

LDR Workshop
Commission Board Room
Dixie County Courthouse
214 NE Hwy 351, Cross City, FL 32628
November 17, 2022 – 1:00 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
Mark Hatch, District 3
Jamie Storey, District 4, Chairman

STAFF

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

CALL TO ORDER

The Board Meeting/Workshop was called to order at 1:00 PM by Commissioner Storey.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

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

Building Official Leon Wright appeared before the Board and introduced Mr. Gene Boles also presented a rough draft of the LDR revisions that need to be made. He said that he had spoken with the North Central Florida Planning Council and they could not attend this meeting. He said he does not feel that it is a priority for them.

Commissioner Stephenson said he will ask them about this next week.

Mr. Wright said many other counties have stopped using NCFPC services. He said you must be a member, but you don't have to use their services. He said he has meet with them before regarding their services and nothing has changed.

Commissioner Stephenson asked if there are other agencies that can help with the work.

Mr. Wright replied yes.

Mr. Wright said NCFPC was talked to before about their lack of services and they apologized and promised to do better. He said their annual service contract of \$14,000.00 was continued. He said this money does not come out of his budget.

Mr. Wright said the technical items should be removed from the LDR. He introduced Mr. Gene Boles to present the information.

Mr. Gene Boles appeared before the Board and said Mr. Wright had spoken to him last February and asked him to conduct some training for his staff and help evaluate the Comprehensive Plan and Land Development Code. He said he recommended some changes to make it a better planning tool. He said they are presenting these results today.

Mr. Boles informed the Board that he has 20 years as a professional planner in Florida and 50 years working with local government. He said he was the planning director of Hillsborough County for nine (9) years. He said he is passionate about Best Practices to make a process work better. He said the goal is to create an understandable and workable code that everyone can use.

Mr. Boles said these recommendations are based on work and models that he has created over several years of experience.

Mr. Boles added that the North Central Florida Planning Council is statutorily required to develop a regional plan. He said that most provide technical assistance, however they are not mandated to do this. He said this is contractual between the parties.

Mr. Boles said his findings are as follows:

- Better organization and structure are needed.
- Administration and procedures need to be consolidated.
- Decision making authority needs to be clarified.
- Streamline and simplification of procedures is needed.
- Separation of the Land Development Standards, the Construction Code and Technical Specifications is needed.

Mr. Boles said the current organization is 16 articles and 376 pages dating back to 1990. He said that he is also reviewing Horseshoe Beach and they have this same code and it would be impossible to implement. He said the state required local governments to develop this Comprehensive Plan and implement this through a Land Development Code back in 1990. He said that this code has not been modified for Dixie County since then.

Mr. Boles said the Land Development Code covers:

- How to use the land, some examples are residential to commercial, etc.
- How to serve, some examples are roads, water, sewer and schools, etc.
- How to protect the natural resources.

Mr. Boles said the Technical Specifications cover how to build something, examples are a house or a roadway.

Mr. Boles said the issue is that the processes and regulations are all mixed together in the present code and they need to be separated.

Mr. Boles said the LDR is a reference document which should answer two (2) questions, how to use and where to use.

Mr. Boles said the recommended organization is as follows:

Article I: General Provisions

Article II: Zoning

For example; How is the property zoned. There are 30 zoning districts in Dixie County.

Article III: Special Districts

For example; a historical district. There are none currently.

Article IV: Natural Resources and Open Space

For example; Wetlands, Natural Resources, Coastal, Flood Plains.

Article V: Adequate facilities.

For example; Roads, water sewer, etc.

Article VI: Development Options

For example; What is needed, a permit or a sub-division Plat, etc.

Article VII: Development Standards

For example; setbacks, etc.

Article VIII: Boards and Agencies

For example; the Board and other Agency's defined roles and responsibilities.

Article IX: Administration

For example; Issuing permits, reviewing the plans, the appointed body review, BOCC review.

Article X: Equitable Relief and Enforcement

For example; variances and appeals.

Mr. Boles said the challenge is to create a better tool with neutral results. He said there is no re-zoning of property, there are no change to vested rights and no new standards.

Mr. Boles said Dixie County has 30 zoning districts and each has their own permitted and prohibited uses, height and bulk standards, parking requirements, and landscape requirements.

Mr. Boles discussed creating a chart to simplify the process for everyone.

