Baker County Land Planning Agency

Thursday, July 13, 2023 at 6:00 PM

Agenda

LPA Members:
Katherine Heinz
Greg Sheppard
Gabe Powers
Phil Zamarron
Ann Watts, Alternate

I. Prayer and Pledge of Allegiance

II. Public Comments

III. Approval of the Minutes: Meeting Minutes from the June 8, 2023 LPA meeting

IV. New Business:

1. Resignation Announcement

2. Nominate New Chair

3. Variance (Vickers)
   Staff Recommendation: Approval

4. Variance (Norman)
   Staff Recommendation: Approval

5. Ord. 2023-06 Small Scale Land Use (Wilder)
   Staff Recommendation: Approval

6. Ord. 2023-07 Rezoning (Wilder)
   Staff Recommendation: Approval

7. Ord. 2023-08 Small Scale Land Use (BOCC)
   Staff Recommendation: Approval

8. Ord. 2023-09 Rezoning (BOCC)
   Staff Recommendation: Approval
9. Homestead Division (Crews)
   Staff Recommendation: Denial

V. Comments

VI. Adjourn
MEETING MINUTES

DATE: June 8, 2023
TO: Baker County Local Planning Agency
FROM: Julie Cox, LPA Secretary

Commenced at 6:03 PM

Local Planning Agency Members Present:

Glen Patten, Chair
Katherine Heinz
Greg Sheppard
Phil Zamarron
Ann Watts

Staff present:

Jack Shad, Community Development Interim Director
LaDonna Combs, Community Development Department
Julie Cox, Community Development Department
David Weathers, Development Operations

Approved minutes from the May 11, 2023, LPA meeting.
Motion to approve by: Phil Zamarron
Second: Greg Sheppard
Unanimous vote

1. Ord. 2023-05 Rezoning (Baker County Development Commission)
Staff Recommendation: Approval

Motion to approve by: Greg Sheppard
Second: Phil Zamarron
Unanimous Vote

Greg Sheppard asked if we need to stipulate that conservation stays conservation?
LaDonna Combs answered no.
Greg Sheppard asked if the strip was included, will that create land-locked property?
Darrell Register, agent answered that it’s a dirt road.
Phil Zamarron asked if there would be chemicals, and would they be cleaned off site?
Darrell Register, agent stated that this is a business that’s been in business since 1980.
Any storage of chemicals are regulated thru OSHA. Glen Patten asked why heavy industrial and not industrial? LaDonna answered that Heavy Industrial covers more.

Comments

Glen Patten went over LPA Procedures. (see attachment A)

Jack Shad spoke about LPA Policies and Procedures (see attachment B & C)

Next LPA meeting is on **June 13, 2023, at 6:00pm in the County Commissioners Chambers**

**The meeting was adjourned at 7:11 PM.**
LPA Procedures Discussion Points

LPA Member Initial Training:
   LDRs & Comprehensive Plan
   Municode Sections 2-94, -95, -96 and Chapter 24. (Updates?)
   Florida Sunshine Law
   Ex-Parte Communications
   Reference Material – Florida Planning Officials Handbook (Example)
   Robert’s Rules of Order
      “Short” version (Motions, Agenda)
      Public Hearings versus Regular Session

LPA Continuing Education:
   2015 LPA Training Workshops
   Quasi-Judicial
      Ordinance
      Lawyer Presence
   Current Events (St. Johns County Growth Management Workshops)
   Robert’s Rules of Order

Ongoing Topics and Actions:
   Appreciation Certificate for Alan Cross
   Hiring of new Director (Remaining Budget?)
   LDR Revisions
      Comprehensive Plan Update (F.S. Chapter 163, Part II – 163.2511 to 163.3253)
      Workshops
      Tracking Status
   3 Hearing requirement for Applicants
   Courtesies
      Email Reminders for Attendance
      Arrival on Time
      Dress Code
Sec. 2-94. - Land planning agency; organization and procedures.

(a) Organization.

(1) The land planning agency shall have five members appointed by the county board of county commissioners and one member appointed by the county school board. The county school board appointee shall be a non-voting member of the land planning agency. The Town of Glen St. Mary shall also appoint a non-voting member to the land planning agency.

(2) The board of county commissioners shall appoint two alternate members who shall be allowed to vote and participate in land planning agency business subject to the requirements of this section when called upon by the land planning agency chair to participate in land planning agency meetings in order to ensure a quorum. Such alternate members shall be appointed and serve pursuant to the requirements for active members.

(3) Each member shall reside in the county.

(4) When a position becomes vacant before the end of the term, the board of county commissioners shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

(5) All members serve at the pleasure of the board of county commissioners and may be removed at any time without cause.

(6) LPA members shall be appointed for a term of three years. Any member may be re-appointed upon approval of the board of county commissioners, as provided for herein.

(7) Members shall not be compensated, but may be paid for travel and other expenses incurred on agency business under procedures prescribed in advance by the board of county commissioners.

(8) If any member fails to attend three consecutive, regularly scheduled meetings or ten of 24 regular or special meetings or workshops. The board of county commissioners shall declare the member's office vacant.

(9) An appointee of the land planning agency can hold another non-elective public office or a non-elective position in the county provided:

   a. The board or commission does not have authority over or make policy decisions which affect or regulate the public office or position in the county held by the person being considered for the appointment; and

   b. The regularly scheduled board or commission meetings do not conflict with the workday or work duties of the person being considered for the appointment.

(b) Officers.

(1)
The members of the land planning agency shall annually elect a chair and vice-chair from among the members and may create and fill other offices as the agency deems needed or necessary. The vice-chair shall preside in the absence of the chair or when the chair has need to disqualify himself. However, the alternate member may not serve as chair or vice-chair.

(2) The county manager shall appoint a county employee to serve as secretary to the land planning agency, recorder and custodian of all agency records.

(c) Meetings.

(1) The land planning agency shall meet at least once each calendar month, unless canceled by the land planning agency or its chair, and more often at the call of the chair or the board of county commissioners.

(2) The land planning agency shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.

(3) Four regular voting members or three regular voting members and the alternate shall constitute a quorum. It is the intent of the board of county commissioners to provide an alternate voting member to cure the lack of a quorum for voting purposes, such that decisions may be made in a timely fashion and not delayed for want of a full quorum.

(d) Subcommittees.

(1) The land planning agency shall create whatever subcommittees it deems needed to carry out the purposes of the agency.

(2) The chair of the land planning agency shall annually appoint the membership of each subcommittee from the members of the agency.

(e) Decisions. Each decision of the land planning agency must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Failure to receive a majority vote of the members present shall act as a denial of the application, appeal, or other matter that is before the land planning agency. In the event that the regular quorum of voting members results in a tied vote: the alternate voting member may vote to cause a true majority.

