Baker County Land Planning Agency Agenda

Thursday, August 27, 2020 at 6:00 PM

**This meeting will be conducted in a virtual environment due to COVID-19 and in accordance with State of Florida Executive Order 20-69. Please see the attached procedures for participating in this meeting.**

MEETING CONNECTION INFORMATION:
To access the meeting please use the following:
Web Access https://us02web.zoom.us/j/89382767062
Telephone Access: 1-301-715-8592
Secondary Access Line: 1-312-626-6799
Meeting ID: 893 827 670 62

Katherine Heinz, Chair
Allen Cross
Sharon Padgett
Glen Patten
Greg Sheppard
Gabe Powers, 1st Alternate
Phil Zamarron, 2nd Alternate

I. Prayer and Pledge of Allegiance

II. Public Comments

III. Minutes

IV. New Business

A. Ord. No. 2020-36 Rezoning/Administrative Variance (Lyons)

V. Other Business

LPA Meeting Calendar Adjustment

VI. Adjourn
# MEETING ATTENDEE TYPE

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<td>Commissioners, Attorney, Clerk &amp; County Manager</td>
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<td>* Can be seen on video</td>
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<td>* Can talk openly during meeting</td>
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<td>* Can observe meeting in full capacity</td>
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HOW TO PROVIDE PUBLIC COMMENT

A. EMAIL comment@bakercountyfl.org
   Staff are actively monitoring this account and will forward comments on to the Chairman

B. ZOOM “CHAT” FUNCTION
   While participating in the Zoom meeting, the chat function is available. This will allow you to type a message in the chat box

C. ZOOM “RAISE YOUR HAND” FUNCTION
   While participating in the Zoom meeting, the raise your hand function is available. If using voice only for Zoom press *9 to “raise your hand”

D. CALL (904)259-0210
   This option will place you on a brief hold then connect you with a County staff member. Staff will take your comment and forward to the Chairman
Please join us for the Invocation and Pledge of Allegiance
DATE: August 24, 2020
TO: Baker County Local Planning Agency
THROUGH: Katherine Heinz, Chairwoman
FROM: Lara K. Diettrich, Interim Planning Staff
        Community Development Department
RE: Staff Report
        Administrative Variance
        12009 State Road 121 North, Macclenny, Florida 32063

BACKGROUND

On July 2, 2020, the property owners Tina and Jason Lyons submitted an application to amend the Zoning Map for approximately 0.49 +/- acres located at 12009 State Road 121, Macclenny, Florida 32063. The subject property consists of 0.49 acres. The subject parcel has a land use designation of Very Low Density Residential (VLDR) and a zoning district of Residential Conventional Mobile Home 1 (RCMH 1).

INTENT

The Applicant requests a zoning change from RESIDENTIAL CONVENTIONAL MOBILE HOME 1 (RCMH 1) TO RESIDENTIAL CONVENTIONAL MOBILE HOME .5 (RCMH .5). The current use is a single family dwelling unit (homestead). The Applicant proposes to bring the subject parcel into compliance. Originally, the Lyons' built their home on their grandparents’ property, Richard and Faye Davis. Later, the Lyons’ had the portion of land that their home was built on recorded as their own lot, which was then assigned a 9-1-1 address and parcel identification number. The parent parcel could afford the two structures at the time as the land
use, zoning and acreage allowed for two dwelling units with VLDR land use, RCMH 1 zoning, and consisting of 2.09 acres.

**ORDINANCE CODE**

The Applicant requests to amend the Zoning Map by changing the current zoning from Residential Conventional Mobile Home 1 to Residential Conventional Mobile Home .5. Due to the acreage of the lot that was subsequently created after the development of the Lyons’ home being non-conforming, a Variance would typically be requested. It has been the practice of Baker County that in such instances where inconsistencies are of such a small nature, it is to the discretion of the Community Development Department Director to make such decisions on administrative approvals. The rezoning requested by the applicant is sufficient to bring the subject parcel into compliance. The acreage of the existing lot is 0.49 acres, one hundredth (0.01) of an acre short of being compliant with the acreage sought.

The following land development regulations from the Baker County Ordinance Code are what determines the validity of a Variance:

Section 24-458(c)(2) Variance Findings.

a. There are practical difficulties in carrying out the strict letter of the regulation.

The Administrative Variance is approving the shortage of the subject parcel’s acreage by one hundredth of an acre, allowing it to proceed without a formal Variance application.

b. The Variance request is not based upon reducing the cost of developing the site.

