

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING

MARCH 06, 2014, 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, Vice Chairman, absent
Don Chancey, absent
Roger Conley, Chairman, present
Gordon Norris, present
Drew Schock, present
Nick Timmerman, present
Ann Wilson, present

Staff

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

No News Media present

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

Board Member Norris offered a prayer, and attendees pledged allegiance to the American flag.

The Board was advised that the Public Notice for the 03/06/14 Regular Meeting/Public Hearing was published in The Herald-Advocate on 02/20/14 with Affidavit of Publication on file and that advertisements/public notices were properly posted,

Chairman explained Planning and Zoning Board's General Rules of Procedure pertaining to Agenda No. 14-04, and Notary Public Haney administered Oath to those wishing to offer testimony.

MOTION by Norris, second by Board Member Wilson to approve Minutes of 02/06/14 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Haney asked . . . has any Planning and Zoning Board member received any oral or written communications regarding the land use item to be discussed? If so, please disclose substance of the communication and identify the person making communication.

No oral or written communications were disclosed by any Board Member.

Conley advised that Alma Tatum (mother) and Catherine A. Carlton (daughter) property owners have filed an application requesting a Temporary Special Use Permit (TSUP) to temporarily locate a second dwelling in the form of a manufactured home or mobile home dwelling so the son Wesley Lee Tatum, Jr. can care for the mother, on a 7.0+/-acre parcel zoned A-1 (Agriculture) in the Agriculture Future Land Use District.

Conley noted the purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners.

Board and County Staff were provided with a copy of the application, a copy of the Staff Report including Summary Analysis, Findings of Fact, Conclusion, Recommendation for approval and Recommended Conditions prior to the public hearing.

Planner Haney advised the:

- Board has a copy of the Staff's Report that identifies the need for and the purpose of the TSUP;
- 7.0+/-acre-A-1-zoned-parcel situated on or about the South side of State Road 66, East of Merle Langford Rd. does not appear to have wetlands within the boundaries of the referenced parcel, and the 2013 Federal Emergency Management Agency FIRM (FEMA flood map) does not appear to show floodplain within the boundaries of the referenced parcel;
- parcel presently has a single-family dwelling occupied by the mother/property owner Alma Tatum;

- TSUP-approved single-family manufactured home or mobile home dwelling will utilize the existing access ingress/egress from State Road 66; will have its own septic tank/drainfield;
- TSUP-approved single-family manufactured home or mobile home dwelling may utilize the existing potable water well on site.

Haney advised that the Staff's Conclusion is that the proposed project to temporarily locate a second dwelling on the 7.0+/-acre referenced parcel in the form of a single-family manufactured home/mobile home dwelling for the use by the son Wesley Lee Tatum, Jr. to care for the mother on the A-1-zoned parcel is consistent with the Hardee County Comprehensive Plan and meets the requirements of the Hardee County Unified Land Development Code for granting a Temporary Special Use Permit and is not contrary to the public interest, health, safety and welfare.

Haney stated that the Planning/Development Department Staff recommends the Planning and Zoning Board recommend approval of Agenda No. 14-04 to the Board of County Commissioners of the Temporary Special Use Permit as requested with the following conditions:

- The **Temporary Special Use Permit** is granted for a period of two years or until the need for care for the mother no longer exists whichever is less;
- The second dwelling in the form of a single-family manufactured home/mobile home dwelling temporarily located for the specific purpose will be serviced by its own private septic tank system, and may share a potable water well with the existing single-family dwelling;
- Application for renewal of the **Temporary Special Use Permit** shall be submitted 60 calendar days before expiration of the **Temporary Special Use Permit** if the circumstances have remained the same. The Temporary Special Use Permit must be renewed every six months thereafter. A renewal application and fee will be required every six months;
- When the need no longer exists, the second dwelling in the form of a single-family mobile home/manufactured home dwelling to be located on Applicants' property for the specific purpose of providing temporary housing for the son Wesley Lee Tatum, Jr. to provide care for the mother shall be immediately vacated, have the utilities immediately disconnected and the temporarily-located dwelling shall be immediately removed from the property. Immediately is defined as within 30 calendar days of the date the need ceases.

Haney entered the Staff Report and her testimony into the record; no objections presented.

Chairman called for public input; none received.

MOTION by Norris, second by Board Member Timmerman for the P/Z Board to RECOMMEND APPROVAL to the Board of County Commissioners (BoCC) for Agenda No. 14-04 requesting a Temporary Special Use Permit (TSUP) to temporarily locate a second dwelling in the form of a manufactured home/mobile home dwelling so the son Wesley Lee Tatum, Jr. can care for the mother, on a 7.0+/-acre parcel zoned A-1 (Agriculture) in the Agriculture Future Land Use District. based on the Staff Report, Recommendation for approval and Recommended Conditions and based on the testimony presented and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised that the BoCC will hold a public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, March 20, 2014, 6:05 P.M. or as soon thereafter.

