

**WORKSHOP OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JUNE 24, 2014
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held an LDR Workshop on June 24, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1	Facilities Director, Richard Metzger
Commissioner, Jim Selph, Dist#2	Sheriff Will Wise
Commissioner, Gabriel Quave, Dist#3	Compliance Director, Jorge Hernandez
Chairman, Elton Langford, Dist#4	Transcribing Secretary, Jill Thompson
Commissioner Bob Miller, Dist#5	Office Manager, Lauri Terry
Interim Administrator, Mandy Hines	Planning Manager, Tom Cookingham
County Attorney, Don Conn	County Engineer, Mike Giardullo
Planning Consultant/Attorney, Barry Buenaventura	Building Official, Lester Hornbake

CALL TO ORDER

REVIEW/DISCUSSION

Don Conn suggested starting with page 31, which was the stopping point of the previous LDR Workshop.

SECTION 22: NONCONFORMITIES RESULTING FROM EMINANT DOMAIN

There was a comment regarding dealing with alterations and repairs necessitated by governmental taking made to existing structures. The question was whether the language was consistent with the Building Code or if the Building Official was satisfied with the language.

Barry Buenaventura stated that the Building Official has reviewed the language and it is satisfactory.

SECTION 23: DRIVEWAY CONSTRUCTION REQUIREMENTS

Mr. Conn stated this language deals with the issue of mitered ends, which currently are required. This gives flexibility to the Development Director upon advice of the County Engineer to waive the mitered end requirements. Certain factors will be looked at; such as speed limit, cross slope of the swails, etc...

Currently three sets of site plans are required; some language has been proposed that would give the Development Director the option, at the advice of the County Engineer, to modify this requirement under certain conditions. Also, rather than being a requirement of reinforced concrete pipe, the use of high-density poly ethylene could be a substitute but would need to be a certain type and grade. The three options set forth are:

- Eliminate the requirement for mitered ends entirely
- Require mitered ends only when the County Engineer certifies that they are required due to special or unique conditions
- Define the type of materials and methods to be used for mitered ends

Commissioner Quave spoke regarding the methods used for mitered ends and the FDOT Roadway and Traffic Design Standards. Mike Giardullo commented that FDOT does have standards for mitered end sections. Most of the mitered end sections used by FDOT are for larger culvert pipes; however they

can be used on smaller or residential driveway culverts.

Commissioner Mansfield questioned if the mitered ends would still be a requirement if those areas are already in place. Mr. Giardullo answered that possibly one of the requirements added to the list could be the characteristics of the neighborhood. He further explained that the reasons for mitered end would include safety, maintenance, protection and replacement. Grass could be used in place of concrete with mitered ends as well. Commissioner Mansfield is not in favor of the pipes over the opening of the culverts due to trash or grass getting trapped and slowing the water flow. There was Board consensus to add characteristics of the neighborhood.

Maurice Brown commented regarding cost effectiveness. He does not feel it is cost effective if the culverts do not have the concrete and mitered ends. Mr. Giardullo commented mitered ends may not provide protection if run over by a vehicle but a definitive line cannot be drawn. A decision can be made on a case by case basis.

Mr. Brown feels that in smaller neighborhoods or roads mitered ends are not necessary.

Chairman Langford commented there are many different types of culverts and areas but if an area does not call for mitered ends then it does not make sense to install that type of culvert.

SECTION 24: DRIVEWAY MAINTENANCE

Mr. Conn stated there were no comments at the public hearing. The Road & Bridge Department brought to his attention that the present language dealing with the County replacing existing culverts only dealt with residential. He will change to include commercial.

SECTION 25: ACCESS POINTS

The language was clarified regarding the separation between access points and an intersection of an arterial or collector.

SECTION 26: PUBLIC NUISANCES

This section deals with the issue of a residential property, 1 acre or more that has a structure and has overgrown conditions. The current code requires mowing of the entire property. The three options include:

- Require that the structure be a residence that is occupied
- Require only that the structure be a habitable residential structure
- Allow a greater length of grass, particularly in Summer months

Commissioner Quave does not agree with options 1 & 2.

Commissioner Selph feels these options would interfere with someone that has zeroscape or native plants that are above 10 inches. He requested a definition of an "eye sore".

