

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
AUGUST 19, 2021**

BOARD MEMBERS PRESENT

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

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Mike Fitzgerald, Community Development Director
Jillian Roberts, Deputy City Clerk

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.

APPROVAL OF MINUTES

Chairman Santoro asked if there are any additions or corrections for May 20, 2021 Planning and Zoning Board Meeting minutes. There were none.

MOTION

James Sweezea moved to approve the minutes of the May 20, 2021 Planning and Zoning Board Meeting, seconded by Dian Joy. The motion carried unanimously 6-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE COMMUNICATIONS

Ms. Roberts swore in those who were present. Mr. Fitzgerald noted ex-parte communications should be disclosed by the Board Members. There were none.

PUBLIC HEARING

1) Recommendation on Ordinance 2021-09 – Comprehensive Plan 2040 Amendment – Addition of Property Rights Element pursuant to HB 59

Mr. Fitzgerald provided the following staff report:

On November 18, 2020, the City of Tavares adopted Comprehensive Plan 2040 in accordance with Florida Statutes - Chapter 163, and the State of Florida Local Government Comprehensive Planning and Land Development Regulation Act. Subsequently to that adoption, the 2021 Florida Legislature enacted House Bill 59 requiring each local government to include in its Comprehensive Plan a Property Rights Element to ensure that private property rights are considered in local decision making. Ordinance 2021-09 proposes amending the City of Tavares Comprehensive Plan providing for the addition of a Property Rights Element as mandated by the State of Florida.

OPTIONS:

- 1. That the Planning & Zoning Board moves to recommend approval of Ordinance 2021-09, an amendment to the City of Tavares Comprehensive Plan 2040 providing for the addition of a Property Rights Element pursuant to HB 59.*
- 2. That the Planning & Zoning Board moves to recommend denial of Ordinance 2021-09.*

STAFF RECOMMENDATION:

Staff recommends that the Planning & Zoning Board move to recommend approval of Ordinance 2021-09, an amendment to the City of Tavares Comprehensive Plan 2040 providing for the addition of a Property Rights Element pursuant to HB 59.

Chairman Santoro asked for comments from the audience. There were none.

Chairman Santoro asked for comments from the Board.

Chairman Santoro asked how easements will be handled noting the House Bill states “the property owner to physically possess and control his or her interest in the property including easements”. Mr. Fitzgerald said the private property is owned by the individual that is on the deed and the easement would still be effective in favor of which ever entity to access the property for a specific purpose.

Mr. Fitzgerald noted he is not an attorney and said that it has been approved for cities to adopt as written.

There was majority consensus of their concern of how the bill is written.

MOTION

August 19, 2021
Planning & Zoning Board Meeting

Dian Joy moved to recommend approval of Ordinance 2021-09, seconded by James Sweezea. The motion carried unanimously 6-0.

OTHER BUSINESS

PUBLIC COMMENT

ADJOURNMENT

Dian Joy moved to adjourn the meeting at 3:13 PM, seconded by Bruce Peterman. The motion carried unanimously 7-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk