

**CITY OF BROOKSVILLE
WORKSHOP
COUNCIL CHAMBERS
201 HOWELL AVENUE
MINUTES**

December 13, 2010

6:00 P.M.

Brooksville City Council met in workshop session with Mayor Frankie Burnett, Vice Mayor Joe Johnston and Council Members Joe Bernardini, Lara Bradburn and Emory Pierce present. Also present were Jennifer Rey, City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Interim Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief.

The meeting was called to order by Mayor Burnett.

LAND DEVELOPMENT CODE

Review and discussion of the proposed Land Development Code (LDC).

Director of Community Development Bill Geiger prefaced the schedule to final approval. He indicated feedback will be collected from Council and staff, as well as local business' review, to produce the final project for a general public hearing. He anticipates a final workshop in March 2011 and the Planning and Zoning Commission would be given a draft of the proposed code for a public hearing in June 2011 then to City Council in July or August 2011 for review and then the public hearing process will be initiated shortly thereafter. After that, there will be notice requirements and notification to property owners, etc. based on the scope of the proposed code in the zoning aspect. He anticipated final adoption by late summer/early fall.

Council Member Pierce asked for the timeline in a memorandum to Council. Mayor Burnett asked for the possibility of this being ready before the budget review process. Director Geiger indicated the final version will be ready for review by Council in March.

City Planner Steve Gouldman proceeded to review the changes.

Article I

Page I-3 - SECTION 1-3.5. PROHIBITIONS

Section B. Specifically

Mr. Gouldman stated there was additional language for clarification on verbiage and additions were underlined.

Page I-4 – SECTION 1-3.8. CONDITION OF PERMIT

He stated language was added to notify applicant of insufficient application and indicated notification is traditionally in the form of a letter sent to the applicant.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 4/2/12 INITIALS JP

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Page I-6 – SECTION 1-5.2. PENDING APPLICATIONS AND INTERIM AUTHORITY Section B.

He stated “deemed substantially complete and” was added language as suggested.

Council Member Pierce asked if the term “parcel” would not be better verbiage than “lot”. Mr. Gouldman indicated it did not make a difference and subdivisions are known as “lots”.

Article II

Page II-3 Section 3.c.

He stated language was added to allow only light industrial activities under the Industrial district.

TABLE OF ALLOWABLE USES

Page II-7

He stated Nursing, Convalescent and Extended Care Facilities was changed from Special Exception Use to Special Use under the Residential districts.

He noted that the uses allowed under Commercial and Industrial I-1 category were replicated under I-2.

Page II-8

Mr. Gouldman stated Pre-K, Day Care, Child Care and Child Nurseries was changed from Special Exception Use to Special Use under the Residential districts.

Page II-15

He stated Fire Stations were changed from Permitted Use to Special Exception Use under the Residential districts.

PART 2-3

Page II-18 - SECTION 2-3.1. GENERALLY

He indicated Historic Central Business/Residential, Historic and Cultural Conservation and Public Facilities and Services had been added.

Page II-19 Footnotes:

Mr. Gouldman addressed Council Member Pierce’s concern to provide a minimum 75-foot building setback measured from the property line. Council Member Pierce referenced number five and would like to add “All properties located adjacent to arterial highways shall provide a minimum 75-foot building setback from the arterial highway right-of-way”. Director Geiger indicated this setback is standard throughout the code for new construction since it was adopted in the year 2000 and there are provisions for existing properties that allow a lesser setback. Council Member Bernardini and Mayor Burnett would like all Council members to be informed when a hardship waiver has been granted in those instances and City Manager Norman-Vacha assured they would be notified via

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communication in their boxes. City Planner Steve Gouldman explained there are two (2) criteria for granting a variance on commercial building setbacks standards; there is inadequate depth or applicant requests continued use of an existing structure.

Article III

Page III-6 Item g.

Mr. Gouldman indicated the word "wood" was added to materials for fences and walls.