(f) Disqualification of members. If any member of the land planning agency shall find that his private or personal interests are involved in a matter coming before the board, he shall disqualify himself from all participation on that case. No member of the land planning agency shall appear before the land planning agency as agent or attorney for any person. In the event that a regular voting member must disqualify themselves, and that disqualification reduces the land planning agency so that it no longer presents a quorum, the alternate voting member may be called to vote to assure timely decisions by a true voting quorum of the LPS.

(g) Other rules. The land planning agency shall adopt other rules of procedure necessary to carry out its purposes. All rules must conform to this Code, other county ordinances, and state law. The rules shall be in writing and freely available to the public.
Sec. 2.95. - Powers and duties.

(a) **Advisory.** The land planning agency shall serve in an advisory capacity and recommending body to the county board of county commissioners on matters relating to zoning of land, amendment of land development regulations, land use amendments and major modifications to planned developments, including those functions as the county's local planning agency per F.S. ch. 163.

(b) **Decisions.** The land planning agency shall serve as an appeals and adjustment board on matters relating to zoning. In this capacity, the agency shall be authorized to:

1. Grant minor modifications to planned developments as provided in this Code.
2. Review zoning changes for consistency with the county comprehensive plan, as amended from time to time.
3. Grant special use permits/special exceptions as provided in this Code.
4. Perform such other functions and take such actions as provided by this Code.
5. To hear and decide only those special exceptions as the land planning agency is specifically authorized to pass on under the terms of this regulation; to decide such questions as are involved in determining when special exceptions should be denied or granted with appropriate conditions and safeguards. After review of an application and a public hearing thereon, with due public notice, the land planning agency may allow uses for which a special exception is required; provided that the land planning agency must first make a determination that the use requested meets all of the following criteria:
   a. Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area;
   b. Does not have an unduly adverse effect on existing traffic patterns, movements, and volumes;
   c. Promotes the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the neighborhood;
   d. Is consistent with the approved county comprehensive plan;
   e. Meets any additional requirements specified in the land development regulations authorizing the use in a particular zoning district or category; and
   f. Does not require a variance to any of the provisions in the land development regulations.

In granting any special exception or use, the land planning agency may prescribe appropriate conditions and safeguards to ensure the compatibility of the use with the surrounding neighborhood. The decision from the land planning agency granting the approval or denial of
the special exception or use shall be final, but may be appealed to the board of county commissioners.

(6) Grant zoning variances as provided in this Code further provided that no such variance may be granted which allows a use of property contrary to this Code. The land planning agency may grant variances that are not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of chapter 24, article III will result in unnecessary and undue hardship. The land planning agency has the power to authorize such variance from the terms of these land development regulations governing the height, area, and size of structures, yards, and open spaces, as will not be contrary to the public interest and where, owing to conditions peculiar to the property. The establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining classification or districts. In order to grant a variance, land planning agency must first determine that the following criteria are all met:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification;

b. That special conditions and circumstances do not result from the actions of the applicant;

c. That granting the variance request will not confer on the applicant any special privilege that is denied by chapter 24, article III to other lands, buildings, or structures in the same zoning classification;

d. That literal interpretation of the provisions of chapter 24, article III would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant;

e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

f. That the grant of the variance will be in harmony with the general intent and purpose of chapter 24, article III will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting a variance, the land planning agency may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms granted shall be deemed a violation of this section. The land planning agency may prescribe a reasonable time limit within which the action for the variance is required shall be begun or completed, or both. The decision of the land planning agency granting the approval or denial of the variance shall be final, but may be appealed to the board of county commissioners.
(c) Comprehensive plan duties of the land planning agency. The land planning agency shall serve as the county's local planning agency. In this capacity the land planning agency shall:

(1) Be responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the board of county commissioners regarding the adoption or amendment of such plan.

(2) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the board of county commissioners such changes in the comprehensive plan as may from time to time be required.

(3) Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the board of county commissioners as to the consistency of the proposal with the adopted comprehensive plan or portion thereof.

(4) Perform any other functions, duties and responsibilities assigned to it by the board of county commissioners or by general or special law.

(LDR 2014, § 10.01.05; Ord. No. 2013-04, § 1, 7-15-2014)

Sec. 2-96. - Hearings before the land planning agency.

All meetings of the land planning agency are required to be open to the public:

(1) Before making a decision on an appeal or an application for a variance, or special exception, or a petition from the planning and zoning director for a determination, the land planning agency shall hold a public hearing on the appeal or application.

(2) Subject to subsection (3) of this section, all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

(3) The land planning agency may place reasonable and equitable limitation on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

(4) The land planning agency may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapsed between hearing dates.

(LDR 2014, § 10.06.02; Ord. No. 2013-04, § 1, 7-15-2014)
Parliamentary Procedure for Meetings

Robert's Rules of Order is the standard for facilitating discussions and group decision-making. Copies of the rules are available at most bookstores. Although they may seem long and involved, having an agreed-upon set of rules makes meetings run easier. Robert's Rules will help your group have better meetings, not make them more difficult. Your group is free to modify them or find another suitable process that encourages fairness and participation, unless your bylaws state otherwise.

Here are the basic elements of Robert's Rules, used by most organizations:

1. **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that....") A second motion must then also be made (raise your hand and say, "I second it.") After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.)

2. **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.

3. **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.

4. **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.

5. **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.

6. **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.

7. **Adjourn:** A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

**Note:** If more than one motion is proposed, the most recent takes precedence over the ones preceding it. For example if #6, a motion to table the discussion, is proposed, it must be voted on before #3, a motion to amend, can be decided.

In a smaller meeting, like a committee or board meeting, often only four motions are used:

- To introduce (motion.)
- To change a motion (amend.)
- To adopt (accept a report without discussion.)
- To adjourn (end the meeting.)
Remember, these processes are designed to ensure that everyone has a chance to participate and to share ideas in an orderly manner. Parliamentary procedure should not be used to prevent discussion of important issues.

Board and committee chairpersons and other leaders may want to get some training in meeting facilitation and in using parliamentary procedure. Additional information on meeting processes, dealing with difficult people, and using Robert's Rules is available from district office staff and community resources such as the League of Women Voters, United Way and other technical assistance providers. Parliamentary Procedure at a Glance, by O. Garfield Jones, is an excellent and useful guide for neighborhood association chairs.

**Tips in Parliamentary Procedure**

The following summary will help you determine when to use the actions described in Robert's Rules.

