

PLANNING AND ZONING BOARD
CALLED MEETING/PUBLIC HEARING--JUNE 18, 2015, 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
Donnie Autry, present
Roger Conley, Chairman, present
Michael Scheipsmeier, absent
Drew Schock, present
Nick Timmerman, excused
Ann Wilson, present

Staff

Todd Miller, Planning Director, present
BJ Haney, Planning Dept., present

News Media; none present

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

Attendees pledged allegiance to the American flag, Conley offered a prayer.

The Board was advised that the Public Notice for the 06/18/15 Called Meeting/Public Hearing was published in The Herald-Advocate on 06/04/15 with Affidavit of Publication on file; and that advertisements/public notices were properly advertised pursuant to the provisions of the County's Unified Land Development Code (ULDC).

MOTION by Board Member Autry, second by Board Member Wilson to approve Minutes of 06/04/15 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; none received.

Chairman explained Planning and Zoning Board's General Rules of Procedure and Notary Public Haney administered Oath to those wishing to offer testimony.

MOTION by Wilson, second by Autry to postpone election of chairman and vice chairman until July 09, 2015 meeting. Motion carried unanimously.

Agenda No. 15-13

Chairman advised that:

- Hardee County Board of County Commissioners by and through the Authorized representative request approval of Amendments to the Hardee County Unified Land Development Code for the sections as advertised in the public notice being:
 - Section 2.10.00--Fence Hgt. Limitations;
 - Table 2.29.02(A)--to remove R-3 zoning classification from list of appropriate districts designated as Residential Low;
 - Table 2.29.02(B)--to allow specific non-commercial ag uses in F-R zoning with limitations; and to permit Poultry Farms in A-1-zoning districts by Special Exception only;
 - Section 2.29.02.06, 2.29.02.07 and 2.29.02.08--to add Commerce Park FLU designation as appropriate for C-2, I-1 and I-2 zoning districts;
 - Section 2.29.02.13--to add Industrial and Commerce Park FLU designations as appropriate for C/IBC zoning districts;
 - Section 2.30.00--to reduce required setback between an accessory structure and a principal structure from 10 ft to 03 ft and to reduce the required side yard setback for an accessory structure from 15 ft to 07 ft;
 - Section 3.02.02(2) and (3)--to modify the Clear Visibility Triangle requirement so as to be measured from the edge of pavement instead of the street centerline so text is consistent with the figure provided in the ULDC;
 - Section 4.04.00--to add a subsection .02 establishing regulations under which off-site directional signs may be permitted;

Section 7.12.06--to establish regulations under which an approved Special Exception Use, and an approved Major Special Exception Use may be extended;

Section 7.13.07--to provide for an administrative extension for a Special Exception Use to be granted by the Planning and Development Director;

Section 7.15.02--to establish a period of time being 12 months for the expiration of an Unexercised Temporary Special Use Permit;

Section 8.03.00(B)(03)--to modify the section to be consistent with the number of Planning and Zoning Board members;

Article 09--to establish a definition for a Poultry Farm. as **ORDINANCE NO. 2015-06**

- 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, and a copy of the Staff Report prior to the public hearing.

Todd Miller, Hardee County Planning/Development Director explained the proposed amendments and the reasons for the proposed changes. A copy of the Staff Report as presented to the Board is attached; also attached is a copy of the Staff Report reflecting the changes made by the Board at the public hearing.

Miller entered Staff Report and his testimony into the record.

Chairman called for public input.

Donald Chancey, 1224 Pine Dr., Wauchula was sworn and addressed the Board regarding several of the proposed changes.

Gary Talley, 105 Cannon Rd., Ft. Meade was sworn and addressed the Board regarding the proposed changes to the sign regulations.

MOTION by Wilson, second by Board Member Schock to **RECOMMEND APPROVAL** to the Board of County Commissioners of the request for Amendments to the Hardee County Unified Land Development Code as **ORDINANCE NO. 2015-06** based on the changes proposed by the Planning/Zoning Board, based on the Staff Report, and based on the testimony present, and the evidence received in the public hearing. Motion carried unanimously.

Chairman advised the Board of County Commissioners will hold a **FIRST READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, July 16, 2015 at 6:05 P.M. or as soon thereafter in this room.

Chairman advised the Board of County Commissioners will hold a **SECOND READING** public hearing and receive a recommendation from the Planning/Zoning Board on Thursday, August 06, 2015 at 8:35 A.M. or as soon thereafter in this room.

Staff to provide Board with a copy of the Staff Report with the changes prior to the BoCC's public hearings.

Board was advised that July Regular Meeting is scheduled for Thursday, July 09, 2015, 6:00 P.M.:

- to consider a Special Exception application for the location of a manufactured home on an F-R-zoned parcel;
- to consider Amendments to the Hardee County Unified Land Development Code to create a Planned Unit Development (PUD) zoning district and to modify the Planned Unit Development regulations;
- to consider Amendments to the Hardee County Unified Land Development Code to revise the Concurrency Management System

Chancey asked the Board and Staff to look at a possible change to the required separation between accessory structures . . . presently the separation is 10 ft . . . would like to request a separation of 03 ft.

With no further business the Board's Called Meeting/Public Hearing adjourned upon MOTION by Autry second by Wilson at 7:50 P.M. Motion carried unanimously.