Page III-11 Section A.1. Composition

He stated that he attended a workshop for historic preservation during which he had a discussion of the process of becoming a Certified Local Government. Regarding composition of the Historic Preservation Review Board (HPRB), it was discussed as to whether it was a requirement that members hold a degree in architecture or have a background in history and it was indicated to him that they do not but the language could reflect that the City is making an effort to find educated persons or experience in related disciplines. He indicated that he has added verbiage to that effect.

Page III-12 SECTION 3-2.3. REGULATORY FRAMEWORK #2

He indicated there was language removed per direction by City Council; "...but no application for approval of a certificate of appropriateness will be denied except by the vote of a majority of the entire Board (four votes of seven total)".

PART 3-4

Page III-27

Mr. Gouldman indicated Planned Development Districts has been spelled out as requested.

PART 3-7

Page III-35 DEVELOPMENTS OF REGIONAL IMPACTS

He indicated "DRI" has been capitalized as requested.

Council Member Pierce asked what will be gained from creating an Historic Preservation Review Board. Mr. Gouldman indicated there will be a review board that looks at historical items and the ordinance allows the City to be eligible for grants as a Certified Local Government.

He next addressed Council Member Pierce's comment regarding the historical inventory list which he stated staff has been working on and will be completed with the Historic Preservation Review Board.

Lastly, he addressed Council Member Pierce's comment as to what is considered a recreational vehicle and referenced page XI-41 under definitions indicating he has made the changes as suggested by Attorney McAteer to adopt the State's definition, which includes maximum amount of time for occupancy of recreational vehicle parks. Discussion ensued regarding concern of these parks becoming transient facilities. Mr. Gouldman indicated it all comes down to enforcement.

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PART 3-8

COMMUNITY DEVELOPMENT DISTRICTS

Page III-39 Section E.

Mr. Gouldman indicated "staff review" refers to the Development and Finance Departments and State Statute requires a public hearing if it is under the purview of the City. Council Member Pierce stated his concern of cost for review by staff and suggested that financing be determined by the private sector. Mr. Gouldman explained that State Statute gives a provision for people to apply for Community Development Districts and this code recognizes that fact along with the review process. Director Geiger further elaborated that a developer can establish a Community Development District with or without the City's approval and would fall under the County's purview for review and approval. Attorney McAteer stated he will research this.

Council Member Pierce suggested coordinating review with the County Tax Collector and Property Appraiser as the burden is placed on Sales Tax Certificates in case of default.

Vice Mayor Johnston pointed out under the Table of Contents "Articles" is misspelled.

Article IV

Page IV-6

Council Member Pierce indicated he is in favor of showing a five-mile radius of the property for the vicinity map; Council concurred.

Page IV-12 # 4

Mr. Gouldman indicated the City Attorney will be supplying language as it applies to a bond or certified check posted at 125% minimum to ensure completion of all required improvements.

Page IV-22

He referenced Council Member Pierce's comment regarding prohibiting open swale drainage in urban areas due to sidewalks.

Page IV-23 6.d. and 6.e.

He stated that sidewalks and street lights will be required to be constructed and installed as part of the posted bond and that the City, by ordinance, pays for electricity used by streetlights on public streets. Council Member Pierce stated his concern with gaps in sidewalks where there are empty lots and wants a timeline given to the developer for completion.

Page IV-28 E.3. Stormwater Management Regulations

Mr. Gouldman stated the ten (10) year storm design requirement was borrowed from Hernando County's regulations. Council Member Pierce will check to be sure ten (10) years is acceptable as he believes that originally came from the Department of Transportation regulations.

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Page IV-29 I. Underground Utility Service

City Planner Steve Gouldman indicated underground utility service should be required in subdivisions. Council Member Pierce indicated they will have to come before City Council for an exception.

Council Member Bernardini would like to discourage rear lot utility easements and Council Member Pierce would like language added to that effect. Mr. Gouldman described the difference in two (2) forms of residential development to explain easements for location of utility lines. Council Member Pierce asked that the rear lot easement be increased from a minimum fifteen (15) feet to twenty-five (25) feet wide for fixed underground sewer lines. Director Radacky advised putting sanitary sewers in the street. Council Member Pierce agreed and requested verbiage to be stated "water and sewer shall not be in rear lot easements".