Mr. Conn stated the new language would state only to cut from the front of the property to the structure; the zeroscape property can be added.

Jorge Hernandez commented that in some cases, the owner is not capable of maintaining or mowing the entire lot. In the Clean County Act, no property can become overgrown or unmanaged. The benefit of the change would make a larger property more manageable for someone.

Maurice Brown feels the Board should consider the word "reasonable" and there is a difference in grass and weeds.

Commissioner Langford feels this is a difficult issue due to the eye of the beholder.

Commissioner Selph further discussed the issue of native plants, grass and weeds.

Don Conn stated that a revision regarding this issue will be brought back to the Board at a later date.

Commissioner Quave is not in support of any of the three options given and feels it should remain as is.

Neville Smith commented that he would like the Board to differentiate between weeds and plants. Elderberries are considered a weed but are a food source and are high in antioxidants and vitamin E.

Save these food sources, do not mow them down.

Ed Johnson stated Bahia grass grows rapidly and what is considered reasonable?

Jorge Hernandez commented that he looks at the overall property. If it has been mowed or looks like it has been mowed, it will be monitored. The current Ordinance requires the entire property is required to be maintained versus the proper setbacks. Further discussion ensued regarding height of grass.

SECTION 27: PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS

Don Conn stated this allows the Development Director, which is the Administrator, to bring to the development and improvement plans to the Board when he/she feels it is appropriate.

SECTION 28: DEVELOPMENT ON PROPERTY WITH CODE VIOLATIONS

Don Conn commented that with the current LDRs, permits cannot be issued to any applicant that has unsatisfied, adjudicated Code Enforcement violations. Commissioner Quave questioned if there was a way to name a corporation. Mr. Conn stated that corporations and partnerships can be applicants. Lester Hornbake commented this can be tracked through Incode.

Tom Cookingham stated that a Development Plan is basically a site plan used to locate structures or activities on a site that is being proposed. The Improvement Plan is the actual construction plans which are more detailed.

SECTIONS 29: DEFINITION OF A TRAVEL TRAILER

Ms. Barry Buenaventura addressed the issue by stating it was changed to conform to what is provided in the Florida Statutes.

SECTION 30: DEFINITION OF RESIDENTIALLY DESIGNED HOME:

This definition was unintentionally deleted. The LDR was amended to re-insert the definition. This would allow a residentially designed manufactured home to be placed on certain properties. Mandy Hines commented that a modular home is built to meet Florida Building Code and residentially manufactured homes are built to meet HUD Code.

SECTION 31 & 32: DEFINITION OF HOUSE OF WORSHIP & PLACE OF WORSHIP

Mr. Conn stated this deals with House of Worship and Place of Worship. The definition conforms both of those terms to the same meaning. Two terms are not necessary. Commissioner Quave suggested having only one term.

Maurice Brown questioned what constitutes a Place of Worship? He interprets the definition to include a single, whole building; not part of a building but the principle use. Mr. Brown feels a Church should be a separate structure designed and created solely for that purpose.

Ed Johnson stated a House of Worship implies an enclosure. He feels the term Place of Worship would be more appropriate.

Tom Cookingham stated that not everyone can afford to build a Church. People should be allowed to rent a suite with rooms to worship. He feels by using House of Worship it would unintentionally be limiting some people.

Chairman Langford recognized the difference in House of Worship and Place of Worship. Once a place is deemed a Church or Ministry, the property that belongs to that organization reaches Holy Exempt status.

Bill Spiegel suggested striking "primarily or exclusively used for worship and religious" and change the definition of Place of Worship to a point where it allows it to be less than primary.

Don Conn commented there are certain code provisions that are specific to a House of Worship.

Commissioner Miller commented that if someone cannot afford a Church and rent from a structure or business; that is not primary. Further discussion ensued. Mr. Conn stated revised language will be presented to the Board at a later date.

SECTION 33: DEFINITION OF PARKING AND STORAGE

Mr. Conn commented that parking is temporary storage for a longer length of time. The length of time is in the eye of the beholder. Parking is defined as placing a vehicle at a specific location for a temporary period of time, generally less than one week in an enclosed structure. Option 1 would exclude Ag equipment on property used for Ag purposes. Option 2 is a different time period other than one week. These terms are used throughout the LDRs but not defined. Code Enforcement needs direction. Commissioner Mansfield would like to see “enclosed structure” deleted as well as the product. Further explanation ensued.

