

NOTICE OF PUBLIC HEARING
HIGHLANDS COUNTY
**PLANNING & ZONING COMMISSION
AND THE LOCAL PLANNING AGENCY**
AUGUST 8, 2017 AT 3:00 P.M. OR
AS SOON THEREAFTER AS POSSIBLE
IN THE ENGINEERING TRAINING ROOM
HIGHLANDS COUNTY ENGINEERING DEPARTMENT
505 SOUTH COMMERCE AVE., SEBRING, FLORIDA

B.C.C. Ag. Item
September 19, 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:**
 - A. **PUBLIC HEARING – VARIOUS PROPOSED TEXT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS, INCLUDING MAXIMUM LOT COVERAGE, POTABLE WATER, CENTRAL WASTEWATER, DRIVEWAY PERMIT TIME LIMITS, AND SCRIVENER’S ERRORS - C/O CLINTON HOWERTON, P.E., COUNTY ENGINEER; LINDA CONRAD, ZONING SUPERVISOR; AND MELONY CULPEPPER, PLANNER I**
- 7) **NEW BUSINESS: NONE**
- 8) **ANNOUNCEMENT OF NEXT MEETING – SEPTEMBER 12, 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 MIGHT WISH 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 863-402-6509 (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 3:55 p.m., Tuesday, July 11, 2017, in the Commissioners' Board Room located in the Highlands County Government Center Building, 600 South Commerce Ave., Sebring, Florida.

Members present were: Mr. Howard, 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. Culpepper, Planner I; Mrs. BuChans, Planning Supervisor; Ms. Conrad, Zoning Supervisor; and Mr. Macbeth, County Attorney.

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

7) NEW BUSINESS:

A. HEARING # P&Z 2028 – PATRICK AUGUST LANIER TRUST – C/O DALE POLSTON

An approximate 13.06-acre parcel located approximately 0.06 miles south of US 98 and 1.24 miles east of US 27, on the northeast side of HCN Drive; the address being 50 HCN Dr., Sebring, Florida; and abbreviated legal as follows: An approximate 13.06-acre parcel located in Section 23, Township 35 South, Range 29 East, Highlands County, Florida.

The applicant is requesting a zoning change from R-1 (Residential District) to AU (Agricultural District). Mr. Travers read the request and Mr. Polston presented the request. There were no letters received and one spoke with questions.

Motion by Mr. Roberts and seconded by Mr. Osborn to recommend to the Board of County Commissioners to approve and adopt by Resolution, P&Z Hearing No. 2028, changing the Official Zoning Atlas for an approximate 13.06-acre parcel from R-1 (Residential District) to AU (Agricultural District), referencing the mandatory findings of fact and becoming effective as provided by law.

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

B. PUBLIC HEARING - PROPOSED AMENDMENTS TO ARTICLES I & II OF CHAPTER 2.1 OF THE HIGHLANDS COUNTY CODE OF ORDINANCES PERTAINING TO AIRPORT ZONING REGULATIONS – C/O SUSAN BUCHANS, PLANNING SUPERVISOR; AND KELLEY KLEPPER, KIMLEY HORN

Mrs. BuChans, Mr. Klepper, Ms. Conrad, and Mrs. Culpepper presented the request. There were no letters received and no one spoke for or against the proposed ordinance.

Motion by Mrs. Mack and seconded by Mr. Roberts to recommend to the Board of County Commissioners to approve Ordinance No. 16-17-___, amending Articles I & II of Chapter 2.1 of the Code of Ordinances, Highlands County, Florida, providing for conflict; providing for severability; providing for inclusion in code; and providing for an effective date.

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

C. PUBLIC HEARING – ORDINANCE NO. 16-17-___ AMENDING AND ADOPTING SECTION 12.01.114 OF CHAPTER 12 OF THE CODE OF ORDINANCES, TO BAN MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE UNINCORPORATED AREA OF HIGHLANDS COUNTY, FLORIDA – C/O ROSS MACBETH, COUNTY ATTORNEY

Mr. Macbeth presented the request. There were no letters and no one spoke for or against the proposed ordinance.

Motion by Mr. Roberts and seconded by Mr. Osborn to recommend to the Board of County Commissioners to deny banning medical marijuana dispensing facilities within the boundaries of the unincorporated area of Highlands County.

