



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, APRIL 18, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, April 18, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento  
Clell Coleman  
Agnes Berry  
Donald Lukich

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner James Argento and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR MARCH 21, 2013.**

**Commissioner Donald Lukich moved to APPROVE the minutes from the March 21, 2013 meeting. Commissioner Agnes Berry SECONDED the motion, which was PASSED by a vote of 4 to 0.**

**NEW BUSINESS**

**1. PUBLIC HEARING CASE # AMDT-13-50 – LDC AMENDMENTS**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AND/OR SUPPLEMENTING THE CODE OF ORDINANCES CHAPTER 25, ARTICLE IV, ZONING, SECTIONS. 25-258 OFF-STREET PARKING BY DELETING (4) MAXIMUM NUMBER OF PARKING SPACES, 25-284 DISTRICT USE REGULATIONS, (2) USE TABLE KEY--TYPES OF USES AND (3) USE TABLE BY AMENDING THE USE TABLE FOR VEHICLE SALES AND SERVICE, SECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS, (19) RESIDENTIAL GARAGES BY AMENDING THE GARAGE REQUIREMENTS; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1<sup>ST</sup> READING ON MAY 13<sup>TH</sup>, 2013 AND A 2<sup>ND</sup> READING ON MAY 28<sup>TH</sup>, 2013)**

Mr. Wiley said that sometimes suggestions are made to change the code that are not working as originally intended. Certain things may need to be addressed that are affecting residents in an adverse way.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

Summary:

The following amendments to the Land Development Code represent various amendments necessary as housekeeping or clarification items to the following sections:

*Sec. 25-258 Off-street parking* – To remove restriction on the maximum number of parking spaces allowed above the minimum required by the code.

*Sec. 25-284 (3) Use Table* – To change the C-2 Community Commercial and C-3 Highway Commercial Uses to allow some Vehicle Sales and Service Uses as Limited Uses, Conditional Uses and Permitted Uses.

*Sec. 25-292 Supplemental district requirements (19) Residential Garages* – To allow homes with existing carports to be enclosed as long as there is existing or new storage as required by (20) Residential storage of (80) square feet.

Action Requested:

Vote to approve the referenced amendments to the Code of Ordinances Chapter 25 Land Development Code as proposed by staff and forward to the City Commission for consideration.

**Note:** In the following amendments ~~strike-throughs~~ are deletions and under lines are additions.

#### **ARTICLE IV. ZONING DISTRICT CODE**

##### **Sec. 25-258. Off-street parking.**

In all districts and in connection with every use, with the exception of single family, there shall be provided, at the time any building is constructed or any existing building is moved, altered, added to or enlarged or reconstructed, off-street parking spaces in accordance with the requirements as set forth in this article; however, subsection (6) shall be enforced for all districts and in connection with every use. All requirements of the American Disabilities Act shall be adhered to regarding size and location of parking spaces, access, etc. as administered by the Community Development Director ~~planning and zoning manager~~ for the city.

~~(4) *Maximum number of parking spaces.* The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more than ten (10) percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number. The "maximum parking" standards of this article apply within the area defined as the contemporary design overlay. The planning and zoning manager shall have the authority to waive this requirement.~~

##### **Sec. 25-284. District use regulations.**

The following uses categories are not zoning districts. These categories group uses are for regulatory purposes. The names of some use categories (for example "commercial" may be similar to names for zoning districts (such as "neighborhood commercial").

(1) *Approach to categorizing uses.* The use categories found in the use table are set forth in this section. Any use not specifically set forth in this section is expressly prohibited, unless the planning and zoning manager or designee determines that the use is similar to a permitted use in accordance with this section. Where such similar permitted use is subject to limited use standards or conditional use approval, the proposed use shall also be subject to such standards or approval.