The Administrative Variance is not based upon hardship nor being sought to reduce costs.

c. The proposed Variance will not increase congestion on public streets, nor danger of fire or other hazards to the public.

The Administrative Variance will not have any impacts to the surrounding area nor the safety, welfare or health of the inhabitants or neighbors.

d. The proposed Variance will not diminish the property values.

The Administrative Variance will not diminish the property values in the area.

e. The proposed Variance is in harmony with the general intent of the Code and the surrounding area.

The Administrative Variance is in harmony with the general intent of the Code and surrounding area as the existing structure.

f. The Variance does not contravene with the provisions of the Comprehensive Plan.

The Administrative Variance does not conflict or disregard the goals, objectives, and policies of the Comprehensive Plan.
RECOMMENDATION

The proposed Administrative Variance is required due to the Applicants’ request to change their zoning from Residential Conventional Mobile Home 1 to Residential Conventional Mobile Home .5. The subject parcel is 0.49 of an acre, falling short by one hundredth of an acre.

Staff has APPROVED the Administrative Variance based upon these findings.
DATE: August 24, 2020
TO: Baker County Local Planning Agency
THROUGH: Katherine Heinz, Chairwoman
FROM: Lara K. Diettrich, Interim Director
Community Development Department
RE: Ordinance No. 2020-36 REZONING (LYONS)
12009 State Road 121 North, Macclenny, Florida 32063
Parcel No. 20-2S-22-0000-0000-0221

BACKGROUND

On July 2, 2020, the property owners Tina and Jason Lyons submitted an application to amend the Zoning Map for approximately 0.49 +/- acres located at 12009 State Road 121, Macclenny, Florida 32063. The subject property consists of 0.49 acres. The subject parcel has a land use designation of Very Low Density Residential (VLDR) and a zoning district of Residential Conventional Mobile Home 1 (RCMH 1).

INTENT

The Applicant requests a zoning change from RESIDENTIAL CONVENTIONAL MOBILE HOME 1 (RCMH 1) TO RESIDENTIAL CONVENTIONAL MOBILE HOME .5 (RCMH .5). The current use is a single family dwelling unit (homestead). The Applicant proposes to bring the subject parcel into compliance. Originally, the Lyons' built their home on their grandparents’ property, Richard and Faye Davis. Later, the Lyons' had the portion of land that their home was built on recorded as their own lot, which was then assigned a 9-1-1 address and parcel identification number. The parent parcel could afford the two structures at the time as the land use, zoning and acreage allowed for two dwelling units with VLDR land use, RCMH 1 zoning, and consisting of 2.09 acres.
The subject parcel is bound by the following land use designations and zoning districts:

North: Very Low Density Residential/Residential Conventional Mobile Home 1
South: Very Low Density Residential, Commercial/Residential Conventional Mobile Home 1, Industrial, Commercial General
East: Very Low Density Residential/Residential Conventional Mobile Home 1, Residential Conventional 1
West: Very Low Density Residential/Residential Conventional Mobile Home 1, Commercial Highway

**ORDINANCE CODE**

The Applicant requests to amend the Zoning Map by changing the current zoning from Residential Conventional Mobile Home 1 to Residential Conventional Mobile Home .5. This rezoning request is subject to the following land development regulations from the Baker County Ordinance Code:

**CURRENT ZONING DISTRICT**

Sec. 24-193. - RCMH 1 Residential Conventional and Mobile Home District.

(a) **Generally.** The provisions of this section apply to the RCMH 1 Residential Conventional and Mobile Home District. This district is similar to the RC 1 Residential Conventional District. However, mobile homes are permitted. The purpose of classifying land and water areas within this district is to provide a transition between the agricultural and single-family districts and to accommodate residential development of single-family conventional or mobile homes in areas not served by central water and sanitary facilities within the Very Low Density land use category of the comprehensive plan. One unit per acre will be permitted and each unit shall have immediate access to a county-maintained paved road. Development must meet building codes and have a county department of health approved well and septic tank installation.

(b) **Permitted uses and structures.**

(1) Within any RCMH 1 district permitted uses and structures allowed by right are as follows:
   a. Church.
   b. Community residential facility, Type A.
   c. Country club.
   d. Fishponds (two acres or less).
   e. Golf course/club.
   f. Guest house (site plan review).
   g. Reserved.
   h. Mobile home.
   i. Roadside produce stand.
   j. Silviculture.
   k. Single-family (one unit per acre).
   l. Special use (see section 24-234).
   m. Temporary use (see section 24-234).

