

NOTICE OF PUBLIC HEARING
HIGHLANDS COUNTY
**PLANNING & ZONING COMMISSION
AND THE LOCAL PLANNING AGENCY**
APRIL 11, 2017 AT 3:00 P.M. OR
AS SOON THEREAFTER AS POSSIBLE
IN THE COUNTY COMMISSIONERS' BOARD ROOM
HIGHLANDS COUNTY GOVERNMENT CENTER BUILDING
600 SOUTH COMMERCE AVE., SEBRING, FLORIDA

B.C.C. Ag. Item
April 18, 2017
May 16, 2017

- 1) **CALL TO ORDER**
- 2) **ANNOUNCEMENT OF AUDIBLE BEEPERS AND CELLULAR PHONES**
- 3) **ROLL CALL**
- 4) **CONSIDERATION OF MINUTES FROM PREVIOUS MEETING**
- 5) **SWEARING IN OF WITNESSES**
- 6) **OLD BUSINESS: NONE**
- 7) **NEW BUSINESS:**
 - A. **PUBLIC HEARING – PROPOSED TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS – C/O LINDA CONRAD**
- 8) **ANNOUNCEMENT OF NEXT MEETING – MAY 9, 2017**
- 9) **BOARD MEMBERS**
- 10) **DEVELOPMENT SERVICES DEPARTMENT**
- 11) **CITIZENS NOT ON THE AGENDA**

ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD AT THE TIME AND PLACE SPECIFIED ABOVE. ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THIS COMMITTEE/GROUP, IN PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED.

THE PLANNING AND ZONING COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, DO NOT DISCRIMINATE UPON THE BASIS OF ANY INDIVIDUAL'S DISABILITY STATUS. THIS NON-DISCRIMINATORY POLICY INVOLVES EVERY ASPECT OF THE BOARD'S FUNCTIONS, INCLUDING ONE'S ACCESS TO, PARTICIPATION, EMPLOYMENT OR TREATMENT IN ITS PROGRAMS OR ACTIVITIES.

ANYONE REQUIRING REASONABLE ACCOMMODATION AS PROVIDED FOR IN THE AMERICANS WITH DISABILITIES ACT OR SECTION 286.26, FLORIDA STATUTES, SHOULD CONTACT MS. PAMELA ROGERS, ADA COORDINATOR AT 863-402-6842 (VOICE), VIA FLORIDA RELAY SERVICE 711, OR BY E-MAIL: PROGERS@HCBCC.ORG. REQUEST FOR CART OR INTERPRETER SERVICES SHOULD BE MADE AT LEAST 24 HOURS IN ADVANCE TO PERMIT COORDINATION OF THE SERVICE.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND.

ONE OR MORE COUNTY COMMISSIONERS MAY BE PRESENT AT THE MEETING.

**HIGHLANDS COUNTY
PLANNING AND ZONING COMMISSION
AND THE LOCAL PLANNING AGENCY MINUTES**

The regular meeting of the Highlands County Planning and Zoning Commission and the Local Planning Agency was called to order at 3:15 p.m., Tuesday, February 14, 2017, in the Commissioners' Board Room located in the Highlands County Government Center Building, 600 South Commerce Ave., Sebring, Florida.

Members present were: Mr. Ingler, Mrs. Mack, Mr. Osborn, Mr. Roberts, Ms. Tiernan, and Mr. Travers, Vice-Chairman. Alternate/Non-Voting Members present were: None. Also present were: Mrs. Sawdy, Zoning Official; Mrs. BuChans, Planning Supervisor; and Ms. Conrad, Zoning Supervisor.

Minutes of the previous meeting were unanimously approved. **Motion carried 6-0.**

7) **NEW BUSINESS:**

A. **PUBLIC HEARING – PROPOSED TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS – C/O LINDA CONRAD, ZONING SUPERVISOR**

Mr. Travers read the request and Ms. Conrad briefly explained the request. There were no letters received and no one spoke in favor of or against the proposed ordinance.

Motion by Mr. Ingler and seconded by Mr. Roberts to recommend to the Board of County Commissioners to approve and adopt the proposed text amendments to the Land Development Regulations.

Upon roll call, all members voted yes. **Motion carried 6-0.**

8) **ANNOUNCEMENT OF NEXT MEETING**

The next Planning and Zoning Commission meeting is scheduled for March 14, 2017, at 3:00 p.m. or as soon thereafter as possible in the Commissioners' Board Room located in the Highlands County Government Center Building, 600 South Commerce Ave., Sebring, Florida.

