

**WORKSHOP OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON JULY 8, 2014
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a LDR Workshop on July 8, 2014 with the following persons present:

Commissioner, Buddy Mansfield, Dist#1
Commissioner, Jim Selph, Dist#2
Office Manager, Lauri Terry
Commissioner, Gabriel Quave, Dist#3
Chairman, Elton Langford, Dist#4
Commissioner Bob Miller, Dist#5
Interim Administrator, Mandy Hines
County Attorney, Don Conn
Building Official, Lester Hornbake

Facilities Director, Richard Metzger
Planning Manager, Tom Cookingham
Sheriff Will Wise
Compliance Director, Jorge Hernandez
Transcribing Secretary, Jill Thompson
Code Enforcement Officer, Mike Clover

CALL TO ORDER

REVIEW/DISCUSSION

Don Conn commented this process has had many steps. There was Public Hearing several months ago with a result being a series of Workshops. We will be reviewing comments brought forth at that Public Hearing as well as additional comments. He feels significant changes have been made from the original draft. Mr. Conn suggested holding two more Public Hearings. He would like to present a re-draft that addresses all the issues presented to be held possibly at the end of August or September.

ITEM #3: PROPOSAL

Mr. Conn commented Commissioner Mansfield provided a proposal that provided one permitted use in A-5 and A-10 which is a single family dwelling and all other uses would be moved to accessory. On parcels that are smaller than 40 acres, there would be one permitted principal use. Commissioner Mansfield added, if the house is there first. He commented that if the house was finished first then everything else can be done as well. Mr. Conn clarified if someone does not have a single family dwelling and you have a parcel smaller than 40 acres, it would fall under special exception. Commissioner Mansfield gave examples of situations that this may resolve. Mr. Conn stated there are certain preferences in the law for agricultural buildings. Further discussion ensued. Chairman Langford commented that laws do not prevent people from breaking them. He feels that limiting to a 40 acre tract or larger is because A-5 and A-10 zoning were set up for agricultural use that allows a single family dwelling as well as other structures. This may cause more problems and not solve the problem at hand. If people are caught breaking the rules, they pay the consequences. Further discussion ensued.

Ed Johnson encouraged the Board to take Mr. Conn's advice. He sent in an AGO (Attorney General Opinion) a couple weeks ago that basically spells out a Statute that was passed several years ago which greatly restricts what can be done to agriculture. He suggested the Board obtain a copy of the AGO and read carefully.

Maurice Brown suggested tabling this issue because it is so vast and complicated. He feels the Board will not resolve anytime soon. He commented the Board cannot take zoning away that has already been given; the consequences are huge.

Commissioner Miller suggested considering R-5 or R-10 zoning if possible.

Chairman Langford commented looking at A-5 and A-10 as Ag zoning and not residential but allows for a home. What we have currently is working but there is an issue with barns being made into homes without permits and there is a process in place that will catch those people. He stated we do not need a new zoning district.

Bill Spiegel commented that due to a wide variety of acreage, there are conflicts. He suggested creating parameters that make it more manageable. He suggested tabling the issue and addressing more precisely.

Commissioner Selph commented the Ag community will not like this proposal. It is not always known if property has been used for agriculture. He does not necessarily agree with tabling to a later date.

Ed Johnson stated that A-5 and A-10 are only densities. Several years ago it became a requirement to file a form if there is an ongoing farming operation next to your property and filed with the Clerk of Court. He is not in favor of creating rural zoning.

Commissioner Quave understands Commissioner Mansfield's concept but thinks the matter should be tabled. He does not see the rural zoning happening in this community.

Mr. Conn suggested keeping this discussion for a later date, complete the LDR process then add this later.

Maurice Brown agrees with Mr. Conn and feels it is more complicated than it appears.

ITEM #4: CHANGE IN TERMINOLOGY

Mr. Conn stated that it has been recommended to drop "principal" and replace with "permitted use" for all zoning districts. There was consensus of the Board to have permitted use, accessory use and special exception.

Maurice Brown confirmed that "permitted" would still be used.