- A main motion must be moved, seconded, and stated by the chair before it can be discussed.
- If you want to move, second, or speak to a motion, stand and address the chair.
- If you approve the motion as is, vote for it.
- If you disapprove the motion, vote against it.
- If you approve the idea of the motion but want to change it, amend it or submit a substitute for it.
- If you want advice or information to help you make your decision, move to refer the motion to an appropriate quorum or committee with instructions to report back.
- If you feel they can handle it better than the assembly, move to refer the motion to a quorum or committee with power to act.
- If you feel that there the pending question(s) should be delayed so more urgent business can be considered, move to lay the motion on the table.
- If you want time to think the motion over, move that consideration be deferred to a certain time.
- If you think that further discussion is unnecessary, move the previous question.
- If you think that the assembly should give further consideration to a motion referred to a quorum or committee, move the motion be recalled.
- If you think that the assembly should give further consideration to a matter already voted upon, move that it be reconsidered.
- If you do not agree with a decision rendered by the chair, appeal the decision to the assembly.
- If you think that a matter introduced is not germane to the matter at hand, a point of order may be raised.
- If you think that too much time is being consumed by speakers, you can move a time limit on such speeches.
- If a motion has several parts, and you wish to vote differently on these parts, move to divide the motion.
<table>
<thead>
<tr>
<th>TO DO THIS</th>
<th>YOU SAY THIS</th>
<th>MAY YOU INTERRUPT SPEAKER</th>
<th>MUST YOU BE SECONDED</th>
<th>IS MOTION DEBATABLE</th>
<th>WHAT VOTE REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn meeting*</td>
<td>I move that we adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Recess meeting</td>
<td>I move that we recess until...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Complain about noise, room temperature, etc.*</td>
<td>Point of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Suspend further consideration of something*</td>
<td>I move we table it</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>End debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Postpone consideration of something</td>
<td>I move we postpone this matter until...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Have something studied further</td>
<td>I move we refer this matter to committee</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Amend a motion</td>
<td>I move this motion be amended by...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Introduce business (a primary motion)</td>
<td>I move that...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Object to procedure or personal affront*</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote, Chair decides</td>
</tr>
<tr>
<td>Request information</td>
<td>Point of information</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Ask for actual count to verify voice vote</td>
<td>I call for a division of the house</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Object consideration of undiplomatic vote*</td>
<td>I object to consideration of this question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Take up a matter previously tabled*</td>
<td>I move to take from the table...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Reconsider something already disposed of*</td>
<td>I move we reconsider our action relative to...</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Consider something already out of its schedule*</td>
<td>I move we suspend the rules and consider</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>2/3 vote</td>
</tr>
<tr>
<td>Vote on a ruling by the Chair</td>
<td>I appeal the Chair's decision</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

*Not amendable
## Parliamentary Procedure at a Glance

<table>
<thead>
<tr>
<th>Privileged Motions</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Can Be Reconsidered</th>
<th>Requires 2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fix Time at Which to Adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Adjourn</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Question of Privilege</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Call for Order of Day</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Incidental Motions</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Can Be Reconsidered</th>
<th>Requires 2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Objection to Consideration of a Question</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Point of Information</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Point of Order</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Read Papers</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Suspend the Rules</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Withdraw a Motion</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subsidiary Motions</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Can Be Reconsidered</th>
<th>Requires 2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lay on the Table</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>The Previous Question (close debate)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Limit or Extend Debate</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone to a Definite Time</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Refer to Committee</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Amend the Amendment</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Amendment</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Postpone Indefinitely</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Main Motion</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Can Be Reconsidered</th>
<th>Requires 2/3 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main or Procedural Motion</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

This table presents the motions in order of precedence. Each motion takes precedence over (i.e. can be considered ahead of) the motions listed below it. No motion can supersede (i.e. be considered before) any of the motions listed above it.

**Please Note:** Many organizations use only the Main Motion and Subsidiary Motions, handling other matters on an informal basis.
IN THE MEETING

TO INTRODUCE A MOTION:

Stand when no one else has the floor.
Address the Chair by the proper title.
Wait until the chair recognizes you.

- Now that you have the floor and can proceed with your motion say "I move that...," state your motion clearly and sit down.
- Another member may second your motion. A second merely implies that the seconder agrees that the motion should come before the assembly and not that he/she is in favor of the motion.
- If there is no second, the Chair says, "The motion is not before you at this time." The motion is not lost, as there has been no vote taken.
- If there is a second, the Chair states the question by saying "It has been moved and seconded that ... (state the motion). . . . Is there any discussion?"

DEBATE OR DISCUSSING THE MOTION:

- The member who made the motion is entitled to speak first.
- Every member has the right to speak in debate.
- The Chair should alternate between those "for" the motion and those "against" the motion.
- The discussion should be related to the pending motion.
- Avoid using a person's name in debate.
- All questions should be directed to the Chair.
- Unless there is a special rule providing otherwise, a member is limited to speak once to a motion.
- Asking a question or a brief suggestion is not counted in debate.
- A person may speak a second time in debate with the assembly's permission.

VOTING ON A MOTION:

- Before a vote is taken, the Chair puts the question by saying "Those in favor of the motion that ... (repeat the motion)... say "Aye." Those opposed say "No." Wait, then say "The motion is carried," or "The motion is lost."
- Some motions require a 2/3 vote. A 2/3 vote is obtained by standing
- If a member is in doubt about the vote, he may call out "division." A division is a demand for a standing vote.
- A majority vote is more than half of the votes cast by persons legally entitled to vote.
- A 2/3 vote means at least 2/3 of the votes cast by persons legally entitled to vote.
- A tie vote is a lost vote, since it is not a majority.
AMENDMENTS ILLUSTRATED

Any main motion or resolution may be amended by:

1. Adding at the end
2. Striking out a word or words
3. Inserting a word or words
4. Striking out and inserting a word or words
5. Substitution

A member rises, addresses the chair, receives recognition, and states the motion:

"I move that..."

Another member seconds the motion.

The Chair repeats the motion and says, "Is there any discussion?"

To improve the motion, a member rises, receives recognition and says, "I move to amend the motion by..."

Another member seconds the amendment.

The Chair repeats the amendment and says, "Is there any discussion on the amendment?"

To improve the amendment, a member rises, receives recognition, and says, "I move to amend the amendment by..."

Another member seconds the amendment.

The Chair repeats the amendment to the amendment and says, "Is there any discussion on the amendment to the amendment?"

- When discussion ceases, the Chair says, "Those in favor of the amendment to the amendment say 'Aye'. Those opposed say 'No'."
- If the vote was in the affirmative, the amendment is included in the primary amendment. The Chair then says, "Is there any discussion on the amended amendment?"
- If there is no discussion, a vote is taken on the amended amendment. If the vote in the affirmative, the amendment is included in the main motion. The chair then says, "Is there any discussion on the amended motion?"
- At this place, the motion can again be amended.
- If there is no further discussion, a vote is taken on the amended motion.
- Even though the amendments carried in the affirmative, the main motion as amended can be defeated.
STAFF REPORT

DATE:       June 27, 2023
TO:         Baker County Land Planning Agency
FROM:       LaDonna Combs, Planner 1
            Community Development Department
RE:         VARIANCE Seeking relief from road requirements

BACKGROUND

Paul Vickers has applied for a Variance to allow for the construction of a site-built home on a lot which does not have direct access to a County-maintained, paved road, as required by the Zoning Code. The subject parcel (#19-2S-22-0000-0000-0212) is located at 6835 Bob Kirkland Rd. Macclenny Fl. 32063 The subject parcel consists of 4.01 acres and is currently vacant.

