



**CITY COUNCIL MEETING  
MASCOTTE, FLORIDA**

**TUESDAY, JANUARY 17, 2017  
6:00 P.M.**

**COUNCIL CHAMBERS** **121 N. SUNSET AVE**  
**TEDDER-THOMAS MEMORIAL CIVIC CENTER** **MASCOTTE, FLORIDA**

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**MINUTES**

**CALL TO ORDER:** Mayor Barbara Krull called the January 17, 2017, Regular Council Meeting to order at 6:00 p.m.

**INVOCATION/MOMENT OF SILENCE & PLEDGE OF ALLEGIENCE:** Mayor Krull gave the invocation followed by Mayor Krull leading the Pledge of Allegiance.

**ROLL CALL:**

**Present:** Council Member Sally Rayman  
Council Member Steven Sheffield  
Council Member Louise Thompson  
Mayor Barbara Krull

**Absent:** Mayor Pro Tem Brasher

**Also Present:** Jim Gleason, City Manager  
Dolly Miller, Deputy City Manager/Finance Director  
Randy Brasher, Fire Chief  
Eric Pedersen, Police Chief  
Larry Walker, Public Services Director  
Michelle Hawkins, City Clerk  
Virginia Cassady, City Attorney  
Max Spann, City Planner  
Jeffrey Schaffer, City Planner

47 **1. A. Presentation Awards:**

48  
49 Police Chief Pedersen approached the podium and discussed that there were some certificates  
50 that he would like to present to some the officers. Police Chief Pedersen stated the following:

51  
52 The following officers received Unit Citation for your outstanding traffic enforcement efforts for  
53 2016:

54  
55 Corporal Betancourt  
56 Officer C. Villafane  
57 Officer Silverio  
58 Officer Flanary  
59 Officer Weissman

60  
61 The Administrative Excellence Award- In recognition of your code enforcement efforts thereby  
62 improving the quality of life in The City of Mascotte was awarded to

63  
64 Officer Madrid

65  
66 Life Saving Award- For assisting EMS and providing life sustaining CPR was awarded to

67  
68 Officer Silverio

69  
70 Council congratulated the officers.

71  
72 **2. A. Consent Agenda: Council Meeting Minutes for November 7, 2016, November 21,**  
73 **2016, and December 5, 2016; Anti-Bullying Proclamation and School Choice Week**  
74 **Proclamation:**

75  
76 Mayor Krull opened the floor for public comments:  
77 There were none.

78  
79 *Council Member Sheffield motioned to approve the Consent Agenda as presented.*  
80 *Council Member Thompson seconded the motion.*

81  
82 *Motioned passed 4 to 0*

83  
84 *Council Member Sheffield "Aye"*

85 *Council Member Thompson "Aye"*

86 *Council Member Rayman "Aye"*

87 *Mayor Krull "Aye"*

88  
89 6:10 PM Mayor Krull closed the regular council meeting and opened the Local Planning  
90 Agency.

91 **3. A. Local Planning Agency: Comprehensive Plan Consistency for RCMA variance and**  
92 **Site Plan at 121 W. Myers.**

93  
94 City Planner Spann approached the podium to address the Local Planning Agency regarding this  
95 item.

96  
97 City Planner Spann explained this project and stated that there is an existing building and RCMA  
98 wants to add a parking lot with eight parking spaces. RCMA had to purchase some property to  
99 develop this parking lot.

100  
101 City Planner Spann also stated the following:

102  
103 **II. Background**

104 The applicant is proposing to add a parking lot with necessary ADA improvements for patrons of an existing  
105 child care facility. The parcel that was purchased for the parking area addition also has an existing two  
106 story approx. 1,600sf building on the property that is to be used in the future for offices, but currently it will  
107 be used for storage only. The structure sits 1.02 feet off of the property line which will require a variance.  
108 The site currently has one ingress/egress points onto West Myers Boulevard that will be expanded for this  
109 project. No additional points of entry/exit are proposed. The Applicant is proposing the addition of 8 parking  
110 spaces including one handicap parking space near the building to comply with codes. The site has been in  
111 use as a child care facility for over a decade. There have been no previous site plan applications for  
112 Council's review for the property. This application proposes to amend and add facilities required for  
113 commercial uses on the site.

114 Specific issues regarding the applications current and historical issues shall be reviewed pursuant to the  
115 City's current codes and the following issues:

- 116 1. Variance to allow a one (1) foot side setback for an existing structure. (LPA Item)  
117 2. Is the proposed use allowed in the PUD-DM FLU and Zoning designation?  
118 3. Does the lot meet the minimum size requirements (or implied requirements) for the district or are  
119 there any instances of Non-Conformities?

120  
121 **III. Analysis**

122 1. Variances (Section 3.15 of the Land Development Code)

123 Although the project is within the PUD-DM district which has no specific setbacks delineated because  
124 of the flexibility of the PUD and developers agreement process, Table 3-1 for Zoning Setbacks directs  
125 us to use the commercial applicable non-PUD setbacks as a guideline. The buildings we are  
126 addressing in this application are existing buildings in which the uses will not change. The incorporation  
127 of the two properties and the construction of the parking lot require us to memorialize the existing  
128 organization of the site and its adherence to the current code. In a review of the site plan (Exhibit A) the  
129 existing buildings that RCMA now own require setbacks from the minimum commercial setbacks in  
130 Table 3-1. The current building RCMA inhabits requires an 11 foot variance to the minimum 15 foot  
131 west side setback and an 18 foot variance to the minimum 25 front setback. The new building that  
132 RCMA purchased had originally been constructed in the year 1900 approximately 2 feet over the

133 property line to the east. RCMA worked to purchase an amount of property from the property owner to  
134 the east that would not create a situation where both properties would need a variance for setbacks.  
135 The outcome is the need for a 14 foot variance to the minimum 15 foot east side setback and a 19 foot  
136 variance to the minimum 20 foot rear setback. The property to the east has a single family residence  
137 that was constructed in approximately 1930 per Lake County Property Appraiser Records. In  
138 considering these variances from the minimum commercial development setbacks the code required  
139 that the following excerpts from the code be considered:  
140

141 E) No application for variance can be approved unless the applicant presents competent substantial  
142 evidence that all of the following criteria are met. All variance recommendations and final decisions  
143 shall be based on an affirmative finding as to each of the following criterion:

144 1) That special conditions and circumstances exist which are peculiar to the land, structure or  
145 building involved and which are not applicable to other lands, buildings or structures in the same  
146 zoning district. **Confirmed.**

147 2) That literal interpretation of this Code would deprive the Applicant of rights commonly enjoyed by  
148 other properties in the same zoning district under the terms of this Section and would work  
149 unnecessary and undue hardship on the Applicant. **Confirmed.**

150 3) That the special conditions and circumstances referred to in subsection E)1) of this Section do not  
151 result from the actions of the Applicant.

