

**AT A WORKSHOP OF THE PLANNING COMMISSION
HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON
MARCH 14, 2019 THE FOLLOWING PROCEEDING WAS
HAD, VIZ:**

Present: Regina Davis, At Large - acted as chair
Douglas Nunamaker, District 3
Lori Bouie, District 5
Marion Lasley, District 5

Absent: William Chukes, District 1
Antwon McNeil, District 1
Libby Henderson, District 3
Audrey Lewis, School Board Representative

Staff Present: David Weiss, County Attorney
Suzanne Lex, Growth Management Director
Jill Jeglie, Senior Planner
Ellen Andrews, Planner
Allara Mills Gutcher, Consultant
Muriel Straughn, Clerk's office

Expired Terms:
John Youmans, District 2
Gerald McSwain, District 2
Ed Dixon, District 4
Dr. Gail Bridges-Bright, District 4

1. Pledge of Allegiance

Ms. Davis called the meeting to order and led in pledging allegiance to the US flag.

2. Introduction of Members and Roll Call

Each member present stated their name for the record. The attendance was recorded as listed above.

3. Approval of the Agenda

No action taken

4. Disclosures and Declaration of Conflict

No action taken

5. Chapter 4, Land Use Categories (Legislative) (LDR 2018 -05) Discussion of the Proposed Amendments

Consultant Allara Mills Gutcher introduced the proposed new Chapter 4 of the Gadsden County Land Development Code. She explained that the existing chapter will be deleted in its entirety and a new chapter will replace it.

She pointed out the following:

- The proposed Land Development Code introduces zoning districts, which is a concept that has not been implemented in Gadsden County previously.
- She referenced Page 4 – 1 Section 4100 which lists the various zoning districts.
- The current Future Land Use Map (FLUM) shows three different categories of Agriculture lands (1, 2, & 3.) The next version of the FLUM will show only one agriculture land use. However, the agriculture lands will be broken down into zoning districts on the “zoning map.”
- The same concept as listed above is true of Industrial. The Industrial category will become just one category on the FLUM, but, will have two zoning districts to implement the “light” and “heavy” industrial zoning districts.
- The Neighborhood Commercial and General Commercial will remain in place just as before.
- There will be three separate residential categories specifically mapped for development. They are Rural Residential (RR), Suburban Residential (SR) and Urban Residential (UR.) They will not exist on any map until an application is made for that zoning category. It will be brought to the Planning Commission and Board of County Commissioners for a rezoning request via a Map Amendment.
- The following categories will closely resemble what they are at the present: Historical (H), Conservation (CSV), and Silviculture (SIL). Recreation (REC), Public/Institutional (P/I).
- The new zoning districts are named Nature Center (NC) and Mixed Use (MU). Those will be used to implement the new Future Land Use Map categories discussed at the last workshop. These will be included in the Comprehensive Plan at a future meeting.

Commissioner Lasley:

Are there going to be applications for a Land Use Change and also applications for zoning separately?

Ms. Gutcher:

Yes. When somebody wants to apply for a completely different category, they would have to change the FLUM and the Zoning Map.

If they are looking at a residential category on the FLUM and only want to change, for example, go from RR to UR, they would only be asking for a Zoning Map Change because they would already have the future land use that they would need to develop in that parameter. It depends, but, essentially, if you are going to a completely different category, then yes. You would have to do a FLUM Change and a Zoning Map Change. If you are going within the same category, you would only need a zoning

change.

Commissioner Lasley:

Will both of those activities be noticed in the paper and will the public be able to have input?

Ms. Gutcher: Yes

Commissioner Nunamaker:

Will there be applications and fees for both of those?

Ms. Gutcher:

There are currently fees for applications for Future Land Use Map Amendments, so I can only anticipate that there will be Zoning Map Amendment fees also. That will be up to the County Commission for them to change their fee schedule.

Commissioner Lasley:

So, if someone has a piece of property that is zoned RR, whatever applies to RR, will it still stand?

Ms. Gutcher: Correct.

Commissioner Lasley:

And the same for the AG and for the Industrial?

Ms. Gutcher: Yes.

