

The Wauchula Planning and Zoning Board met for its regular on Monday, July 26, 2021 at 5:30 p.m.

The following members were present: Chairman Garry Phillips, Wayne Johnson and Ray Graham. Vice-Chairwoman Donna Steffens arrived at 5:32p.m.

Also, present were Community Development Director Kyle Long and City Clerk Holly Smith.

Chairman Garry Phillips called the meeting to order

Approval of Minutes – May 17, 2021

Graham motioned to approve the minutes from May 17, 2021, seconded by Steffens. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

Ordinance 2021-09 – FLUM for 305 Riverside Drive

Jennifer Codo-Salisbury and Dana Riddell with Central Florida Regional Planning Council addressed the Board. Riddell stated the request was to change the future land use from County Agriculture (AGR) to City Low Density Residential (LDR) for approximately 0.29 acres. Riddell added there was a request to change the zoning from County Single Family Residential (R1) to City Single Family Residential (R1A). Long informed the Board the property owner asked to be annexed into the city in hopes of building a house on the property soon. Long noted the property was contiguous.

Phillips announced the Public Hearing and opened discussion to the public. There were no comments from the public.

Johnson motioned to approve Ordinance 2021-09, seconded by Graham. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

Ordinance 2021-10 – Rezone for 305 Riverside Drive

Riddell addressed the Board and stated Ordinance 2021-10 was for the zoning change for 0.29 acres.

Phillips announced the Public Hearing and opened discussion to the public. There were no comments from the public.

Graham motioned to approve Ordinance 2021-10, seconded by Steffens. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

Ordinance 2021-11 – Comprehensive Plan Text Amendment

Jennifer Codo-Salisbury with Central Florida Regional Planning Council addressed the Board and explained Ordinance 2021-11. Codo-Salisbury stated effective July 1, 2021 a Property Rights Bill was signed into effect and requires all jurisdictions to add a property rights element into their comprehensive plan (F.S. 163.3177(6)(i)). Codo-Salisbury added the intent of the bill was to protect property rights and to ensure they are considered in local decision making.

Phillips announced the Public Hearing and opened discussion to the public. There were no comments from the public.

Johnson motioned to approve Ordinance 2021-11, seconded by Graham. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

Ordinance 2021-12 – ULDC Text Amendment Updating Food Truck Regulations

Long addressed the Board and gave a brief history on the food truck regulations that were adopted in 2015. Long noted within the last couple of months there had been some food trucks that wanted to set up but were not allowed due to their location. The issue was brought before the City Commission and they suggested revisiting the ordinance and see if changes were needed and directed staff to research the regulations of the surrounding cities and counties. Long stated the research was interesting but extensive due to every municipality being so different. Long added the City Attorney had advised him of a change regarding regulating food trucks that went into effect June 1, 2020. Long noted permitting food trucks was no longer allowed. Long explained the proposed changes to the ordinance which included the business tax, the notarized waiver from adjacent property owner giving authorization to allow a food truck to be closer than the 175 setbacks, the 175-feet from front door to food truck door, food truck did not have to leave property, stay out of the clear visibility triangle and outside seating. Phillips announced the Public Hearing and opened discussion to the public.

Gary Delatorre – 203 N. Florida Avenue, Wauchula

Delatorre addressed the Board and voiced his concerns with the proposed ordinance. Delatorre stated he did not feel the ordinance was in support of small businesses and did not agree with the 175-feet distance, no free-standing signage, regulating the number of customers dining, and the hours of operation. Delatorre asked the Board to be supportive of local businesses and to cut back on regulations. Graham stated he agreed with Delatorre's comments but also felt there had to be some type of regulations. Graham recommended making the changes temporary and revisit the ordinance in 6-months. Long noted there have been a total of 5 food trucks apply for a permit in the last 6 years and two of them have come and gone. Long commented the only complaint he has had was leaving the property nightly and that regulation was being eliminated. Long stated the proposed changes were not harder on a food truck vendor, in fact they were easier. Delatorre continued to debate the food truck regulations. Phillips stated the proposed changes make it easier on a food truck owner. Steffens asked who gave the City of Wauchula the right to say businesses cannot compete with each other. Long stated this was discussed 6 years ago and what the Commission adopted then made the brick-and-mortar business owners happy along with the food truck owners because at that time we did not allow food trucks at all. Steffens replied this man has property and cannot do anything with it. Long stated that is not true. Steffens commented then tell him what he can do with it. Long stated the waiver option would address his issues. Graham asked Long since a food truck was going on private property did, they have to get a license. Long replied yes, they have to get a business license like everyone else with a business in the City. Phillips asked if there was any more discussion. No one answered. Phillips asked for a motion for or against Ordinance 2021-12. Steffens asked to delay adoption because she did not receive documentation prior to the meeting on the ordinance and did not want to vote on the ordinance tonight. Steffens stated she wanted to see if there were any further changes that could be made to the ordinance in regards to the hours of operations and the tables. Steffens asked if anything was allowed over the tables for shade, such as a canopy. Long replied a build canopy cannot because it was

considered an accessory structure and that was not allowed but an umbrella or pop-up tent was allowed. Steffens asked if it had to be taken down at night. Long replied no. Steffens asked did that verbiage need to be added in the ordinance. Long stated that would be adding more regulations. Steffens replied I am asking to add it in case someone puts one up and then it becomes a problem. Steffens stated she wanted to discuss it at another meeting and wanted the document in her hand to review. Long stated it was the Board's discussion. Graham stated he felt an extensive amount of time had been put into the changes of the ordinance. Delatorre commented you could eliminate the distance requirement and that would be a big step in supporting local business. Graham stated that would postpone the adoption to another month. Graham asked Long how could they make the changes Delatorre mentioned. Long stated the Board could table the ordinance pending changes. Long noted there were only 3 current food trucks and only 5 applicants in 6 years. Long stated food trucks were allowed in the City in various locations. Phillips stated he was not okay with the 175-feet from property line to property line but was okay with it from entrance to entrance. Phillips added there are going to be some type of regulations, you just cannot put a carport anywhere you want on your property, we have regulations for a reason. Graham stated his opinion was that someone has done a lot of research and the ordinance was flexible in a sense and does not harm anyone. Graham motioned to recommend approval Ordinance 2021-12 as presented, seconded by Johnson. With no further discussion, Smith polled the Board; all were in favor except Steffens which voted no. Motion carried.

There were no comments from the public.

Old/New Business

None

Public Comment

There was no public present to comment.

Chairman Phillips adjourned the meeting at 6:47 p.m.

Chairman Garry Phillips

City Clerk Holly Smith