

**CITY OF TAVARES
PLANNING AND ZONING BOARD MEETING
TAVARES COUNCIL CHAMBERS
201 E. MAIN STREET, TAVARES
FEBRUARY 20, 2020**

BOARD MEMBERS PRESENT

Gary Santoro, Chairman
Morris Osborn, Vice Chairman
Gary Koerner, Board Member
Deborah Murphy, Board Member
James Sweezed, Board Member
Dara Treadwell, Board Member
Robert Wolfe, Board Member - Absent

LAKE COUNTY SCHOOL BOARD

Helen LaValley - Absent

STAFF MEMBERS PRESENT

Bob Williams, City Attorney
Mike Fitzgerald, Community Development Director
Antonio Fabre, Planning Coordinator
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 December 19, 2019 Planning and Zoning Board Meeting minutes. There were none.

MOTION

Deborah Murphy moved to approve the minutes of the December 19, 2019 Planning and Zoning Board Meeting, seconded by Gary Koerner. The motion carried unanimously 6-0.

SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE COMMUNICATIONS

Attorney Williams stated there were no quasi-judicial matters before the Board.

PUBLIC HEARING

1) Ordinance 2020-03 – Amendment to City’s Notice of Hearing – Posting of Site Regulations

Mr. Fitzgerald provided the following staff report;

At the November 20, 2019 meeting, City Council discussed Notice of Hearing – Posting of Site regulations outlined in Chapter 4 of the City’s Land Development Regulations. Currently the City requires signage at properties subject to annexation, rezoning, and land use changes every 100 feet of property abutting road frontage notifying the Public of the date, time, and place of the Public hearing and a brief description of the proposed action. City Council directed staff to draft an ordinance to amend Notice of Hearing – Posting of Site regulations to require one (1) metal real estate type sign with information tubes, generic message content regarding Public hearings, the City’s contact phone number and website address, and a QR code for information access with a mobile device. The City will provide these signs for property less than five (5) acres and will require a deposit from the applicant to pay the anticipated cost of replacement of the sign if not returned to the City. The approximate cost of the metal signs including information tubes is \$75.00 each. City Council directed staff to amend the regulations to require that property five (5) acres or greater is posted with one (1) large sign mounted on 4”x4” posts. The applicant shall provide and post signs for property (5) acres or greater, and no deposit will be collected by the City. Ordinance 2020-03 proposes the changes to City regulations that reflect City Council’s directive to staff.

Staff recommends that the Planning & Zoning Board moves to recommend approval of Ordinance 2020-03 amending the City’s Regulations Section 4-45 Notice of Hearing (C) Posting of Site; Section 24-2 Planning & Zoning Division Fees (C) Advertising Fees.

Chairman Santoro asked if the board had any questions.

Ms. Murphy asked if the City will continue to send notices to the residence. Mr. Fitzgerald confirmed the City will send letters to property owners within a 300 foot radius for quasi-judicial matters and advertise per Florida Statute.

Attorney Williams noted under Chapter 166 of the Florida Statutes, the state law does not require notice of posting on the property. Most cities have a posting requirement to give notice to people that are in the vicinity. Council became concerned that the notice and signage was not remaining up for the full time of the pending hearing and that people were not being noticed properly.

Chairman Santoro asked Attorney Williams if it is recommended that the requirements for City Council and Planning & Zoning Board meetings be deleted from the "posting of site" section in the Land Development Regulations. Attorney Williams stated that the requirements for City Council to hold Public hearings is covered under Florida Statutes 166. In addition, Attorney Williams stated that the requirements for Planning & Zoning Board meetings may be deleted from the "posting of site" section, if powers and duties appear elsewhere in the Land Development Regulations.

Attorney Williams stated under the Planning & Zoning Board section it has a description of the powers and duties of the Board. State law does not require a city to have a Planning & Zoning Board. When there is no Planning & Zoning Board, state law requires that amendments be adopted by the Ordinances. In addition, when there is no Planning & Zoning Board the Ordinance goes straight to City Council. He also stated that there is a prerequisite and a City has to have two (2) readings, when there is a rezoning or annexation it has to be done by Ordinance. Under Chapter 166 an ordinance requires two (2) public hearings.

Mr. Fitzgerald confirmed that it is the recommendation from Attorney Williams to put Paragraph 4 back into the Ordinance if necessary and remove the strike thru and it should be included in the motion. Attorney Williams said he wanted it clear that a P&Z rezoning or an application for a rezoning has to go before the Planning & Zoning Board for a recommendation.

Chairman Santoro stated he prefers standardizing the sign for annexing or developing properties and that he is not in favor of the larger/billboard size sign.

Mr. Fitzgerald stated the City will not be providing the signs and the applicant will have the sign made.

Chairman Santoro asked the letter size that will be on the sign. Mr. Fitzgerald stated it will be 8" lettering as stated in Paragraph 1.

Ms. Treadwell asked the reasoning for the billboard size sign. Chairman Santoro referred to Hidden Acres and the natural elements destroying the signs and some signs disappearing. He stated the property was properly posted, and a resident had a concern that if property before the Board is a larger piece of property it should have a larger sign. Therefore, it was a recommendation from Council to bring this Ordinance back before the Board.

A discussion was held and there was a consensus and favor of the following:

- The sign be orange in color
- A Real-estate size sign

- An attached information tube
- QR Code for information
- The board is not supporting the portion that says “property 5 acres or greater is posted with 1 large sign mounted on a 4”x4” post”

Mr. Fitzgerald confirmed to amend the Ordinance and add in paragraph 4 and remove the requirement for the larger sign.

MOTION

Deborah Murphy moved to recommend approval of Ordinance 2020-03, subject to the deletion of the larger sign requirement and keeping Paragraph 4, Seconded by James Sweeza. The motion carried unanimously 6-0.

OTHER BUSINESS

None.

PUBLIC COMMENT

None.

ADJOURNMENT

Deborah Murphy moved to approve to adjourn the meeting at 3:17 p.m., seconded by James Sweeza. The motion carried unanimously 6-0.

Respectfully submitted,

Jillian Roberts,
Deputy City Clerk