

MINUTES OF THE GLADES COUNTY BOARD OF COUNTY COMMISSIONERS
WORKSHOP ON TUESDAY, JANUARY 9, 2018 AT 9:00 A.M. IN THE COUNTY
COMMISSIONERS MEETING ROOM, GLADES COUNTY COURTHOUSE, MOORE
HAVEN, FLORIDA

The Glades County Board of County Commissioners met on Tuesday, January 9, 2018
at 10:30 a.m. with the following Commissioners present:

John Ahern, Chairman
Tim Stanley, Vice Chairman
Donna Storter Long
Donald Strenth
Weston Pryor

Others present:

Sandra H. Brown, Clerk of Court
Paul Carlisle, County Manager
Richard Pringle, County Attorney
Tiffany Patterson, Finance Director
Paul Carlisle, County Manager
Susan Whidden, E911 Coordinator/ BOCC Admin Assistant
Tycee Prevatt, County Extension Agent
Inga Williams, Community Development Director
Christopher Felker, Glades County Democrat
4 Citizens

Chairman Ahern called the workshop to order at 10:30 AM.

INVOCATION

Commissioner Storter Long gave the Invocation.

PLEDGE

Vice Chairman Stanley led the Pledge of Allegiance.

DISCUSSION

County Manager Carlisle reminded the Board that this was a workshop and not a public hearing. He stated that although the Board could hear public input, this was typically a time for staff and the Board to discuss items and how to move forward regarding them.

County Attorney Pringle stated no decision making would occur today. He stated the workshop had been properly noticed. He stated the topic of discussion would be Articles of Land Use Regulations that were up for consideration for amendment.

County Manager Carlisle stated a public hearing regarding this item was currently scheduled for the January 22, 2018 regular Board meeting.

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Chairman Ahern asked if the Board would be taking any public input.

County Manager Carlisle stated that would be entirely up to the Board.

Attorney Pringle stated Ms. Crespo had encountered a scheduling conflict and would not be present for the workshop.

Inga Williams, Community Development Director, suggested looking at the definitions and the list of uses together. She stated she had made 2 changes that were requested at the first public hearing. She stated the definition of alligator farm had been removed from the document. She stated Animal Shelter/Veterinary Clinic was changed from “not approved” to a “conditional” use in the C-1 district. She asked if there were any other issues with the definitions.

Commissioner Storter Long referred to line 22 of the first page of definitions. She stated the definition did not include miniature breeds of any farm animals. She stated most of the time these were pets. She asked if there was a particular reason why miniature breeds would not be allowed in residential zoning.

Mrs. Williams stated she considered miniature animals to be farm animals. She stated the miniature breeds could be allowed under residential zoning, if the Board so desired.

County Manager Carlisle stated he did not believe the animal was characterized by size.

Commissioner Storter Long referred to the words “does not include miniature breeds of any farm animals”. She asked why miniature breeds would be excluded as pets. She stated most of the time that was what these animals were.

Vice Chairman Stanley stated it would not matter the size – miniature or full grown, if the person was going to apply for a special exception.

County Manager Carlisle stated these definitions were not for the special exceptions. He stated these definitions were of what would be allowed under residential zoning.

Commissioner Storter Long clarified that the document was allowing for cats and dogs as pets without obtaining a permit; however, for miniature breeds, the owner would have to apply for a special exception.

Commissioner Pryor stated he believed the definition was of agricultural animals, whether they were miniature or full grown.

County Manager Carlisle stated some of these definitions had come from the State definitions for agricultural and domestic animals.

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Diane Penn, resident of Port LaBelle Ranchettes, stated she used to have 2 potbelly pigs in her home. She stated they were easily house trained and were considered pets. She stated they could not be raised for food.

Commissioner Storter Long stated rabbits could be raised as a pet or for food. She stated she wanted these revisions to help the 4H community as well as the Port LaBelle Ranchettes community.

Tycee Prevatt, County Extension Agent, stated the 4H had no rabbit program at this time. She stated rabbit shows were not considered meat shows.

Commissioner Storter Long asked if the definition of livestock had come from the statutes.

Mrs. Williams stated this was correct.

Commissioner Strenth explained that the definition of non-farm animals states that if the animal was kept for primary production or income then it was not a non-farm animal. He stated rabbits could be classified either way.

Commissioner Storter Long suggested adding rabbits on line 18. She questioned a poultry class that was raised to produce labor. She stated she did not understand this definition.

Mrs. Williams stated she would strike this sentence.