B.J. Haney, Acting Recording Secretary

HARDEE COUNTY PLANNING/DEVELOPMENT DEPARTMENT
STAFF REPORT

ULDC Amendments

Agenda No:

15-13 – Ordinance 2015-06

Request:

Amendments to the Hardee County Unified Land Development Code to modify the following sections and tables:

- Section 2.10.00 to make the regulations for fence heights consistent with the requirements for Clear Visibility Triangles at intersections.
- Table 2.29.02 (A) to remove the R-3 zoning classification from the list of appropriate districts within an area designated as Residential Low on the Future Land Use Map.
- Table 2.29.02 (B) to allow specific non-commercial agricultural uses in the F-R zoning classification with limitations; and to permit Poultry Farms in the A-1 zoning classification by special exception only.
- Sections 2.29.02.06, 2.29.02.07 and 2.29.02.08 to add the Commerce Park future land use designation as appropriate for C-2, I-1 and I-2 zoning.
- Section 2.29.02.13 to add the Industrial and Commerce Park future land use designations as appropriate for C/IBC zoning.
- Section 2.30.00 to reduce the required setback between an accessory structure and a principal structure from 10 feet to 3 feet; and to reduce the required side yard setback for an accessory structure from 15 feet to 7 feet.
- Section 3.02.03 (2) and (3) to modify the Clear Visibility Triangle requirement so as to be measured from the edge of pavement instead of the street centerline to make the text consistent with the figure provided in the Code.
- Section 4.04.00 to add a sub-section .02 establishing regulations under which off-site directional signs may be permitted.
- Section 7.12.06 to establish regulations under which an approved Special Exception or Major Special Exception may be extended.
- Section 7.13.07 to provide for an administrative extension for a Special Exception Use to be granted by the Planning and Development Director.
- Section 7.15.02 to establish a period of time (12 months) for the expiration of an unexercised Temporary Special Use permit.
- Section 8.03.00 (B) (03) to modify the section to be consistent with the number of Planning and Zoning Board members.
- Article 9 to establish a definition for a "Poultry Farm".

Applicant:

Planning and Development Department
Hardee County
110 South 9th Avenue
Wauchula, FL 33873

Staff Recommendation:

Staff recommends **APPROVAL** of Agenda No. 15-13 as Ordinance 2015-06 to the Planning/Zoning Board and recommends the Board recommend Approval to the Board of County Commissioners.

Staff Analysis

The following analyses describes each proposed amendment via a strikethrough and underline format, and then continues on to describe the rationale and/or need for the proposed amendment.

- Amend Section 2.10.00, Fence Height Limitations, to read as follows:

“No fence or solid wall on any property shall exceed six feet in height in any residential zoning district, or eight feet in any commercial or industrial zoning district, except as required by issuance of a Development Order or Special Exception. No fence or other obstruction, including signs (~~having less than eight feet of ground clearance~~), walls, hedges, or other structures shall be permitted exceed four feet in height within the Clear Visibility Triangle, as defined by Section 3.02.03 of this Code ~~25 feet of a street intersection~~. In all zoning districts, fence or walls shall be limited to four feet in height within required front ~~or side~~ street setback areas.”

The above proposed change will make the fence height limitations consistent with the Clear Visibility regulations found in Section 3.02.03 of the ULDC and allow a fence height of 6 feet along the side yard of a corner lot.

- Amend Table 2.29.02(A), LDC Development Districts as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-1	PR	CN	C/IBC
FLU CATEGORIES													
RESIDENTIAL LOW	X	X	X	X									

The above referenced change to Table 2.29.02 (A) of the ULDC removes the R-3 zoning classification from the list of appropriate zoning in areas designated for Residential Low uses on the County’s Future Land Use map. The Residential Low Future Land Use category is described in the County’s Comprehensive Plan as designating areas in the County that are “now developed or appropriate to be developed in a suburban, low density manner, and to recognize such areas as primarily well-suited for residential uses that are consistent with transitioning or bridging between more urban, high density categories and those that are consistent with non-intensive qualities and natural resource characteristics of such areas”. Furthermore, the Residential Low FLU category is established by Policy L1.10 of the Comprehensive Plan primarily for residential development, “not to exceed overall gross densities of between 1 dwelling unit per acre and 4 dwelling units per acre.” However, Section 2.29.02.03 (B) of the ULDC describes the R-3 zoning as permitting multi-family residential development up to 12 dwelling units per acre, and does not identify the Residential Low Future Land Use category as an appropriate FLUM designation in subsection (A). Therefore, staff recommends modifying Table 2.29.02(A), to make it consistent with Section 2.29.02.03 of the ULDC, and Policy L1.10 of the Comprehensive Plan.