152 **The applicant did purchase the additional land to bring the building legally back onto its**  
153 **property. In the negotiations, the property owner to the east would not allow the applicant to**  
154 **purchase additional property to meet the code for this site.**

155 4) That approval of the variance requested will not confer on the Applicant any special privilege that  
156 is denied by this Section to other lands, buildings, or structures in the same zoning district.  
157 **Confirmed.**

158 5) That the requested variance is the minimum variance from this Section necessary to make  
159 possible the reasonable use of the land, building or structure. **Confirmed.**

160 6) That approval of the variance will be in harmony with the general intent and purpose of this  
161 Section, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

162 **Confirmed.**

163 F) In approving any variance, the City Council may prescribe any conditions and safeguards it  
164 deems necessary or desirable, and violation of such conditions and safeguards, when made part of  
165 the terms under which such variance is granted, shall be deemed a violation of this Article.

166 **Conditions for the variances are set forth in Section IV. Staff Recommendations of this staff**  
167 **report.**

168 H) No nonconforming use of neighboring lands, buildings or other structures, legal or illegal, in the  
169 same district, and no variance granted to other properties shall be considered as grounds for  
170 issuance of a variance.

171 2. The proposed commercial use of Child Care Facility is allowed in non-residential areas within the  
172 Future Land Use designation and Zoning designation pursuant to Table 3-2A.

173  
174 3. Based on reviewable records, the site was originally improved in 1952 and it is assumed that it was a  
175 conforming sized lot for the initial use. The vertical structures within this project were constructed quite

176 some time prior to the current codes and comprehensive plan adoption, and there is a change of use  
 177 we have to look at Section 3.20 of the code to review Nonconformance. The site is below the required  
 178 minimum size for a Commercial lot in the City (1ac). There are currently two (2) existing structures on-  
 179 site of 1,596sf and 3,328sf. The following table gives the pertinent site specifications:

180  
 181

	Allowed	Existing	Total Remaining
FAR	4.0FAR	11.94%	N/A
ISR (existing)	N/A	6,315 (0.17%)	N/A
ISR (proposed)	N/A	10,089 (0.26%)	N/A
Height	50'	approx. 22'	N/A

182

183 Nonconformance (Section 3.20 of the Land Development Code)

184 A) *Comprehensive Plan*: While the City does not intend to unreasonably invade any established  
 185 private property right and recognizes that nonconformities may remain until such use is  
 186 discontinued, removed, or abandoned, the City also finds that nonconforming uses detract from  
 187 the effectiveness of the City's Comprehensive Plan, which Plan is mandated by State Law, and  
 188 thwart the public policy behind the Comprehensive Plan; therefore, the right to continue  
 189 the nonconforming use should be narrowly construed to advance the Comprehensive Plan and  
 190 the spirit of the City's zoning and land development regulations.

191 **Policy A1-1.1: Continuance of the existing use with an expansion in the degree of activity**  
 192 **will not detract from the effectiveness of the Comprehensive Plan. Pursuant to Policy A1-8.2**  
 193 **for General Uses. The Downtown Mixed-Use Future Land Use Designation permits low,**  
 194 **medium and high density residential; commercial uses (retail and office); light industrial;**  
 195 **educational facilities; recreation facilities and compatible public facilities. The property will**  
 196 **continue as an educational/commercial facility which remains consistent with this policy.**

197 B) *Intent*: Because of adoption of this Land Development Code, or amendments that may later be  
 198 adopted, there may exist nonconforming lots, uses of land and structures, and structures which  
 199 were lawful before this Code was passed or amended, but which would be prohibited, regulated or  
 200 restricted under the terms of this Code or future amendment. It is the intent of this Code to permit  
 201 these nonconformities to continue in their present condition subject to the following requirements  
 202 but not to encourage their survival.

203 C) *Not Applicable to this Application. The site is developed.*

204 D) *Not Applicable to this Application. The use is conforming.*

205 E) *Not Applicable to this Application. The site is not a single family use.*

206 F) *Not Applicable to this Application. The use is conforming.*

207 G) *Nonconforming Structures*: A structure having a nonconforming setback may be added onto  
208 providing the addition is not proposed on the side of the structure having a nonconforming  
209 setback or the addition is on the side of the structure having the nonconforming setback and the  
210 addition maintains the required setback.

211 H) *Changes in Use*:

212 1) The volume, intensity, or frequency of use of property where a nonconforming situation exists  
213 may be increased and the equipment or processes used at a location where  
214 a nonconforming situation exists may be changed if these or similar changes amount only to  
215 changes in the degree of activity rather than changes in kind and no violations of other  
216 subsections of this section occur.

217 2) *Conformity with the Code*. If an intended change in use in a nonconforming property is to a  
218 principal use that is permissible in the district where the property is located, and all of the  
219 other requirements of this Code applicable to that use can be complied with, permission to  
220 make the change must be obtained in the same manner as permission to make the initial use  
221 of a vacant lot. Once conformity with this Code is approved and achieved, the property may  
222 not revert to its nonconforming status.

223 3) *Inability to Comply with the Code*. If the intended change in use is to a principal use that is  
224 permissible in the district where the property is located, but all of the requirements of this  
225 Code applicable to that use cannot reasonably be complied with, then the change is  
226 permissible. However, all of the applicable requirements of this Code that can reasonably be  
227 complied with shall be complied with. Compliance with a requirement of this Code is not  
228 reasonably possible if compliance cannot be achieved without adding additional land to the lot  
229 where the nonconforming situation is maintained or moving a substantial structure that is on a  
230 permanent foundation. Mere financial hardship caused by the cost of meeting such  
231 requirements as paved parking does not constitute grounds for finding that compliance is not  
232 reasonably possible. In no case may an applicant be given permission pursuant to this  
233 subsection to construct a building or add to an existing building if additional nonconformities  
234 would thereby be created.

235 **The intended change to the child care facility is permitted in the district. All of the**  
236 **requirements of the code can be complied with excluding the implied minimum lot size**  
237 **for commercial lots of 1 acre. There is no minimum size for lots in a direct interpretation**  
238 **of the PUD-DM district. The change on the site to continue the use should be allowed.**

239 I) *Not Applicable to this Application.*

240 J) *Not Applicable to this Application. A Resolution for setbacks has been prepared to memorialize the*  
241 *existing setbacks in this application.*

242 K) *Not Applicable to this Application.*

243 L) *Interpretation*:

244 1) Nothing in this section shall prohibit the City from ordering compliance in nonconformity situations  
245 with all other provisions of the Land Development Code and applicable building codes and safety  
246 related codes.

247 2) Nothing in this Code shall be interpreted as authorization for or approval of the continuation of any  
248 illegal use of a building, structure, or land that was in violation of any ordinance in effect at the time  
249 of the passage of this ordinance. The casual, intermittent, temporary, or illegal use of land, building  
250 or structure shall not be a basis to establish the existence of a nonconforming use.