Commissioner Storter Long asked if miniature horses or pigs would be deleted from line 22.

Chairman Ahern stated a horse was a horse regardless of size.

Attorney Pringle clarified that the language would remain in the document.

Commissioner Storter Long referred to line 29. She asked where aviaries were on the list of uses.

Mrs. Williams stated aviaries were not on the list. She stated aviaries were on the previous list but were crossed out. She stated she had left the definition in the document because it could be helpful if someone did a use as a commercial aviary. She stated that use would be under the farming livestock use, if commercial. She stated the number would be limited by the Planning & Zoning Board. She stated it would become a commercial use if they were breeding the animals.

County Manager Carlisle explained there would not be a zoning category for every definition.

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Attorney Pringle stated the reference of “aviary” was to the structure and not a particular animal.

Commissioner Storter Long questioned the definition of kennels/commercial use. She asked about a person having a kennel and selling the puppies that they were raising.

County Manager Carlisle stated that would be for commercial purposes.

Commissioner Storter Long stated “sales” was listed on numerous other definitions but not on this one.

County Manager Carlisle asked if it would make sense to add “for sale or commercial purposes”.

Mrs. Williams stated that would have to be repeated throughout the document. She stated she would rather leave it as it was.

Attorney Pringle suggested adding the word “sold” on line 1 page 2.

Commissioner Storter Long agreed.

Chairman Ahern asked if the Board had any questions on the Land Development Chapter 125 regulations.

Commissioner Storter Long questioned the definition of ARS.

Mrs. Williams stated it was Agricultural Residential Single Family.

Commissioner Storter Long asked if ARS had a different lot size requirement.

Mrs. Williams stated both AR and ARS required 5 acres.

Commissioner Storter Long questioned why it was being conditioned and allowed under special exception under AR but not under ARS when they were both 5 acres.

Mrs. Williams stated mobile homes were not allowed in ARS. She stated there was only one parcel zoned for this in the entire County. She stated AR was used the most.

Mrs. Williams stated a discussion had been started at the public hearing regarding whether or not to allow animal shelters in the Ag Residential zoning district as a conditional use.

Commissioner Storter Long asked if a person who wished to have a produce stand off site would be required to obtain a building permit for the stand.

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Mrs. Williams stated they would not.

Commissioner Storter Long asked if the revisions being made would help the 4H children with their animals.

Mrs. Prevatt stated she had not seen the document yet.

Commissioner Storter Long questioned the people that would be keeping the animals in stalls.

County Manager Carlisle stated they would be able to as long as the property was 2 acres or more.

Chairman Ahern stated he believed there were also requirements with how far away the animals had to be kept from a home.

County Manager Carlisle explained that the 1,000 foot set back was in the AR district and not in the special exception. He stated the special exception would require the building to be 35 feet from the property line and the waste 100 feet from the property line. He stated the special exception was different than the zoning category.

Attorney Pringle explained that because it was a special exception it would go to the Planning & Zoning Board for approval. He stated the Planning & Zoning Board would take all of the facts into consideration and make a final decision. He stated there could be denials.

Commissioner Storter Long commented on the City's Ordinance related to chickens. She stated that in the City after 2 complaints the exception stops.

Mrs. Williams stated there was a reverter clause in the document if complaints were made.

County Manager Carlisle stated the complaints had to be bona fide complaints.

Mrs. Williams stated the 1,000 foot requirement pertained to the AR zoning district that required 5 acres. She stated they would have plenty of room to have pigs.

Chairman Ahern stated the majority of the people who wished to have pigs for 4H projects had 2 acres or better.

County Manager Carlisle stated people had subdivided their 5 acre parcels into 2.5 acre parcels. He stated these became bona fide lots because of the April 2003 deadline.

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Commissioner Storter Long stated as long as the owner had 2 acres they could apply for the special exception.

Mrs. Prevatt stated she believed this would help the 4H families that lived closer to town.

Commissioner Storter Long stated the owners would need to have the special exception in place prior to purchasing the animal.

Mrs. Prevatt stated this would apply to those wishing to show animals next year.

Commissioner Pryor asked how long the process would take to obtain the special exception.

Mrs. Williams stated it would take approximately one month and a half.

Chairman Ahern stated he felt satisfied that 2 acres would suffice.

County Manager Carlisle stated revisions to this Ordinance would give the property owners who were currently not in compliance an opportunity to apply for the special exception and bring their property into compliance. He stated all citing and enforcement of the codes would be complaint based.