Page IV-60 # 11

Mr. Gouldman indicated, per Council Member Lewis' request, the language was changed to restrict certain types of trees as "prohibited trees". Attorney McAteer pointed out the University of Florida website indicates the Chinese Tallowtree is not recommended. Director Geiger recommended referring to the State list for various planting information.

Page IV-108 SECTION 4-8.12. ANIMALS

Attorney McAteer stated it appears to limit the number of livestock with ten (10) acres minimum on residentially-zoned property as number 2 does not indicate this only pertains to properties zoned Agricultural. Director Geiger indicated this was written in early 2000's to address some specific issues and was meant to cap the total amount within the incorporated area and he denoted it could be changed if Council desires. He further stated that Council could consider a specific exclusion or allowance to recognize annexed properties with agricultural uses until urban uses are approved. Vice Mayor Johnston was in favor of adding language to that effect. City Planner Steve Gouldman indicated that type of use would be covered under non-conforming uses since it existed prior to annexation, such as animal production units. Vice Mayor Johnston stated the only two (2) exclusions would be a feed lot operation or a commercial chicken farm. He suggested a standard ratio be established for amount of animals per acre to control feed lot operations and a lesser intensity.

Attorney McAteer mentioned the Green Belt designation benefits property owners until the market improves and he advised not to create a condition that is in conflict with City Code as the standard definition is a bona fide agricultural operation and stated feed lots can be prohibited. Director Geiger indicated there could be language added for clarification of intent. City Manager Norman-Vacha stated her concern that current Property Appraiser's requirements and City Code conflicts with the Green Belt requirement and advised Council to revise over ten (10) acres to increase the maximum amount of livestock. Director Geiger surmised it was Council's desire to build latitude into the Code to allow for consideration of uses other than residential or commercial development on large acreage parcels being annexed into the City, recognizing that they are bona fide agricultural operations and felt that would fit well into the City of Brooksville.

Page IV-113 SECTION 4-8.23. CIRCUS

Mr. Gouldman referred to minimum setback from a residential district as Vice Mayor Johnston suggested adding "...between parking areas and any circus equipment or vehicles and a minimum of 300 feet from the circus itself."

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Council Member Bernardini asked if this section also covers fairs and annual festivals. Mr. Gouldman indicated that is covered on Page IV-130 SECTION 4-8.46. NEIGHBORHOOD/COMMUNITY FAIR. He indicated churches fall under Non-profits. He also addressed Council Member Pierce's question of whether this section applies to block parties and indicated that it does pertain if it is an organization and not a private individual putting it on. Mayor Burnett suggested a paragraph for clarification be added to distinguish between the two. Council concurred and Director Geiger confirmed that a full paragraph will be added to the section. Mr. Gouldman referred to Page XI-34 Definition for Neighborhood/Community Fair.

Page IV-132 PORTABLE TEMPORARY STORAGE UNITS ON SINGLE-FAMILY LOT

Council Member Bernardini asked how the restriction on allowable time is enforced. Director Geiger indicated a documentation process from the point of observation. Should it go beyond the allowable timeline of thirty (30) days then staff would proceed with Code Enforcement. He indicated the language under Section B "...prior approval by the City of Brooksville..." will be clarified and stated the time can be regulated through the Temporary Use Permit process. Council Member Bernardini pointed out there is a temporary structure he is aware of that has existed for at least two (2) years on a major roadway in the front yard and suggested the Code Enforcement rules be more stringent.

Vice Mayor Johnston stated the language in this section is sufficient and enforcement is not problematic enough to warrant amending the language, but felt Council Member Bernardini's concern should be addressed. City Planner Steve Gouldman indicated he will do research on Portable on Demand Storage units (PODS) to add language for clarification. Vice Mayor Johnston announced there is a new portable unit called "Granny Houses" that is placed in the back yard for elderly medical care that should also be addressed. Mr. Gouldman indicated that would be covered under Accessory Dwellings and would have to meet Code standards for size and setback requirements. Director Geiger further indicated it also requires bathroom and kitchen facilities.

