

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

April 05, 2012, 6:00 P.M.

Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

MINUTES

Planning and Zoning Board

Ralph Arce, present
Roger Conley, Vice Chairman, present
John Deer, present
Shawna Lambert, present
Gordon Norris, present
Oscar Ortiz, present
Mike S. Thompson, Chairperson, present
Vida Tomlinson, present

Staff

Kevin Denny, AICP, Planning/Develop. Director
present
Joshua Cheney, AICP, Planner III, present
BJ Haney, present

No News Media identified

Chairman Thompson called the Regular Meeting to order at 6:00 P.M.; a quorum was present.

Those in attendance pledged allegiance to the American Flag followed with prayer by Board Member Norris.

The Board was advised that the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on 03/15/12 with Affidavit of Publication on file and that advertisements/public notices were properly posted.

MOTION by Board Member Conley, second by Board Member Lambert to approve Minutes of 03/01/12 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 12-10

Board was advised of a request from Hardee County Board of County Commissioners by and through the Authorized Representative to amend the Hardee County Unified Land Development Code (ULDC), as amended establishing Section 8.02.02 of the ULDC to allow for appeals of the determinations, decisions and interpretations of the Administrative Official as contained in **Ordinance No. 2012-08**.

Denny explained:

- generally a code has provisions for appeal, our code does not;
- The County code is set up so as to receive a written appeal forwarded to the County Manager for a determination; if appellant disagrees, the appeal is forwarded to the Board of County Commissioners for hearing and decision.
- The proposed Section 8.02.02 is consistent with the County's Comprehensive Plan and governmental rules.

Board inquired and Denny responded that the reason an appeal of the administrative official's decision/interpretation does not go straight to the BoCC is that under a County-Manager-type-government, the County Manager's designee, in this instance is the Planning/Development Director.

For example

--a question relative to County zoning and/or land use is submitted to the P/D Dept.;

--P/D Director makes a determination/interpretation based on the County's code;

--determination/interpretation is not agreed with and is appealed, in writing, and forwarded to the County Manager for determination.

(A conference is held between County Manager, County Attorney and P/D Director);

--County Manager's determination is not agreed with; appeal is forwarded to the BoCC for hearing and decision.

There was discussion relating to the time frames proposed in the draft of **Ordinance No. 2012-08**.

Denny advised those time frames can be adjusted.

Denny presented an overview of the contents of the Staff Report and advised that based on the information provided Staff finds that the proposed text amendment request is consistent with the Hardee County Unified Land Development Code, and Hardee County Comprehensive Plan and therefore the Planning staff recommends approval of Agenda No. ULDC-12-10 and **Ordinance No. 2012-08**.

Denny entered the Staff Report into the record; no objections presented.

Chairman called for public input; none received.

MOTION by Conley, second by Board Member Arce to recommend APPROVAL of Agenda No. 12-10 to the Board of County Commissioners (BoCC) to amend the Hardee County Unified Land Development Code as amended establishing Section 8.02.02 of the ULDC to allow for appeals of the determinations, decisions and interpretations of the Administrative Official as contained in **Ordinance No. 2012-08** based on the Staff Report and its recommendation for approval, excepting that Paragraph (2) to read:

(2) Upon receipt of the written notice of appeal from the County Manager, within 10 calendar days the Director shall transmit to the County Manager all the documents constituting the record upon which the decision was made. The County Manager shall then have 10 calendar days to prepare a written response to the original appeal request. If the appellant has not received a written response from the County Manager within the specified time frame, the appeal shall be directly forwarded by the Planning and Development Director to the Board of County Commissioners,

and based on the testimony presented and the evidence received in the public hearing. Motion carried unanimously.

The BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, April 19, 2012, 6:05 P.M. or as soon thereafter.

Board discussed the need to schedule some training in the state's 'Sunshine Law' and ex parte communication.

Board's next meeting/public hearing is a called meeting scheduled for Thursday, April 26, 2012, 6:00 P.M. (The request is for a Major Special Exception with Site Development Plan for the excavation of 14.6+/-acres of a 120+/-acre site for material for the State of Florida, Department of Transportation's road improvement/extension of U.S. Highway 17 South of Zolfo Springs).

Board was advised there will not be a Thursday, May 03, 2012 P/Z Board meeting.

With no further business, Board adjourned at 6:36 P.M.

B.J. Haney, Acting Recording Secretary