Attorney Pringle stated the code provisions proposed by staff would not give the property owners with animals that were currently in violation a right to have the animals, but would give them the opportunity to come to the Planning & Zoning Board to apply for a special exception.

Commissioner Storter Long stated the special exceptions would not be guaranteed. She questioned Part 2 – Land Development of the document. She stated she believed the animals should be confined to the property. She asked if this was what was meant by securing the animal.

County Manager Carlisle stated this was referring to fencing.

Commissioner Storter Long referred to page 1 of 2 - line 36. She stated the animals should be confined to the property.

County Manager Carlisle referred to line 17 page 2 which defined the fencing requirements.

Commissioner Pryor suggested following the State fencing guidelines.

Attorney Pringle stated the word “legal” fence could be added to the document.

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Commissioner Pryor stated interior fences would be up to the land owner; however, exterior fences should be in compliance with the State.

Commissioner Storter Long referred to page 1. She asked if a chicken coop required a building permit.

Mrs. Williams stated it would.

County Manager Carlisle asked if a chicken coop would be the same thing as an aviary.

Mrs. Williams stated she did not receive permits for dog kennels; however, a permit was required. She stated she did not make an issue of it.

Attorney Pringle clarified that any structures built under this provision would not be defined as a bona fide commercial agricultural structure that could avoid the permitting requirements.

Commissioner Storter Long questioned the statement made on page 2 line 3 which stated the special exception would run with the property owner and not the land. She stated the new property owner would be required to submit an application for special exception approval. She asked if the phrase “to continue in the existing use” be added to this sentence.

Attorney Pringle suggested adding that the new property owner would be required to submit for their own approval.

County Manager Carlisle suggested adding that the special exception would expire with the sale or transfer of the property.

Michael Arndt, resident of Port LaBelle Ranchettes, asked for clarification. He asked if the special exception would be for as long as he owned the property or if there would be an expiration date.

Chairman Ahern stated this was correct. He stated the special exception would run with the property owner and not the land.

Commissioner Storter Long questioned the property being leased or rented to someone.

Attorney Pringle stated the property would still be owned by the same owner. He stated this would be allowed.

County Manager Carlisle questioned the landowner applying for a special exception for horses and a horse barn then leasing the property out as a boarding stable. He asked if this would not create a commercial use.

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Commissioner Storter Long asked if language regarding ownership of the animals could be put in the documents.

County Manager Carlisle stated proving ownership would be difficult because not all animals would be registered. He stated these types of non-compliance would have to be complaint based.

Mrs. Williams stated the phrase “for personal use only” could be added under property standards.

County Manager Carlisle stated he felt this language should be added.

Mrs. Williams stated 4H children did sell their animals so this would be a commercial use.

County Manager Carlisle stated he did not know that this would be a commercial use.

Mrs. Williams stated the child would be raising the animal for sale which is a commercial use. She stated these non-compliant uses would be complaint driven as well.

Commissioner Storter Long questioned someone applying for 2 horses and then later on wanting more. She asked if the property owner would have to apply again.

Attorney Pringle stated the property owner would have to apply for a special exception and explain what type of animal and how many that they were expanding the use to.

County Manager Carlisle stated there was a provision in the document allowing for revisions as long as they were not significant.

Vice Chairman Stanley stated nothing would be done unless the neighbors complained.

County Manager Carlisle stated staff did not encourage anyone to violate the code.

Commissioner Pryor asked if there would be any reason to put a provision regarding inherited property.

Attorney Pringle stated from a legal standpoint, eventually the exceptions would overtake the rule.

Commissioner Storter Long asked if a property owner could get a special exception on a lot if there was no existing structure.

Mrs. Williams stated the property owner would have to reside on the property in order to apply for the special exception.

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Commissioner Storter Long asked if the owner had to actually reside on the property after they obtained a special exception.

Attorney Pringle stated residency was not required after obtaining the special exception.

There was a brief discussion regarding structures and the need for permits.

Attorney Pringle stated the intention was that when a property owner came in to apply for a special exception for an animal that they show all of the improvements that they were planning and any existing improvements that had already been made. He stated if the property owner built something different in the future that was not approved in the plan they would have to get approval.

Commissioner Storter Long thanked Mrs. Crespo and Mrs. Williams for digging into this issue.

Attorney Pringle referred to page 2 line 26 of the same document. He suggested clarifying this sentence to read as follows: ...when an application is submitted with the intent to make an existing non-compliant animal use compliant". He stated he did not want anyone to apply for the special exception if they were just thinking about adding animals in the future.