- Amend Table 2.29.02(B), Livestock, Noncommercial as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-I	PR	CN	C/IBC
Livestock, Noncommercial													
Hogs/Pigs = <u>1/acre, up to 5 max</u>				<u>P</u>					P				
Fowl/Poultry (including Ostrich, Emu, Rhea) = <u>10/acre up to 50 max</u>				<u>P</u>					P				
Birds/Bees/Fish/Rabbits				<u>P</u>					P				
Goats/Sheep/Llamas = <u>1/acre up to 5 max</u>				<u>P</u>					P				
Cattle/Ruminants = <u>1.5 acre/cow or ruminant, max 5</u>				<u>P</u>					P				
Horses = <u>1.5 acres per horse, max 5</u>				<u>P</u>					P				

The 1982 Hardee County Zoning Ordinance (Ordinance 82-2) permitted non-commercial livestock (cows, horses, chickens, etc.) in the F-R zoning district. However, subsequent amendments to the Ordinance and the 1996 ULDC removed all livestock (commercial and noncommercial) from the list of permitted uses in the F-R zoning district. Recent code enforcement cases and zoning requests have prompted staff to reevaluate the appropriateness of limited noncommercial livestock within the F-R zoning district. Given the variety of property sizes and transitional nature of the zoning district, staff has determined that some noncommercial livestock uses would be appropriate within the F-R zoning district, so long as there are limitations on the number of animals allowed per acre. Therefore, staff recommends the above modifications to Table 2.29.02 (B) of the ULDC.

- Amend Table 2.29.02(B), Livestock Commercial as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-I	PR	CN	C/IBC
Livestock, Commercial													
<u>Poultry Farm</u>									<u>S</u>				

Recent zoning requests have prompted staff to evaluate appropriate zoning classifications and approval processes for commercial poultry farms. Although some commercial poultry operations may be limited in size, most commercial poultry endeavors operate at a large scale, with thousands of birds housed in large facilities, which can have significant negative impacts upon adjoining properties. Given the potential for significant adverse impacts from such uses, staff has determined that commercial poultry farms need to be specifically called out within the Table of Land Uses, and should be allowed only within the Agricultural zoning district by Special Exception. Therefore, staff recommends the above changes to Table 2.29.02 (B) of the ULDC.

- Amend Section 2.29.02.06, *C-2 General Commercial District*, sub-section (A) to read as follows:

(A) FLUM Designation: Town Center Classification
 Highway Mixed Use Classification
 Residential Mixed Use Classification
 Rural Center Classification
 Agricultural Classification
Commerce Park Classification

- Amend Section 2.29.02.07, *I-1 Light Industrial District*, sub-section (A) to read as follows:

- FLUM Designation: Town Center Classification
 Highway Mixed Use Classification
 Rural Center Classification
 Agricultural Classification
Commerce Park Classification

- Amend Section 2.29.02.08, *I-2 Heavy Industrial District*, sub-section (A) to read as follows:

(A) FLUM Designation: Town Center Classification
 Highway Mixed Use Classification
 Rural Center Classification
 Agricultural Classification
 Industrial Classification
Commerce Park Classification

- Amend Section 2.29.02.13, *C/IBC Commercial/Industrial Business Center District*, sub-section (A) to read as follows:

(A) FLUM Designation: Agriculture Classification
 Highway Mixed Use Classification
 Rural Center Classification
Industrial Classification
Commerce Park Classification

A recent review of the ULDC uncovered discrepancies between Table 2.29.02 (A) and Sections 2.29.02.06, 2.29.02.07, 2.29.02.08 and 2.29.02.13 regarding appropriate zoning classifications within certain Future Land Use categories. In order to make the table and the text consistent, staff recommends the above modifications to Sections 2.29.02.06, 2.29.02.07, 2.29.02.08 and 2.29.02.13 of the ULDC.

- Amend Section 2.30.00, *General Regulations for Accessory Structures/Uses*, sub-section (G) to read as follows:

“Except where otherwise provided, accessory structures shall be separated from each other and from the principal structure by at least ten feet, shall be setback from the principal structure no less than three (3) feet; and shall be setback from the rear property line as follows: accessory structures up to 200 square feet – minimum 10 feet; 201 – 400 square feet – minimum 15 feet; 401 + square feet shall meet the minimum setback requirements as established by the zoning district. In all cases, however, accessory structures shall be setback from side yard property lines a minimum of ~~fifteen (15)~~ seven (7) feet;”

Through recent zoning requests and the general administration of the ULDC, staff has identified the setback requirements for accessory structures contained in Section 2.30.00 as a source of potential hardship for some properties and structures, as well as in excess of setback requirements for principal structures in some zoning districts. Accessory structures, by definition, include certain structures that are frequently used for protection from the elements for parking of a vehicle in a residential district. The requirement for a 10 foot separation between the accessory structure and the principal structure defeats this purpose. Staff has contacted the Building and Fire Department to verify that a minimum separation of 3 feet would not conflict with the requirements of those Codes. Based upon those conversations, staff is recommending amending Section 2.30.00 to reduce the required separation between an accessory structure and a principal structure from 10 feet to 3 feet.

In addition, staff has recognized that Section 2.30.00 requires a greater side setback for accessory structures than is required for the principal in all but two of the established zoning districts. The most common side setback requirement for principal structures is 7 feet. In order to ensure that accessory structures are not required to provide a greater setback than the principal structure, staff has recommended modifying Section 2.30.00 to reduce the required side setback for an accessory structure from 15 feet to 7 feet.

- Amend Section 3.02.03 (C), Clear Visibility Triangle, to modify subsection (2) as follows:

"The clear visibility triangle shall be formed by connecting a point on each ~~street centerline~~ along the edge of pavement or surface of each street, to be located at the distance from the intersection of the ~~street centerlines~~ edge of pavement or surface of each street as indicated in Exhibit D-1, and a third line connecting the two points."