251 3) A lawful building permit issued for any building or structure prior to the enactment of this ordinance,  
252 the construction of which is in conformity with approved site plans, if applicable, and building plans  
253 shall not be affected by this ordinance if the building or structure is built in full compliance with the  
254 Code as it existed at the time of the issuance of the building permit. However, if such building or  
255 structure does not conform to the provisions of this Land Development Code which cause such  
256 planned building, structure or use to be nonconforming or noncomplying, then it shall be  
257 nonconforming by applying this ordinance to the building, structure or use.

258 4) *Effect of actual building construction.* To avoid undue hardship, nothing in this Article shall be  
259 deemed to require a change in plans, construction or designated use of any building on which  
260 actual construction was lawfully begun prior to the effective date of adoption or amendment of the  
261 land development regulations and upon which actual building construction has been diligently  
262 carried on. "Actual construction" is hereby defined to include the placing of materials in permanent  
263 position and fastened in a permanent manner, except that, where demolition or removal of an  
264 existing building has been substantially begun preparatory to rebuilding, such demolition or  
265 removal shall be deemed to be "actual construction," provided that work shall be diligently carried  
266 on until completion of the building involved.

267 **Any proposed new structures or interior upgrades must comply with any current building**  
268 **code requirements and must be placed and/or constructed through the building permit**  
269 **process.**

270

#### 271 **IV. Staff Recommendation**

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272 Based on the information above, the Staff finds the request for variances for existing setbacks and the  
273 Minor Site Plan at 121 W. Myers Blvd. is technically complete and recommends approval subject to the  
274 following conditions. The application material does appear to meet the provisions of the Land Development  
275 Code criteria required based upon the staff report. The Recommended Conditions of Approval are listed  
276 below:

277 1. Any proposed expansion of a variance previously granted shall be subject to a new  
278 variance proceeding before the Local Planning Agency and the City Council.

279 2. The Applicant shall submit the site plan for review and approval by the Planning and Building  
280 Department(s) so that all provisions of the Land Development code are met per the following:

281 a. Section 5.3 – Parking (to meet dimensional and surfacing requirements)

282 b. Provide adequate ADA access and parking on the site consisting of min. one (1) space  
283 and an unobstructed path with required markings and signage.

284 c. Drainage calculations shall be supplied Pursuant to Section 4.5 (3)(g).

285 d. All existing trees shall be preserved on site. Adequate tree preservation shall be installed.

286 3. The Applicant shall meet the provisions of the LDC and complete the permitting and C/O  
287 requirements prior to receiving a Business Tax Receipt. All inspections from City Departments and  
288 Inspectors shall be performed, and approved as in compliance.

289 Mr. Conrad approached the podium to ask a question. He wanted to know with this parking lot  
290 will this change the property line; he didn't want them to go over that property line. City Planner  
291 Spann stated no they it will not change the property line they will stay within their property line.

292  
293 LPA Member Krull opened the floor for public comments:  
294 There were none

295  
296 *LPA Member Sheffield motioned that the Variance for RCMA and Site Plan at 121 W. Myers*  
297 *Blvd is consistent with the City's Comprehensive Plan. LPA Member Krull seconded the*  
298 *motion.*

299  
300 *Motion passed 4 to 0*

301  
302 *LPA Member Rayman "Aye"*

303 *LPA Member Sheffield "Aye"*

304 *LPA Member Thompson "Aye"*

305 *LPA Member Krull "Aye"*

306

307 **3. B. Local Planning Agency: Comprehensive Plan Consistency for KEVO Variance 349**  
308 **Covington:**

309

310 City Planner Schaffer approached the podium to address the Local Planning Agency.

311

312 City Planner Schaffer stated the following:

313

314 Summary of Request:

315 To vary the required setback of fifty feet (50') from a waterbody (normal high water elevation)  
316 as required by Section 5.7, Part E, Subpart 2, of the Land Development Code, by four feet (4') to  
317 a proposed setback of forty-six feet (46'), for a single-family residence that is currently under  
318 construction.

319

320 Applicable Sections of the Land Development Code:

321 Section 3.15 – Variances

322 Section 5.7, Part E, Subpart 2 – Restrictions

323

324 Narrative:

325 Section 5.7, Part E, Subpart 2, places restrictions on land uses adjacent to water bodies. Specific  
326 to this request, the first restriction is as follows:

327 "No structures shall be constructed or placed within fifty (50) feet from the normal high  
328 water elevation of lakes, rivers, and creeks, except for boardwalks, fishing piers, boat  
329 docks, boat houses, gazebos, boat ramps, or canoe launches that are issues applicable to

330 site development plans and building permits. Specifically prohibited are domiciles, pools,  
331 storage buildings, screen rooms, green houses, tents, patios, antennae, fueling facilities,  
332 satellite dishes, solar panels, and other accessory structures.”  
333

334 During construction of a single-family residence on the subject property, the building official  
335 noted that the foundation appeared to be closer than 50 feet to the normal high water line of  
336 Little Bluff Lake. The plot plan submitted by the Applicant for the building permit showed a  
337 setback of 50 feet from Little Bluff Lake; however, it appears that the measurement was from the  
338 edge of water on a specific date (August 30, 2016) and not from the normal high water elevation,  
339 as required by the Land Development Code.  
340

341 The Applicant was then directed by the Building Official and Planning and Zoning Staff to have  
342 a survey prepared showing the location of the foundation and the distance from the foundation to  
343 the normal high water elevation. That survey, prepared by Nieto-Whittaker Surveying, LLC, and  
344 dated October 10, 2016, is attached to this report. The survey found that the foundation is 46.5  
345 from the “Ordinary High Water Line” at elevation 93.7 and 48.8 feet from the “Normal High  
346 Water Line” at elevation 92.5 feet. The Planning and Zoning Staff believes that this survey is a  
347 true and correct depiction of the site conditions.  
348

349 Consistency with Comprehensive Plan:

350 Policy A2-3.1 requires “an undisturbed buffer, twenty-five (25) feet in width, adjacent to all  
351 wetlands and lakes”. The proposed setback would not violate this requirement.  
352

353 LPA Member Krull opened the floor for public comments:

354 There were none  
355

356 *LPA Member Sheffield motion that the variance at 349 Covington is consistent with the City’s*  
357 *Comprehensive Plan and recommends that he proceed to the council for approval of this*  
358 *variance. LPA Member Thompson seconded the motion.*  
359

360 *Motion passed 4 to 0*  
361

362 *LPA Member Rayman “Aye”*

363 *LPA Member Sheffield “Aye”*

364 *LPA Member Thompson “Aye”*

365 *LPA Member Krull “Aye”*  
366

367 **3. C. Local Planning Agency: Comprehensive Plan Consistency for City’s Land**  
368 **Development Code revisions pertaining to “Green Swamp”:**

369 City Planner Jeffrey Schaffer approached the podium to address the Local Planning Agency on  
370 this item and stated the following:  
371  
372

373 Between 2014 and 2016, the City wrote, transmitted, and adopted amendments to the  
374 Comprehensive Plan that provide specific protections to the Green Swamp Area of Critical State  
375 Concern.

