MINUTES
LAKE COUNTY
LOCAL PLANNING AGENCY
MAY 15, 2008

The Lake County Local Planning Agency met on MAY 15, 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:

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:

Jeffrey Schaffer	District 1
Rob Kelly	District 2

Staff Present:

LeChea Parson, Assistant County Attorney
Brian T. Sheahan, AICP, Planning & Community Design Director
Terrie Diesbourg, Zoning Director
Anita Greiner, Chief Planner, Zoning
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.
Accessory Structure	3
Open Air Vendors	5
Review of Action Items	5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 10.01.01, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED GENERAL STANDARDS AND REQUIREMENTS, TO LIMIT THE SIZE OF ACCESSORY STRUCTURES AND TO PROVIDE FOR AGRICULTURE STRUCTURES AS PRINCIPAL STRUCTURES IN RANCHETTE AND AGRICULTURAL RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Zoning Director, said the BCC requested an addition allowing a structure for agriculture purposes to be considered the principle structure, which would allow those structures to be built before the residence. There was discussion that the generally larger building/barn as the primary structure would be the basis for other calculations. Ms. Diesbourg said when the home was built it would become the primary structure. Keith Schue and Peggy Belflower voiced concern that it should be defined clearly that the home was becoming the primary structure. There was discussion about adding a clarifying a sentence to 10.01.01.B and additions to line 30 on page 1.

Ms. Belflower suggested that in the second Whereas clause "development" be replaced with "structure" and that in the third Whereas clause "Principal Development" be replaced with "Principal Structure." The LPA agreed with those two changes.

Brian T. Sheahan, AICP, Planning & Community Design Director, explained that the "Use" of a property could be primary and the structure could be the accessory, such as in car lots and said this Ordinance covered all Accessory Uses. Mr. Schue voiced concern that individuals could use the larger accessory structure as the basis for constructing other larger buildings than they would otherwise have been allowed to if the house had to be built first. Ms. Diesbourg stated this applied only to agricultural structures and would include Ranchette (AR) and Agriculture Residential (AR) zonings. There was discussion regarding how these regulations would be enforced.

Mr. Sheahan said the proposed restriction that the principal structure has to be the barn or the dwelling, conflicted with section "E" in the ordinance which states that the accessory structure shall not exceed 80% of the enclosed living area and could create non-conforming cases. He said that although in residential uses with multiple structures the residence is considered the primary structure that was not the case with agricultural uses when large barns are needed and other buildings. There was discussion regarding item "G" which dealt with exemptions to Section "E." The LPA discussed concerns about large accessory structures, and ensuring that the uses are actually agriculture. Chairman Foley noted that many of these issues would involve lots smaller than five (5) acres. She said the concern was that not too much be built on smaller parcels because those parcels become inconsistent with the neighborhood. Anita Greiner, Chief Planner, summarized the concerns that the regulations could allow circumstances in which a one acre agricultural lot, could have large buildings built everywhere because they would be considered the principal structure, a residence would not necessarily ever be built and the only controlling factor would be the impervious surface ratio.

The meeting reconvened at 10:18 a.m. after short break.

Ms. Diesbourg said in item "B" staff had added language "on conforming lots" before the zoning classifications. In addition item "G" includes an exemption for both item "F" and item "E". Mr. Schue said a remaining issue was if the two (2) acre lot size was large enough to allow the agricultural structure to serve as the principal structure. He suggested that in AR a conditional use permit (CUP) be required. Mr. Sheahan said the AR lots are generally in areas adjacent to agricultural and ranchette uses and not located in areas of higher density. Ms. Diesbourg noted that the definition in Chapter II would be changed to be consistent. Ms. Greiner said that in item "G" "conforming" should be added at the beginning and to delete "that are two (2) acres in size or larger."

MOTION by Michael Carey, SECONDED by Bill Benham to accept the changes to the Definitions, to item "B" and "G" described above.

Mr. Schue suggested removing the two (2) acres lot size because of concerns that small lots could have building that were too large. The LPA agreed to retain the two (2) acre restriction.