Bob Kirkland is a County-maintained, partially paved road. The subject parcel lies along the unpaved portion of Bob Kirkland at the intersection of Ruby Lane (private, unpaved).

INTENT

The subject parcel has a land use designation of Very Low Density Residential (VLDR) and a zoning district of Residential Conventional and Mobile Home 1 (RCMH 1). This district requires that “each unit shall have immediate access to a county-maintained paved road.” The applicants are seeking a Variance to allow relief from this requirement.

The subject parcel is bound by the following land use designations and zoning districts:

   North: Very Low Density Residential/Residential Conventional and Mobile Home 1
   South: Very Low Density Residential/Residential Conventional and Mobile Home 1
   East:  Very Low Density Residential/Residential Conventional and Mobile Home 1
   West:  Very Low Density Residential/Residential Conventional and Mobile Home 1
BAKER COUNTY ORDINANCE CODE

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.

Variance Criteria

The Land Development Regulations for a Variance are outlined in Section 24-458(c)(2)
Variance Findings. The applicable required criteria are discussed below:

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

Bob Kirkland is a County-maintained, partially paved road. There is no feasible way for
the applicants to change this.

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

This Variance request is not based upon reducing the cost of developing the site; it is
due to the impossibility of meeting the requirement.

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

The proposed Variance will add 1 household worth of traffic to a county-maintained
partially paved road. It should not create any hazards to the public.

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

The subject parcel is located within a residential area and should not have any negative
financial impact on the surrounding parcels.

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

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

The request would not conflict with the Goals, Objectives, or Policies of the 2040 Comprehensive Plan.

**RECOMMENDATION**

Because the application meets all of the required review criteria for a variance, staff recommends **APPROVAL**
Darrell & Megan Norman have applied for a Variance to allow for the placement of a mobile home on a lot which does not have direct access to a County-maintained, paved road, as required by the Zoning Code. The subject parcel (#19-2S-22-0000-0000-0230) is located at 6335 Clyde Sands Rd. Macclenny Fl. 32063 The subject parcel consists of 3.84 acres and is currently vacant.

Bob Kirkland is a County-maintained, partially paved road. The subject parcel will be accessed from Clyde Sands Rd., which is a private drive that lies along the unpaved portion of Bob Kirkland.

The subject parcel has a land use designation of Very Low Density Residential (VLDR) and a zoning district of Residential Conventional and Mobile Home 1 (RCMH 1). This district requires that “each unit shall have immediate access to a county-maintained paved road.” The applicants are seeking a Variance to allow relief from this requirement.

The subject parcel is bound by the following land use designations and zoning districts:

North: Very Low Density Residential/Residential Conventional and Mobile Home 1
South: Very Low Density Residential/Residential Conventional and Mobile Home 1
East: Very Low Density Residential/Residential Conventional and Mobile Home 1
West: Very Low Density Residential/Residential Conventional and Mobile Home 1

BAKER COUNTY ORDINANCE CODE

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.

Variance Criteria

The Land Development Regulations for a Variance are outlined in Section 24-458(c)(2) Variance Findings. The applicable required criteria are discussed below:

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

   Bob Kirkland is a County-maintained, partially paved road. There is no feasible way for the applicants to change this.

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

   This Variance request is not based upon reducing the cost of developing the site; it is due to the impossibility of meeting the requirement.

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

   The proposed Variance will add 1 household worth of traffic to a county-maintained partially paved road. It should not create any hazards to the public.

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

   The subject parcel is located within a residential area and should not have any negative financial impact on the surrounding parcels.
e. The proposed Variance is in harmony with the general intent of the Code and the surrounding area.

The proposed variance is in harmony with the general intent of the Code.

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

The request would not conflict with the Goals, Objectives, or Policies of the 2040 Comprehensive Plan.

RECOMMENDATION

Because the application meets all of the required review criteria for a variance, staff recommends APPROVAL.
STAFF REPORT

DATE ISSUED: July 7, 2023

ISSUED BY: Jack Shad, Interim Director

SUBJECT: Ordinance No. 2023-06 SMALL SCALE LAND USE AMENDMENT

BACKGROUND

Sabrina Thrift has applied for a rezoning and land use change for the subject property on behalf of the property owners. The 3 acre parcel (No. 12-3S-21-0000-0000-0196) is located on Woodlawn Road just east of County Road 125. The parcel was improperly created in 1996 and does not meet the minimum lot size requirement for the current AG 7.5 zoning district. The applicant seeks to correct this issue so the property owner can build a site built home.

INTENT

The subject parcel has a land use designation of Agriculture B (AG B) and a zoning district of Agriculture 7.5 (AG 7.5). The Applicant proposes a change in land use from AGRICULTURE B TO VERY LOW DENSITY RESIDENTIAL. There is a companion rezoning application that has been submitted. The Applicant proposes a change in land use to bring the subject parcel into zoning compliance so they can build a home.

The subject parcel is bound by the following land use designations and zoning districts:

- North: Agriculture B / Agriculture 7.5
- South: Agriculture B / Agriculture 7.5 and Very Low Density Residential / RCMH 1
- East: Agriculture B / Agriculture 5 and 7.5
- West: Agriculture B / Agriculture 7.5
COMPREHENSIVE PLAN

CURRENT LAND USE CATEGORY

Policy A.1.10.1 Agriculture

A. Agriculture Ag B

The category Ag B is in transition because of development potential as a result of location. Ag B lands lie at the fringe of developing areas, along major transportation routes or contain within the area numerous pockets of already developed parcels.

Ag B lands are intended to be used for small-scale agriculture activities such as cultivation of field crops, livestock, dairies, or other uses on a limited scale.

Ag B lands may be developed at a maximum density of one (1) dwelling unit per 5.0 acres.

PROPOSED LAND USE CATEGORY

Policy A.1.10.2 Residential

The residential land use category includes single family detached, single family attached, duplex, and multi-family housing. Parcels of land designated for residential land use are intended to be used predominately for housing and should be protected from intrusion of land uses that are incompatible with residential density or intensity of use.

The following minimum criteria pertain to residential land use categories:

- All development must meet building codes and have either a County Department of Health approved well and septic tank installation or connection to central water/sewer facilities.

- Compliance with the Concurrency Management System is required before development will be permitted at the stated densities/intensities of use.