And to modify subsection (3) and the table as follows:

"The distance from the intersection of the ~~street centerlines~~ edge of pavement for the various road classifications (shown as an "X" in the diagram) shall be as follows."

Type of Street	Distance from Centerline Intersection <u>of Edge of Pavement or Street Surface</u>
Principal Arterial	106 feet
Minor Arterial	71 feet
Major Rural Collector	71 feet
Local	60 feet
Commercial Driveway	40 feet

A recent code enforcement case has brought to light an inconsistency in Section 3.02.03, Clear Visibility Triangle, of the ULDC. Specifically, the text and table provided in the Section indicate the Clear Visibility Triangle is to be drawn from the intersection of the street centerline. However, the graphic provided indicates the Triangle is to be drawn along the edge of pavement or street surface. After consulting with the Public Works Director, staff has determined that the edge of pavement or street surface is a more appropriate way of measuring the Clear Visibility Triangle. Therefore, staff recommends the above changes to Section 3.02.03 of the ULDC.

- Amend Section 4.04.00 to change subsection .02 to read as follows, and renumber subsections .02 through .05 accordingly.

4.04.02 Off-Site Directional Signs

Offsite commercial directional signs are permitted on commercially or agriculturally zoned property owned or leased by the business owner, subject to the following restrictions.

- No more than 1 off-site directional sign per parcel or lot
- No more than 72 inches in height
- No more than 72 square feet in area
- Located outside of any right-of-way
- Be in compliance with Section 3.02.03(C), Clear Visibility Triangle
- Include only the name of the business or service provided and basic directional and contact information
- Meet all requirements of the Florida Building Code
- Be permitted by the Hardee County Building Department
- Not be internally illuminated
- No interchangeable copy or message board signs

Billboard signs are regulated under Section 4.04.02 of the Hardee County ULDC.

Recently several businesses have either inquired about off-site signage, or have installed off-site signage for their business or organization. Currently, the ULDC does not allow off-site signage (it is not provided for in the Code). The requests and installations have prompted staff to evaluate the appropriateness of permitting off-site signage. While there are several considerations (public safety, visual clutter, etc.) to be weighed in any permitting of off-site signage, staff has determined that with specific limitations, off-site signage may be appropriate. Therefore, staff has recommended adding Section 4.04.02 to the ULDC to permit off-site signage under certain restrictions and limitations, as specified above.

- Add Section 7.12.06, Extension of Approved Special Exception or Major Special Exception

Section 7.12.06, Extension of Approved Special Exception or Major Special Exception

Applicants whom have obtained an approval for a Special Exception or Major Special Exception by the Hardee County Board of County Commissioners but will be unable to initiate the development, use or activities permitted by the granting of the Special Exception or Major Special Exception within one year of the date of approval as required by Section 7.13.07, may apply to the Planning and Development Division for an extension of the approval. The request for an Extension must be in writing on forms provided by the Planning and Development Division.

The request shall contain the following information.

Copy of the Record of Decision

Narrative describing:

1. Reason(s) why the Special Exception or Major Special Exception cannot be activated within 12 months of the date of approval.
2. Anticipated timeline for activation of the Special Exception or Major Special Exception.
3. Extension period requested.

The Planning and Development Director shall review the application for extension, and provide written notification to the applicant of approval, denial or approval with conditions. Only one (1) extension may be granted administratively by the Planning and Development Director, and the extension shall not exceed 24 months from the date of the original approval by the Board of County Commissioners. Two (2) additional extensions may be granted by the Board of County Commissioners only, but the sum of all extensions granted shall not exceed 48 months from the date of the original approval.

In recent experiences, staff has encountered situations wherein the applicant of an approved Special Exception or Major Special Exception was not able to initiate the approved use within the 12 month timeframe provided by Section 7.13.07 of the ULDC for expiration or abandonment of the Special Exception Use. Given that some projects, due to their size or complexity or other unforeseen circumstances, may not be able to initiate use within 12 months, staff has determined it appropriate to provide a process by which an extension of the approval may be granted. Therefore, in coordination and conjunction with proposed amendments to Section 7.13.07 identified below, staff has recommended adding Section 7.12.06 to the ULDC as specified above.

- Amend Section 7.13.07, Expiration or Abandonment of Special Exception Use.

If a Special Exception does not begin to serve the purpose for which it was granted permission within one year from the date of approval, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section 7.12.06 of this Code. Once initiated, the Special Exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for one year, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section 7.12.06 of this Code.

In recent experiences, staff has encountered situations wherein the applicant of an approved Special Exception or Major Special Exception was not able to initiate the approved use within the 12 month timeframe provided by Section 7.13.07 of the ULDC for expiration or abandonment of the Special Exception Use. Given that some projects, due to their size or complexity or other unforeseen circumstances, may not be able to initiate use within 12 months, staff has determined it appropriate to provide a process by which an extension of the approval may be granted. Therefore, in coordination and conjunction with proposed amendments to Section 7.12.06 identified above, staff has recommended modifying Section 7.13.07 to the ULDC as specified above.

- Amend Section 7.15.02 by adding the following text as subsection (G):

(G) "A Temporary Special Use Permit shall become null and void if it is not exercised, as evidenced by the pulling of all necessary permits within 12 months of the date of approval by the BOCC."