376  
377 In 2015, the Planning and Zoning staff prepared draft revisions to the Land Development Code,  
378 implementing the Comprehensive Plan Goals, Objectives, and Policies related to the Green  
379 Swamp. This process involved significant interaction with the Area of Critical State Concern  
380 Staff at the Department of Economic Development Division of Community Planning.

381  
382 These revisions to the Land Development Code are now being presented to the City Council for  
383 consideration and approval.

384  
385 Consistency with Comprehensive Plan:  
386 The Ordinance being presented is consistent with the Comprehensive Plan based on the  
387 following:

388  
389 Objective A4-2 states that the City shall enact regulations, including zoning districts that are  
390 consistent with the Green Swamp Future Land Use Designations.

391  
392 Objective A4-3 states that the City shall enact regulations that impose specific restrictions on any  
393 construction activity, development, and land use within the Green Swamp.

394  
395 Objective H1-4 states that the City shall enact regulations further protecting wetlands within the  
Green Swamp.

396  
397 Objective H1-4 states that the City shall enact regulations further protecting floodplain within the  
Green Swamp.

398 Recommendation and Recommended Finding of Fact:  
399 The Planning and Zoning Staff would recommend **APPROVAL** of this Ordinance, bringing the  
400 Land Development Code in compliance with the Comprehensive Plan.

401  
402 LPA Member Krull opened the floor for public comments:  
403 There were none

404  
405 *LPA Member Sheffield motioned that the “Green Swamp” pertaining to the Changes to the*  
406 *City’s Land Development Code is consistent to the City’s Comprehensive Plan. LPA Member*  
407 *Thompson seconded the motion.*

408  
409 *Motion Passed 4 to 0*

410  
411 *LPA Member Rayman “Aye”*  
412 *LPA Member Sheffield “Aye”*  
413 *LPA Member Thompson “Aye”*  
414 *LPA Member Krull “Aye”*

415 **3. D. Local Planning Agency: Comprehensive Plan Consistency for City’s Land**  
416 **Development Code amendments pertaining to Medical Marijuana dispensing organization,**  
417 **and Medical Marijuana Treatment Center- Ordinance 2017-01-557:**

418  
419 City Planner Jeffrey Schaffer approached the podium to address the Local Planning Agency on  
420 this item.

421  
422 City Planner Schaffer explained this item and how it will be zoned in the city, he stated that  
423 attached is the zoning use table and based on what type of business it will be; this will determine  
424 where these businesses can be located in the city.

425  
426 City Attorney Cassidy stated that this will become more apparent once the city receives a  
427 development application and what they are proposing to do.

428  
429 City Planner Schaffer explained how this would be consistent with the city’s comprehensive  
430 plan.

431  
432 LPA Member Krull opened the floor for public comments:  
433 There were none

434  
435 *LPA Member Sheffield motioned that Ordinance 2017-01-557 “Medical Marijuana dispensing*  
436 *organization and Medical Marijuana Treatment Center” is consistent with the City’s*  
437 *Comprehensive Plan. LPA Krull seconded the motion.*

438  
439 ***Motion Passed 4 to 0***

440  
441 *LPA Member Rayman “Aye”*  
442 *LPA Member Sheffield “Aye”*  
443 *LPA Member Thompson “Aye”*  
444 *LPA Member Krull “Aye”*

445  
446 LPA Member Krull adjourned the Local Planning Agency meeting at 6:41PM.

447  
448 Mayor Krull opened the regular Council Meeting at 6:42PM.

449  
450 **4. A. Public Hearing: Final Reading and Adoption of Ordinance 2016-12-550 (Amending**  
451 **the Public Facilities and Conservation Element of the Comprehensive Plan):**

452  
453 City Attorney Cassidy read by title only Ordinance 2016-12-550:

454  
455  
456 **ORDINANCE 2016-12-550**

457  
458 **AN ORDINANCE OF THE CITY OF MASCOTTE, LAKE COUNTY,**  
459 **FLORIDA, PROVIDING FOR AMENDMENTS TO THE**

460           **COMPREHENSIVE PLAN, AMENDING OBJECTIVES AND POLICIES**  
461           **IN THE FUTURE LAND USE ELEMENT, PUBLIC FACILITIES**  
462           **ELEMENT, AND CONSERVATION ELEMENT; ELIMINATING THE**  
463           **MANDATE THAT DRY SEWER LINES BE INSTALLED IN ALL NEW**  
464           **DEVELOPMENT AND SPECIFYING WHEN INSTALLATION OF DRY**  
465           **SEWER LINES IS TO BE REQUIRED; ELIMINATING THE**  
466           **REQUIREMENT THAT THE CITY ENSURE ALL NEW**  
467           **DEVELOPMENT WITHIN 1,000 FEET OF CITY LIMITS CONNECT TO**  
468           **THE CITY POTABLE WATER SYSTEM; SPECIFYING THAT A**  
469           **RECLAIM WASTEWATER EFFLUENT PROGRAM WILL BE**  
470           **ESTABLISHED IN COORDINATION WITH THE CITIES OF**  
471           **LEESBURG AND GROVELAND CONSISTENT WITH INTERLOCAL**  
472           **AGREEMENTS FOR SANITARY SEWER SERVICE FROM THOSE**  
473           **RESPECTIVE CITIES; CLARIFYING THAT, WHEN CENTRAL SEWER**  
474           **IS AVAILABLE IN MASCOTTE, NEW AND EXISTING**  
475           **DEVELOPMENT WILL BE REQUIRED TO CONNECT TO THE**  
476           **SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS**  
477           **TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND**  
478           **PROVIDING FOR AN EFFECTIVE DATE. BE IT ORDAINED THAT:**

479  
480           City Attorney Cassidy explained to council that the Department of Economic Opportunity did  
481           send the city comments regarding this comprehensive plan amendment and she has made those  
482           changes.

483  
484           City Attorney Cassidy stated that once this is adopted then the city will need to update their city  
485           code.

486  
487           Mayor Krull opened the floor for public comments:  
488           There were none.

489  
490           ***Council Member Rayman moved to approve the final reading and adoption of Ordinance***  
491           ***2016-12-550 (Amending the Public Facilities and Conservation Element of the***  
492           ***Comprehensive Plan). Council Member Thompson seconded the motion.***

493  
494           ***Motion Passed 4 to 0***

495  
496           ***Council Member Rayman     “Aye”***  
497           ***Council Member Thompson “Aye”***  
498           ***Council Member Sheffield  “Aye”***  
499           ***Mayor Krull                     “Aye”***

500  
501           **4. B. Public Hearing: Final Reading and Adoption of Ordinance 2016-12-555**

502  
503           City Attorney Cassidy read by title only Ordinance 2016-12-555:  
504

505 **ORDINANCE 2016-12-555**

506  
507 **AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA,**  
508 **AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES," OF THE**  
509 **CODE OF ORDINANCES; PROHIBITING OPEN CONTAINERS OF**  
510 **ALCOHOL ON PUBLIC PROPERTY WITH EXCEPTIONS;**  
511 **PROHIBITING THE REMOVAL OF ALCOHOLIC BEVERAGES IN**  
512 **OPEN CONTAINERS FROM LICENSED PREMISES; PROVIDING FOR**  
513 **SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE**  
514 **DATE.**

515  
516 Mayor Krull opened the floor for public comments:  
517 There were none.

