

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
MAY 16, 2024**

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Deborah Murphy, Vice-Chairman
Dian Joy, Board Member
Bruce Peterman, Board Member
Brooke Matthews, Board Member - Absent
James Sweeza, Board Member
Dara Treadwell, Board Member

STAFF MEMBERS PRESENT

Antonio Fabre – Interim Director
Terri O'Neil, City Planner
Lindsay Holt, City Attorney
Erick Hernandez, Staff Assistant

I. CALL TO ORDER

Chairman Santoro called the meeting to order at 3:00 p.m. and asked those present to silence their cell phones. He led those present in the Pledge of Allegiance.

MOTION

James Sweeza moved to approve the Minutes, seconded by Bruce Peterman. The motion carried unanimously 6-0.

II. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Attorney Holt announced the only quasi-judicial matter is Tab 2 under public hearings. She stated any city staff members who wish to speak on this matter would need to be sworn in.

Attorney Holt swore in those who were present and wished to provide testimony.

Attorney Holt asked the Board Members if there were any ex-parte communications. There were none.

III. PUBLIC HEARING

1) Ordinance 2024-06 – An ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow Backyard Chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing “lot-of-record” on “RMF-3” zoning district.

Mr. Fabre gave the following presentation:

SUMMARY:

On March 20, 2024, City Council directed staff to update the Land Development Regulations to allow for backyard chickens as an accessory use in residential zoning districts. Per the City Council direction, the proposed ordinance mirrors Lake County's Chicken Code (see attached). Furthermore, an update to allow for a single-family residence (SFR) in an existing "lot-of-record" on "RMF-3" zoning district was also included. As of now, there are existing areas in the city (mainly, but not limited to, east of Summerall Ave and south of Wells Avenue) where there are existing SFRs on "RMF-3" zoning district. As a result, existing SFRs have a status of "non-conforming". This action will allow SFRs to be legally conforming and eligible to be constructed, extended or rebuilt in conformance with the "RMF-2" zoning development standards.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-06, an ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow backyard chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing "lot-of-record" on "RMF-3" zoning district.*
- 2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-06.*

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-06, an ordinance amending the Land Development Regulations, Table 8-2 Permitted and Special Uses, to allow backyard chickens as an accessory use in single-family zoning and to allow for a single-family residence in an existing "lot-of-record" on "RMF-3" zoning district.

Chairman Santoro asked for public comment. There were none.

Board member Peterman asked Mr. Fabre whether permits would be necessary for residents wanting chickens on their property. Mr. Fabre clarified that the only required permit would be for the chicken coop.

Additionally, Board member Peterman asked whether the chicken coops would need to be storm-rated. Mr. Fabre confirmed that builders must adhere to the Florida building code.

Board member Treadwell asked about oversight once the coop is inspected and the number of chickens is determined, wondering if complaints from neighbors would be the only oversight. Mr. Fabre confirmed that complaints from the public would indeed be the primary oversight.

Chairman Santoro inquired about lot size requirements. Mr. Fabre explained that there is no minimum lot size; however, there is a setback requirement of twenty feet from all property lines.

Chairman Santoro asked if the City of Tavares might consider incorporating pigs or other livestock in the future. Mr. Fabre clarified that the current ordinance pertains solely to chickens.

Board member Sweeza asked about the possibility of expanding beyond chickens and why other animals are not allowed. Mr. Fabre responded that Tavares permits horses and cattle in specific zoned districts but emphasized that this ordinance is exclusively for chickens.

Chairman Santoro asked Attorney Holt the process if pigs were denied while allowing chickens. Attorney Holt said it would require a separate hearing and a notice as an amendment to the Land Development Regulations.

Board member Peterson asked if chicken coops are mandatory, and Mr. Fabre confirmed that chicken coops are required.

MOTION

Dara Treadwell moved to recommend approval of Ordinance 2024-06, seconded by Bruce Peterman. The motion carried unanimously 6-0.

2) Ordinance 2024-07 (Transmittal) – Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, Amending the Density for the Commercial Downtown (CD) Category.

Mr. Fabre gave the following presentation:

SUMMARY:

The Future Land Use Commercial Downtown (CD) category is intended to support a wide range of uses with increased densities and intensities to complement the downtown’s roles as a focus for tourism, professional offices, retail, dining, civic, and cultural activities. This category is also intended to accommodate townhomes and multifamily dwellings. Furthermore, the City encourages compact mixed-use developments with increased density and intensity that promotes pedestrian and economic activity per the Land Use Element, Objective 1-3 Downtown Tavares, Policy 1-3.4 of the “Taking Flight” 2024 Comprehensive Plan.

The City of Tavares is experiencing an influx of growth, as many communities in Florida are experiencing. However, there is limited investment interest within the Commercial Downtown (CD) category. Investment in an infill project can present some challenges for investors, including assembly of fragmented property, potential environmental cleanup, limited financing options, demolition cost, higher construction costs for commercial and multi-story buildings, and density requirements.

As a result, other compatible cities have demonstrated higher densities in their downtown core areas (see attached table). The City of Tavares has the opportunity to consider an increased density requirement within the Commercial Downtown category. Ordinance 2024-07 proposes an increase in density for the Commercial Downtown from the adopted 25 dwelling units per acre to a more progressive 40 dwelling units per acre.

OPTIONS:

1. That the Planning & Zoning Board moves to recommend approval of the transmittal to the State for review of Ordinance 2024-07 - Amending the City of Tavares “Taking Flight” 2040 - Comprehensive Plan Future Land Use Element, by amending the density for the Commercial Downtown (CD) Category from not to exceed 25 DU/AC to not to exceed 40 DU/AC.