In recent experiences, staff has encountered situations wherein the applicant of an approved Temporary Special Use permit has not utilized the TSUP in a timely manner, or at all. Given that there is currently no expiration of an approved TSUP provided for in the ULDC, staff has recommended adding a subsection (G) to Section 7.15.02 to the ULDC as specified above.

- Amend Section 8.03.00(B)(03) to read:

“Each member shall be appointed to a three year term. In the event that all members are appointed at the same time, three members shall be appointed for a term of one year, ~~three~~ two members shall be appointed for a term of two years, and ~~three~~ two members shall be appointed for a term of three years.”

Staff noticed that the appointment cycle for Planning Board members was based upon the previous 9 member board numbers. In order to make the cycles consistent with the revised board makeup of 7 members, staff has recommended the above modifications to the ULDC.

- Amend Article 9 to add a definition for “Poultry Farm”.

Poultry Farm: A parcel of land used to raise birds for commercial sale or distribution, primarily for meat and eggs but also for feathers.

In coordination and conjunction with proposed amendments to Table 2.29.02 (B) of the ULDC identified above regarding Poultry Farms, staff has recommended adding a definition of a “Poultry Farm” to Article 9 of the ULDC as specified above.

Findings of Fact:

Consistency with the Hardee County Comprehensive Plan

Staff finds the proposed amendments to the ULDC are consistent with the Goals, Objectives and Policies of the Hardee County Comprehensive Plan.

Consistency with the Hardee County Unified Land Development Code

Staff finds the proposed modifications to the Unified Land Development Code (ULDC) to be consistent with the General Provisions and purpose and intent of the Hardee County ULDC.

Conclusion:

Staff finds the proposed modifications to the Unified Land Development Code (ULDC) to be consistent with the Goals, Objectives and Policies of the Hardee County Comprehensive Plan, and the General Provisions and purpose and intent of the Hardee County ULDC.

Recommendation:

Staff recommends **APPROVAL** of Agenda No. 15-13 as Ordinance 2015-06 to the Planning/Zoning Board and recommends the Board recommend Approval to the Board of County Commissioners.

HARDEE COUNTY PLANNING/DEVELOPMENT DEPARTMENT
STAFF REPORT **w/ P/Z CHANGES (06/18/15)**

ULDC Amendments

Agenda No:

15-13 – Ordinance 2015-06

Request:

Amendments to the Hardee County Unified Land Development Code to modify the following sections and tables:

- Section 2.10.00 to make the regulations for fence heights consistent with the requirements for Clear Visibility Triangles at intersections.
- Table 2.29.02 (A) to remove the R-3 zoning classification from the list of appropriate districts within an area designated as Residential Low on the Future Land Use Map.
- Table 2.29.02 (B) to allow specific non-commercial agricultural uses in the F-R zoning classification with limitations; and to permit Poultry Farms in the A-1 zoning classification by special exception only.
- Sections 2.29.02.06, 2.29.02.07 and 2.29.02.08 to add the Commerce Park future land use designation as appropriate for C-2, I-1 and I-2 zoning.
- Section 2.29.02.13 to add the Industrial and Commerce Park future land use designations as appropriate for C/IBC zoning.
- Section 2.30.00 to reduce the required setback between an accessory structure and a principal structure from 10 feet to 3 feet; and to reduce the required side yard setback for an accessory structure from 15 feet to 7 feet.
- Section 3.02.03 (2) and (3) to modify the Clear Visibility Triangle requirement so as to be measured from the edge of pavement instead of the street centerline to make the text consistent with the figure provided in the Code.
- Section 4.04.00 to add a sub-section .02 establishing regulations under which off-site directional signs may be permitted.
- Section 7.12.06 to establish regulations under which an approved Special Exception or Major Special Exception may be extended.
- Section 7.13.07 to provide for an administrative extension for a Special Exception Use to be granted by the Planning and Development Director.
- Section 7.15.02 to establish a period of time (12 months) for the expiration of an unexercised Temporary Special Use permit.
- Section 8.03.00 (B) (03) to modify the section to be consistent with the number of Planning and Zoning Board members.
- Article 9 to establish a definition for a "Poultry Farm".

Applicant:

Planning and Development Department
Hardee County
110 South 9th Avenue
Wauchula, FL 33873

Staff Recommendation:

Staff recommends **APPROVAL** of Agenda No. 15-13 as Ordinance 2015-06 to the Planning/Zoning Board and recommends the Board recommend Approval to the Board of County Commissioners.

Staff Analysis

The following analyses describes each proposed amendment via a strikethrough and underline format, and then continues on to describe the rationale and/or need for the proposed amendment.

- Amend Section 2.10.00, Fence Height Limitations, to read as follows:

“No fence or solid wall on any property shall exceed six feet in height in any residential zoning district, or eight feet in any commercial or industrial zoning district, except as required by issuance of a Development Order or Special Exception. No fence or other obstruction, including signs (~~having less than eight feet of ground clearance~~), walls, hedges, or other structures shall be permitted exceed four feet in height within the Clear Visibility Triangle, as defined by Section 3.02.03 of this Code unless specifically allowed by that Section ~~25 feet of a street intersection~~. In all zoning districts, fence or walls shall be limited to four feet in height within required front ~~or side street~~ setback areas.”