- **Very Low Density**
  Range of density from a maximum density of 1 dwelling unit per acre to a minimum of 1 unit per 7.5 acres, which will include zoning categories: Ag 7.5, RCMH1, RC1, and RCMH 2.5.

DEVELOPMENT REVIEW COMMITTEE COMMENTS

RECOMMENDATION

Woodlawn Road is generally residential, with RCMH 1 zoning and lots sizes ranging from 1 to 4 acres just east of the subject property. The request to bring the parcel into compliance will make it consistent with our Goals, Objectives, and Policies of our 2040 Baker County Comprehensive Plan.
Staff recommends** APPROVAL** of the proposed Small Scale Land Use Amendment from AGRICULTURE B to VERY LOW DENSITY RESIDENTIAL.
Sabrina Thrift has applied for a rezoning and land use change for the subject property on behalf of the property owners. The 3 acre parcel (No. 12-3S-21-0000-0000-0196) is located on Woodlawn Road just east of County Road 125. The parcel was improperly created in 1996 and does not meet the minimum lot size requirement for the current AG 7.5 zoning district. The applicant seeks to correct this issue so the property owner can build a site built home.

**INTENT**

The subject parcel has a land use designation of Agriculture B (AG B) and a zoning district of Agriculture 7.5 (AG 7.5). The Applicant proposes a change in land use from AGRICULTURE B TO VERY LOW DENSITY RESIDENTIAL. There is a companion rezoning application that has been submitted. The Applicant proposes a change in land use to bring the subject parcel into zoning compliance so they can build a home.

The subject parcel is bound by the following land use designations and zoning districts:

- **North:** Agriculture B / Agriculture 7.5
- **South:** Agriculture B / Agriculture 7.5 and Very Low Density Residential / RCMH 1
- **East:** Agriculture B / Agriculture 5 and 7.5
- **West:** Agriculture B / Agriculture 7.5
ORDINANCE CODE

CURRENT ZONING DISTRICT

Section 24.191.01 – AG 7.5 Agricultural District.

(a) Generally. This section applies to the AG 5.0 Agricultural District. The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within the Agricultural land use category of the Comprehensive Plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 5.0 acres to 7.4 acres will be permitted. Development must meet building codes and have a county department of health approved well and septic tank installation. Accessory uses and special uses are also permitted.

(b) Permitted uses and structures.

(1) Within any AG 5.0 district, permitted uses and structures allowed by right are as follows:

   a. Church.
   b. Farming.
   c. Feed store (site plan review).
   d. Fishponds (two acres or less).
   e. Golf course/club.
   f. Guest house (site plan review).
   g. Labor camp (site plan review).
   h. Mobile home (one unit per 5.0 acres).
   i. Private riding stable (site plan review; see Section 24-148(c).
   j. Public riding stable (site plan review; see Section 24-148(d).
   k. Roadside produce stand.
   l. Silviculture.
   m. Single-family (one unit per 5.0 acres).
   n. Special use (see Section 24-234).
   o. Sports club.
   p. Temporary use (see Section 23-234).
   q. Veterinary clinic (site plan review).

(2) Additionally, within any AG 5.0 district, the following accessory uses and structures are allowed by right:

   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) Feed lot (site plan review)
(2) Family lot division.
(3) Kennel.
(4) Sawmill.
(5) Slaughterhouse (site plan review)
(6) Homestead division (site plan review).
(7) Wireless telecommunication facilities (see Section 24-235).
(8) Semi-public uses.
   a. Club.
   b. Lodge.
   c. Recreational association.
   d. Neighborhood association.
(9) Borrow pits with a surface area totaling less than ten (10) acres in size which meet the requirements of Section 24-161.

(d) Permissible use by mine permit.

(1) Excavation, mining and mineral extraction (see Section 24-159; on ten (10) acres or more).

(e) Permissible uses by limited notice.

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

(f) Setback and other standards.

(1) Minimum lot requirements (width and area).
   a. Width: 200 feet.
   b. Area: 5.0 acres.
(2) Maximum lot coverage by all buildings and structures.
   a. Not applicable.
(3) Minimum yard requirements.
   a. Front: Fifty (50) feet.
   b. Side: Thirty (30) feet.
   c. Rear: Twenty-Five (25) feet.
(4) Maximum height of structures shall be thirty-five (35) feet.

PROPOSED ZONING DISTRICT

Section 24-192. Residential Conventional and Mobile Home 2.5 District.

(a) Generally. The provisions of this section apply to the RCMH 2.5 Residential Conventional and Mobile Home District. The purpose of classifying land and water areas within this district is to provide a transition between agriculture and residential uses and to accommodate large lot residential development of single-family conventional and mobile homes within the Very Low Density land use category of the comprehensive plan. One unit per 2½ acres will be permitted. Development must meet building codes and have a county department of health approved well and septic tank installation. Accessory uses and special uses are also permitted.

(b) Permitted uses and structures.

(1) Within any RCMH 2.5 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. Guest house (site plan review).
g. Reserved.
h. Mobile home (one unit per 2.5 acres).
i. Roadside produce stand.
j. Silviculture.
k. Single-family conventional (one unit per 2.5 acres).
l. Special use (see section 24-234).
m. Temporary use (see section 24-234).

(2) Additionally, within any RCMH 2.5 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) Private riding stable (site plan review; see section 24-148(c)).
   (2) Public riding stable (site plan review; see section 24-148(d)).
   (3) Veterinarian clinic (site plan review).
   (4) Wireless telecommunication facilities (see section 24-235).
   (5) 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: 200 feet.
      b. Area: 2.5 acres.
      c. Depth: 300 feet.
(2) Maximum lot coverage by all buildings and structures.
   a. Not applicable.

(3) Minimum yard requirements.
   a. Front: 50 feet.
   b. Side: 30 feet.
   c. Rear: 50 feet.

(4) Maximum height of structures. Maximum height of structures shall be 45 feet.

DEVELOPMENT REVIEW COMMITTEE COMMENTS

RECOMMENDATION

Woodlawn Road is generally residential, with RCMH 1 zoning and lots sizes ranging from 1 to 4 acres just east of the subject property. The request to bring the parcel into compliance is consistent with the Goals, Objectives, and Policies of our 2040 Baker County Comprehensive Plan.

Staff recommends APPROVAL of the proposed rezoning from AGRICULTURE 7.5 to RESIDENTIAL CONVENTIONAL MOBILE HOME 2.5.
DATE: July 5, 2023

TO: Baker County Land Planning Agency

FROM: LaDonna Combs, Planner 1
Community Development Department

RE: Ordinance No. 2023-08 SMALL SCALE LAND USE AMENDMENT
12170 Wiremill Road, Sanderson, Florida 32087
Parcel No. 12-3S-20-0000-0000-0039 (2.51 +/- acres).