9) **BOARD MEMBERS**

Nominations of the Chairperson and Vice Chairperson of the Planning and Zoning Commission were presented.

Motion by Mr. Travers and seconded by Mr. Roberts to nominate Mr. Carter as Chairperson. Upon roll call, all members voted yes. **Motion carried 6-0.**

Motion by Mr. Osborn and seconded by Mr. Roberts to nominate Mr. Travers as Vice-Chairperson. Upon roll call, all members voted yes. **Motion carried 6-0.**

10) DEVELOPMENT SERVICES DEPARTMENT

Linda advised the board that there are two vacant positions with the Board of Adjustment and the Planning and Zoning Commission. We are looking for volunteers who would like to serve on these two boards. Any interested people should contact the Zoning Department at (863) 402-6638.

Ms. Conrad announced the recent promotion of Jo Anne Sawdy as the new Zoning Official.

There being no further business, the meeting was adjourned at 3:25 p.m.

Respectfully submitted by,

Jo Anne Sawdy
Zoning Official

DRAFT

ORDINANCE 16-17-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT REGULATIONS, PROVIDING FOR AN AMENDMENT TO SECTION 12.08.109 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA TO ALLOW A MAXIMUM OF FOUR GARAGE SALE PERMITS EACH CALENDAR YEAR; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Highlands County Board of County Commissioners (hereinafter referred to as the “Board”) was regularly assembled on May 2, 2017; and

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local government to perform county functions and to render county services in a manner not inconsistent with law, and that power may be exercised by the enactment of county ordinances; and

WHEREAS, the Board, on August 18, 1970, adopted Comprehensive Planning, Zoning and Building Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on January 1, 1995 adopted the Land Development Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

WHEREAS, the Board, on April 26, 2006, combined the Land Development Regulations with the Comprehensive Planning, Zoning, and Building Regulations into one publication titled the *Highlands County Land Development Regulations* for the purpose of making the Regulations easier to understand and enforce; and

WHEREAS, those Land Development Regulations are codified in Chapter 12 of the Code of Ordinances, Highlands County, Florida (hereinafter referred to as the “Code”); and

WHEREAS, Chapter 163, Florida Statutes, provides for amendment to adopted Land Development Regulations; and

WHEREAS, those Land Development Regulations have been amended from time to time; and

WHEREAS, a petition to amend Section 12.08.109 of the Code was filed on June 7, 2016, by the County pursuant to Section 12.01.110.A. and C., of the Code; and

WHEREAS, the Highlands County Planning and Zoning Commission considered the petition for a change in those regulations at an advertised public hearing on April 11, 2017, and forwarded its recommendation to the Board on April 18, 2017; and

WHEREAS, the Board deems it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the County to amend those Regulations as set forth in this Ordinance; and

WHEREAS, no valid objection has been made to this Ordinance, and it appears to be in the best interest of the County that this Ordinance be adopted; and

WHEREAS, public hearings were held by the Board on this Ordinance on April 18, 2017, and May 2, 2017.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, after due notice and public hearing, that:

SECTION 1. AMENDED AND ADOPTED. Paragraph 8 of Subsection B of Section 12.08.109 of the Code of Ordinances Highlands County, Florida is amended and adopted to read as follows:

8. Garage or yard sales of tangible personal property shall not exceed ~~two~~four in number during any calendar year in residential zoning districts, provided that:
 - a. Such tangible personal property shall be sold only on the premises of a residential dwelling unit by the owner or lessee of such dwelling unit.
 - b. Such owner or lessee must be the legal owner or acting in concert with another owner or owners of such tangible personal property at the time of the sale.
 - c. No new merchandise (i.e., merchandise acquired for the purpose of resale) shall be sold at such sale.
 - d. Such sale shall be confined to the garage, patio, driveway, yard or residence on the premises.
 - e. The duration of each such sale shall not exceed three consecutive calendar days.
 - f. Such sales conducted by private nonprofit organizations shall be exempt from the provisions of this section.
 - g. No such garage or yard sale shall be held without the owner or occupant of the premises having first obtained a permit therefor. Such permit shall be obtained by applying to the Highlands County Office of the Tax Collector, who shall issue such permit upon payment of the fee established from time to time by resolution of the BCC. Such permit shall specify the address and date of such garage or yard sale.

SECTION 2. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 3. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or division of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the

valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 4. INCLUSION IN CODE. When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined text shall be added so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

DONE AND ADOPTED this 2nd day of May, 2017.

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

(SEAL)

By: _____
Don Elwell, Chairman

ATTEST:

By: _____
Robert W. Germaine, Clerk