The Chairman said the motion was to accept the changes up to this point.

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

Ms. Belflower suggested combining the first two sentences in the Definitions section. Mr. Schue noted that the second sentence was redundant. There was agreement to delete "of" in the first sentence and to delete the second sentence.

The LPA agreed with the following changes in Section 10.01.01:

- to replace "located" with "allowed"
- in item "A" to replace "parcel" with "lot that is"
- in item "E" to replace "and the like" with "such as"
- in item "E" to replace "shall… the above" with "shall apply."

The LPA agreed to add "conforming" within the fourth "Whereas" on page 1.

MOTION by Keith Schue, SECONDED by Michael Carey to transmit the Accessory Structure Ordinance as amended to the Board of County Commissioners with a recommendation of approval.
FOR: **Foley, Schue, Carey, Belflower, Barrow, Zaneis, Benham**
ABSENT: **Kelly, Schaffer**
AGAINST: **None**
MOTION PASSED: 7-0

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 THE SALE OF NATURAL PRODUCTS NOT UTILIZING A STRUCTURE AS DEFINED BY THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Terrie Diesbourg, Zoning Director, noted that the intention of this ordinance was to allow for the sale of natural products from the farm, grove, vineyard, garden or apiary for human consumption.

The LPA discussed possible definitions of consumption, the changes to the requirements from the current ordinance, such as the time limitation, types of allowable products, how prolific should these uses be, prohibiting permanent structures, potential increases in traffic, issue of fairness regarding farmers markets, and supporting growth of commerce and agriculture.

PUBLIC COMMENT

Bob Curry discussed a local vegetable stand vendor and he believed this vendor provided a service to the area residents. He said he understood concerns about possible abuse of this ordinance; however he did not think long-time vendors should be put out of business.

Mr. Schue said the size of the open air vendor could be the issue. Mr. Sheahan said staff believed this draft was close to the intent of the Board of County Commissioners (BCC). He said the LPA could provide their comments to the BCC without recommending approval. Several members were concerned about competition between growers of produce, produce vendors and other products that might be sold, and vendors selling at venues such as farmer's markets.

Ms. Diesbourg summarized the concerns of the LPA as follows: the size of business, plant sales, having a seasonal timeframe, the number of individuals involved in selling, limiting sales to food items and prohibiting the proliferation of retail businesses along the roadways.

The LPA scheduled additional meeting dates for the month of June. The meeting reconvened at 1:20 p.m. after a break for lunch.

REVIEW OF ACTION ITEMS

The LPA began discussion of staff's memorandum regarding floor area ratios (FAR), impervious surface ratios (ISR) and the different commercial categories. During review of the memorandum table, there was discussion about the parking needs of institutional uses in rural FLUCs and preservation of open space. The LPA reviewed the ISR table, beginning with Rural Low Density. Mr. Schue thought the Rural Transition Density and the Rural Low Density could have the same ISR and he suggested a higher ISR for institutional and recreation uses. The LPA agreed to a 20% ISR for residential uses in the rural FLUCs. The LPA agreed that recreational and institutional uses should have a 30%

ISR in Rural Low Density, 40% ISR in Rural Medium Density, and 50% in Rural Transition Density. The LPA agreed that development in the Rural Transition Density FLUC tshould be consistent with conservation subdivision design.

PUBLIC COMMENT
Lowrie Brown said he thought these policies should be flexible so the County would be able to accommodate desirable economic opportunities. He said the ISR regulations should be in the Land Development Regulations (LDRs).

Mr. Carey said he would support staff's suggestion and he agreed the ISR rules should be in the LDRs. Mr. Schue said he believed the Rural Transition Density FLUC should be required to meet the same ISR as the Rural Low Density FLUC to ensure that aquifer recharge would be no less than the Rural Low Density FLUC.

MOTION by Michael Carey, SECONDED by Cindy Barrow to set the Impervious Surface Ratio at .20 for Rural Low Density and Rural Medium Density Future Land Use Categories and 0.30 in the Rural Transition Density Future Land Use Category, except for institutional/recreational uses .