Maurice Brown requested that the Board consider the broad view as well as the definition of recreational vehicle. He commented that the RV should be in the rear of a house and not roadside. It needs to be established what is offensive to the public.

Commissioner Miller commented that some circumstances do not allow parking of an RV in the back yard.

Mr. Brown is concerned with the parking of numerous recreational vehicles in front yards. Further discussion ensued.

Ed Johnson is concerned that our rural county will turn into an urban area. He is not in favor of more rules.

Commissioner Mansfield feels guidelines are needed to prevent others from overdoing things.

Mo Brown commented we are only allowed to use our property as government allows. Each zoning district has certain rights. He chose the environment that he lives in and wants his zoning protected from those elements that are not conducive to his neighborhood.

Mr. Caldwell commented that he objects to multiple vehicles and recreational vehicles all in the front yard. He questioned if there is a law to enforce this issue.

Jorge Hernandez stated there is nothing in the Ordinance that regulates where a vehicle can be parked. In residential zoning districts the vehicle is required to be licensed.

Mr. Conn suggested Option 1 and revised language will be presented at a later date.

SECTION 34: ADDITIONAL ISSUES THAT HAVE BEEN RAISED BUT WHICH WERE NOT IN THE LDR PROPOSAL DRAFT

1. Minor Plats:

Options:

- A. Eliminate the requirement that each lot have access by easement over a single lot
- B. Provide that each lot have access by easement over no more than 2 lots
- C. Leave as is (Planning Commission recommends this option)

Ed Johnson feels language should be included that binds the unimproved roads to the lots where they are responsible for all the maintenance until such time that they raise to County standards. Further discussion ensued.

Barry Buenaventura stated the reason for this language previously regarding an easement across no more than one lot is due to historically minor subdivisions that were set up and created roads that were to be maintained by private individuals and were not. The issue of cost arose as well as access for waste management and emergency services.

Tom Cookingham stated currently there is nothing written under minor plats that states anyone is responsible.

Barry Buenaventura stated there is a requirement in the Code for minor subdivisions that if they are not going to be recorded plats that there be an affidavit for maintenance to be recorded in the public records. It would specifically state that the County has no obligation or responsibility for

maintenance of the easement and if the resident wishes the County to take over the maintenance, they would have to bring the road up to public street standards. For the minor subdivisions that are going to be recorded, the draft plat will go through the Development Department and they could assure that such a statement is put on the recorded plat. Chairman Langford commented that he would like to see the requirement to be recorded in the wording the minor plats.

Don Conn commented that guidelines are important. The reason why criteria are important is to protect the Board from legal challenges that you are acting arbitrarily or capriciously. He will bring language to the Board that clearly identifies the roadway as being the responsibility of the private party and not the County.

2. Remove the requirement that vehicles parked or stored in residential zoned districts must have a current license plate.

Commissioner Mansfield commented that the State of Florida states that someone is not required to have a license plate on a trailer or vehicle unless it is driven on the road. He suggested changing the language. Further discussion ensued regarding operable and inoperable vehicles.

Commissioner Selph feels the more language that is included, the more complicated and difficult to enforce. This would take time away from more important issues.

3. Stand Alone Properties intended for family dwellings. Commissioner Mansfield feels some properties are not being used properly.
4. Chairman Langford understands Commissioner Mansfield's concerns and sees the problem. Further discussion ensued.
5. Ed Johnson commented that the Property Appraiser has certain criteria for declaring property Agricultural. He understands the LDR to state that as long as it is not inhabited, an office can be built or other things up to 35 people or so.

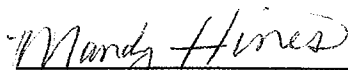
Lester Hornbake discussed the steps to be taken in order to build a pole barn on property zoned A-10.

There was consensus of the Board to hold an LDR Workshop on July 8, 2014 at 1:00 pm.

ADJOURNMENT


There being no further business, Chairman Langford adjourned the workshop at 11:53 am.

ATTEST:



MANDY HINES
INTERIM ADMINISTRATOR

BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA



ELTON A. LANGFORD
CHAIRMAN