518  
519 *Council Member Rayman moved to approve the final reading and adoption of Ordinance*  
520 *2016-12-555 (Open Container). Council Member Sheffield seconded the motion.*

521  
522 ***Motion Passed 4 to 0***

523  
524 ***Council Member Sheffield "Aye"***  
525 ***Council Member Thompson "Aye"***  
526 ***Council Member Rayman "Aye"***  
527 ***Mayor Krull "Aye"***

528  
529 **4. C. Public Hearing: Adoption of Resolution 2017-01-595 (Granting a variance for 349**  
530 **Covington).**

531  
532 City Attorney Cassady read by title only Resolution 2017-01-595:

533  
534 **RESOLUTION 2017-01-595**

535  
536 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
537 **MASCOTTE, FLORIDA, GRANTING A VARIANCE FROM**  
538 **PROVISIONS OF THE LAND DEVELOPMENT FOR CERTAIN REAL**  
539 **PROPERTY; ADOPTING FINDINGS OF FACT AND CONCLUSIONS**  
540 **OF LAW; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND**  
541 **PROVIDING AN EFFECTIVE DATE.**

542  
543 City Planner Jeffrey Schaffer approached the podium to address council and the public  
544 this item and stated the following:

545  
546 Recommendation and Recommended Finding of Fact:

547 Pursuant to Section 3.15 of the Land Development Code, the Planning and Zoning Staff would  
548 recommend **APPROVAL** of this variance and would further recommend that the City Council  
549 adopt the following finding of facts:

550 (I) That special conditions and circumstances exist which are peculiar to the land, structure or  
551 building involved and which are not applicable to other lands, buildings or structures in the same  
552 zoning district.

553 The terms “Ordinary High Water Line”, “Normal High Water Elevation”, etc., can often cause  
554 confusion among developers, owners, and regulators. In addition, many of the water bodies in  
555 Mascotte can fluctuate in elevation significantly during the year. Finally, this particular parcel is  
556 an irregular shape, resulting in a limited buildable area. These conditions are unique to a  
557 waterfront property in Mascotte, such as the subject property.  
558

559 2. That literal interpretation of this Code would deprive the Applicant of rights commonly  
560 enjoyed by other properties in the same zoning district under the terms of this Section and would  
561 work unnecessary and undue hardship on the Applicant.

562 Requiring the Applicant to relocate a completed foundation would place an undue hardship on  
563 the Applicant and the Owner. The requested variance is the minimum needed in this situation,  
564 and the placement of the foundation at this location should not adversely impact the water body.  
565

566 3. That the special conditions and circumstances referred to in subsection (1) of this Section do  
567 not result from the actions of the Applicant.

568 As noted above, the Applicant appeared to make a good faith effort to meet the requirement of  
569 the Land Development Code, and this variance is required due to a misinterpretation of the Code.  
570

571 4. That approval of the variance requested will not confer on the Applicant any special privilege  
572 that is denied by the Land Development Code to other lands, buildings, or structures in the same  
573 zoning district.

574 There are other single-family residences within the City of Mascotte that appear to be located  
575 closer than 50 feet to the normal high water elevation of a water body.  
576

577 5. That the requested variance is the minimum variance from the Land Development Code  
578 necessary to make possible the reasonable use of the land, building or structure.

579 As noted above, the foundation is in place and the proposed variance is the minimum needed.  
580

581 6. That approval of the variance will be in harmony with the general intent and purpose of this  
582 Section, and will not be injurious to the neighborhood or otherwise detrimental to the public  
583 welfare.

584 As noted above, the placement of the foundation at the location allowed by this variance should  
585 not inversely impact the water body. It will not be injurious to the neighborhood and will not be  
586 otherwise detrimental to the public welfare.  
587

588 Mayor Krull opened the floor for public comments:  
589 There were none.

590  
591 ***Council Member Thompson moved to approve the adoption of Resolution 2017-01-595***  
592 ***(Granting a variance for 349 Covington Road). Council Member Rayman seconded the***  
593 ***motion.***

594  
595 ***Motion Passed 4 to 0***

596  
597 ***Council Member Thompson “Aye”***

598 ***Council Member Sheffield “Aye”***

599 ***Council Member Rayman “Aye”***

600 ***Mayor Krull “Aye”***

601

602 **4. D. Public Hearing: Adoption of Resolution 2017-01-596 (Granting a variance for 121**  
603 **W. Myers).**

604

605 City Attorney Cassady ready by title only Resolution 2017-01-596:

606

607 **RESOLUTION 2017-01-596**

608

609 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**  
610 **MASCOTTE, FLORIDA, GRANTING A VARIANCE FROM**  
611 **PROVISIONS OF THE LAND DEVELOPMENT CODE FOR CERTAIN**  
612 **REAL PROPERTY; ADOPTING FINDINGS OF FACT AND**  
613 **CONCLUSIONS OF LAW; PROVIDING FOR CONFLICTS AND**  
614 **SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

615

616 City Planner Spann approached the podium to address and public regarding this item, and stated  
617 that everything that was stated in the Local Planning Agency portion of this council meeting will  
618 apply here as well.

619

620 Mayor Krull opened the floor for public comments:

621 There were none.

622

623 ***Council Member Rayman moved to approve the adoption of Resolution 2017-01-596***  
624 ***(Granting a variance for 121 W. Myers). Council Member Thompson seconded the motion.***

625

626 ***Motion Passed 4 to 0***

627

628 ***Council Member Thompson “Aye”***

629 ***Council Member Sheffield “Aye”***

630 ***Council Member Rayman “Aye”***

631 ***Mayor Krull “Aye”***

632

633 **4. E. Public Hearing: First Reading of Ordinance 2017-01-556 (Revisions of the City's**  
634 **Land Development Code pertaining to the Green Swamp).**

635  
636 City Attorney Cassidy read by title only Ordinance 2017-01-556:

637  
638 **ORDINANCE 2017-01-556**

639  
640 **AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA;**  
641 **ENACTING ZONING DISTRICTS THAT ARE CONSISTENT WITH THE**  
642 **GREEN SWAMP AREA OF CRITICAL STATE CONCERN (GREEN**  
643 **SWAMP); AMENDING VARIOUS SECTIONS OF THE LAND**  
644 **DEVELOPMENT CODE THAT REGULATE LAND USE AND**  
645 **DEVELOPMENT WITHIN THE GREEN SWAMP; AMENDING**  
646 **VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE THAT**  
647 **REGULATE LAND USE AND DEVELOPMENT IN OR NEAR**  
648 **WETLANDS AND FLOOD PLAINS; PROVIDING FOR CONFLICTS,**  
649 **SEVERABILITY, CODIFICATION; AND PROVIDING AN EFFECTIVE**  
650 **DATE.**

651  
652 City Planner Schaffer approached the podium to address council and the public regarding this  
653 item.