(2) Additionally, within any RCMH 1 district the following accessory uses, and structures are allowed:
   a. Storage buildings, sheds, tool houses and private garages.
b. Noncommercial greenhouses and plant nurseries.
c. Play equipment.
d. Household pets.
e. Swimming pools.

(c) **Permissible uses by special exception.**

1. Nursing home.
2. Private stable (site plan review; see section 24-148(c)).
3. Public riding stable (site plan review; see section 24-148(d)).
4. Veterinary clinic (site plan review).
5. Wireless telecommunication facilities (see section 24-235).
   a. Club.
   b. Lodge.
   c. Recreational association.
   d. Neighborhood association.
   e. Cultural activities.

(d) **Permissible uses by limited notice.**

1. Day care center.
2. Home occupation.

(e) **Setback and other standards.**

1. Minimum lot requirements (width, depth, and area).
   a. Width: 100 feet.
   b. Depth: none.
   c. Area: one acre.
2. Maximum lot coverage by all buildings and structures.
   a. Not applicable.
3. Minimum yard requirements.
   a. Front: 25 feet.
   b. Side: 25 feet.
   c. Rear: 25 feet.

**PROPOSED ZONING DISTRICT**

Sec. 24-194. - RCMH 0.5 Residential Conventional and Mobile Home District.

(a) **Generally.** The provisions of this section apply to RCMH 0.5 Residential Conventional and Mobile Home District. This district is similar to the RC 0.5 Residential Conventional District. However, mobile homes are permitted. This district will permit two units per acre and provides for the construction of single-family conventional homes in areas with or without public water and wastewater facilities within the medium density
land use category of the comprehensive plan. Each unit on a lot of one acre or less must have immediate access to a county-maintained paved road. If a parcel is less than one-half acre it must have central water.

(b) **Permitted uses and structures.**

(1) Within any RCMH 0.5 district permitted uses and structures allowed by right are as follows:
   a. Church.
   b. Community residential facility, Type A.
   c. Country club.
   d. Fishponds (two acres or less).
   e. Golf course/club.
   f. Mobile home (two units per acre).
   g. Single-family conventional (two units per acre).
   h. Special use (see section 24-234).
   i. Temporary use (see section 24-234).

(2) Additionally, within any RCMH 0.5 district the following permitted accessory uses, and structures are allowed:
   a. Storage buildings, sheds, tool houses and private garages.
   b. Noncommercial greenhouses and plant nurseries.
   c. Play equipment.
   d. Household pets.
   e. Swimming pools.

(c) **Permissible uses by special exception.**

(1) Professional residential facility.
(2) Nursing home.
(3) Wireless telecommunication facilities (see section 24-235).
(4) Semi-public uses.
   a. Club.
   b. Lodge.
   c. Recreational association.
   d. Neighborhood association.
   e. Cultural activities.

(d) **Permissible uses by limited notice.**

(1) Day care center.
(2) Home occupation.

(e) **Setback and other standards.**

(1) Minimum lot requirements (width, depth, and area).
   a. Width: 100 feet.
   b. Depth: 120 feet.
   c. Area: 0.5 acre.
(2) Maximum lot coverage by all buildings and structures. Maximum lot coverage by all buildings and structures shall be 30 percent.

(3) Minimum yard requirements.
   a. Front: 25 feet.
   b. Side: ten feet.
   c. Rear: 25 feet.

(4) Maximum height of structures. Maximum height of structures shall be 35 feet.

DEVELOPMENT REVIEW COMMITTEE COMMENTS

The Administrative Variance is not based upon hardship nor being sought to reduce costs.

Baker County Fire and Rescue

1. There are no comments.

Public Works Department

1. There are no comments.

Baker County Health Department

1. There are no comments.

Baker County School District

1. The are no comments.

Community Development Department

1. There are no comments.

RECOMMENDATION

The Applicant’s request to rezone the subject parcel from RCMH 1 TO RCMH .5 is in keeping with the surrounding area. The density proposed by the Applicant is similar to that of the surrounding residential parcels; and brings this parcel into compliance.

Staff recommends APPROVAL for the requested rezoning from Residential Conventional Mobile Home 1 to Residential Conventional Mobile Home .5.