- (2) Use table key--Types of uses.
- Uses permitted by right (P). A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations.
  - Uses permitted as administrative limited uses (L). An "L" indicates a use that will be permitted subject to the use limitations in Section 25-339 L's are uses that require the approval of the **Community Development Director** ~~planning and zoning manager~~ and the conditions expressed in Section 25-339. Administrative limited uses are subject to all other applicable requirement of these regulations, including the additional standards contained in Section 25-339, except where expressly modified by the **Community Development Director** ~~planning and zoning manager~~ as part of the administrative limited use approval. A sign is required to be posted on property informing public of request for limited use. Request granted, granted with modifications, deferred for additional information, or denied by staff within ten (10) days if no written objections stating reasons for objections are received from interested parties. If written objection received, request is scheduled for consideration by planning commission's next scheduled meeting.
  - Uses permitted as conditional uses (CU). A "CU" indicates a use that is allowed only where approved as a conditional use by the City Planning Commission. Conditional uses are subject to all other applicable requirements of these regulations, including the additional standards contained in Section 25-285, except where expressly modified by the commission as part of the conditional use approval.
  - Uses not allowed. A blank cell in the use table indicates that a use is not allowed in the respective district.
- (3) Use table.

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					COMMERCIAL, INDUSTRIAL AND MIXED USES								PUBLIC	
		RE-1	R1-A	R-1	R-2	R-3	C-1	C-2	C-3	SPUD	CBD	PU D	M-1	R P	P	I
COMMERCIAL USES																
Vehicle Sales and Service	Car wash, full or self-service							<u>L</u>	P	P	CU	P	P		P	
	Truck stop								P	P		P	P		P	
	Vehicle sales, leasing or rental							<u>L</u>	<u>P</u> CU	P	CU	P	P		P	
	Vehicle service, intensive							<u>CU</u>	CU	P	CU	P	P		P	
	Vehicle service, limited							<u>L</u> CU	P	P	CU	P	P		P	
	Boat sales not accessory to boat livery								<u>L</u>	CU	P	CU	P	P		P

**Sec. 25-292. Supplemental district requirements.**

The following supplemental requirements shall apply to all uses within this chapter. These standards and criteria are deemed necessary to provide for the health, safety, morals and general welfare of the citizens of Leesburg.

- (19) *Residential Garages.* All new single family detached dwellings constructed after the effective date of this section in all zoning districts shall require a garage of at least 240 square feet with minimum design dimensions of 12 feet × 18 feet for automobile parking. All garages shall be equipped with an operational overhead door with minimum dimensions of eight feet × seven feet, which door, when closed, conceals the interior of the garage. Should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, the owner shall be required to **have or** construct a **new garage storage structure** on the property sufficient to meet the square footage requirements of ~~this~~ section **(20) Residential Storage below.** However, historic dwellings listed in the City's ~~historic surveys or in the~~ Historic District may be allowed to replace existing carports with a carport meeting the **size** requirements of this section if approved by the Historic Preservation Board as necessary to maintain the historic character of the dwelling. New carports and garages shall be designed to be architecturally similar and compatible to the principal residence.
- (20) *Residential storage.* All new single family detached dwellings constructed after the effective date of this section in all zoning districts shall require an enclosed storage area of eighty (80) square feet as part of the dwelling or as a separate storage unit in the rear or side yard of the property. The minimum design dimensions of storage within the dwelling unit shall be three (3) feet × ten (10) feet. The minimum design dimensions of storage areas outside of or detached from the dwelling unit shall be six (6) feet × ten (10) feet. Storage areas requirements shall not include any area used for heating and air-conditioning equipment, washers and dryer etc., in meeting the minimum requirements. New detached storage units shall be designed to be architecturally similar and compatible to the principal residence.

Commissioner Coleman asked if the landscaping for the previous case would have been affected. Mr. Wiley answered that they would still need the Conditional Use Permit after the LDC amendments were passed. They would have also had to wait another 30 days before the LDC Amendments were adopted.

Commissioner Lukich asked if tin sheds are allowed as storage. Mr. Wiley answered, according to Section 20, in some cases they might need to put up a shed with some kind of shingled roof. Commissioner Coleman asked what if they already have the storage. Mr. Wiley answered that if they already have the storage, then they don't need to do anything if it meets the minimum requirements.

This was the end of the discussion and the voting then took place.

**Commissioner Don Lukich made a motion to APPROVE case # AMDT-13-50 – LDC AMENDMENTS. Commissioner Agnes Berry SECONDED the motion which, PASSED by a unanimous voice vote of 4 to 0.**

**DISCUSSION ITEM**

Clell Coleman will not be at next month's meeting.

**ANNOUNCEMENTS**

The next scheduled meeting date is May 16, 2013.

The meeting adjourned at 5:19 p.m.

---

James Argento, Chairperson

---

Clell Coleman, Vice Chairperson

---

Dianne Pacewicz, Administrative Assistant II