MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
MAY 9, 2008

The Lake County Local Planning Agency met on MAY 9, 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:

Jeffrey Schaffer	District 1
Rob Kelly	District 2
Michael F. Carey	District 3
Peggy Belflower, Vice-Chairman	District 4
Keith Schue, Secretary	At-Large Representative
Vicki Zaneis	At-Large Representative
Cindy Barrow	School Board Representative
Bill Benham	At-Large Representative

Members Absent:

Nadine Foley, Chairman	District 5

Staff Present:

Sanford A. Minkoff, County Attorney
Gregg Welstead, Conservation & Compliance Director
Brian T. Sheahan, AICP, Planning & Community Design Director
Donna Bohrer, Public Hearing Coordinator, Planning & Community Design

Peggy Belflower, Vice-Chairman, called the meeting to order at 9:10 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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Vice-Chairman Belflower said she would be chairing the meeting in Nadine Foley's absence and she welcomed Jeffrey Schaffer to the LPA.

Brian T. Sheahan, AICP, Planning & Community Design Director said Mr. Schue would be present later and suggested the LPA work off the copy of Mr. Schue's suggestions that had been provided.

LANDSCAPE ORDINANCE

9.01.02 General Requirements and Exemptions
The LPA agreed to add "approved" before "landscaped" and "landscape" before plans in item "C."

9.01.03 Waterwise and Florida Friendly Landscaping
The LPA reviewed the suggested revisions and agreed in section B to retain items 1 through 8 from the previous draft adding language regarding "implementing right plant-right place principles" to the item regarding Waterwise and Florida friendly landscaping.

The LPA had no objection to the suggested changes to Water Efficiency, item "C".

PUBLIC COMMENT

Philip Leary, Planning & Governmental Affairs Consultant representing the Lake County Farm Bureau addressed the proposed prohibition of St. Augustine grass, noting that drought resistant St. Augustine grass was being developed. He suggested adding "drought resistant" before St. Augustine and discussed the potential economic impact of prohibiting St. Augustine on local sod growers.

Rob Kelly said when the drought resistant St. Augustine was available that he would be willing to amend the ordinance. Bill Benham suggested including language to allow the new varieties of sod to ensure the economic viability of sod growers. Vice-Chairman Belflower said the LPA would be willing to amend the ordinance when the drought-resistant St. Augustine grass was available.

9.01.04 General Landscaping Requirements

- Mr. Sheahan said staff had no objection to the addition of "Ornamental" before Tree Credits under Ornamental Trees.
- The LPA agreed to create a new provision for Existing Shrubs, using language copied from Existing Trees, item 12.
- Mr. Sheahan said staff objected to the reinsertion of "in perpetuity" into item "E" Maintenance as it was in the original ordinance. Mr. Minkoff said staff's concern was that the word "perpetuity" could be interpreted to mean landscaping could not be changed and said the County does not retain landscape plans forever. In addition, the term "in perpetuity" is not used in the other Land Development Regulations (LDRs). During discussion regarding responsibility for maintenance of landscaping, Mr. Minkoff said if specific responsibility was not designated the

County could cite either the owner or the tenant. The LPA agreed with staff's recommendation to remove "…by the owner in perpetuity…"

9.01.05 Landscape Buffer Requirements

- Mr. Minkoff said staff did not support the language in Buffering from Adjacent Properties, A.1, requiring that standard math rounding be used because staff believed there could be a legal argument to require standard math rounding in other chapters of the LDRs where it is not used. The LPA agreed to not require the use of standard math rounding.
- The LPA agreed with the suggested changes in items "i" through "iii" under Internal Roadway Buffering.
- The LPA agreed with the suggested change to Typical Street Tree Section, Figure A.

PUBLIC COMMENT

Jon Pospisil said he thought that stem-wall constructed walls should be considered because they would be less damaging to tree roots and could provide better drainage.

Mr. Sheahan said that particular type of wall was allowed by the County.

- The LPA agreed to add "pre-cast concrete" to Supplemental Requirements, item "C," number 2.

9.01.06 Internal Landscaping in Parking Areas and Other Site Areas, Other Than Single-Family and Duplex Lots

- The LPA agreed with the suggestion to add "such as turf blocks" and to remove "Grass paving…utilized" under Pervious Parking, section C.
- The LPA agreed with the suggestion to delete "or as road…warrants" from Figure "F."
- The LPA agreed to replace "perennials" with "groundcover" under Guardhouses, item "G."
- The LPA agreed to remove "eight hundred …area" from Vehicular Gates and Associated Security Walls, item 1.
- The LPA agreed to move "Curvilinear…encouraged." from Figure "J" into the text.

