

**MINUTES  
LAKE COUNTY  
LOCAL PLANNING AGENCY  
APRIL 25, 2008**

The Lake County Local Planning Agency met on APRIL 25, 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:**

Vacant	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
Bill Benham	At-Large Representative

**Members Absent:**

None

**Staff Present:**

Sanford A. Minkoff, County Attorney  
Gregg Welstead, Conservation & Compliance Department Director  
Brian T. Sheahan, AICP, Planning & Community Design Director  
Grant Wenrick, ASLA, Landscape Architect, Planning & Community Design  
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.

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**APPROVAL OF MINUTES**

Chairman Foley said review of the record had not been able to resolve the issue involving Motion 23 from the October 18, 2007 minutes. She suggested the LPA reconsider the appropriate Future Land Use Category (FLUC) for the Lakeridge Winery during the next mapping session and the remainder of the minutes be considered for approval at this time.

**MOTION by Michael Carey, SECONDED by Rob Kelly to approve the minutes from October 18, 2007, as submitted, with the exception of Map Motion 23.**

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

**ABSENT: None**

**AGAINST: None**

**MOTION PASSED: 8-0**

**CHANGES TO THE AGENDA**

Brian T. Sheahan, AICP, Planning & Community Design Director, said the Accessory Use Ordinance and the Open Air Vendor Ordinances were scheduled for the May 15, 2008 agenda per the direction of the Board of County Commissioners (BCC).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE LAKE COUNTY CODE APPENDIX E LAND DEVELOPMENT REGULATIONS; RENUMBERING AND AMENDING s. 3.11 RELATING TO NONCONFORMING DEVELOPMENT; DELETING SURPLUS NONCONFORMING PROVISIONS OF S. 6.13; ADDING DEFINITIONS TO CHAPTER II; REPEALING AND REWRITING IN ITS ENTIRETY s. 9.01 LANDSCAPING AND SITE CLEARING STANDARDS; PROVIDING FOR PURPOSE, GENERAL REQUIREMENTS AND EXEMPTIONS; PROVIDING FOR WATERWISE AND FLORIDA FRIENDLY LANDSCAPING; PROVIDING GENERAL LANDSCAPING REQUIREMENTS; PROVIDING LANDSCAPE BUFFER REQUIREMENTS; PROVIDING INTERNAL LANDSCAPING FOR PARKING AREAS AND OTHER SITE AREAS; PROVIDING LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL AND DUPLEXES; PROVIDING FOR PROHIBITED PLANT SPECIES; REPEALING AND REWRITING IN ITS ENTIRETY s. 9.02 TREE PROTECTION; PROVIDING FOR TREE PROTECTION; PROVIDING FOR PROTECTED TREES; REQUIRING A TREE REMOVAL PERMIT; PROVIDING EXEMPTIONS TO TREE REMOVAL PERMIT REQUIREMENTS; PROVIDING CRITERIA FOR ISSUANCE OF TREE REMOVAL PERMITS; PROVIDING TREE REPLACEMENT REQUIREMENTS; PROVIDING FOR LOCATION OF TREE REPLACEMENT SITES; PROVIDING FOR VOLUNTARY PLANTING; PROVIDING REGULATIONS FOR HISTORIC TREES, SPECIMEN TREES, AND HERITAGE TREES; PROVIDING FOR TREE PROTECTION DURING CONSTRUCTION; AMENDING CHAPTER 14 ADMINISTRATION; AMENDING s 14.07.05 TO ADD LANDSCAPE REQUIREMENTS; AMENDING s 14.07.06 REGARDING ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AMENDING s 14.08.00 REGARDING GUARANTEES AND SURETIES; AMENDING s 14.09.01 SITE PLAN SUBMITTAL REQUIREMENTS; AMENDING s 14.10.02 MASTER PARK PLAN SUBMITTAL REQUIREMENTS; AMENDING s 14.14.01 DEVELOPMENT PERMITS; AMENDING s 14.14.04 TREE REMOVAL PERMITS; PROVIDING FOR SEVERABILITY; INCLUSION IN THE CODE; AND AN EFFECTIVE DATE.

Mr. Sheahan said after careful review of the Landscape Ordinance, staff was recommending changes to ensure consistency with the other sections of Code and to make it consistently implementable by staff. The LPA agreed to take public comment after staff's presentation.