ITEM #5: MOVE FROM ACCESSORY USE TO SPECIAL EXCEPTION

Mr. Conn stated that accessory use allows an apartment to be located on the property if there is a permitted use. It has been proposed that one would need to go through the special exception to put an apartment in even if you had permitted use.

Commissioner Quave questioned if this will change any more people requesting a special exception for that purpose? Commissioner Mansfield commented it would be easier to track. Further discussion ensued. Commissioner Quave believes if we want to catch people, allow anonymous complaints.

Bill Spiegel feels this should be a special exception and not accessory.

Maurice Brown verified the zoning being discussed is A-5 and A-10. He feels attached and unattached needs to be clarified.

Ed Johnson questioned the Board regarding the issue.

Lester Hornbake commented that it would not be considered an accessory apartment but a single family residence if there is no primary residence on the property. Further discussion ensued.

Mr. Conn reviewed the definition of accessory use. He stated that he hears support for this proposal to move accessory apartments to special exception. This will be done for A-5 and A-10.

ITEM #6: DEFINITION OF MOBILE HOME-SKIRTING REQUIREMENTS

Commissioner Mansfield commented that skirting is for appearance and energy savings.

Lester Hornbake commented that most insurance requires skirting. This issue was in an Ordinance but was removed several years ago. Commissioner Miller is concerned with the amount of pre-existing mobile homes that do not have skirting. Commissioner Selph has the same concerns as Commissioner

Miller. Further discussion ensued. Chairman Langford feels this rule should be applicable as soon as it is passed by the Board to include specific types of skirting.

ITEM #7: INCREASE ACCESS POINTS TO RESIDENTIAL DEVELOPMENTS:

Mr. Conn stated currently residential developments of 1-75 units have one access point. Developments with 76+ units will have 2 access points. The proposal is to make developments with 1-50 units have one access point. If over 50 units, two access points will be required. Mr. Conn recommends this change. There was consensus of the Board to proceed.

ITEM #8: DELETE TRAVEL TRAILERS AND RVs FROM THOSE DWELLINGS THAT CAN BE USED AS MEDICAL HARDSHIP, LEAVING ONLY MOBILE HOMES:

In section 8300-E there is an allowance for medical hardship.

Chairman Langford disagrees with this proposal because a medical hardship is something that has happened that was not planned and is in need of someone taking care of them. Commissioner Quave questioned if a medical hardship is still required to be approved by the Planning & Zoning Board? It was commented that Mr. Cookingham approves the requests. Jorge Hernandez commented that the main issue with the medical hardship ordinance and the RVs is that it did not distinguish who is staying in the RV.

Ed Johnson questioned if the term RV includes pop-up campers? Chairman Langford answered yes. Mr. Johnson does not feel that is an appropriate dwelling.

Tom Cookingham commented that he does request that the applicant notify what type of vehicle they will be using. The current LDR regarding this issue seems to be working well.

Mr. Conn stated that pop-up campers are defined differently from RVs and travel trailers. Further discussion ensued.

Jorge Hernandez stated that all medical hardships done by special exceptions have been re-inspected. The ones that were no longer being used for that purpose were removed and are under control.

It was consensus of the Board to leave as is for now.

ITEM #9

Withdrawn

ITEM #10: SPECIAL EXCEPTION TO BECOME PERMANENT ONCE IMPLEMENTED IF DOESN'T ADVERSLY IMPACT AN EXISTING SURROUNDING NEIGHBORHOOD OR A FUTURE DEVELOPMENT OF CONTIGUOUS PROPERTIES:

Mr. Conn stated the basic concept is that after a period of time, special exceptions become permanent if certain findings were made with regard to the impact or lack thereof on the surrounding neighborhood.

Tom Cookingham stated he is not in favor of the proposal. Special exceptions are based on conditions at the time of the application/request. He feels it would create problems rather than solve them.

Commissioner Quave is not in favor of the proposal.

Ed Johnson is in favor of the proposal. He questioned why and how the Board can tell someone that has received a SE that they need to change everything due to the neighborhood changing. He feels that after a certain number of years and the person is in compliance, they should become an established member of the community.

Jorge Hernandez explained that under SE as part of the conditions is that the project will be started within a certain period of time. If it ceases to exist for a period of 5 years the SE expires.