Planning/Development Director Denny advised the BoCC public hearings will be held in the Hardee County School Board Room, 230 South Florida Ave., Wauchula, FL.

Conley advised of a request from the Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval for **Ordinance No. 2014-07** an ordinance amending Section 7.03.02, Section 7.03.08 and Section 8.06.00 of the Hardee County Unified Land Development Code as amended providing for replacing references to DCA with State of Florida; removing the twice per year Comprehensive Plan amendments limitation and removing submittal deadlines; providing for severability, providing for repeal of conflicting ordinances and providing for an effective date.

(The purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners).

Board and County Staff were provided with a copy of the application, a copy of the Staff Report including Introduction, Recommendation for approval, and a copy of the draft ordinance prior to the public hearing.

Denny advised that:

- this is a Staff request to modify three sections of the Unified Land Development Code (ULDC) pertaining to Comprehensive Plan amendments;
- the ULDC currently limits 'Comp' Plan submittals to twice a year with submittal schedule of February and August;
- the twice per year limitations is an old reference to Florida Statutes that was eliminated from state law several years ago;
- as adopted the ULDC's provisions seriously and unnecessarily delay proposed 'Comp' Plan amendments;
- Staff recommends removal of these limitations in the ULDC.
- the proposed changes are in the body of the Staff Report in a strike-through/underline format; Attachment 1 is the currently adopted language; a draft ordinance is also attached.

(The Planning and Development Division based on the Staff Report finds the request is consistent with the Hardee County Unified Land Development Code and the Hardee County Comprehensive Plan; Staff recommends the P/Z Board recommend approval of Agenda No. 14-05 as **ORDINANCE NO. 2014-07** to the Board of County Commissioners).

(The Staff Report was entered into the record; no objections presented).

Chairman called for public input; none received.

MOTION by Wilson, second by Timmerman to RECOMMEND APPROVAL of Agenda No. 14-05 to the Board of County Commissioners for approval for **Ordinance No. 2014-07** an ordinance amending Section 7.03.02, Section 7.03.08 and Section 8.06.00 of the Hardee County Unified Land Development Code as amended providing for replacing references to DCA with State of Florida; removing the twice per year Comprehensive Plan amendments limitation and removing submittal deadlines; providing for severability, providing for repeal of conflicting ordinances and providing for an effective date based on Staff's Report, recommendation for approval, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised that BoCC will hold a FIRST READING public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, March 20, 2014, 6:05 P.M. or as soon thereafter and will hold a SECOND READING public hearing on Thursday, April 03, 2014, 8:35 A.M. or as soon thereafter. (Both public hearings will be held in the Hardee County School Board Room, 203 South Florida Ave., Wauchula, FL).

Conley advised of a request from the Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval for **Ordinance No. 2014-08** an ordinance amending Section 2.30.00 of the Hardee County Unified Land

Development Code providing for a reduction of the minimum rear and side setbacks to a minimum requirement of five feet for swimming pools screened enclosures; providing for severability, providing for repeal of conflicting ordinances and providing for an effective date.

(The purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners).

Board and County Staff were provided with a copy of the application, a copy of the Staff Report including Introduction, Conclusion, Recommendation for approval, and a copy of the draft ordinance prior to the public hearing.

Denny advised that:

- this is a Staff request to modify Section 2.03.01(C) of the ULDC;
- in a nutshell swimming pools are permitted within five feet of the property line;
- screened (pool) enclosures must meet different setbacks . . . typically the same setback as the principal structure;
- for example in A-1-zoning districts the pool may be situated within five feet of the rear property line, but a 401+sq-ft screened enclosure must set back a minimum of 50 feet from the rear property line;
- for safety reasons, Staff proposed changing the (side and rear) setback to five feet for screened enclosures;
- the proposed language and ordinance are attached for your review;
- the request is consistent with standards applied in other jurisdictions and is not contrary to development in Hardee County.

Denny advised that the Planning and Development Division, based on the Staff Report finds the request is consistent with the Hardee County Unified Land Development Code and the Hardee County Comprehensive Plan; Staff recommends the P/Z Board recommend approval of Agenda No. 14-06 as **ORDINANCE NO. 2014-08**.

(The Staff Report was entered into the record; no objections presented).

Chairman called for public input; none received.