Sanford A. Minkoff, County Attorney, discussed non-conforming issues and said those regulations had been placed in a more appropriate section of the Code. He said the substantial changes made to buffer and parking lot regulations had increased the consequences of non-conformity, including the possibility of requiring that existing parking lots would have to be redesigned. He said staff was particularly concerned with Item "I," regarding structure additions in excess of 4,000 square feet on page 4. Mr. Sheahan briefly reviewed staff's recommendations.

#### **PUBLIC COMMENT**

Gil Lopez suggested allowing a percentage of square footage of St. Augustine turf instead of a prohibition. He asked about restrictions placed on the amount of allowable palms in parking areas.

Grant Wenrick, ASLA, Landscape Architect, Planning & Community Design, said smaller palms were allowed at a two to one ratio, not to exceed 20 percent.

Tim Green, AICP, Green Consulting Group, said he supported staff's efforts to clarify the Ordinance. He thought the following items could be confusing and should be reviewed:

- The applicability of nonconforming regulations to residential uses;
- Requiring compliance with new landscaping regulations could discourage substantial improvement of business sites, encourage new buildings and increase the number of abandoned buildings;
- Increasing the percentage of native plants could make existing landscaping plans nonconforming;
- The publication regarding grades and standards for nursery plants is out of print;
- If irrigation must be shown on landscaping plans;
- Confusion between regulations affecting individual single family residential (SFR) lots and those in platted subdivisions;
- Buffering along access roads;
- Balance between width of buffers and the amount of plant material;
- The interpretation of Page 19 line 6 canopy tree requirements under Landscape Requirements;
- Regulations on Page 22, line 18, buffering of commercial uses;
- Calculation consistency including "how to round numbers;"
- Requirements for landscaping around warehouse /industrial building perimeters;
- Including septic systems as infrastructure;
- Use of pine trees and the Firewise guidelines;
- Regulations regarding As-Built/Record Drawings, shown on page 38.

Mr. Green suggested the following:

- Allowing partial compliance or phased improvements to parking and landscaping when additions to businesses reached the 4,000 square foot threshold;
- Suggested changing "planting area" to "pervious" on page 8, line 5;
- Increasing the diversity of canopy tree percentages;
- Requiring parking areas that exceed the minimum be pervious.

Michael Carey discussed the acceptance by some agencies of "as built letters" in lieu of on-site inspections. Gregg Welstead, Conservation & Compliance Department Director, said a County inspector will make on-site visits to confirm compliance.

The meeting reconvened at 11:00 a.m. after a short break.

Tom Gardner said he would like an opportunity for his turf company, Lake Jem Farms, to make a presentation regarding the proposed St. Augustine prohibition before adoption of this Ordinance. He said he believed the problems with St. Augustine turf was an "end-user" problem.

Ron Plakke said he supported the proposed prohibited and recommended plant list as compiled by staff. He noted that his previous suggestions had been incorporated into the draft ordinance by staff.

Jim Bible, Showcase Homes, expressed concern about the following:

- Cost analysis of this Ordinance, including the St Augustine prohibition;
- The 25% improvement threshold that requires compliance with the Code;
- How on-going projects would be vested;
- How landscaping changes would be monitored;
- Requiring compliance when structural alterations exceed 4,000 square feet and the 25 percent on residential;
- Buffering on individual lots;
- Prohibition of mulching within two (2) feet of foundation;
- Zoned irrigation limits the amount of medium use turf;
- Using Florida Friendly plants instead of native plants;
- Increases in the size of required trees;
- Amount of required canopy trees on small residential lots;
- Use of artificial turf;
- Not requiring irrigation systems;
- Plats required to show landscape maintenance requirements;
- Issues regarding buffers and on going projects;
- Buffering along public roadways, he suggested this apply to external roadways;
- Buffering between uses should be based on actual densities not the zoning classification;
- Concerns regarding the landscape buffer table;
- Use of walls in place of buffers;
- Concern with the prohibition of plastic/PVC fencing;
- Number of required canopy trees per acre;
- Claimed that requiring minimum number of plantings, 35% of first floor footprint, would increase home cost by \$1000.00;
- Issues regarding trees and retention ponds;
- Sidewalks installed at development can be damaged; bonding sidewalks can be expensive.

Cindy Barrow left the meeting at 11:58 a.m.

Mr. Minkoff said currently the construction of sidewalks must be bonded and the intent of this section is to require sidewalks to be built within a specific time frame. Mr. Bible said he is concerned with anything that would increase the cost of the affordable homes that he builds.

