or new uses and the affected residents in the vicinity of that new development or use.

**PUBLIC COMMENT**

Bob Curry noted that the Housing and Urban Development (HUD) standards do not address industrial uses.

Jon Pospisil said his major concern would be any unnecessary cost, particularly between residential uses.

There was discussion regarding mitigation, what mitigation would consist of and if the responsibility for mitigation should fall on the new use.

Chairman Foley suggested that the LPA try to reach consensus on some portions of the ordinance. Cindy Barrow suggested using the term suggested by Bob Curry regarding mitigation use, such as “no nuisance or intrusive or damaging levels.”

There was discussion regarding verifiable, objective standards for mitigation. Tim Morris asked staff if this ordinance was fair and legally defensible. Mr. Sheahan said this ordinance had been reviewed by the Office of the County Attorney. He said the ordinance would create an expense for developers but it would reduce noise complaints from residents and the staff time spent responding to those complaints. Chairman Foley said she thought there would be some advantages to the ordinance and agreed that some of the LPA comments should be incorporated into the ordinance.

There was discussion regarding how the term “undeveloped” was defined and that agricultural lands are considered to be undeveloped and that noise studies would have to consider the most intense possible zoning uses. Mr. Sheahan said this ordinance applies only to site plans for commercial developments, Community Facilities District (CFD) or plats. Mr. Morris said this ordinance would protect both parties and he discussed how the Zoning Board takes into consideration factors specific to each situation and said they have some latitude in reaching their decisions.

The LPA agreed the ordinance should contain more specific language regarding mitigation, such as including some guidelines. There was discussion regarding issues such as where noise impacts can be additive and that decibel levels should be replaced with “noise impact area/range.” There was considerable discussion regarding the impact of this proposed ordinance on agricultural uses, if it would have an adverse affect on agriculture, how to address intensive agricultural uses and that when considering agricultural uses it may not always be necessary to consider the most intense use.

The LPA agreed to the following changes:

- Section 9.09.04 to add “or active agriculture”
- Section 9.09.05B, to change ‘may’ to “shall”
- Section 14.09.01 number 8 to add “if required”

The LPA asked staff to consider the various concerns expressed by LPA members and bring back a revised ordinance. There was a consensus of the LPA to continue this ordinance to the March 19, 2009 meeting.

**Ordinance 2009 -****AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 14.00.06, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED PROCEDURES GOVERNING PUBLIC HEARINGS; CREATING A PROCEDURE FOR CONTINUANCES OF PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Sheahan read the ordinance title into the record. There was discussion regarding the term “good cause” including how it should be defined. Ms. Barrow suggested to use language similar to “extenuating circumstances such as severe weather, sickness, accidents or death.” Mr. Sheahan said that this ordinance codifies the current policy and procedures of the Board of County Commissioners (BCC) and he stated that the BCC wants to be able to consider all circumstances. The LPA discussed situations in the past where requests for continuances had been abused, and their desire to prohibit applicants from getting multiple continuances in order to ‘wear out’ their opposition. Mr. Sheahan said in recent years the County has been very critical of requests for continuances. Mr. Morris suggested not including specific reasons and the LPA agreed with changing the language to “for good cause based on extenuating circumstances.”

The LPA discussed the term “due notice” including how that term would be interpreted and its subsequent affect in this ordinance. Mr. Sheahan said this ordinance would allow staff to continue a case for one time if they have received adequate notice and would apply to any County Board. There was a consensus of the LPA with using the phrase “county manager or designee may grant the request” and to change the number of continuances from 2 (two) to 1 (one).

**MOTION by Tim Morris, SECONDED by Rob Kelly to recommend approval of the Ordinance as amended to the Board of County Commissioners.**

There was discussion regarding the use of “due notice” “reasonable notice” or “timely notice.” Erin Hartigan, Assistant County Attorney, explained it is a process decision and said the intent was to have staff provide notice as soon as possible and for the applicant to provide notice to staff at least 10 days before the hearing date.

**Motion amended by Tim Morris, SECONDED by Rob Kelly to use the term “due notice.”****FOR: Foley, Schue, Carey, Belflower, Kelly, Zaneis, Morris****ABSENT: Godts, Barrow****AGAINST: None****MOTION PASSED: 7-0**

Cindy Barrow left the meeting at 12:00 p.m. and Vicki Zaneis left at 12:10 p.m.

**Ordinance 2009 -**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING SECTION 3.11.04, TERMINATION OF NONCONFORMING USES AND DEVELOPMENT, LAKE COUNTY LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 3.13.09A, COMMUNICATION ANTENNA CO-LOCATION; AMENDING SECTION 3.13.12, MODIFICATION OR REBUILDING; MAKING ALL CHANGES FOR THE PURPOSE OF EXEMPTING AMATEUR RADIO TOWERS AND RECEIVE ONLY ANTENNAE FROM THE PROVISIONS ALLOWING CO-LOCATION OF EXISTING COMMUNICATIONS TOWERS WITH ADDITIONAL COMMUNICATIONS ANTENNAE WITHOUT A PUBLIC HEARING, AND FOR THE PURPOSE OF ALLOWING ADMINISTRATIVE REVIEW INSTEAD OF FORMAL SITE PLAN REVIEW IN ALL OTHER CASES WHERE A PUBLIC HEARING IS NOT REQUIRED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Sheahan read ordinance title into the record. Anita Greiner, Chief Planner, Zoning Department said the purpose of the ordinance was to exclude professional cell tower antennae from co-locating on amateur radio towers and receive only antennae.

**MOTION by Tim Morris, SECONDED by Peggy Belflower to recommend approval of the ordinance to the Board of County Commissioners.**

**FOR: Foley, Schue, Carey, Belflower, Kelly, Morris**

**ABSENT: Godts, Zaneis, Barrow**

**AGAINST: None**

**MOTION PASSED: 6-0**

The Chair adjourned the meeting at 12:15 p.m.

---

Donna R. Bohrer  
Public Hearing Coordinator

---

Keith Schue  
Secretary