654  
655 City Planner Schaffer stated the following:

656  
657 Between 2014 and 2016, the City wrote, transmitted, and adopted amendments to the  
658 Comprehensive Plan that provide specific protections to the Green Swamp Area of Critical State  
659 Concern.

660  
661 In 2015, the Planning and Zoning staff prepared draft revisions to the Land Development Code,  
662 implementing the Comprehensive Plan Goals, Objectives, and Policies related to the Green  
663 Swamp. This process involved significant interaction with the Area of Critical State Concern  
664 Staff at the Department of Economic Development Division of Community Planning.

665  
666 These revisions to the Land Development Code are now being presented to the City Council for  
667 consideration and approval.

668  
669 Consistency with Comprehensive Plan:

670 The Ordinance being presented is consistent with the Comprehensive Plan based on the  
671 following:

672  
673 Objective A4-2 states that the City shall enact regulations, including zoning districts that are  
674 consistent with the Green Swamp Future Land Use Designations.

675 Objective A4-3 states that the City shall enact regulations that impose specific restrictions on any  
676 construction activity, development, and land use within the Green Swamp.

677 Objective H1-4 states that the City shall enact regulations further protecting wetlands within the  
678 Green Swamp.

679 Objective H1-4 states that the City shall enact regulations further protecting floodplain within the  
680 Green Swamp.

681  
682 Recommendation and Recommended Finding of Fact:

683 The Planning and Zoning Staff would recommend **APPROVAL** of this Ordinance, bringing the  
684 Land Development Code in compliance with the Comprehensive Plan.

685  
686 Mayor Krull opened the floor for public comments:  
687 There were none.

688  
689 *Council Member Sheffield moved to approve the first reading of Ordinance 2017-01-556*  
690 *(Revisions of the City's Land Development Code pertaining to the Green Swamp). Council*  
691 *Member Rayman seconded the motion.*

692  
693 *Motion Passed 4 to 0*

694  
695 *Council Member Thompson "Aye"*  
696 *Council Member Sheffield "Aye"*  
697 *Council Member Rayman "Aye"*  
698 *Mayor Krull "Aye"*

699  
700 **4. F. Public Hearing: First Reading of Ordinance 2017-01-557 (Amending the City's Land**  
701 **Development Code to make Medical Marijuana Dispensing and Medical Marijuana**  
702 **Treatment Centers a Permitted Use).**

703  
704 City Attorney Cassady read by title only Ordinance 2017-01-557:

705  
706 **ORDINANCE 2017-01-557**

707  
708 **AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA;**  
709 **AMENDING SECTION 10-17 OF THE MASCOTTE CODE OF**  
710 **ORDINANCES TO REQUIRE PROOF OF ACTIVE STATE**  
711 **CERTIFICATE, REGISTRATION, OR LICENSE, IF APPLICABLE,**  
712 **WHEN APPLYING FOR A LOCAL BUSINESS TAX RECEIPT;**  
713 **AMENDING SECTION 2.1 OF THE LAND DEVELOPMENT CODE TO**  
714 **CREATE DEFINITIONS FOR "MEDICAL MARIJUANA DISPENSING**  
715 **ORGANIZATION" AND "MEDICAL MARIJUANA TREATMENT**  
716 **CENTER;" AMENDING SECTION 3.11 TABLE 3-2 OF THE LAND**

717 DEVELOPMENT CODE TO MAKE MEDICAL MARIJUANA  
718 DISPENSING ORGANIZATION AND MEDICAL MARIJUANA  
719 TREATMENT CENTER PERMITTED USES IN CERTAIN ZONING  
720 DISTRICTS; AMENDING SECTION 3.14 OF THE LAND  
721 DEVELOPMENT CODE TO PROHIBIT MEDICAL MARIJUANA  
722 DISPENSING ORGANIZATION AND MEDICAL MARIJUANA  
723 TREATMENT CENTER AS PERMITTED HOME OCCUPATIONS;  
724 PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION;  
725 AND PROVIDING AN EFFECTIVE DATE.

726  
727 City Planner Schaffer approached the podium to address council and the public regarding this  
728 item.

729  
730 City Planner Schaffer explained this item and how it will be zoned in the city, there will be two  
731 new land uses. He stated that attached is the zoning use table and based on what type of business  
732 it will be this will determine where these businesses can be located in the city.

733  
734 City Planner Schaffer stated that a city business tax receipt will need to be applied, but all the  
735 state approval and state licenses will have to be issued prior to any business tax receipt being  
736 issued. This will not be allowed as a home business.

737  
738 Mayor Krull opened the floor for public comments:

739 There were none

740

741 *Council Member Thompson moved to approve the first reading of Ordinance 2017-01-557*  
742 *(Amending the City's Land Development Code to make Medical Marijuana dispensing and*  
743 *Medical Marijuana Treatment Centers a permitted use). Council Member Sheffield seconded*  
744 *the motion.*

745

746 *Motion Passed 4 to 0*

747

748 *Council Member Thompson "Aye"*

749 *Council Member Rayman "Aye"*

750 *Council Member Sheffield "Aye"*

751 *Mayor Krull "Aye"*

752

753 **4. G. Public Hearing: First Reading and Transmittal approval of Ordinance 2016-12-554**  
754 **(Comprehensive Plan Amendment for Project#2016-09-120 (Indigo Lakes applicant is RFK**  
755 **Residential Development Properties)).**

756

757 City Attorney Cassady stated that before she reads the title this item was tabled at the November  
758 21, 2016 council meeting, so now council has to make a motion and vote to take it off the table.

759

760 **Council Member Sheffield motioned to take the first reading and transmittal approval of**  
761 **Ordinance 2016-12-554 off the table. Mayor Krull seconded the motion.**

762  
763 **Motion Passed 4 to 0**

764  
765 **Council Member Thompson “Aye”**  
766 **Council Member Rayman “Aye”**  
767 **Council Member Sheffield “Aye”**  
768 **Mayor Krull “Aye”**

769  
770 City attorney Cassady read by title only Ordinance 2016-12-554:

771  
772 **ORDINANCE 2016-12-554**

773  
774  
775 **AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE**  
776 **CITY OF MASCOTTE, LAKE COUNTY, FLORIDA, CHANGING THE**  
777 **FUTURE LAND USE DESIGNATION FOR A PARCEL**  
778 **APPROXIMATELY 14.45 +/- ACRES IN SIZE, LOCATED NEAR THE**  
779 **INTERSECTION OF COUNTY ROAD 33 AND BAPTIST ISLAND ROAD**  
780 **LYING EAST OF COUNTY ROAD 33, FROM A DESIGNATION OF**  
781 **LAKE COUNTY “AGRICULTURE” TO A DESIGNATION OF “RURAL**  
782 **COMMUNITY MIXED-USE”; PROVIDING FOR REPEAL OF ALL**  
783 **CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING**  
784 **OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT**  
785 **OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY**  
786 **AND PROVIDING FOR AN EFFECTIVE DATE.**

787  
788 City Planner Spann approached the podium to address council and the public. He explained the  
789 history and how the property’s annexation was approved by council at the November 21, 2016  
790 council meeting.