2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-07.

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of the transmittal to the State for review of Ordinance 2024-07 - Amending the City of Tavares "Taking Flight" 2040 - Comprehensive Plan Future Land Use Element, by amending the density for the Commercial Downtown (CD) Category from not to exceed 25 DU/AC to not to exceed 40 DU/AC.

Chairman Santoro asked Bob Tweedie for his thoughts. Mr. Tweedie praised Mr. Fabre's presentation and highlighted that the current density limit in the downtown area is 25 dwelling units per acre. He emphasized the city's efforts to attract investors for projects that can boost economic development in the community and downtown. Mr. Tweedie stressed the importance of the residential component in driving business growth, noting that building higher-density projects makes more economic sense than developing smaller lots. He expressed support for this approach, believing it will encourage builders to create more units, enhance existing commercial spaces on lower levels, and overall benefit the downtown area. He concluded by urging the board's support for these efforts.

Chairman Santoro asked for public comment. There were none.

Board Member Sweezea raised concerns about parking during ongoing development. Mr. Fabre reassured that additional parking plans were in place, including a future structure on the east side after public works moves. He emphasized the need to identify suitable parking spots, with developers required to provide parking for their units.

Attorney Holt clarified that the code specifies a minimum number of parking spots per unit. Mr. Fabre noted exemptions for downtown areas, including street parking and an upcoming garage with 1,100 spots. Mr. Tweedie added that mixed-use residential projects must meet parking requirements under the land development code, with additional plans near City Hall and the former public works site.

Chairman Santoro expressed concerns about parking garage closures at night and the impact of parking restrictions, especially with households owning multiple cars. Mr. Tweedie assured that developers were designing projects with extra onsite parking.

Board member Peterman asked whether building garages or attracting businesses was the priority. Mr. Tweedie clarified that both were simultaneous goals and that garages will be funded by the city. Peterman referenced Sanford's parking challenges, prompting Mr. Tweedie to stress the importance of planning for a sustainable long-term parking solution.

MOTION

James Sweezea moved to recommend approval of Ordinance 2024-07, seconded by Bruce Peterman. The motion carried unanimously 6-0.

3) Ordinance 2024-08 – Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

Mr. Fabre gave the following presentation:

SUMMARY:

The State of Florida has enacted the Live Local Act, allowing developers the right to build or construct residential subdivisions and multifamily apartments in commercial and industrial zoned districts. The City of Tavares is seeking to ensure the residents right to quiet and peaceful enjoyment and to protect the quality of life, by amending the Land Development Regulations Chapter 12, Section 12-2 Prohibition of a Public Nuisance Noise. This amendment will include criteria for internal noise levels in new residential dwelling units, in a commercial or industrial zoned district.

Additionally, the City is also amending the Code of Ordinances Chapter 11 Section 11-4 Noises from blower, outdoor vacuum, etc. This is to adjust the hours of operation for blowers, outdoor vacuum or similar tool or machines from 7:00 AM to 7:00 PM. This also includes an amendment to the Land Development Regulations Chapter 12 Section 12-3 Presumptive Public Nuisance Noise.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.*
- 2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.*

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2024-08 - Amending the City of Tavares Code of Ordinances Chapter 11 and the Land Development Regulations Chapter 12.

Attorney Holt said the Live Local Act covered in the workshop and clarified that Ordinance 2024-08 aligns with state legislation. She emphasized the ordinance aims to encourage residential development in areas that would benefit from increased quality of life. Attorney Holt affirmed the legality of Ordinance 2024-08, noting it streamlines approval processes for Live Local projects while ensuring compliance with buffering, building codes, and land development requirements.

Chairman Santoro asked for public comment. There was none.

Vice Chairman Murphy raised a concern about noise ordinances, specifically section 12-2 related to blowers and outdoor vacuums. He mentioned early morning noise from hunters on Lake Dora and asked if the ordinance covers such activities. Mr. Fabre clarified that the ordinance does not address shooting activities.

Attorney Holt acknowledged the need for a broader noise nuisance code beyond residential equipment regulations. Vice Chairman Murphy highlighted ongoing noise disturbances until late at night and discussed the impact on workers trying to complete their tasks efficiently, especially during the summer months when outdoor activities are more prevalent.

Chairman Santoro expressed reservations about the proposed changes, noting early morning activities such as grass cutting and street cleaning essential for maintaining the city's commercial areas. He suggested exploring seasonal adjustments to the ordinance to accommodate varying needs throughout the year. Attorney Holt supported this idea, suggesting

specific dates and times for different seasons or modifying the current time frames to better balance enforcement and practical needs.

Mr. Fabre proposed adjusting the time frame from 8 pm to 6 am to provide additional flexibility. Chairman Santoro agreed with this adjustment.

Attorney Holt summarized the discussion, noting the motion to approve section 12.2 with no changes, approve section 12.3, and approve section 11.4 with an amendment changing the time frame to 8 pm to 6 am.

MOTION

James Sweezea moved to recommend approval of Ordinance 2024-08 with amendments, seconded by Deborah Murphy. The motion carried unanimously 6-0.

IV. PUBLIC COMMENT

V. ADJOURNMENT

MOTION

James Sweezea moved to adjourn the meeting at 3:54 p.m., seconded by Bruce Peterman. The motion carried unanimously 6-0.

Respectfully submitted,

Erick Hernandez,
Staff Assistant