Upon roll call, Mr. Roberts, Mr. Osborn, Ms. Tiernan, Mr. Howard, and Mr. Travers voted to deny the request to ban medical marijuana dispensing facilities; and Mrs. Mack voted to approve the request. **Motion carried 5-1 to deny the request.**

D. PUBLIC HEARING - PROPOSED TEXT VARIOUS AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS, INCLUDING MAXIMUM LOT COVERAGE, POTABLE WATER, CENTRAL WASTEWATER, DRIVEWAY PERMIT TIME LIMITS, AND SCRIVENER'S ERRORS - C/O CLINTON HOWERTON, P.E., COUNTY ENGINEER; LINDA CONRAD, ZONING SUPERVISOR, AND MELONY CULPEPPER, PLANNER I

Mr. Howerton, Ms. Conrad, and Mrs. Culpepper presented the request. There were no letters and no one spoke for or against the proposed ordinance. The Planning and Zoning Commission suggested that Section 79. Paragraph 6 should be amended to add "stored" to read as "mobile home park when stored at least 100 feet from the nearest dwelling space..." to be consistent with the wording in Section 81. Paragraph 2. Mr. Roberts stated that Section 167. is conflicting with the date in the first paragraph of Section 12.06.104 of the current Land Development Regulations.

Motion by Mr. Roberts and seconded by Ms. Teirnan to continue this hearing on August 8, 2017, at 3:00 p.m. or as soon thereafter as possible.

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 August 8, 2017, at 3:00 p.m. or as soon thereafter as possible in the Engineering Training Room, located at 505 South Commerce Ave., Sebring, Florida.

There being no further business, the meeting was adjourned at 5:26 p.m.

Respectfully submitted by,

Jo Anne Sawdy
Zoning Official

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SECTION 6. AMENDED AND ADOPTED. Subsections 55B, 64, 69, 109, 114A, 156, 199, 233, 237, 262, 263B, 309, 314 and 321 of Section 12.02.104 of the Code of Ordinances Highlands County, Florida are amended and adopted to read as follows:

199. Modular home. A manufactured building that is placed on a permanent foundation and designed and intended for residential use. The term "modular home" does not include mobile homes.

SECTION 7. AMENDED AND ADOPTED. Subsection B of Section 12.05.200 of the Code of Ordinances Highlands County, Florida is amended by adding thereto new Paragraphs 18 and 19, which is adopted to read as follows:

18. Solar Farm. Provided that:

a. Structures for this purpose shall not be located within 50 feet of any lot line;

b. A transitional yard buffer pursuant to Division 2 of Article 11 of this chapter shall be maintained; and

c. An agreement for removal of abandoned or dilapidated solar panels between Highlands County and the owner of the solar panels or the land owner must be submitted. The agreement shall be maintained by the county clerk's office and monitored by the county engineer's office. The county may utilize the security provided under the agreement and complete the removal of the solar panels if the solar panels have not been removed within 180 days or abandonment. The agreement must contain a description of the amount and type of security provided to ensure removal of the solar panels pursuant to the provisions of these regulations and the project engineer's cost estimate of the solar panel removal. The project engineer's cost estimate shall be renewed every 10 years and submitted to the county engineer's office.

(1) The security shall be in the amount of 110 percent of the estimated cost of removing the solar panels;

(2) Security requirements may be satisfied by a performance bond, cashier's check, cash, interest bearing certificate of deposit, irrevocable letter of credit, or surety bond.

(3) The security must be for the duration of the life of the solar panels and the length of the permit or whichever is greater. The security must be in a form acceptable to the BCC. The security will have to be renewed, as required by the BCC. At the time of renewal, the amount of the security will be adjusted for increases in removal costs. A security required by other governmental agencies for the purpose of fulfilling the requirement for removal of abandoned solar panels may be accepted partially or completely by the BCC.

19. Fish farm.

SECTION 79. AMENDED AND ADOPTED. Subsection B of Section 12.05.222 of the Code of Ordinances Highlands County, Florida is amended by adding thereto new Paragraph 6, which is adopted to read as follows:

6. Outdoor storage of boats, campers, RVs, and other similar recreational or motor vehicles owned by the owner of the mobile home park or by the owners of the mobile homes located on mobile home sites in the mobile home park when stored at least 100 feet from the nearest dwelling space and approved by the board of directors or the mobile home park owner.