BACKGROUND

Baker County has submitted two (2) applications on behalf of the Baker County Board of County Commissioners requesting a change in LAND USE AND REZONING. The subject parcel (Parcel No. 12-3S-20-0000-0000-0039) consists of 2.51 +/- acres and is located on the corner of South County Road 229 and Wiremill Road. The companion rezoning ordinance requests a change from AG 7.5 to GU.

INTENT

The subject parcel has a land use designation of Agriculture Zone B (AG B) and a zoning district of Agriculture 7.5 (AG 7.5). The Applicant proposes a change in land use from AGRICULTURE B (AG B) to GOVERNMENTAL USE (GU) for the purpose of bringing the parcel into compliance with its current use. The subject parcel is where the new Sanderson Fire Station is currently being built. Although Fire Stations are permissible within most land use districts, this parcel would be considered non-conforming since it was created after 1991 and only consists of 2.51 acres in an AG B district.

The subject parcel is bound by the following land use designations and zoning districts:

North: Very Low Density Residential-Interstate Commercial / Agricultural 7.5-Industrial

South: Agriculture Zone B-Commercial Highway / Agricultural 7.5-Commercial Highway
East: Agriculture B / Agriculture 7.5

West: Agriculture B / Agriculture 7.5

BAKER COUNTY COMPREHENSIVE PLAN

CURRENT LAND USE CATEGORY

Policy A.1.10.1 Agriculture

B. Agriculture Ag B

The category Ag B is considered to be in transition because of development potential as a result of location. Ag B lands lie at the fringe of developing areas, along major transportation routes or are contained within an area characterized by numerous pockets of already developed parcels.

Mining and Mineral Extraction (mining) activities are allowed provided that before commencement of construction such activities have a conceptual reclamation permit approved by Baker County and the Department of Environmental Protection (including activities in floodplains and wetland areas) and any required state and federal permits for wetland impacts and shall be managed in accordance with the provisions of the Conservation Element and the Land Development Regulations. Borrow pots and fish ponds are allowed.

Ag B lands are intended to be used for small-scale agriculture activities such as cultivation of field crops, livestock, dairies or other uses on a limited scale.

Ag B lands may be developed at a maximum density of one (1) dwelling unit per 5 acres.

PROPOSED LAND USE CATEGORY

Policy A.1.10.9 Government Use

The government land use category includes a broad variety of public and quasi-public activities such as government buildings, agricultural centers, fairgrounds, Class I, II, and III landfills, Fire stations, Sheriff's office, Highway Patrol office, hospitals, etc.

The intensity of development in this land use category shall not exceed Floor Area Ratio (FAR) 0.75 (32,670 sf/acre). With the exception of landfills, the maximum height shall not exceed forty (40) feet.

DEVELOPMENT REVIEW COMMITTEE COMMENTS

This application was circulated to the DRC Members and the following reflect their comments:

Baker County Fire and Rescue / Trevor Nelson, Chief

No issues.

Public Works Department / Chis Lee, Director

No issues.

Baker County Health Department / Terry Graham

No response at time report was issued.
Baker County School District / Franklin Wells

No response at time report was issued.

On-Call Engineer / Troy Tarbox, P.E.

No objections to the rezoning application.

Community Development Department / LaDonna Combs, Planner 1

The proposed land use would be consistent with the current use.

RECOMMENDATION
Staff recommends APPROVAL of the proposed Small Scale Land Use Amendment from AGRICULTURE ZONE B to GOVERNMENT USE.
STAFF REPORT

DATE: July 5, 2023
TO: Baker County Land Planning Agency
FROM: LaDonna Combs, Planner 1
Community Development Department
RE: Ordinance No. 2023-09 REZONING (AG 7.5 to GU)
12170 Wiremill Road, Sanderson, Florida 32087
Parcel No. 12-3S-20-0000-0000-0039 (2.51 +/- acres).

BACKGROUND

Baker County has submitted two (2) applications on behalf of the Baker County Board of County Commissioners requesting a change in LAND USE AND REZONING. The Applicant proposes to rezone a 2.51 +/- acre parcel (Parcel No. 12-3S-20-0000-0000-0039), which is located on the corner of South County Road 229 and Wiremill Road.

INTENT

The subject parcel has a land use designation of Agriculture Zone B (AG B) and a zoning district of Agriculture 7.5 (AG 7.5). The Applicant proposes a change in zoning from AGRICULTURE 7.5 (AG 7.5) to GOVERNMENTAL USE (GU) for the purpose of bringing the parcel into compliance with its current use. The subject parcel is where the new Sanderson Fire Station is currently being built. Although Fire Stations are permissible within most zoning districts, this parcel would be considered non-conforming since it was created after 1991 and only consists of 2.51 acres in an AG 7.5 district.

The subject parcel is bound by the following land use designations and zoning districts:

- North: Very Low Density Residential-Interstate Commercial / Agricultural 7.5-Industrial
- South: Agriculture Zone B-Commercial Highway / Agricultural 7.5-Commercial Highway
- East: Agriculture B / Agriculture 7.5
BRAKER COUNTY ORDINANCE CODE

CURRENT ZONING DISTRICT

Sec. 24-191. - AG 7.5 Agricultural District.

(a) Generally. This section applies to the AG 7.5 Agricultural District. The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within the Agricultural B land use category of the comprehensive plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 7.5 acres to one unit per 19 acres will be permitted. Development must meet building codes and have a county department of health approved well and septic tank installation. Accessory uses and special uses are also permitted.

(b) Permitted uses and structures.

(1) Within any AG 7.5 district, permitted uses and structures allowed by right are as follows:
   a. Church.
   b. Farming.
   c. Feed store (site plan review).
   d. Fish ponds (two acres or less).
   e. Golf course/club.
   f. Guest house site plan review).
   g. Labor camp (site plan review).
   h. Mobile home (one unit per 7.5 acres).
   i. Private riding stable (site plan review; see section 24-148(c)).
   j. Public riding stable (site plan review; see section 24-148(d)).
   k. Roadside produce stand.
   l. Silviculture.
   m. Single-family (one unit per 7.5 acres).
   n. Special use (see section 24-234).
   o. Sports club.
   p. Temporary use (see section 24-234).
   q. Veterinary clinic (site plan review).
   r. Borrow pits with a surface area totaling less than ten acres in size which meet the requirements of section 24-161.

(2) Additionally, within any AG 7.5 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) Feed lot (site plan review).

(2) Family lot division.

(3) Kennel.

(4) Sawmill.

(5) Slaughterhouse (site plan review).

(6) Homestead division (site plan review).

(7) Wireless telecommunication facilities (see section 24-235).

(8) Semi-public uses.

   a. Club.

   b. Lodge.

   c. Recreational association.

   d. Neighborhood association.

