

LDR Workshop

Commission Board Room

Dixie County Courthouse

214 NE Hwy 351, Cross City, FL 32628

April 20, 2023 – 4:00 PM

The Board meetings are audio recorded. The public can hear and participate in the meeting via conference call by dialing 1(917)900-1022 and enter code 32628.

COMMISSIONERS

Jody Stephenson, District 1, Vice Chairman

Daniel Wood, District 2

Mark Hatch, District 3

Jamie Storey, District 4, Chairman

David Osteen, District 5

STAFF

Duane Cannon, County Manager

Paul Gainey, Asst. County Manager

Martha McCaskill, Administrative Asst/Grant Coordinator

Chana Watson, County Attorney

Barbie Higginbotham, Clerk of Court

Della Rhymes, Asst. Chief Deputy Clerk

BUILDING AND ZONING STAFF

Leon Wright, Building Official

Steve Fremen, Code Enforcement

Gene Boles, Consultant, via telephone

CALL TO ORDER

The LDR Workshop was called to order at 4:00 by Commissioner Storey.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

The Invocation was led by Commissioner Hatch and the Pledge to the American Flag was led by Commissioner Stephenson.

Environmental Sensitive Areas

Building Official Leon Wright read the current Land Development Regulations (LDR) aloud to everyone. He said there are four (4) zones in the Environmentally Sensitive Areas (ESA) that need special planning and treatment. He said these are not preservation districts. These are located within the 100-year flood plain of the Suwannee and Steinhatchee River, Lower Suwannee National Wildlife Refuge, Mallory Swamp and marshes and swamps. Development within the flood plain is restricted to certain uses. Some of these are zoned Agricultural (AG). There are five (5) Agriculture (AG) zones. He said that zone five (5) Agriculture (AG) causes conflict.

If a property is not within then flood plain, it is zoned Agriculture (AG). He said these should have been classified as Agriculture (AG) properties with Environmentally Sensitive Areas (ESA) zoning and treated as an overly. He said this was not done locally in 1990.

Mr. Gene Boles spoke to the Board via telephone. He said this does need to be treated as an overlay and they will need to follow up and work with the maps of the 1983 version of the flood plain and the current maps. He said the LDR's need to be easily understandable by the property owner.

Mr. Wright said the Property Appraiser Classification is not the same as the Zoning Map Classification. He said the Property Appraiser's information is for taxing purposes only.

Mr. Wright said that if the property is not in a flood zone, it is considered an Agriculture (AG) zone within the Environmentally Sensitive Areas (ESA) zone. He said there is no need for the ESA zones one (1), two (2), three (3), and four (4). He said that only one (1) ESA zone is needed for all.

Ms. Sarah Ross asked if these changes will affect density.
Mr. Wright replied no.

Commissioner Hatch asked what classification CSV is.
Mr. Wright replied that is Conservation areas of State and Federal lands.

Mr. Wright requested the Board give him direction for moving forward with the overlay district.
Commissioner Hatch agreed to simplify the LDR's.

Ms. Lela Weingart asked how the citizen can find this information.
Mr. Wright said they will publish new updated maps for the public.

Commissioner Osteen asked if this will also help the Building and Zoning Department.
Mr. Wright said this will help the public.

A gentleman from the audience stated the tax record classification and zoning classification should be the same.
Mr. Wright said people need to research the Zoning of the property.

Commissioner Stephenson presented some information about Low Income Housing.
Mr. Wright suggested the Board have their County Attorney look over that information.

Setbacks on Man-Made Canals

Mr. Wright said they also need to discuss setbacks on man-made canals. He said this is not in reference to the Gulf or the Suwannee River. He said that everyone wants to reduce the rear property lines to zero. He said lot lines are established primarily for Fire Codes. He suggested the rear setback be changed to zero to clear up the non-conformity. He said this is primarily for boat houses, cook sheds, and fish cleaning stations, not for a home to be built on the seawall.

Commissioner Hatch said he has no issue with this. He said this is a good idea.

Mr. Wright said a variance would no longer be needed for this request.

Mr. Wright said back in 1933 there were no canals in Horseshoe. He said this should have already been corrected.

Hearing Officer for Variances

Mr. Gene Boles spoke to the Board via telephone about Code Enforcement. He said these are legal decisions and must follow a strict set of guidelines. He said the county has a Magistrate in place for this.

Mr. Wright said folks are prone to do something wrong first and then ask for a Variance after the fact. He said the Hearing Officer will handle these sticky situations for the Board. There will also be legal documentation if needed for future issues.

Commissioner Hatch asked what the current practice is.

Mr. Wright said the Variances come before the Board now. He said the Variances will go before a Land Development/Planning Board in the future. He said they can add Variances to the Hearing Officer docket.

Commissioner Hatch said having the other Board involved could also slow down the process.

Mr. Wright said he would like the Land Development Board to meet during the weeks between the BOCC Regular Meetings so they would have time to present matters to the Board the following week if needed.

Ms. Sarah Ross asked about the appeals process.

Mr. Wright said that if the Land Development/Planning Board denied a request and the applicant appealed the decision then the Board of Commissioners would review the matter.

Commissioner Stephenson said he thinks the Land Development/Planning Board would be helpful.

Mr. Boles said a when the Hearing Officer makes a determination there is hardly ever an appeal to the Board.

Commissioner Hatch spoke of a scenario where a home was previously built without a permit or engineered drawings, etc. He said FEMA instructed them to tear down the house or there will be no FEMA assistance for the whole county. He said those owners signed a special form stating they would never file a FEMA claim on the house.