791  
792 City Planner Spann stated that the Local Planning Agency approved and found this  
793 comprehensive plan amendment consistent with the city’s comprehensive plan at the November  
794 21, 2016 Local Planning Agency meeting. He stated that once council approves this first reading  
795 and transmittal then it will be sent to the State and we will wait to get back any comments, before  
796 the final reading and adoption can be presented to council for approval.

797  
798 Mayor Krull opened the floor for public comments:  
799 There were none.

800  
801 **Council Member Rayman moved to approve the first reading and transmittal of Ordinance**  
802 **2016-12-554 (Comprehensive Plan Amendment for Project #2016-09-120 Indigo Lakes).**  
803 **Council Member seconded it.**

804

805 *Motion Passed 4 to 0*

806

807 *Council Member Thompson “Aye”*

808 *Council Member Rayman “Aye”*

809 *Council Member Sheffield “Aye”*

810 *Mayor Krull “Aye”*

811

812 **4. H. First Reading Of Ordinance 2017-01-558 (Amend Chapter 18 of the City’s Code and**  
813 **Section 5.5 of the City’s Land Development Code pertaining to the Sanitary Sewer System**  
814 **& Potable Water System.**

815

816 City Attorney Cassady read by title only Ordinance 2017-01-558:

817

818 **ORDINANCE 2017-01-558**

819 **AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA**  
820 **AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES**  
821 **AND SECTION 5.5 OF THE LAND DEVELOPMENT CODE**  
822 **PERTAINING TO THE SANITARY SEWER SYSTEM AND**  
823 **POTABLE WATER SYSTEM OF THE CITY; PROVIDING**  
824 **LEGISLATIVE FINDINGS; CLARIFYING WHEN CONNECTION**  
825 **TO THE PUBLIC SEWER SYSTEM SHALL BE REQUIRED;**  
826 **REQUIRING THAT DRY LINES BE INSTALLED FOR NEW**  
827 **DEVELOPMENT WHEN REQUIRED BY A DEVELOPMENT**  
828 **AGREEMENT; ELIMINATING REQUIREMENTS FOR A**  
829 **RECLAIM WATER SYSTEM PROGRAM OF THE CITY;**  
830 **UPDATING REGULATIONS REGARDING CROSS-**  
831 **CONNECTION CONTROL TO BE CONSISTENT WITH**  
832 **FLORIDA LAW; PROVIDING FOR SEVERABILITY,**  
833 **CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. BE**  
834 **IT ORDAINED THAT:**

835 City Attorney Cassady explained that council approved the comprehensive plan  
836 amendment, and now the city has to amend their city’s land development code. The final  
837 reading will be at the next council meeting on this ordinance, but will not be in effect  
838 until after 45 days of the comprehensive plan effective date.

839 Mayor Krull opened the floor for public comments:

840 There were none

841 *Council Member Sheffield moved to approve the first reading of Ordinance 2017-01-*  
842 *558 (Amend Chapter 18 of the City’s Code and Section 5.5 of the City’s Land*  
843 *Development code). Council Member Rayman seconded the motion.*

844 *Motion Passed 4 to 0*

845

846 *Council Member Thompson* "Aye"  
847 *Council Member Rayman* "Aye"  
848 *Council Member Sheffield* "Aye"  
849 *Mayor Krull* "Aye"

850

851 **4. I. First Reading of Ordinance 2017-02-559 (Registration of Residential Rental Property**  
852 **& Inspection).**

853

854 City Attorney Cassady read by title only Ordinance 2017-02-559:

855

856

**ORDINANCE 2017-02-559**

857 **AN ORDINANCE OF THE CITY OF MASCOTTE, FLORIDA,**  
858 **CREATING ARTICLE VIII, "RESIDENTIAL RENTAL PROGRAM" OF**  
859 **CHAPTER 10 OF THE MASCOTTE CODE OF ORDINANCES;**  
860 **PROVIDING LEGISLATIVE FINDINGS AND DEFINITIONS;**  
861 **PROVIDING FOR THE REGULATION OF CERTAIN RESIDENTIAL**  
862 **RENTAL PROPERTIES AND DWELLINGS WHICH ARE NOT**  
863 **REGULATED BY THE STATE; ADOPTING RELATED STANDARDS**  
864 **AND INSPECTION PROCEDURES; PROVIDING FOR PENALTIES AND**  
865 **ENFORCEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS,**  
866 **CODIFICATION, AND AN EFFECTIVE DATE. BE IT ORDAINED BY**  
867 **THE CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA, AS**  
868 **FOLLOWS:**

869 City Manager Gleason explained this item.

870 Mayor Krull opened the floor for public comments:

871 There were none

872

873 *Council Member Sheffield moved to approve the first reading of Ordinance 2017-02-*  
874 *559 (Registration of Residential Rental Property and Inspection). Council Member*  
875 *Thompson seconded the motion.*

876

877 *Motion Passed 4 to 0*

878

879 *Council Member Rayman* "Aye"

880 *Council Member Thompson* "Aye"

881 *Council Member Sheffield* "Aye"

882 *Mayor Krull* "Aye"

883

884 **4. J. Resolution: Adoption of Resolution 2017-01-597 (Opposition to the Registration of all**  
885 **Religious Groups or Nationalities coming into the United States).**

886

887 City Attorney read by title only Resolution 2017-01-597:

888  
889  
890  
891  
892  
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928

**RESOLUTION 2017-01-597**

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOTTE, FLORIDA IN OPPOSITION TO THE REGISTRATION OF ALL RELIGIOUS GROUPS OR NATIONALITIES COMING INTO THE UNITED STATES OF AMERICA.**

City Manager Gleason stated that this was sent over by the Florida League of Cities.

Mayor Krull opened the floor for public comments:

There were none

*Lack of motion item dies.*

**5. A. Site Plan Approval: Minor Site Plan Approval for project #2016-05-116 Redlands Christian Migrant Association (RCMA) for 121 W. Myers Blvd.**

City Planner Spann approached the podium to address council and the public regarding this item.

City Planner Spann stated that the Local Planning agency portion of this meeting I discussed the staff report, and the same information will apply, he stated the following:

**IV. Staff Recommendation**

Based on the information above, the Staff finds the request for variances for existing setbacks and the Minor Site Plan at 121 W. Myers Blvd. is technically complete and recommends approval subject to the following conditions. The application material does appear to meet the provisions of the Land Development Code criteria required based upon the staff report. The Recommended Conditions of Approval are listed below:

1. Any proposed expansion of a variance previously granted shall be subject to a new variance proceeding before the Local Planning Agency and the City Council.
2. The Applicant shall submit the site plan for review and approval by the Planning and Building Department(s) so that all provisions of the Land Development code are met per the following:
  - a. Section 5.3 – Parking (to meet dimensional and surfacing requirements)
  - b. Provide adequate ADA access and parking on the site consisting of min. one (1) space and an unobstructed path with required markings and signage.
  - c. Drainage calculations shall be supplied Pursuant to Section 4.5 (3)(g).
  - d. All existing trees shall be preserved on site. Adequate tree preservation shall be installed.
3. The Applicant shall meet the provisions of the LDC and complete the permitting and C/O requirements prior to receiving a Business Tax Receipt. All inspections from City Departments and Inspectors shall be performed, and approved as in compliance.