(9) Borrow pits with a surface area totaling less than ten acres in size which meet the requirements of section 24-161.

(d) *Permissible use by mine permit.*

(1) Excavation, mining and mineral extraction (see section 24-159; on ten acres or more).

(e) *Permissible uses by limited notice.*

(1) Day care center.

(2) Home occupation.

(f) *Setback and other standards.*

(1) Minimum lot requirements (width and area).

   a. Width: 200 feet.

   b. Area: 7.5 acres.

(2) Maximum lot coverage by all buildings and structures.

   a. Not applicable.

(3) Minimum yard requirements.

   a. Front: 50 feet.

   b. Side: 30 feet.

   c. Rear: 25 feet.

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

Sec. 24-207. - GU Government Use District.

(a) Generally. The provisions of this section apply to the GU Government Use District. This district is intended to include uses related to federal, state or local governments functions in which lands are owned or controlled by the public. This zoning district corresponds to the government use land use district to allow public and quasi-public activities such as government buildings, agricultural centers, fairgrounds, landfills, fire and sheriff stations, hospitals, etc.

(b) Permitted uses and structures.

(1) Within any GU district permitted uses and structures allowed by right are as follows:
   a. Agricultural centers and/or fairgrounds.
   b. Airport.
   c. Class I, II or III landfill.
   d. Recycling center.
   e. Fire station.
   f. Sheriff's station.
   g. Hospital.
   h. County courthouse.
   i. County administration building.
   j. County health department.
   k. County fleet maintenance department.

(2) Additionally, within any GU district, the following permitted accessory uses and structures are allowed:
   a. Storage buildings, sheds.

(c) Permissible uses by special exception.

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

(d) Setback and other standards.

   (1) Minimum lot requirements (width, depth and area).
      a. Area: none.
b. Depth: 100 feet.
c. Width: 100 feet.

(2) Minimum yard requirements.
a. Front: 15 feet.
b. Side: 15 feet.
c. Rear: 15 feet.

There shall be a minimum setback of 15 feet from any residential district.

(3) Maximum lot coverage by all buildings and structures. Maximum lot coverage by all buildings and structures shall be 65 percent.

(4) Maximum height of structures. Maximum height of structures shall be 60 feet, with exception for landfills.

DEVELOPMENT REVIEW COMMITTEE COMMENTS

This application was circulated to the DRC Members and the following reflect their comments:

Baker County Fire and Rescue / Trevor Nelson, Chief

No issues.

Public Works Department / Chis Lee, Director

No issues.

Baker County Health Department / Terry Graham

No response at time report was issued.

Baker County School District / Franklin Wells

No response at time report was issued.

On-Call Engineer / Troy Tarbox, P.E.

No objections to the rezoning application.

Community Development Department / LaDonna Combs, Planner 1

The proposed zoning district would be consistent with the current use.

RECOMMENDATION

Staff recommends APPROVAL of the proposed rezoning from AG 7.5 to GU.
DATE: July 7, 2023

TO: Baker County Land Planning Agency

THROUGH: Glenn Patton, Chair

FROM: Jack Shad, Interim Director
Community Development Department

RE: Application for Special Exception – Homestead Division
7600 Nutty Buddy Circle, Glen St. Mary
Parcel #18-3S-21-0000-0000-0014

BACKGROUND

Applicants Kelvin and Louann Crews have filed an application for a Special Exception at this property to permit a homestead division. The homestead division process typically allows the creation of two 2.5 acre lots per year. The applicants are asking the County to retroactively approve the creation of 36 lots through this process.

The property is zoned AG 7.5 and AG 10 and has a Future Land Use category of Agriculture A.

INTENT

This application requests approval for 27 homestead division lots, as part of a proposed development plan which includes a total of 36 lots. Mr. Crews filed an application for homestead division of 2 lots in 2009 which was approved by the LPA. However, according to Planning Department files, he never returned with a site plan showing the lots. It appears that he never sold any lots as a result of that application. According to Sec. 24-42 of the County’s code, “A development order or permit, other than rezoning or a variance, shall expire six months from the date of issuance. One six-month extension may be granted at the discretion of the planning and zoning director.”
In 2020 the applicant approached the Department again, and filed deeds transferring 8 lots to an LLC that he owns with the Clerk of Courts. He provided 2 additional deeds to the Department in December of 2022, which eventually resulted in the current application being filed.

The subject parcel is bound by the following land use designations/zoning districts:

- **North:** Agriculture A / AG 10
- **South:** Agriculture A / AG 7.5
- **East:** Agriculture A / AG 10
- **West:** Industrial / Light Industrial and Agriculture B / AG 7.5

**BAKER COUNTY 2040 COMPREHENSIVE PLAN**

**FUTURE LAND USE ELEMENT**

**A. Agriculture AG A**

The category Ag A is intended for agricultural activities, such as silviculture crops, row crops, livestock, dairies, and other uses on a limited scale serving or ancillary to agricultural activities.

Mining and Mineral Extraction (mining) activities are allowed provided that before commencement of construction such activities have a conceptual reclamation permit approved by Baker County and the Department of Environmental Protection (including activities in floodplains and wetland areas) and any required state and federal permits for wetland impacts and shall be managed in accordance with the provisions of the Conservation Element and the Land Development Regulations. Borrow pots and fish ponds are allowed.

New residential uses at a maximum density of one dwelling unit per ten (10) acres shall be permitted.

**CURRENT ZONING DISTRICT**

Sec. 24-191. - AG 7.5 Agricultural District.

(a) Generally. This section applies to the AG 7.5 Agricultural District. The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within the Agricultural B land use category of the comprehensive plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 7.5 acres to one unit per 19 acres will be permitted. Development must meet building codes and have a county department of health approved well and septic tank installation. Accessory uses and special uses are also permitted.

(b) Permitted uses and structures.

(1) Within any AG 7.5 district, permitted uses and structures allowed by right are as follows:

   a. Church.
b. Farming.
c. Feed store (site plan review).
d. Fish ponds (two acres or less).
e. Golf course/club.
f. Guest house site plan review).
g. Labor camp (site plan review).
h. Mobile home (one unit per 7.5 acres).
i. Private riding stable (site plan review; see section 24-148(c)).
j. Public riding stable (site plan review; see section 24-148(d)).
k. Roadside produce stand.
l. Silviculture.
m. Single-family (one unit per 7.5 acres).
n. Special use (see section 24-234).
o. Sports club.
p. Temporary use (see section 24-234).
q. Veterinary clinic (site plan review).
r. Borrow pits with a surface area totaling less than ten acres in size which meet the requirements of section 24-161.