County Manager Carlisle suggested adding the date of adoption to this sentence as well.

The Board members agreed.

Mrs. Williams clarified the following changes to be made to the document: the definition of the word "fencing" would now be defined as "legal fencing" as defined by Florida Statutes; the special exception shall run with the property owner and not the land and shall expire with the sale or transfer of the land; language regarding the existing non-compliant animal use and addition of the adoption date; accessory to a residential use would be added to the language in the document; and the special exception would be for personal use except for the 4H children who were raising livestock for sale.

Commissioner Storter Long referred to page 2 line 37 and asked that the word "substantive" be changed to "substantial". She also referred to page 1 line 34 asked if the word "defined" should be added the word "delineated"?

Mrs. Williams agreed with both changes.

Attorney Pringle stated the Board may wish to consider having the property owner sign a notarized agreement with the County stating that they would agree to abide by the terms of the approval.

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Mrs. Prevatt asked that FFA members be included in the document as well as the 4H members.

Commissioner Storter Long stated the County suggested requiring documentation that the children are 4H or FFA members.

Mrs. Prevatt stated she could provide a list of members.

Mike Arndt, resident of the Ranchettes, stated that as a former 4H parent, he felt that the \$500.00 application fee would be a burden on these families. He stated the County was trying to encourage children and parents to be involved but the fee would deter them.

Commissioner Pryor stated the Florida Statute regarding the fencing requirements could be found under §588.011.

Mrs. Williams asked that the revisions to the definitions be clarified. She stated line 18 “Animal/Farm Livestock” she would add a comma after “or poultry class”. She stated she would also add “rabbits” under this definition. She referred to page 2 line 1 and stated the word “sold” would be added to the sentence...”trained, sold, or boarded”. She stated no changes had been made to the use table.

County Manager Carlisle stated the revision made to the use table from the last meeting was the conditional use of the animal shelter.

Mike Arndt, resident of the Ranchettes, asked if he could put horses and a pole barn on a property that he owned but that was not adjacent to the property that his residence was located on.

County Manager Carlisle stated this would not be permitted. He stated the lots would have to be combined or contiguous.

Diane Penn asked if horses could be located on the property and not a barn.

County Manager Carlisle stated this was not correct. The property would have to be contiguous to the residence.

Attorney Pringle stated the primary purpose of residential zoning was for residential uses and the intention is to allow livestock use as an accessory use.

Diane Penn, resident of the Ranchettes, stated it was her understanding that she would not have to get the approval from her neighbors to get the special exception.

Mike Hollowell, resident of the Ranchettes, stated the Ranchettes was a deed restricted area and the people already knew they could have animals.

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Commissioner Storter Long stated deed restrictions could be placed on any property but they were not enforceable by the County.

County Manager Carlisle stated the property owners' deeds had no bearing on the zoning of the property and the land use. He stated the process would have to be followed and the neighbors would have to be notified.

There was a brief discussion on the type of zoning the developer originally applied for.

County Manager Carlisle stated the Ranchettes property was zoned Residential Single Family.

Ms. Penn asked about the requirement of getting permission from the neighbors for the special exception.

County Manager Carlisle stated the letter would be sent to surrounding neighbors; however, it was so that they could attend the meeting and voice concerns or support. He stated their approval was not required.

Mrs. Williams asked the Board for direction on the permit fee waiver or reduction. She stated the typical advertisement in the local newspaper costs \$150.00. She stated she also had to pay Attorney Pringle for his services as well.

Commissioner Storter Long asked if \$500.00 would cover the costs involved.

County Manager Carlisle asked if a separate fee schedule should be set up for these special exceptions.

Attorney Pringle stated the fee for a special exception application was \$500.00. He stated the Board was considering modifying that general rule to allow a lower fee for certain circumstances.

Commissioner Storter Long asked if Attorney Pringle recalled the Board voting to not waive fees for any reason or anyone.

Attorney Pringle stated he did not believe that decision would be binding on this matter.

Commissioner Storter Long asked if a time limit could be set on the waiver of fees.

County Manager Carlisle stated the new fee schedule would have to be brought back to the Board and approved. He stated setting a time limit would not help the 4H/FFA children.

Attorney Pringle suggested separating the reduction of fees and the waiver of fees.

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Commissioner Storter Long asked if the entire fee would be waived for the 4H/FFA applications or reduced.