Maurice Brown commented that a SE is generally not allowed. Conditions are limited in time given by the Board. SE are not mandated.

Mr. Conn stated he did not hear support of this proposal and will not be included in the revisions.

ITEM #11: DEFINITIONS-CONFORM COUNTY'S TO STATE LAW

Mr. Conn stated the proposal is to simply follow the statutory definition. It would be less confusing and conform the county to state law. There was consensus of the Board to support the proposal.

ITEM #12: DEFINITION OF AGRICULTURAL BUILDINGS

Mr. Conn stated the proposal is to specify that certain types of Ag buildings may not be used as or converted to residences without proper permitting and inspection.

Lester Hornbake stated the term used is “not used for sleeping”.

Mr. Conn suggested adding the term to the LDRs. There was consensus of the Board.

Ed Johnson commented he understands the problem trying to be resolved and maybe there is another way.

Commissioner Quave commented on section E; he stated the last full sentence should be stricken with the words “and renewal fee” added. There needs to be an annual fee. Further discussion was had.

Mr. Cookingham commented there are and will be limitations. We are trying to provide a level of compliance with the use of the property.

Commissioner Quave commented that every scenario cannot be fixed.

Jorge Hernandez commented that Ag buildings do not require permits or inspections then they are being converted into something that requires permitting and inspections.

Ed Johnson commented he doesn't want to see campers on every 5 acre parcel. He is in favor of the fee.

Commissioner Miller wants people to enjoy their property. He feels there may be a better way of dealing with this issue.

Commissioner Mansfield commented that people have homes on A-5 property and this will add another use on this property. We need something to give Code Enforcement leverage.

Maurice Brown commented that Mr. Cookingham's proposal is a workable plan but setbacks and storage have not been mentioned.

Commissioner Selph commented he has not made a decision regarding this issue but is leaning towards not allowing any of this on A-5. He feels it will work better on A-10.

Tom Pafford commented this is a difficult situation that surrounding counties have avoided. Further discussion ensued.

Bill Spiegel feels this is not enough of an issue to spend a large amount of time debating and the LDRs are currently adequate to address this issue. He prefers Mr. Cookingham's temporary use permit over any special exception. Commissioner Mansfield agrees with Commissioner Selph.

Commissioner Quave agrees with Commissioner Selph also and a renewal fee. He feels a temporary permit is the best way to go in this situation.

Jorge Hernandez stated there is nothing in the LDR that states someone cannot park a vehicle on A-5 or A-10. Further Discussion ensued.

Mr. Conn stated he does not hear support for the temporary use permit proposal. He hears support for Jorge creating proposals as they relate to enforcement. Also he hears that the Board seems to be leaning towards strengthening prohibitions that are currently in the LDRs and clarify. He will work with Jorge and give him tools for enforcement. There was Board consensus to do so.

Chairman Langford commented he would like to discuss Planned Unit Developments in the near future.

Don Conn stated a Planned Unit Development (PUD) allows you to do those activities in that development which is specified in the PUD approval. It is a method of zoning that is more permissive than existing zoning categories. A PUD goes before the Board and they will establish the parameters.

Mr. Cookingham stated a PUD allows flexibility in development standards yet gives the Board the ability to listen and identify issues and to apply conditions that address those. It is allowed in any zone

district. The difference is that density and intensity land use has to stay the same as what is approved under the existing zoning.

Further discussion ensued.

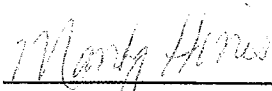
Mr. Conn commented it is his intent to present to the Board, a complete revision based upon all of the discussion that has taken place at the August 12, 2014 BOCC Meeting. The purpose is to give a draft and seek authorization from the Board to notice the first of (2) Public Hearings. If the draft is acceptable, the first hearing would be held on August 28, 2014.

ADJOURNMENT

There being no further business, Chairman Langford adjourned the workshop at 4:35 pm.

ATTEST:

**BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA**



MANDY HINES
INTERIM ADMINISTRATOR



ELTON A. LANGFORD
CHAIRMAN