9.01.07 Landscape Requirements for Individual Single-Family Residential and Duplex Lots

- The LPA agreed with the suggestion to change "may" to "shall" and to replace "site or landscape plan" with "the development permit."
- The LPA agreed to change the title of item "B" to "Street Trees within Lots." Mr. Sheahan said staff would prefer "as contained within" instead of the reference to a specific number within the ordinance. Mr. Minkoff concurred stating that specific references can make the code outdated when changes are made and the LPA agreed to add the sentence "More canopy…other requirements of the code."

- The LPA agreed to delete "trees" from Other Landscaping Requirements, Section "C."
- During discussion on item "D" Preserving Existing Trees, Jeffrey Shaffer asked about a provision regarding trees that were growing within close proximity to the foundation of a home and if there should be an offset provision to allow for construction. The LPA agreed to include language regarding a five (5) foot offset.
- The LPA agreed to add "Avoid" to the title of item "E."

The meeting reconvened at 10:50 a.m. after a short break.

9.02.00 Tree Protection

- The LPA agreed to move "replacement" from Section "A" item 1 to item 2.
- The LPA agreed with Vicki Zaneis' suggestion in item 2 to replace "more than" with "or larger," consistent with the previous provision.

9.02.01 Protected Trees

- The LPA agreed to add "palms" to "A."

9.02.02 Tree Removal Permit

- The LPA agreed to delete the sentence beginning with "Removal of historical trees…" and relocating the language shown on the screen to item "A."
- Mr. Minkoff discussed item "B" and said tree removal permits are not tied to a development order and there is no requirement that any other development be done subsequent to the tree removal. Mr. Kelly said this requirement is in the current ordinance and said their intention was to require site restoration in the event a cleared site was not developed. Mr. Minkoff said re-vegetation provisions were in 9.01.04 General Landscaping and this was duplicate language. Mr. Schaffer said not all tree removal permits are related to development and he thought the language in 9.01.04 was stronger. Mr. Minkoff suggested the current sentence be moved under "Re-Vegetation Required" section "H" and that language be included to meet the LPAs intent. After some discussion the LPA agreed with the draft language shown on the screen and included in the draft ordinance as items 1, 2, & 3 under Re-Vegetation Required, 9.01.04.H.
- The LPA agreed in 9.02.02 Tree Removal Permits to add language regarding timeframes for tree removal and replacement. Mr. Kelly remained concerned because the re-vegetation provision does not require replacing half of the removed trees.

The meeting reconvened at 1:30 p.m. after a break for lunch. Keith Schue was present for the afternoon session.

9.02.03 Violations

- Mr. Minkoff addressed the reasons for deleting some provisions related to remedial actions for tree removal without a permit. He said staff was concerned that property owners innocently removing trees would be subject to more than one

penalty and replacing trees at 1:1 ratio on small lots could create conditions under which the trees could not survive. The LPA discussed their concern regarding developers clearing land for development without obtaining tree removal permits and considering the higher fee as the cost of doing business. Mr. Minkoff said the overwhelming majority of violations would be individual home owners who were not aware of the tree removal ordinance. He said there were other ways to address developers that intentionally subvert the permit process. The LPA discussed Mr. Shaffer's suggestion to set a tree removal threshold that would protect innocent home owners and still address illegal land clearing by developers.

PUBLIC COMMENT

Jon Pospisil discussed the high value of commercial property and the size of the areas needed in order for historic, specimen and heritage trees to survive. He thought because of those two factors staff should have flexibility on some issues such as parking regulations.

Mr. Shaffer said educating buyers of commercial properties regarding tree preservation would be similar to educating landowners about wetlands.

Mr. Minkoff suggested requiring a replacement ratio of more than 1:1 for heritage, historic or specimen tree removal and if three (3) or more protected trees that are not heritage, historic, or specimen trees were removed without a permit that the replacement ratio be 1:1. The LPA discussed the cumulative removal of trees, tree removal under the threshold, the provisions under Violations and Restoration plans and doubling the tree removal permit fee.

The LPA reached consensus with the language shown on the screen under Violations, which defined the violations, set replacement ratios for heritage, historic, specimen and other protected trees removed without a permit and requiring restoration plans.

Jeff Shaffer left the meeting at 2:10 p.m.

The LPA agreed with the suggested changes to 9.02.04 Exemption to Tree Removal Permit Requirements and 9.02.05 Criteria for Issuance of Tree Removal Permit.

9.02.06 Replacement Requirements

- After some discussion regarding Tree Sampling for Large Sites the LPA agreed to insert "certified" before landscape architect, arborist and forester in order to ensure tree surveys were performed by qualified personnel.
- Mr. Sheahan said staff thought item 4 under Tree Sampling regarding tree survey reports was duplicated in other provisions. Mr. Schue was concerned that the County received a sufficiently detailed report. Mr. Sheahan said this was intended to be a tree survey not the vegetative survey required in the site plan regulations. The LPA agreed to remove the language relating to "vegetative

communities," to retain the last sentence beginning with "The methods…." and to retain item 5 so the county can require additional tree sampling.