Mike Adams, St. Johns River Water Management District (SJRWMD), Intergovernmental Coordinator, said he had submitted written comments to staff. He said SJRWMD supported this ordinance with revisions because it implements many of their recommendations.

The meeting reconvened at 1:23 p.m. after a break for lunch.

**PUBLIC COMMENT**

Jon Pospisil noted that the value of commercial property is higher than residential. He suggested allowing flexibility regarding parking islands as an incentive for specimen and historic tree to be protected within the drip line. He noted that groundcover plants are more expensive than sod and said perhaps there should be exceptions for certain large established trees.

**Section 1.08.04 Termination of Nonconforming Development**

The LPA agreed with staff’s recommendation in Item “C” Nonconforming Landscaping to replace “In addition to” with “Instead of A above.” Mr. Minkoff said staff believed the 4,000 square foot threshold for structure addition would not be feasible for large structures. He said staff was recommending a 25% increase in size or the 4,000 square feet; whichever was greater. Mr. Sheahan said items “i” and “ii” were currently in the Code and said many small businesses had to file for a variance because there was not enough available space to bring their landscaping into compliance. During discussion regarding the square foot threshold, Mr. Minkoff said the issue was how much a small business owner should be required to spend as a result of a small addition to his business.

**MOTION by Bill Benham, SECONDED by Michael Carey to accept the language as shown on the screen with the 1,000 square foot threshold or a 25% increase, whichever is greater.**

There was additional discussion on this motion and editing the language and grammar.

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

The meeting reconvened at 3:00 p.m. after a short break.

**Section 9.01.03 Waterwise and Florida Friendly Landscaping**

After some discussion the LPA decided to change the depth of mulch around required trees to be a range between two (2) to four (4) inches. Mr. Schue suggested limiting the amount of lawn and requiring a no-irrigation portion based on a percentage of the pervious area. Vicki Zaneis was concerned about how that would affect very small lots and zero lot line parcels. Mr. Wenrick said in urban areas even native plants need some irrigation. Ms. Barrow suggested this be applicable only to residential uses.

**MOTION by Rob Kelly, SECONDED by Cindy Barrow to accept the language shown on the screen limiting the area of installed irrigation to a percentage of the impervious surface.**

During discussion on the motion, Mr. Minkoff said this would not be enforceable because single family home owners are not required to submit landscape plans. Mr. Schue thought an inspection would be possible before issuance of the certificate of occupancy (CO). Mr. Sheahan suggested moving this regulation to Efficient and Well Designed Irrigation, Item 5 and the LPA discussed the appropriate percentage for non-irrigated areas.

**MOTION Amended by Rob Kelly, SECONDED by Cindy Barrow to require 60% of the pervious area of single family residential lots or duplex lots be non-irrigated and to move that language to Efficient and Well-Designed Irrigation.**

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

**ABSENT: None**

**AGAINST: Benham**

**MOTION PASSED: 7-1**

The LPA agreed with staff's recommendation to add public active recreation fields to the list of exemptions in Efficient and Well-Designed Irrigation.

Mr. Sheahan noted that during review of the Heavy Industrial Ordinance, the BCC did not support buffering between industrial uses.

After discussing the public comments, the LPA decided to retain the requirement for 20% groundcover in landscape buffers in Section 9.01.05.

The LPA agreed to replace "utilizing" native and drought tolerant plants with "emphasizing" in Item 6.

#### **9.01.06 Internal Landscaping in Parking Areas and Other Site Areas, other than Single Family and Duplex Lots.**

Staff recommended requiring a percentage of Live Oak trees in parking lots.

**MOTION by Cindy Barrow, SECONDED by Rob Kelly to require 50% of the required interior trees in parking lots shall be Live Oak trees, as shown in Section 9.01.06, Item "A" Interior Parking Areas.**

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

**ABSENT: None**

**AGAINST: None**

**MOTION PASSED: 8-0**

The LPA agreed to change the title of Item "B" to "Building Landscapes other than Industrial." Mr. Wenrick said staff believed the percentages for required building perimeters were too stringent, could be cost prohibitive and could result in a significant number of variances. Mr. Schue suggested basing the calculations on the length of the building perimeter instead of the square footage. After extensive discussion, the LPA agreed to delete item "i" including "a" through "d" under "1" at this time.

Rob Kelly left the meeting at 4:43 p.m.

The Chair continued the meeting to April 30, 2008.

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Donna R. Bohrer  
Public Hearing Coordinator

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Keith Schue  
Secretary