The above proposed change will make the fence height limitations consistent with the Clear Visibility regulations found in Section 3.02.03 of the ULDC and allow a fence height of 6 feet along the side yard of a corner lot.

- Amend Table 2.29.02(A), LDC Development Districts as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-1	PR	CN	C/IBC
FLU CATEGORIES													
RESIDENTIAL LOW	X	X	X	X									

The above referenced change to Table 2.29.02 (A) of the ULDC removes the R-3 zoning classification from the list of appropriate zoning in areas designated for Residential Low uses on the County’s Future Land Use map. The Residential Low Future Land Use category is described in the County’s Comprehensive Plan as designating areas in the County that are “now developed or appropriate to be developed in a suburban, low density manner, and to recognize such areas as primarily well-suited for residential uses that are consistent with transitioning or bridging between more urban, high density categories and those that are consistent with non-intensive qualities and natural resource characteristics of such areas”. Furthermore, the Residential Low FLU category is established by Policy L1.10 of the Comprehensive Plan primarily for residential development, “not to exceed overall gross densities of between 1 dwelling unit per acre and 4 dwelling units per acre.” However, Section 2.29.02.03 (B) of the ULDC describes the R-3 zoning as permitting multi-family residential development up to 12 dwelling units per acre, and does not identify the Residential Low Future Land Use category as an appropriate FLUM designation in subsection (A). Therefore, staff recommends modifying Table 2.29.02(A), to make it consistent with Section 2.29.02.03 of the ULDC, and Policy L1.10 of the Comprehensive Plan.

- Amend Table 2.29.02(B), Livestock, Noncommercial as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-I	PR	CN	C/IBC
Livestock, Noncommercial													
Hogs/Pigs - <u>1/acre, up to 5 max</u>				<u>P*</u>					P				
Fowl/Poultry (including Ostrich, Emu, Rhea) - <u>10/acre up to 50 max</u>				<u>P*</u>					P				
Birds/Bees/Fish/Rabbits				<u>P</u>					P				
Goats/Sheep/Llamas - <u>1/acre up to 5 max</u>				<u>P*</u>					P				
Cattle/Ruminants - <u>1.5 acre/cow or ruminant, max 5</u>				<u>P*</u>					P				
<u>Horses - 1.5 acres per horse, max 5</u>				<u>P*</u>					P				

* Permitted in the F-R zoning district subject to the following limitations:

- 1 hogs/pigs per acre, up to a maximum of 5
- 10 fowl or poultry per acre, up to a maximum of 50
- 1 goat, sheep or llama per acre, up to a maximum of 5
- 1 cow or ruminant per 1.5 acres, up to a maximum of 5
- 1 horse per 1.5 acres, up to a maximum of 5

The 1982 Hardee County Zoning Ordinance (Ordinance 82-2) permitted non-commercial livestock (cows, horses, chickens, etc.) in the F-R zoning district. However, subsequent amendments to the Ordinance and the 1996 ULDC removed all livestock (commercial and noncommercial) from the list of permitted uses in the F-R zoning district. Recent code enforcement cases and zoning requests have prompted staff to reevaluate the appropriateness of limited noncommercial livestock within the F-R zoning district. Given the variety of property sizes and transitional nature of the zoning district, staff has determined that some noncommercial livestock uses would be appropriate within the F-R zoning district, so long as there are limitations on the number of animals allowed per acre. Therefore, staff recommends the above modifications to Table 2.29.02 (B) of the ULDC.

- Amend Table 2.29.02(B), Livestock Commercial as follows.

	R-1	R-2	R-3	F-R	C-1	C-2	I-1	I-2	A-1	P-I	PR	CN	C/IBC
Livestock, Commercial													
<u>Poultry Farm</u>									<u>S</u>				

Recent zoning requests have prompted staff to evaluate appropriate zoning classifications and approval processes for commercial poultry farms. Although some commercial poultry operations may be limited in size, most commercial poultry endeavors operate at a large scale, with thousands of birds housed in large facilities, which can have significant negative impacts upon adjoining properties. Given the potential for significant adverse impacts from such uses, staff has determined that commercial poultry farms need to be specifically called out within the Table of Land Uses, and should be allowed only within the Agricultural zoning district by Special Exception. Therefore, staff recommends the above changes to Table 2.29.02 (B) of the ULDC.

- Amend Section 2.29.02.06, *C-2 General Commercial District*, sub-section (A) to read as follows:

(B) FLUM Designation: Town Center Classification
Highway Mixed Use Classification
Residential Mixed Use Classification
Rural Center Classification
Agricultural Classification
Commerce Park Classification

- Amend Section 2.29.02.07, *I-1 Light Industrial District*, sub-section (A) to read as follows:

- FLUM Designation: Town Center Classification
Highway Mixed Use Classification
Rural Center Classification
Agricultural Classification
Commerce Park Classification

- Amend Section 2.29.02.08, *I-2 Heavy Industrial District*, sub-section (A) to read as follows:

(B) FLUM Designation: Town Center Classification
Highway Mixed Use Classification
Rural Center Classification
Agricultural Classification
Industrial Classification
Commerce Park Classification

- Amend Section 2.29.02.13, *C/IBC Commercial/Industrial Business Center District*, sub-section (A) to read as follows:

(B) FLUM Designation: Agriculture Classification
Highway Mixed Use Classification
Rural Center Classification
Industrial Classification
Commerce Park Classification

A recent review of the ULDC uncovered discrepancies between Table 2.29.02 (A) and Sections 2.29.02.06, 2.29.02.07, 2.29.02.08 and 2.29.02.13 regarding appropriate zoning classifications within certain Future Land Use categories. In order to make the table and the text consistent, staff recommends the above modifications to Sections 2.29.02.06, 2.29.02.07, 2.29.02.08 and 2.29.02.13 of the ULDC.