SECTION 81. AMENDED AND DOPTED. Subsection D of Section 12.05.222 of the Code of Ordinances Highlands County, Florida is amended by adding thereto new Paragraph 2, which is adopted to read as follows:

2. Outdoor storage of boats, campers, RVs, and other similar recreational or motor vehicles owned by the owner of the mobile home park or by the owners of the mobile homes located on mobile home sites in the mobile home park when stored less than 100 feet from the nearest dwelling space and approved by the board of directors or the mobile home park owner.

SECTION 167. AMENDED AND ADOPTED. Subsection D of Section 12.06.105 of the Code of Ordinances Highlands County, Florida is amended and adopted to read as follows:

- D. Any nonconforming use of a structure or structure and premises in a non-residential district may be changed to another nonconforming use in such district provided that the zoning supervisor makes a written determination that the proposed use is more appropriate to the district than the existing nonconforming use. Any person aggrieved by the decision of the zoning supervisor may file an appeal with the BOA within ten calendar days of the zoning supervisor decision.

SECTION 168. ADDED AND ADOPTED. Section 12.06.110 of the Code of Ordinances Highlands County, Florida is added and adopted to read as follows:

Section 12.06.110. Nonconforming structures constructed between January 2, 1971 and December 13, 2005.

For existing structures that were constructed between January 2, 1971 and December 13, 2005, that meet all requirements of this code except for the minimum yard requirements or setbacks of the zoning district for which the structure is located, such structure may be continued to remain as otherwise lawful, subject to the following provisions:

- A. No structure may be enlarged or altered in a way which increases its nonconformity.
B. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of damage or destruction, it shall not be reconstructed

except in conformity with the provisions of this Code. The use of any such reconstructed building shall thereafter conform to the provisions of this Code.

- C. Should any structure be moved for any reason from one lot or premises for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. In all residential districts any building or structure, all or substantially all of which is designed, arranged or intended for a use permitted only in a business or industrial district, shall either be removed or it shall be altered or converted to a building or structure designed for a use permitted in the district within which it is located within six months after the termination of the periods of time set out in this Code. These periods are declared to be the reasonable amortization of the normal, useful life of each class of building and type of construction above the foundations, the type of construction being as defined and specified and in the building code of the county:
1. Type I, fire-resistive construction, 30 years.
 2. Type II, heavy timber construction, 25 years.
 3. Type III, ordinary masonry construction, 20 years.
 4. Type IV, metal frame construction, 12 years.
 5. Type V, wood frame construction, seven years.

SECTION 215. AMENDED AND ADOPTED. Subsection W of Section 12.08.135 of the Code of Ordinances Highlands County, Florida is amended and adopted to read as follows:

W. **Agreement for removal of abandoned or dilapidated tower.** An agreement between Highlands County and the owner of the tower or the land owner must be submitted. The agreement shall be maintained by the county clerk's office and monitored by the county engineer's office. The county may utilize the security provided under the agreement and complete the removal of the tower if the tower has not been removed within 180 days of abandonment. The agreement must contain a description of the amount and type of security provided to ensure removal of the tower pursuant to the provisions of these regulations and the project engineer's cost estimate of the tower removal. The project engineer's cost estimate shall be renewed every 10 years and submitted to the county engineer's office.

1. The security shall be in the amount of 110 percent of the estimated cost of removing the tower;
2. Security requirements may be satisfied by a performance bond, cashier's check, cash, interest bearing certificate of deposit, irrevocable letter of credit, or surety bond.
3. The security must be for the duration of the life of the tower and the length of the permit or whichever is greater. The security must be in a form acceptable to the BCC. The security will have to be renewed, as required by the BCC. At the time of renewal, the amount of the security will be adjusted for increases in removal costs. A security required by other governmental agencies for the purpose of fulfilling the requirement

for removal of an abandoned tower may be accepted partially or completely by the BCC.

SECTION 293. AMENDED AND ADOPTED. Subsection A of Section 12.19.305 of the Code of Ordinances Highlands County, Florida is amended and adopted to read as follows:

- A. **Foundation.** The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. Modular homes shall be placed on a permanent foundation.