Commissioner Nunamaker:

Right now, the agricultural lands are by far the greater portion of the county. So, AG1, AG2, and AG3 are now going to be combined into one Agriculture category?

Ms. Gutcher:

On the FLUM, but, the Zoning Map will have the three (3) separate ones. Zoning will be AG1, Ag2 and Ag3. On the FLUM, we just need one Agriculture category.

Jill Jeglie:

That will become the zoning map and the FLUM will change to combine colors. That will allow 1, 2, and 3 in a combined residential. (Urban, Suburban & Rural Residential)

Commissioner Nunamaker:

Are you going to allow any adjusting in the ones, twos, and threes or are we are going to leave it crazy like it is?

Jill Jeglie:

Someone can come in and make an application to change it. I will let Allara explain that.

Ms. Gutcher:

At this stage, we are not changing any property on the map.

Commissioner Nunamaker:

So, when we have a piece of property that has three categories, it will stay.

Ms. Gutcher:

Yes. It will just be the zoning. It will depend on what it is categorized as. But, if it has AG1, 2, & 3 on the FLUM on the same property, it will have one agriculture Future Land Use category, but with AG1, 2, & 3 zones on the same property. We are not changing any boundaries. We are moving it to the Zoning Map.

Jill Jeglie:

We are putting forward a policy that allows an interpretation on those boundaries, though, to allow some flexibility. I can't remember what the amounts were, but, within so many feet on so many acres, you could adjust the line.

Commissioner Nunamaker:

Is it generally going to be to the least restrictive category in the parcel?

Ms. Gutcher:

Not any longer. Not if you adopt the language that we talked about at the last workshop. It gave a way to measure how you would look at the maximum development potential of a parcel that had more than one category assigned to it.

HISTORICAL ZONE – PAGE 4-1

Subsection 4101 Historical Zone

Ms. Gutcher:

Some of these are very similar in nature to the Future Land Use categories. One of those is the Historical Zone. The intent is the same. It gives an idea of what we are looking for to categorize as historical on the Zoning Map. It could be a property on the National Register. It could be a listing by the Florida Department of State, Division of Historical Resources or it could be a locally designated historical property by the Board of County Commissioners.

Each of these zoning districts – each subsection is broken down in the same order in how we are describing them. The first portion of the subsection is just a general overview of the zoning districts. Then, we have the As, Bs, Cs and Ds of each of these subsections. The General Character, Allowable Uses, Bulk Regulations and Development Restrictions. It is similar in order in how we proceed looking at each one of these zoning districts. It is consistent throughout the document. It is easier to read that way. You can go to a specific zoning district and know that "A" is talking about

General Character and that “D” is talking about Development Restrictions.

If there is any sort of density or lot size requirements, it would be listed inside of the table that is listed in each of those subsections.

In the Historical Zone, we tried to leave it open because we want to be able to keep the historical aspect of the development on site. It may not have the Code Setback or whatever the Code might state for other zoning districts. So, we are trying to keep with the historical aspect of the historical site as far as this zoning district.

So, this one is probably the least regulated category zoning district because we want to retain what is existing so that somebody can maintain the historical structure and not be worried about being nonconforming.

Commissioner Davis:

Commissioners, do you have any questions regarding the Historical zone?

Commissioner Lasley:

I have questions on pretty much every issue. My first question is on Section 4100, which, is the Zoning Districts. In all the other categories, you have broken down the zoning. For Agriculture – you have 1, 2, & 3. In Residential, you have Suburban Residential, Urban Residential and Rural Residential. You have broken those out.

In “O”, you have just listed “Mixed Use,” of which there are two categories that are not listed now on this. They are the Nature Based and the Urban Mixed use. To be consistent, I feel like you need to list those. When we get to those sections, I feel like they need to be broken down and not created under an umbrella type thing. I think their uses should be broken out and listed separately.

Commissioner Lasley referred to Page 4-16 Subsection 4111. Mixed Use Zone

Ms. Gutcher:

So can we put that in the parking lot and address them when we get to that point?

Commissioner Lasley:

Well, at “O”, I think you should substitute that with “Nature Based” then add “Urban Mixed Use.”

Ms Gutcher:

In the Urban Residential, you mean?

Commissioner Lasley:

No.

Chair Davis:

She is looking at "Mixed Use."