MOTION by Timmerman, second by Wilson to RECOMMEND APPROVAL of Agenda No. 14-06 to the Board of County Commissioners for approval for **Ordinance No. 2014-08** an ordinance amending Section 2.30.00 of the Hardee County Unified Land Development Code providing for the reduction of the minimum rear and side setbacks to a minimum requirement of five feet for swimming pools screened enclosures; providing for severability, providing for repeal of conflicting ordinances and providing for an effective date based on Staff's Report, recommendation for approval, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised that BoCC will hold a FIRST READING public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, March 20, 2014, 6:05 P.M. or as soon thereafter and will hold a SECOND READING public hearing on Thursday, April 03, 2014, 8:35 A.M. or as soon thereafter. (Both public hearings will be held in the Hardee County School Board Room, 203 South Florida Ave., Wauchula, FL).

Conley advised of a request from the Hardee County Board of County Commissioners by and through the Authorized Representative for a recommendation of approval for **Ordinance No. 2014-09** an ordinance amending Section 7.05.07 of the Hardee County Unified Land Development Code as amended modifying the language in that section regarding allowed uses in Planned Unit Developments (PUDs) providing for severability, providing for repeal of conflicting ordinances and providing for an effective date.

Conley noted the purpose of this Public Hearing is to hear the request, receive public input and offer a recommendation to the Board of County Commissioners.

Board and County Staff were provided with a copy of the application, a copy of the Staff Report including Introduction, Recommendation for approval, and a copy of the draft ordinance prior to the public hearing.

Denny advised that:

- this is a Staff request to resolve inconsistency between the Future Land Use Policy L1.11--'Rural Village' (in the 'Comp' Plan) and Section 7.05.07--Planned Unit Developments (in the ULDC);
- 'Comp' Plan Policy L1.11--'Rural Village' allows a variety of uses including residential, commercial/industrial/office and recreational vehicles; there is a requirement to have a residential and a non-residential component and also required to be a Planned Unit Development;
- inconsistency occurs in that ULDC Section 7.05.07 does not list RVs and Industrial uses as allowable uses in a PUD.

Denny noted that a 'typo' needs correcting in the Staff Report on Page 2, first paragraph last sentence . . . *without modification to the PUD land uses allowed in the ULDC, Industrial and RV uses would not be allowed in a 'Rural Village' development.* The word not should be changed to still because still allowed as 'Comp' Plan rules over ULDC in case of a conflict per Chapter 163, Florida Statutes.

Denny advised that the purpose of the amendment is to add RVs and Industrial uses in the uses allowed in a PUD per Section 7.05.07, ULDC to clear up inconsistency.

Denny advised that the Planning and Development Division, based on the Staff Report finds the request is consistent with the Hardee County Unified Land Development Code and the Hardee County Comprehensive Plan; and recommends the P/Z Board recommend approval of Agenda No. 14-07 as **ORDINANCE NO. 2014-09** to the Board of County Commissioners.

(The Staff Report was entered into the record; no objections presented).

Chairman called for public input; none received.

MOTION by Wilson, second by Norris to RECOMMEND APPROVAL of Agenda No. 14-07 to the Board of County Commissioners for approval for **Ordinance No. 2014-09** an ordinance amending Section 7.05.07 of the Hardee County Unified Land Development Code as amended modifying the language in that section regarding allowed uses in Planned Unit Developments (PUDs) providing for severability, providing for repeal of conflicting ordinances and providing for an effective date based on Staff's Report, recommendation for approval, and based on the testimony presented, and the evidence received in the public hearing. Motion carried unanimously.

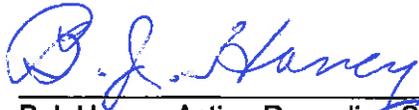
Chairman advised that BoCC will hold a FIRST READING public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, March 20, 2014, 6:05 P.M. or as soon thereafter and will hold a SECOND READING public hearing on Thursday, April 03, 2014, 8:35 A.M. or as soon thereafter. (Both public hearings will be held in the Hardee County School Board Room, 203 South Florida Ave., Wauchula, FL).

Board was reminded of the Tuesday, March 11, 2014, 6:00 P.M. Workshop and reminded to bring individual copies of the Florida Planning Officials Handbook.

Denny inquired if the Board had any specific questions before the Workshop; advised the (Government in Sunshine) video will be presented and a short power point on 'Comp' Plan and Rezoning.

Board was advised of next REGULAR P/Z MEETING/PUBLIC HEARING, Thursday, April 03, 2014, 6:00 P.M. in the Hardee County School Board Room, 230 South Florida Ave., Wauchula, FL.

With no further business, MOTION by Wilson, second by Timmerman to adjourn Regular Meeting/Public Hearing at 6:45 P.M. Motion carried unanimously.



B.J. Haney, Acting Recording Secretary