- P = Permitted
- SE = Special Exception
- SP = Special Permittable
- SC = Special Conditions
- T = Temporary
- PD = Planned Development Review

Mr. Wright explained this chart will help the general public figure out what they can and cannot do. Commissioner Hatch questioned that all these items are in the present code.

Mr. Boles replied the current code is difficult to figure out and the answers are not easily found.

Mr. Wright said Vested Rights Certificates were required to be recorded in Dixie County and they correspond with the zoning district of that time. He said that the actual certificate is not needed if the property parcel number can be verified that it existed prior to 1990.

Mr. Wright said removing building code items and Code Enforcement from the Land Use Code. He said these revisions and updates will help with enforcing the codes and should have been done back in 2001.

Commissioner Hatch said that the current LDR book can be used to answer questions, he agreed it may take longer to figure it out.

Commissioner Stephenson said the Board has asked this to be simplified to help with Code Enforcement.

Mr. Wright said the first step towards that is to separate and organize. He said all these items should not be mixed together and now they must deal with this 20-years after the building code came out. He said there will be no changes to zoning or districts. He said the book will be updated to make it easier to read and understand for staff and public.

County Attorney Chana Watson said it must be consistent and simplify the process.

Mr. Wright said the county lost a Code Enforcement case because of the confusion within the book and process. He said two (2) lawyers looked over this to set up Code Enforcement, the county adopted a resolution, and after two (2) levels of courts, six (6) lawyers, the appeals judge said this is wrong.

Mr. Boles said the Land Development Code is the regulation of land use.

Mr. Boles clarified the levels of decision making:

1. The BOCC is the ultimate authority
2. The Planning and Zoning Board, is advisory and is delegated
3. The Administrator, manages the process and is delegated
4. The County Attorney, handles legal sufficiency

Mr. Boles clarified the decisions to make:

1. The Permits
2. The Technical review
3. The Appointed body decision
4. The Elected body decision

Mr. Boles explained an Application comes in to the administrator in a pre-application process, the administrator reviews this for completeness and where to go from here (the planning Board or BOCC), the staff report will reflect that determination and recommendations, the administrator will review the construction plans and final plat after the Board's approval. He said the engineering and technical reviews do not have to go before the Board if they are conforming.

Commissioner Hatch asked who will take over the duties of the North Central Florida Regional Planning Council if their services are terminated.

Mr. Wright said this is the resident Board delegated by the BOCC to review applications and requests for Special Exceptions and Variances.

Mr. Boles said they are advisory only, unless the BOCC delegates authority to them.

Mr. Boles said the pre-application review is critical. He said the staff should be able to address and answer questions for the public easily and quickly. He said the Administrator should handle as much of this process as authorized to do. The administrator determines compliance.

Mr. Boles said there should be a process to certify if the lot is legal size, per a survey and this would run with the land. He said this is helpful with permitting and with mortgage companies. He said there are usually not many problems with subdivision plats. He said that rural areas with only with meets and bounds descriptions of land have more issues when someone wants to divide a piece of property.

Commissioner Hatch said this could also benefit potential buyers.

Mr. Boles recommended the Planned Residential Development should have a generic development concept. He said they should follow the rules, but also have some flexibility. He said this tool would be available for rezoning requests.

Commissioner Hatch clarified for everyone this is to simplify the process, not to make changes to the LDR.

Attorney Watson said these revisions and updates would make things easier for everyone to understand and follow.

Mr. Boles said the Board will need to enforce the rules. He said they must be precise, but also have discretion.

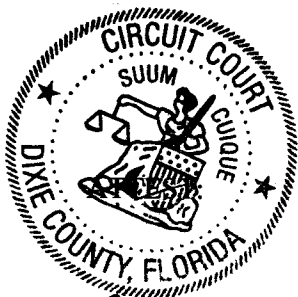
Mr. Wright said they will get with the County Manager and come back before the Board for approval of this book.

PUBLIC COMMENTS AND CONCERNS

There were no comments or questions at this time.

ADJOURN

Commissioner Hatch made the motion to adjourn at 2:40 PM. Commissioner Stephenson seconded. Board approved.



BOARD OF COUNTY COMMISSIONERS
DIXIE COUNTY, FLORIDA

Jamie Storey

Jamie Storey, Chairman

Barbie Higginbotham

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.