

**WORK SHOP OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON APRIL 11, 2017 AT 1:00 PM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Work Shop on April 11, 2017.

ROLL CALL

Attendee Name	Title	Status	Arrived
Juril "Buddy" Mansfield	Commissioner, District 1	Present	
James Selph	County Commissioner, District 2	Present	
Judy Schaefer	County Commissioner, District 3	Present	
Elton Langford	Chairman, District 4	Present	
Terry Hill	County Commissioner, District 5	Present	
Donald Conn	County Attorney	Present	
Mandy Hines	County Administrator	Present	
Jill Kersey	Transcribing Secretary	Present	
Richard Metzger	Facilities Director	Present	
Lauri Benson	Office Manager	Present	
Earl Hahn	Development Director	Present	
Michael Giardullo	County Engineer	Present	
Lester Hornbake	Building Official	Present	
Kathy Heitman	Compliance Specialist	Present	
Jorge Hernandez	Compliance Director	Present	

CALL TO ORDER 1:00 PM

TURN OFF OR SILENCE ALL CELL PHONES

PRESENTATIONS-MEDICAL MARIJUANA & LDR REVISIONS

PRESENTATIONS

1. Discussion/Land Development Regulations

Discussion of Land Development Regulation amendments.

Mr. Conn reported that he and Ms. Hines attended a conference on medical marijuana.

Azlina Goldstein Siegel spoke on various issues regarding the legalization of medical marijuana. The Compassionate Medical Cannabis Act was signed into law on June 16, 2014; effective January 1, 2015; amended March 2016. It allows the use of low THC (tetrahydrocannabinol) cannabis but high in a non-euphoria producing CBD (cannabidiol). Amendment 2 was approved by over 70% of Florida voters on November 8, 2016. There are only 7 approved dispensing organizations that are allowed to grow, process sell and deliver/sell medical marijuana in Florida. Each dispensing organization must receive authorization at 3 stages: cultivation, processing and dispensing authorization. The current law codified under the 2014 CMCA is still the governing law until the Department of Health implements regulation. Section 381.986 permits counties to determine by Ordinance the criteria for the number of dispensaries, location and other requirements. Local governments need a plan for the new medical marijuana market that will take shape following Fla. DOH's promulgation rules and future implementation plans by the legislature.

Gregory Hyden commented Senate Bills and House Bills will expand current framework. Senate Bill 406 will allow non-residents to purchase medical marijuana if approved in their home state, expands prescription supply and expands MMTCs (dispensaries); House Bill 1397 is more restrictive. Most of

our surrounding counties have moratoriums in place but will expire. Medical Marijuana remains illegal under the Federal Controlled Substances Act.

Lamar Matthews gave a brief history of his background. Regulation is necessary to prevent over saturation of market, high standards in industry control and safety. DeSoto County's regulations should limit the number of dispensaries, establish criteria for selection of companies to dispense, avoid fringe zoning and ensure safety of dispensaries and patients. The plants are numbered and blooms are tracked, delivery vehicles have cameras with certified drivers.

Margaret Rowell Good commented law enforcement can inspect the premises anytime during normal business hours or apparent activity. The County Ordinance can have authority over the City by operational law. A person is required to be under a Doctor's care for 90 days prior to receiving a recommendation for medical marijuana. Further discussion ensued.

Commissioner Selph does not want the dispensaries close to Churches, Schools, Playgrounds or City Parks.

Earl Hahn commented the Land Development Regulations (LDR) provides that an accessory structure must be incidental or subordinate to the principal building.

Ms. Hines commented an example would be in small neighborhoods where someone may build a very large barn on a half acre lot that dwarfs the main house. Mr. Hahn commented our LDRs don't give a lot of guidance on principal structures; it does not state if someone can have more than one principal use or building on a property. Setbacks are regulated as well as height. Mr. Conn questioned the Board if they are comfortable with the notion that the accessory should not be larger, by square footage, than the principal building and if so then it is only a matter of enforcement. Chairman Langford is undecided. Commissioner Hill commented zoning issues need to be dealt with due to the fact the issues are always different. Earl Hahn will bring back to the Board a suggestion based on different zoning districts. Commissioner Selph commented he will not put restrictions on A-5, A-10 or Agricultural zoning and feels residential area should be dealt with first. Mr. Hahn requested authority to amend the LDR to clarify the definitions for Accessory Use, Principal Use and Use.

Mr. Hahn presented an issue on time limitations between development applications. He found that Charlotte and Glades County have limitations on Special Exceptions and Variances; DeSoto County currently has no limitations. Ms. Hines suggested if someone is denied for one type of zoning the applicant should be allowed to apply for another type of zoning that fits within the Comprehensive Plan. The majority of the Board feel this is not an issue and can address later if necessary.

Mr. Hahn commented our minimum lot sizes are too large which makes it impossible to build the maximum number of units allowed. He feels this should be revised to provide greater flexibility. Chairman Langford does not feel this is necessary at this time. There have been no complaints in regards to minimum lots size and width. Mr. Hahn stated at a later date he will bring something for the Board to review.

Mr. Conn commented there are five take away points from the previous Workshop on Minor Plats. The first being all plats will be recorded, new lots must have frontage of county roads except for new lots on existing private roads, no easements unless they are in major subdivisions, we refer to the 1982 map for purposes of determining whether or not lots were previously split and lastly the definition of minor subdivisions will remain at 6 lots or less. Language will be presented to the Board at a later date.

Mr. Hahn commented Section 4140 is poorly drafted and would like to reorganize. He would like to also add language regarding minor subdivisions opinion of titles, recording fees and a boundary survey. Mr. Hahn would like the Board's permission to allow changes regarding improvement plans and lastly he would like the Board to allow electronic documents in order to speed up the development process.

Mike Giardullo spoke on hidden design features in the Comprehensive Plan and LDRs that can have unintended consequences on our community's appearance. He feels the most prevalent is in the minimum requirements for public roadways, right-of-ways and cross sections. We have a functional classification map and a Transportation Corridor Identification and Reservation (TCIR) map. He recommended the County further define collector roads. The TCIR puts our desired right-of-way widths on all the roadways. Mr. Giardullo recommended staff bring back to the Board an amended TCIR map with the right-of-way widths. The current LDRs only specify residential, collector and arterial and residential should be changed to local roads. He also discussed Engineering Standard Details to show what we do not have. When speaking of State and County highways our LDRs gives options on access to private property.

Mr. Giardullo commented right-of-way dedication is only occurring through the plat process and should we require through the development process. The last issue is who would prepare the dedication documents; Mr. Giardullo recommended the applicant be responsible. The Board would like the issues discussed today to come back in a Workshop.

RESULT: PRESENTATION GIVEN
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ADJOURNMENT

There being no further business, Chairman Langford adjourned the workshop at 2:54pm.

ATTEST:

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

**MANDY HINES
COUNTY ADMINISTRATOR**

**ELTON A. LANGFORD
CHAIRMAN**