Mr. Wright said that FEMA has changed their rules for a 1316 Sanction. He said this requires property removal from the Flood Plain Ordinance. He said the Sanctioned property is also removed from the Flood Insurance Program and cannot receive any Federal funding either. He said this option is not allowed anymore.

Commissioner Hatch asked who would hear this type of case where there is a setback violation and they want a Variance.

Mr. Wright said a house on the river was torn down due to this violation. He said the rules are the rules.

Commissioner Stephenson asked what if the house is sold to someone else.

Mr. Wright replied non-permitted work will not be allowed. He said the code must be met or exceeded.

Mr. Wright said most people want a bigger boat house. He said you modify the rules due to a unique situation.

Mr. Boles said 27 percent of Dixie County residents are not in a 100-year flood designated area.
Mr. Wright said that over 70 percent of residents require permits for all development from FEMA.

Ms. Barbara Cummings asked when will the Land Development/Planning Board be implemented.
Mr. Wright replied he has contacted the citizen members and they are scheduling the dates for training.

Training for the Local Planning Board

Mr. Wright said he will be training within the next 30 days and asked the Board if they want this to be open to the public.

County Attorney Chana Watson said this is a good idea.

Commissioner Hatch said no, due to distractions.

Commissioner Stephenson said they can schedule a separate Workshop for citizen training.

Mr. Gene Boles said training a larger group is fine with him.

Mr. Wright said he does not anticipate a big crowd attending.

Mr. Wright asked for legal counsel to present the matter for the first reading at a Regular BOCC Meeting.

Ms. Barbara Cummings asked if the public can attend the hearings and what are the credentials of the Hearing Officer.

Attorney Watson clarified that the Magistrate is also an Attorney that has been appointed/under contract for certain tasks.

Mr. James Ward asked about RV's on Commercial Property.

Mr. Wright said this has been questioned by several people. He said they want to know about campgrounds being allowed in commercial districts. For example: like the RV Park behind Walmart. He said there is one (1) in Cross City and are two (2) owners of properties in Suwannee who want to do this, but it is not in the land use category. He said the Board can decide if this should be a permitted item or a special condition item.

Mr. Wright requested direction from the Board on this matter.

Commissioner Hatch basically said to allow permitted items or special condition items with regulations.

Commissioner Stephenson asked what is allowed for RV Special Exceptions.

Mr. Wright replied a 120-foot storage shed and an open pole barn to park the RV under is allowed with a 60-amp power pole. If they have a Grinder Pump, they can get a 100-amp pole.

Mr. Wright informed the Board that someone recently purchased house plans online to build a house. She did not know these online plans were not engineered plans for Florida. She is having these plans re done. She is on a timeline to move and will be getting a permit within a few months.

Commissioner Hatch asked about a camper/mobile home that was recently moved on to a property and how to handle these situations.

Mr. Wright said he met with the new property owners after they arrived and explained all the rules and informed them that their property floods. He said the people had bought the property site unseen and then moved here from down South. He said they have moved a 1970 singlewide mobile home onto the property without a pre-inspection. He said they have exceeded the storage size limitation with the mobile home and they must have a primary residence to get a storage structure in the first place. They are in a flood zone and must have a permit. They are also under contract to buy this property. He said this situation has several violations already. He said the county will now have to tie up money with legal proceedings over this.

Mr. Wright said that FEMA took photos during their CAV visit of trees being cut down on a property and asked if a permit was issued for this. He said we told them this was part of a cleanup project.

Ms. Barbara Cummings asked about eliminating RV Special Exceptions.
Mr. Wright said several counties are working on this.

Ms. Shelly Ross asked what happens to the RV Special Exception after a person builds their house.
Mr. Wright said it will be terminated.

Mr. Wright said several folks have decided to save money by permitting a home versus paying the \$300.00, the Special Assessment Fee, and property taxes without Homestead. Then they are removed from the list.

Commissioner Stephenson said it is the illegal ones that are the problem.
Mr. Wright said we also have an issue with drugs and homeless people in the county.

Mr. James Ward informed everyone of two (2) properties in Suwannee with water and electric running from their house to campers.
Commissioner Hatch said to report that to Code Enforcement.

Clerk Higginbotham said the Building and Zoning Department is running the best that it has in years thanks to Mr. Wright. She said the Board should not let him leave.

Mr. Wright said he appreciated the comments.

PUBLIC COMMENTS AND CONCERNS

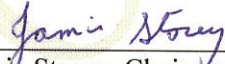
There were no comments or concerns expressed at this time.

ADJOURN

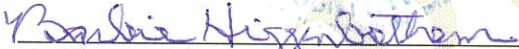
Commissioner Hatch made the motion to adjourn at 5:29 PM. Commissioner Stephenson seconded. Board approved.

BOARD OF COUNTY COMMISSIONERS
DIXIE COUNTY, FLORIDA

ATTEST:



Jami Storey, Chairman



Barbie Higginbotham, Clerk-Auditor

PLEASE BE ADVISED that if a person decides to appeal any decision made by the Board with respect to any matter considered at such meeting or hearings, he/ she will need a record of the proceedings, and for such purpose, he/ she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

“Persons with disabilities requesting reasonable accommodations to participate in this proceeding should contact (352) 486-4931 (Voice & TDD) or via Florida Relay Service at (800) 955-8771.”

The Board meets the first Thursday of each month at 10:00 AM and the third Thursday of each month at 6:00 PM. Individuals that would like to be placed on the agenda should call Barbie Higginbotham, Clerk of Court, by 4:00 PM on the Friday Preceding the Board meeting, at (352) 498-1200.