- Amend Section 2.30.00, General Regulations for Accessory Structures/Uses, sub-section (G) to read as follows:

"Except where otherwise provided, accessory structures shall be separated from each other ~~and from the principal structure~~ by at least ten feet, shall be setback from the principal structure no less than three (3) feet; and shall be setback from the rear property line as follows: accessory structures up to 200 square feet – minimum 10 feet; 201 – 400 square feet – minimum 15 feet; 401 + square feet shall meet the minimum setback requirements as established by the zoning district. In all cases, however, accessory structures shall be setback from side yard property lines a minimum of ~~fifteen (15)~~ seven (7) feet;"

Through recent zoning requests and the general administration of the ULDC, staff has identified the setback requirements for accessory structures contained in Section 2.30.00 as a source of potential hardship for some properties and structures, as well as in excess of setback requirements for principal structures in some zoning districts. Accessory structures, by definition, include certain structures that are frequently used for protection from the elements for parking of a vehicle in a residential district. The requirement for a 10 foot separation between the accessory structure and the principal structure defeats this purpose. Staff has contacted the Building and Fire Department to verify that a minimum separation of 3 feet would not conflict with the requirements of those Codes. Based upon those conversations, staff is recommending amending Section 2.30.00 to reduce the required separation between an accessory structure and a principal structure from 10 feet to 3 feet.

In addition, staff has recognized that Section 2.30.00 requires a greater side setback for accessory structures than is required for the principal in all but two of the established zoning districts. The most common side setback requirement for principal structures is 7 feet. In order to ensure that accessory structures are not required to provide a greater setback than the principal structure, staff has recommended modifying Section 2.30.00 to reduce the required side setback for an accessory structure from 15 feet to 7 feet.

- Amend Section 3.02.03 (C), Clear Visibility Triangle, to modify subsection (2) as follows:

"The clear visibility triangle shall be formed by connecting a point ~~on each street centerline~~ along the edge of pavement or surface of each street, to be located at the distance from the intersection of the ~~street centerlines~~ edge of pavement or surface of each street as indicated in Exhibit D-1, and a third line connecting the two points."

And to modify subsection (3) and the table as follows:

"The distance from the intersection of the ~~street centerlines~~ edge of pavement or surface of each street for the various road classifications (shown as an "X" in the diagram) shall be as follows."

<i>Type of Street</i>	<i>Distance from Centerline Intersection of Edge of Pavement or Street Surface</i>
Principal Arterial	106 feet
Minor Arterial	71 feet
Major Rural Collector	71 feet
Local	60 feet
Commercial Driveway	40 feet

A recent code enforcement case has brought to light an inconsistency in Section 3.02.03, Clear Visibility Triangle, of the ULDC. Specifically, the text and table provided in the Section indicate the Clear Visibility Triangle is to be drawn from the intersection of the street centerline. However, the graphic provided indicates the Triangle is to be drawn along the edge of pavement or street surface. After consulting with the Public Works Director, staff has determined that the edge of pavement or street surface is a more appropriate way of measuring the Clear Visibility Triangle. Therefore, staff recommends the above changes to Section 3.02.03 of the ULDC.

- Amend Section 4.04.00 to change subsection .02 to read as follows, and renumber subsections .02 through .05 accordingly.

4.04.02 Permanent Off-Site Directional Signs

Permanent offsite commercial directional signs are permitted on commercially or agriculturally zoned property owned or leased by the business owner, subject to the following restrictions.

- No more than 1 off-site directional sign per parcel or lot
- No more than 72 inches in height of the sign area
- No more than 72 square feet in area of the sign area
- Located outside of any right-of-way
- Be in compliance with Section 3.02.03(C), Clear Visibility Triangle
- Include only the name of the business or service provided and basic directional and contact information
- Meet all requirements of the Florida Building Code
- Be permitted by the Hardee County Building Department
- Not be internally illuminated
- No interchangeable copy or message board signs

Billboard signs are regulated under Section 4.04.03 of the Hardee County ULDC.

Recently several businesses have either inquired about off-site signage, or have installed off-site signage for their business or organization. Currently, the ULDC does not allow off-site signage (it is not provided for in the Code). The requests and installations have prompted staff to evaluate the appropriateness of permitting off-site signage. While there are several considerations (public safety, visual clutter, etc.) to be weighed in any permitting of off-site signage, staff has determined that with specific limitations, off-site signage may be appropriate. Therefore, staff has recommended adding Section 4.04.02 to the ULDC to permit off-site signage under certain restrictions and limitations, as specified above.