Director Geiger pointed out the current code does not address portable temporary storage units directly and this section defines what is allowed and sets a limited time.

Council Member Pierce pointed out there is a definition for "Equivalent Residential Unit (ERU)" but not for "EDU" to which City Planner Steve Gouldman indicated it is defined elsewhere.

Page IV-133 SECTION 4-8.51. PROFESSIONAL RESIDENTIAL FACILITY

Mr. Gouldman referenced Section A and stated the distance of 1,200 feet is a State requirement and is to preserve the residential environment.

He indicated that concluded Articles previously reviewed by Council.

Article V Natural Resources

City Planner Steve Gouldman advised this is a new section and wetlands protection reservations were put into the Comprehensive Plan, which Florida Department of Community Affairs required for consistency as a result of the 2003-2004 amendment. He pointed out on Page V-1 "...the 2002 SWFWMD regulations..." will be changed to read "current".

Director Geiger referred to Flood Prevention and Protection Areas and indicated Federal Emergency Management Agency has reviewed the ordinance and has determined it meets the Federal requirement.

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Article VI Adequate Public Facilities

Page VI-10 Facility/Service Demand Calculations

Council Member Pierce pointed out that in the impact fee calculations, when determining ERU's, as he recalled it being 250 gallons per day for potable water and 200 gallons per day for sewage. Mr. Gouldman stated he borrowed this from the existing code, which has already been brought to his attention by the Director of Public Works. He will correct the figures.

Article VII Signs

Mr. Gouldman indicated there have been no changes to this section.

Director Geiger referred to Page VII-6 Section E and indicated Standard Building Code will be changed to Florida Building Code. Vice Mayor Johnston stated the prohibited signs taken from the current Code are not enforced, such as portable signs, inflatable signs and flying paraphernalia.

Director Geiger explained code enforcement is an ongoing activity and he has asked the code enforcement officer to increase awareness of prohibited signs to new businesses. Council Member Bernardini pointed out there are signs at the corner of US98 and SR50. It is a traffic safety issue and blocks the view of turning vehicles.

Article VIII Administration, Application and Appeal Procedures

City Planner Steve Gouldman stated this section was previously covered and there have been no modifications since the last meeting. Director Geiger pointed out there was an additional section from existing code for the Code Enforcement Officer and Hearing Officer.

Article IX Interpretations and Nonconformities

Mr. Gouldman stated this section is similar to the current Code of Ordinances but is more in depth. He elaborated on the review and appeal process for nonconforming uses. In reference to Council Member Bernardini's concern as to who can file an appeal, Director Geiger pointed out the appeals process is addressed under Article VIII on Page VIII-46 Part 8-3 Appeals A.2.c. "Any owner of real property as reflected on the current year's tax roll, lying within 150 feet in every direction of the property or project is the subject of the administrative decision..."

Article X Buildings and Building Regulations

Mr. Gouldman stated this section is taken directly from the Code of Ordinances. Director Geiger referenced page X-47 Section 10-1.5. Construction Board of Adjustment and Appeals and indicated there is no such board currently but there is a verbal agreement with the County to make use of their board should the need arise. Vice Mayor Johnston advised adding language that indicated the County Board of Adjustment Appeals can be appointed on a temporary basis at City Council discretion.

Council Member Bernardini asked if a new commercial tenant is made aware of what is allowed in the building as occupational permits are issued by the City. Vice Mayor Johnston indicated businesses should do research on the building use allowed before they sign a lease. Attorney McAteer cautioned that the City could be liable in a lawsuit should that be made part of the Code.

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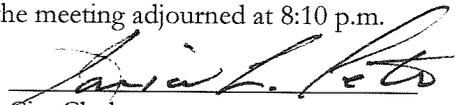
Article XI Definitions

City Planner Steve Gouldman indicated there are existing definitions with some additional that were not included.

Attorney McAteer commented on the Historic Preservation regulations and warned initial implementation can generate litigation that has been upheld in court in the past. He clarified that he does not anticipate that happening here since these are defensible provisions specific in nature.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:10 p.m.


City Clerk

Attest


Mayor