PUBLIC COMMENT

Jon Pospisil thought requiring all trees to be mapped during tree surveys could be prohibitively expensive. He agreed with the mapping of historic, heritage and specimen trees but he questioned if it was necessary to map all trees.

The LPA agreed to require the mapping of heritage, historic and specimen trees and to allow an estimate of protected trees.

9.02.07 Location of Tree Replacement Sites

- The LPA agreed to restore item "B" with some changes for clarity.
- Mr. Minkoff said staff was recommending removal of the tree mitigation fund because the County has ample space available for mitigation tree planting. Mr. Minkoff said staff did not support adding "recorded legally-binding" to item "4" because the failure to follow those conditions was a code violation and he believed this language could "cloud" a title. The LPA agreed to remove "recorded legally-binding" from the beginning of item "4."

Cindy Barrow left the meeting at 2:50 p.m. The meeting took a short break at 2:55 p.m. Bill Benham left the meeting at 3:10 p.m.

Mr. Sheahan said Phillip Leary, representing the Farm Bureau, had to leave but said they were recommending a broader exemption for Agriculture and Silviculture.

9.02.08 Voluntary Planting

- The LPA agreed to delete the language following "or retained."

9.02.09 Historic Trees

- Mr. Sheahan said staff was recommending the deletion "Removal of historic… prohibited" because there are provisions in the ordinance to allow for removal of those trees. The LPA agreed with staff and included language stating the BCC could allow exemptions for the removal of historic and heritage trees.

9.02.10 Specimen Trees

The LPA agreed that item 6 regarding prohibited trees be moved to "C" so it stands alone and to make this language consistent with the provisions for historic trees.

9.02.12 Tree Protection Standards During Construction

- The LPA agreed with Mr. Schue's additional language.
- The LPA agreed with staff's recommendation to delete "through the Development… review" in item 2 because all permits are signed by the County Manager or designee.
- The LPA agreed with staff's suggestion in section "E" "Avoiding Injuries…" to add certified landscape architect/arborist in order to be consistent.

Section 9 Creation

- Mr. Sheahan said staff had no objections to the suggested changes.
- The LPA agreed to remove "automatic" and to ad "including areas not irrigated" in the first item.
- The LPA agreed to add "showing their location" to the last item.
- Mr. Sheahan said it was staff's position that there should be a threshold below which a landscape architect was not required because an architect or engineer could show the required landscaping on the project plans. The LPA agreed to set the development threshold at three (3) or more dwelling units, to insert "certified" before landscape architect and to make the language in sections 15 and 16 consistent.

14.08.00 Guarantees and Sureties

- The LPA agreed to insert "acceptable" in the second sentence of item 1.
- Mr. Minkoff said sidewalks have become an issue and that this section on sidewalks is part of the overall development plan. He said this is intended to address when sidewalks are required to be built and said this draft language would require a bond to fund the building of sidewalks in case they are not installed by the developer. Mr. Schue was concerned that allowing four years for sidewalk installation could make the bond insufficient to cover the cost. Mr. Minkoff said because sidewalks must be built before certificates of occupancy (CO) are issued that the County would not have to install all the sidewalks and consequently the bond should be adequate to cover costs. There was discussion regarding the slowing home markets, ensuring that subdivisions have sidewalks and the appropriate timing of sidewalk construction. Mr. Minkoff said the amendment includes a construction time frame and that the bond would cover the cost. He said this would allow a four year extension for sidewalk construction if a bond is posted.

The LPA agreed with the following:

- The language suggested in item "C" regarding timeframes and construction bonds for sidewalk construction in subdivisions.
- The language suggested in item "D."
- The language suggested in item "F."

The LPA agreed with the language shown in Section Fourteen through Section Twenty.

There was discussion regarding non-conformities in other areas of the code and minor restructuring of code to cover these issues.

PUBLIC COMMENT

Jon Pospisil asked about the changes regarding provisions for preliminary plats.

Mr. Minkoff said that change had been made so tree removal permits were required at construction plan approval instead of at preliminary plat approval.

MOTION by Keith Schue, SECONDED by Rob Kelly to transmit the Landscape Ordinance as modified to the Board of County Commissioners with a recommendation of approval.

FOR:	**Schue, Carey, Belflower, Kelly, Zaneis, Benham**
ABSENT:	**Foley, Schaffer, Barrow**
AGAINST:	**None**
MOTION PASSED:	**6-0**

The Vice-Chair adjourned the meeting at 4:55 p.m.

Donna R. Bohrer	Keith Schue
Public Hearing Coordinator	Secretary