- Add Section 7.12.06, Extension of Approved Special Exception or Major Special Exception

Section 7.12.06, Extension of Approved Special Exception or Major Special Exception

Applicants whom have obtained an approval for a Special Exception or Major Special Exception by the Hardee County Board of County Commissioners but will be unable to initiate the development, use or activities permitted by the granting of the Special Exception or Major Special Exception within one year of the date of approval as required by Section 7.13.07, may apply to the Planning and Development Division for an extension of the approval. The request for an Extension must be in writing on forms provided by the Planning and Development Division.

The request shall contain the following information.

Copy of the Record of Decision

Narrative describing:

4. Reason(s) why the Special Exception or Major Special Exception cannot be activated within 12 months of the date of approval.
5. Anticipated timeline for activation of the Special Exception or Major Special Exception.
6. Extension period requested.

The Planning and Development Director shall review the application for extension, and provide written notification to the applicant of approval, denial or approval with conditions. Any request for an extension of a Special Exception or Major Special Exception, which, in the Planning and Development Director's determination, cannot be reasonably supported for approval or approval with conditions, shall be brought before the Board of County Commissioners for consideration.

Only one (1) extension may be granted administratively by the Planning and Development Director, and the extension shall not exceed 24 months from the date of the original approval by the Board of County Commissioners. Two (2) additional extensions may be granted by the Board of County Commissioners only, but the sum of all extensions granted shall not exceed 48 months from the date of the original approval.

In recent experiences, staff has encountered situations wherein the applicant of an approved Special Exception or Major Special Exception was not able to initiate the approved use within the 12 month timeframe provided by Section 7.13.07 of the ULDC for expiration or abandonment of the Special Exception Use. Given that some projects, due to their size or complexity or other unforeseen circumstances, may not be able to initiate use within 12 months, staff has determined it appropriate to provide a process by which an extension of the approval may be granted. Therefore, in coordination and conjunction with proposed amendments to Section 7.13.07 identified below, staff has recommended adding Section 7.12.06 to the ULDC as specified above.

- Amend Section 7.13.07, Expiration or Abandonment of Special Exception Use.

If a Special Exception does not begin to serve the purpose for which it was granted permission within one year from the date of approval, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section 7.12.06 of this Code. Once initiated, the Special Exception use may continue indefinitely or until the expiration of any time limit established as a condition of approval. However, if such use is abandoned for one year, it shall expire unless granted an extension by the Planning and Development Director or the Board of County Commissioners in accordance with Section 7.12.06 of this Code.

In recent experiences, staff has encountered situations wherein the applicant of an approved Special Exception or Major Special Exception was not able to initiate the approved use within the 12 month timeframe provided by Section 7.13.07 of the ULDC for expiration or abandonment of the Special Exception Use. Given that some projects, due to their size or complexity or other unforeseen circumstances, may not be able to initiate use within 12 months, staff has determined it appropriate to provide a process by which an extension of the approval may be granted. Therefore, in coordination and conjunction with proposed amendments to

Section 7.12.06 identified above, staff has recommended modifying Section 7.13.07 to the ULDC as specified above.

- Amend Section 7.15.02 by adding the following text as subsection (G):

(G) "A Temporary Special Use Permit shall become null and void if it is not exercised, as evidenced by the pulling of all necessary permits within 12 months of the date of approval by the BOCC."

In recent experiences, staff has encountered situations wherein the applicant of an approved Temporary Special Use permit has not utilized the TSUP in a timely manner, or at all. Given that there is currently no expiration of an approved TSUP provided for in the ULDC, staff has recommended adding a subsection (G) to Section 7.15.02 to the ULDC as specified above.

- Amend Section 8.03.00(B)(03) to read:

"Each member shall be appointed to a three year term. In the event that all members are appointed at the same time, three members shall be appointed for a term of one year, ~~three~~ two members shall be appointed for a term of two years, and ~~three~~ two members shall be appointed for a term of three years."

Staff noticed that the appointment cycle for Planning Board members was based upon the previous 9 member board numbers. In order to make the cycles consistent with the revised board makeup of 7 members, staff has recommended the above modifications to the ULDC.

- Amend Article 9 to add a definition for "Poultry Farm".

Poultry Farm: A parcel of land used to raise birds for commercial sale or distribution, primarily for meat and eggs but also for feathers.

In coordination and conjunction with proposed amendments to Table 2.29.02 (B) of the ULDC identified above regarding Poultry Farms, staff has recommended adding a definition of a "Poultry Farm" to Article 9 of the ULDC as specified above.

Findings of Fact:

Consistency with the Hardee County Comprehensive Plan

Staff finds the proposed amendments to the ULDC are consistent with the Goals, Objectives and Policies of the Hardee County Comprehensive Plan.

Consistency with the Hardee County Unified Land Development Code

Staff finds the proposed modifications to the Unified Land Development Code (ULDC) to be consistent with the General Provisions and purpose and intent of the Hardee County ULDC.

Conclusion:

Staff finds the proposed modifications to the Unified Land Development Code (ULDC) to be consistent with the Goals, Objectives and Policies of the Hardee County Comprehensive Plan, and the General Provisions and purpose and intent of the Hardee County ULDC.

Recommendation:

Staff recommends **APPROVAL** of Agenda No. 15-13 as Ordinance 2015-06 to the Planning/Zoning Board and recommends the Board recommend Approval to the Board of County Commissioners.