929 Mr. Conrad from the audience approached the podium to question the parking at this site, he  
930 wanted to know what will happen with the overflow will those cars be parking on highway 50.  
931 City Planner Spann addressed the applicant on this question. The applicant stated that the  
932 parking area is basically an area to where the parents can drop off and pick up their kids, and the  
933 times varies from child to child. There will not be all day parking on that new parking lot, the  
934 employee's park in the back.

935 Mayor Krull opened the floor for public comments:

936 There were none.

937 ***Council Member Thompson moved to approve the minor site plan for 121 W. Myers Blvd.***  
938 ***RCMA. Council Member Rayman seconded the motion.***

939 ***Motion Passed 4 to 0***

940

941 ***Council Member Rayman "Aye"***

942 ***Council Member Thompson "Aye"***

943 ***Council Member Sheffield "Aye"***

944 ***Mayor Krull "Aye"***

945

946 **6. A. Land Image discussion regarding the City's Land Development Code Changes.**

947

948 **City of Mascotte Land Development Code Revision Summary January 17, 2017**

949 **Prepared by Land Image Consulting**

950

951 **2016-2017 Land Development Code Revisions:**

952 During the 2016-2017 Budget Year, the Planning and Zoning Staff will be presenting a number  
953 of amendments to the Land Development Code for consideration by the City Council. Here is a  
954 summary of the issues being address by these amendments:

955 **Green Swamp**

956 This is the final step of a lengthy grant-funded process. In 2014-2015, the City received an  
957 initial grant to write and adopt amendments to the Comprehensive Plan that provide specific  
958 protections to the Green Swamp. In 2015-2016, the City received a follow-up grant to write draft  
959 revisions to the Land Development Code. Both steps involved significant interaction with the  
960 Area of Critical State Concern Staff at the Department of Economic Development Division of  
961 Community Planning. The final step in this processes it to consider enacting the draft revisions to  
962 the Land Development Code. The first reading of this Ordinance is schedule for January 17; the  
963 date of the second reading is to be determined.

964

965 **Various Inconsistencies and New Policies**

966 From time to time, the City Attorney or the Planning and Zoning Staff will locate inconsistencies  
967 with the Land Development Code. In addition, the City Manager, Planning and Zoning Staff,  
968 and/or City Attorney will suggest new policies to be considered in the Land Development Code.  
969 During the 2016-2017 Budget Year, the Planning and Zoning Staff and City Attorney will be  
970 presenting these matters to the City Council for consideration.

971

972 **Downtown Mixed-Use/Community Redevelopment Area**

973 The recently amended Comprehensive Plan no longer ties the Downtown Mixed-Use Future  
974 Land Use Category to the limits of the Community Redevelopment Area. In addition, zoning  
975 districts other than DM-PUD are now allowed within the downtown area. This will provide  
976 significant flexibility to land owners, developers, and the City that has not previously been  
977 available (since 2005). The Planning and Zoning Staff will be presenting amendments to the  
978 Land Development Code implementing these changes for City Council consideration.

979 **Comprehensive Plan Amendment**

980 In 2015-2016, the City utilized Littlejohn to prepare an amendment to the Comprehensive Plan.  
981 That amendment was adopted and is in force. That amendment includes a number of  
982 “commitment” statements; more specifically, the document states, “The City shall ...” a total of  
983 353 times.

984 The vast majority of these statements require the City of maintain certain on-going procedures  
985 (such as maintaining Table 3-1 and Table 3-2 of the Land Development Code, as required by  
986 Policy A1-1.4, or requiring buffers between developments in the Land Development Code, as  
987 required by Policy A2-2.3). Other statements require the City to take specific action. During the  
988 2016-2017 Budget Year, the Planning and Zoning Staff will be presenting amendments to the  
989 Land Development Code (via a single or multiple ordinances) that implement the commitment  
990 statements within the Comprehensive Plan that require specific action by the City.

991 City Planner Schaffer briefly went through the changes that will be taking place in the near  
992 future.

993 **7. A. Public Comments:**

994

995 There were none.

996

997 **8. A. City Manager: Semi-trucks on State Road 50.**

998

999 City Manager Gleason stated that he brought this item in previous meetings and he would like to  
1000 ask if council was still interested in having something regarding semi-truck parking on highway

1001 50. He wanted a motion and a vote so that the city attorney can work on this and come back with  
1002 an ordinance.

1003  
1004 Mayor Krull opened the floor for public comments:  
1005 There were none.

1006  
1007 *Mayor Krull motioned to have city staff and attorney to work on an ordinance regarding semi-*  
1008 *truck parking in the city. Council Member Sheffield seconded the motion.*

1009  
1010 **Motion Passed 4 to 0**

1011  
1012 **Council Member Rayman "Aye"**  
1013 **Council Member Thompson "Aye"**  
1014 **Council Member Sheffield "Aye"**  
1015 **Mayor Krull "Aye"**

1016  
1017 **8. B. City Manager: Contract update regarding Information Technology (IT) services.**

1018  
1019 City Manager Gleason stated that the city did a Request for qualification and received a few  
1020 proposals, the city is now in negotiations with the first company that was picked, and the  
1021 agreement will be brought back to council for approval.

1022  
1023 **8. C. City Manager: Street Lights.**

1024  
1025 City Manager Gleason stated that he want to clarify some things regarding the street lights.  
1026 When the street light assessment was approved it has been stated in several meetings that it will  
1027 be a few years before the city will be placing lights in areas that are needed, as the fund needs to  
1028 build in order for the city to pay for these lights.

1029  
1030 There seemed to be some confusion and it was stated to him that street lights were going to be  
1031 put up from day one, and he stated that was never the case.

1032  
1033 **9. A. City Attorney:**

1034  
1035 City Attorney Cassady had nothing to report at this time.

1036  
1037 **10. A. Council:**

1038  
1039 Council Member Sheffield stated that he attended the Lake County League of cities meeting and  
1040 there were some things that are up for discussion in Tallahassee these items are:

- 1041  
1042 Community Redevelopment Area  
1043 Communication Service Tax  
1044 Public Records

1045 Just to name a few.

1046

1047 Council Member Sheffield stated that he can pass the agenda of that meeting to the city clerk so  
1048 that she can e-mail council.

1049

1050

1051

1052

1053 **Meeting was adjourned at 8:52pm.**

1054

1055

1056

1057

1058

1059

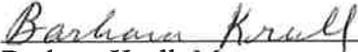
1060 ATTEST:

1061

1062

1063

1064

  
Barbara Krull, Mayor

  
Michelle Hawkins, City Clerk