County Manager Carlisle stated the advertising fee would still have to be charged.

Commissioner Storter Long stated she did not feel the 4H/FFA members should be charged a fee.

Commissioner Pryor agreed. He commented on the special exception expiring upon the child's graduation unless the family re-applies.

Attorney Pringle stated this was another matter. He stated this provision would apply to anyone in the County regardless of status. He stated what Commissioner Pryor was talking about doing would create a separate rule for 4H/FFA applicants.

Commissioner Strenth asked if the special exception would expire with the first child when his/her animal sold. He asked if the parents would have to re-apply if they had 2 or 3 other children that wanted to show.

Commissioner Storter Long asked why the special exception had to expire in these situations.

County Manager Carlisle stated it would have to expire because of the fee waiver. He stated the family member could fill out an application for each child.

Mrs. Prevatt stated she appreciated the Board's consideration in waiving the fees for the 4H/FFA kids. She stated a lot of the families could not afford the application fees. She stated what would happen to the family that applied for the special exception with the fee waiver stating their child was going to show for 4H/FFA, built a barn and then never purchased an animal.

County Manager Carlisle stated that family would be in non-compliance.

Commissioner Storter Long asked if a child was allowed to be a member of 4H/FFA and not show an animal.

Mrs. Prevatt stated this was correct. She stated there was not anything in the 4H rule books that stated the child had to show an animal. She explained that a 4H was an organization that participated under GCYLA and at the Palm Beach County fair.

Commissioner Storter Long stated that as long as the child was a member of 4H/FFA the special exception should continue.

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Attorney Pringle suggested allowing a number of days to come into compliance (e.g. 120 days). If no child in the household was a current member of 4H or FFA.

There was a discussion regarding tying the 4H/FFA membership into the waiver of the fee and when the special exception would expire.

County Manager Carlisle suggested the Board address the fee schedule for existing non-compliance applicants and then research the 4H/FFA issue and bring it back to the Board.

The Board agreed.

Mrs. Williams stated she believed what was in front of the Board could work. She stated the property owner had to apply for the special exception, not the parent. She stated it would not matter who the child was, the special exception would run with the property owner. She stated she could put something in the resolution that required an annual update from Mrs. Prevatt showing a list of the children that were actively enrolled in 4H/FFA and were raising animals that the special exception had been granted for. She stated once the child was no longer enrolled, the parent would have a certain number of days to get rid of the animal. She stated she would do an inspection to ensure the animal was gone and if not, it would become a code compliance issue. She stated if the parents wanted to continue the special exception once the child was not enrolled in 4H/FFA, they could pay the \$500.00 application fee and apply for a special exception.

Attorney Pringle stated if all of this was in place with a \$500.00 application fee a provision could be added to allow parents to apply for the special exception just for raising 4H/FFA animals, the County would take the application and waive the fee for a certain time period.

County Manager Carlisle explained that all special exceptions were conditional. He stated there could be a list of conditions that the Planning & Zoning Board approved. He stated Mrs. Williams could write those conditions rather than tie them to the code.

The Commissioners agreed that this provision should be placed in the resolution.

Attorney Pringle stated the property owners would still have the ability to say that they wanted a true special exception for an animal, not tied to 4H/FFA, or if they wished to tie it to 4H/FFA they could get a fee waiver. He stated this would be for a limited amount of time. He stated the Board may wish to consider some kind of 4H/FFA provision that would be more involved than this.

County Manager Carlisle stated he believed the County's actual costs should at least be covered.

Attorney Pringle stated there would be a separate provision that stated if the property owner was non-compliant on the date of adoption of the ordinance, the County would

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reduce the application fee to out of pocket cost only if the application was received by a certain date.

There was a discussion regarding what the cutoff date would be.

Mrs. Williams stated she could hold all of the applications until July 1st and advertise all of them together.

It was consensus of the Board to use the date of July 1, 2018 as the cutoff date for applications.

ADJOURN

ON MOTION of Vice Chairman Stanley seconded by Commissioner Pryor the Board adjourned the workshop.

Motion carried by 5 – 0 vote.

There being no further discussion, Chairman Ahern adjourned the workshop 12:30 p.m.

John Ahern, Chairman

ATTEST:

Sandra H. Brown, Clerk of the Circuit Court

Approved: March 26, 2018

THESE MINUTES ARE NOT A VERBATIM RECORD. TAPES ARE AVAILABLE FOR ANYONE INTERESTED IN LISTENING TO THE ENTIRE MEETING.