(2) Additionally, within any AG 7.5 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) Feed lot (site plan review).
   (2) Family lot division.
   (3) Kennel.
   (4) Sawmill.
   (5) Slaughterhouse (site plan review).
   (6) Homestead division (site plan review).
   (7) Wireless telecommunication facilities (see section 24-235).
   (8) Semi-public uses.
      a. Club.
b. Lodge.
c. Recreational association.
d. Neighborhood association.

(9) Borrow pits with a surface area totaling less than ten acres in size which meet the requirements of section 24-161.

(d) Permissible use by mine permit.

(1) Excavation, mining and mineral extraction (see section 24-159; on ten acres or more).

(e) Permissible uses by limited notice.

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

(f) Setback and other standards.

(1) Minimum lot requirements (width and area).
   a. Width: 200 feet.
   b. Area: 7.5 acres.

(2) Maximum lot coverage by all buildings and structures.
   a. Not applicable.

(3) Minimum yard requirements.
   a. Front: 50 feet.
   b. Side: 30 feet.
   c. Rear: 25 feet.

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

ANALYSIS

Homestead divisions are listed as a permissible use by special exception in the Agricultural 7.5 and 10 districts. Further performance standards and restrictions to qualify for a homestead division are given in Sec. 24-142. An application must meet these requirements before it can be considered for a special exception. If it does, then the special exception should be considered according to the standards set out in Sec. 24-458.

The subject property is currently accessed with a total of 164.17 acres. Over the years the property owners have made several changes to the parcel, for taxing purposes. They acquired the parcel in different sections and at different times. After reviewing all of the deeds, it was determined that only a 120-acre northern portion of this parcel is eligible for Homestead Division. The additional southern acreage and part of the western acreage does not meet the requirements.
Sec. 24-142. - Homestead division.
Parcels of land which are 320 acres or less as of the most recent date of the comprehensive plan adoption and are located within the Agriculture B land use category may be sold at a maximum rate of two 2½-acre tracts per year (for a total of five acres a year) as long as the following criteria is met:

1. The parcel for which a homestead division is requested was a legal lot of record prior to 1991 and is located in AG 10 or AG 7.5 zoning district.
2. The parent tract or parcel must meet the minimum requirements of the comprehensive plan land use map designation and the zoning district.
3. The property to be sold must have been owned for the past five consecutive years by the applicant.
4. The applicant must have a current homestead exemption on file in either the unincorporated county or any of its incorporated municipalities. The exemption must have also been on file for the past four consecutive years (five years total).
5. To obtain a building or move-on permit, applicants shall complete an application for homestead exemption form available from the county planning and zoning department which requires:
   a. Basic information regarding the property and the name, address, and phone number of the applicant requesting homestead division agent (if applicable).
   b. Map of access to property showing ingress/egress to parent tract and proposed homestead lot.
   c. Legal description of parent parcel and proposed homestead lot.
   d. Proof of ownership of parent tract or parcel for five years.
   e. Location map of parent tract or parcel within AG 10 or AG 7.5 zoning districts (zoning certification).
   f. Proof of legal lot of record prior to 1991 or, if after, description of hardship.

With regard to the performance standards required before considering the application...

One important restriction is that homestead division lots “may be sold at a maximum rate of two 2½-acre tracts per year (for a total of five acres a year)”. The applicant is asking that the LPA retroactively approve the additional 25 lots.

Since the property otherwise appears to be meet the performance standards in Sec. 24-142, the application should be considered with regard to the criteria listed in Sec. 24-458:

a. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

b. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in subsection (b)(3)a of this section and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

c. Refuse and service areas shall be located with consideration for relevant factors in subsections (b)(3)a and b of this section.

d. The proposed use shall be compatible with the availability and location of utility services, whether public or private.
e. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

f. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

g. Required yards and open spaces shall be provided.

h. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

i. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

Criteria a. and i. seem to be most relevant in evaluating this application. Criteria b., c., and f. refer more to commercial uses than residential. Criteria g. and h. would be governed by the zoning code – the lots would remain in Agriculture 7.5 or 10 zoning, with a 35’ height limit and setbacks of 50’ for the front yard, 25’ for the rear yard, and 30’ for the side yards. For criteria d, the site is not served by water or sewer systems, so each lot would need its own well and septic system. There are no screening and buffering standards required under the code for residential subdivisions.

Criteria a. refers to transportation access by residents and emergency vehicles. Overall access to the property is provided by Reid Stafford Road or Bill Davis Road, both unpaved, County-maintained roads. These roads also provide direct access to 22 of the lots. Internal access to the other 14 lots is provided by 3 new roads (presumably private although this is not stated on the application) – Nutty Buddy Circle (currently existing as an unpaved driveway), Mallory Lane, and Gabby Lane. These roads are shown on the site plan with a 60’ right of way, but no other details about them are noted (e.g. paved vs. unpaved).

This application would essentially result in the creation of a new subdivision with twenty-seven 2.5 acre lots (and eventually thirty-six, if the complete development plan were approved). If a subdivision were created through the typical process, then the code requires that:

“All roads and driveways within a subdivision shall be paved and constructed in accordance with the requirements of this chapter. All subdivisions shall have direct paved access to the connection with a county-maintained road or street dedicated to public use which has been accepted for maintenance by the county or state department of transportation. If the county-maintained road or street is not paved, the developer shall pave the county road or provide paved access from the subdivision to connect with a paved county road or street accepted by the county or state.” (Sec. 24-393(b)) The County Commission has recently approved unpaved roads within subdivisions for very large lot (5 acres and larger) subdivisions but has continued to require paved roads for smaller lot projects.

With regard to criteria i., it is very difficult to predict the effect that the proposed application would have on neighboring property values. It does seem clear that the proposal would fundamentally change the character of the area, by resulting in the construction of 36 new homes on lots smaller than the surrounding properties. Very few properties meet the criteria
required before applying for homestead division, so neighboring property owners could not follow a similar path and easily subdivide their properties.

Finally, while it is not a listed criteria for a special exception, we should draw attention to the fact that about half of the property proposed for subdivision is located in flood plan A and seems likely to contain listed wetlands as well. The normal subdivision process would require that these issues be further researched and dealt with appropriately.

**RECOMMENDATION**

This application seeks to create a new subdivision with twenty-seven 2.5 acre lots and 3 new roads, without going through any of the processes typically required. As the applicant points out in his letter, these processes are expensive and time consuming, but they protect the County, the purchasers of new lots, and the environment by ensuring that roads are built to a high level and wetlands and floodplains are studied and effects on them (and associated flooding issues, etc.) are minimized.

Timing issues are also difficult to overcome. The applicant has owned the property for a long time, and has made several attempts to move forward, but zoning permissions can not usually be granted retroactively. The applicant did meet with the Planning Department in 2020, and moved forward with some legal work based on that meeting. It is unclear if the applicant has ever presented his full plan for the property before this application.

Staff recommends that this application be **Denied**.