PUBLIC COMMENT
Bob Curry said he thought this ISR figure would not accommodate agricultural uses such as plant nurseries.

MOTION Amended Michael Carey, SECONDED by Cindy Barrow to add agricultural to the exemption for institutional/recreational uses in the Rural Future Land Use categories.
FOR: Foley, Carey, Belflower, Barrow, Zaneis, Benham
ABSENT: Kelly, Schaffer
AGAINST: Schue
MOTION PASSED: 6-1

There was a consensus of the LPA that the ISR for Urban Low Density shall be .50; for Urban Medium Density it shall be .60; for Urban Medium-High Density shall be .70 and Urban High Density shall be .80. There was consensus of the LPA with the staff recommendations for an ISR of .85 in Regional Commercial, .85 in Regional Office, .80 in Light and Heavy Industrial FLUCs.

There was discussion that the FARs in the Rural FLUCs are higher than in the Urban FLUCs because those commercial lots are restricted to smaller sizes and the FAR is currently calculated on the size of rural support node area not the entire parcel. Mr. Sheahan said within the urban FLUCs the FAR calculation is based on the FLUC. There was discussion if a FAR was necessary in the rural FLUCs, or if size should be controlled through the square footage and if the square footage should be an aggregate of each corner of the intersections.

PUBLIC COMMENT

Bob Curry said the rural support corridor has a FAR of 0.1 and noted that the elimination of the FAR could have a larger impact on the corridors than on the intersections.

Mr. Schue thought the FAR in the Rural FLUCs should be lower than that in the Urban FLUCs. Chairman Foley said the current draft of the Comp Plan only requires that Rural Support had a FAR within rural areas. Mr. Sheahan summarized that the maximum FAR for Rural non-residential uses was .35 and said the ISR would restrict the size of development. Mr. Schue suggested calculations based on the intersection size which would be redistributed proportionally on each corner and suggested this would work for the commercial centers. Mr. Sheahan said staff would prepare draft language explaining those calculations.

PUBLIC COMMENT
Bob Curry said he thought the rural support corridors should be considered separately because they do not have an aggregate figure. He noted that some of the distance figures within these policies are not consistent.

The meeting reconvened at 3:20 p.m. after a short break.

There was discussion regarding the Rural Support Corridor FAR.

The LPA agreed by consensus with the staff recommended FARs within the Urban FLUCs.

PUBLIC COMMENT
Lowie Brown discussed the importance of "flex-space" which would allow a mix of uses such as limited retail with industrial uses. He noted that the higher cost of industrial land is a factor in how that land is used and he discussed that a balance is necessary to provide supporting uses that are sustainable.

There was discussion regarding the intent to keep some areas available for industrial uses instead of commercial uses and what would be the appropriate amount of office space. The LPA agreed in the Light Industrial FLUC to have a FAR of .10, with an exception for industrial/office uses of .20.

PUBLIC COMMENT
Bob Curry discussed the "and/or" language in the Light Industrial FLUC and said it would require access to rail transportation.

The LPA agreed to change the sentence structure so rail access would not be required in both the Heavy and Light Industrial FLUCs.

The LPA agreed to change the building height restrictions in the Mt. Plymouth/Sorrento Planning Area to two (2) habitable stories, not exceeding forty feet, which is consistent with a request from that committee.

The LPA discussed the Gateway Overlay District policies including the intention of the overlay and that the landscape ordinance duplicated some of these policies. Staff noted that design standards should also address some of these issues. The LPA agreed to delete Objective 6.2 Gateway State Road Overlay District and to add a bullet item to Policy 1.1.8 Adopt Land Development Regulations related to gateway/landmark features to facilitate community identity.

The LPA agreed to remove "and Overlay" from Policy 7.2.6 Rural Roadways.

PUBLIC COMMENT

Bob Curry discussed some edits that he thought should be made to the FLUE.

The LPA agreed to edits to the headings under Objective 6.5.

The Chair adjourned the meeting at 5:00 p.m.

Donna R. Bohrer Public Hearing Coordinator	Keith Schue Secretary