Commissioner Lasley:

Then over here where you have them in a table together. Mixed Use Zone. "The Master Planned Community and the Mixed Use Zone..."

Chair Davis:

O.K. Can we discuss that when we get to that specific area?

Commissioner Lasley:

Well, this is that first section. It is just-

Chair Davis:

If it applies, then we can go back and put it in as that.

Commissioner Lasley:

O.K. That is fine.

In that same section, the second line of the paragraph following the list – the Board....permits manufactures... there is a typo.

Jill Jeglie:

That should also read "Florida Statutes" – there is typo there, too.

Commissioner Lasley:

On that same page under Historical Zone, "The listing on the federal National Register of Historic Places." I have a question as to whether federal be capitalized?

Chair Davis:

It does.

Commissioner Lasley:

That is all I have on that page.

Page 4-2: In B. Allowable Uses. I see it as a place for having public meeting houses for the community and I don't know if we can work that language into there. Something like that. And, I would like to add language "and/or" other historical uses because that is not included as an allowable use.

Chair Davis:

So, do all of those need to be listed?

Ms. Gutcher:

I think maybe what we need to look at and remember is that this category is a very small percentage of that map. It is really intended to – and even in the future when anything becomes historical – to preserve what is on the ground. This is not about developing something used. This is about preserving what is on the ground.

We can easily broaden part B and say as we did in the Table, “As historically established.”

Chair Davis:

Yes.

Commissioner Lasley:

O.K.

Chair Davis:

Bulk Regulations: (No Changes offered.)

Table 4101. Bulk Regulation Standards: Are they O.K. with everyone? (No response)

Next is Development Restrictions. (No Response)

Alright, we are now to Conservation Zone.

Page 4-2 Subsection 4102. Conservation Zone.

Ms. Gutcher:

This zoning district is also very similar to what the Future Land Use Map states and allows for. This is to preserve lands that are environmentally sensitive. Land and water resources and habitats.

The first part, where the bullets are, are just general characteristics of the lands that are in the conservation zone. If you have a conservation easement, one of the advantages of listing it in a conservation future land use category and as a conservation zoning district is because it is easier to regulate what goes on in there. Sometimes conservation easements are in a commercial zoning district. Sometimes they are in an industrial zoning district. To know where those boundaries is a little harder to determine unless you have personal knowledge of them when they are not mapped.

Having a developer or whoever to have the ability to put it into the Future Land Use category or a Zoning district, then you actually have it on the map and it is easier for staff to notify anybody coming forward whether there is an conservation easement or some other sort of preservation tool on the property.

Allowable uses include those which are passive in nature. Again, this language is very similar if not identical to the Future Land Use category. So, it is allowing hunting clubs and activities which are considered active recreation. Walking trails, observation

points, open space for walks and the like. The only residential density that is allowed is one dwelling unit per forty (40) acres, which is also shown in Table 4102. It shows you the setbacks, the minimum lot frontages, etc.

Then finally, the development restrictions are impervious surface must be limited to that which supports passive recreational activities. Then, the parking restrictions.

Chair Davis:

O.K., Commissioners. Comments, questions, concerns?

Commissioner Lasley:

I have comments on page 4-3. Under "A" General Character. "The preservation of the natural environment is the desired effect here. The lands within subdivisions and other developments meant for open space." Are they going to be reclassified as conservation land?

Ms. Gutcher:

Not necessarily.

Commissioner Lasley:

Are they going to be zoned Conservation?

Ms. Gutcher:

As the developer comes forward or the land owner comes forward and wishes to develop the property. It is not mandatory right now that they put any of that into a conservation land use category. If they want to have a conservation easement, that is up to the County or whoever the receiving agency is to accept that easement and how they want to work on that easement. But, no, it is not considered a requirement when somebody is coming in with a residential subdivision to put in that open space. The open space might be considered more of a recreational use. It needs to be looked at on a case by case situation. It could be an open park. It just depends on the plan for development.

Commissioner Lasley:

So, in "B" – Allowable uses. I think there are plenty of opportunities for hunting camps that have active recreation, which I am assuming will be ATV usage and things like that. There are several other land use categories where this can be allowed.

My statement is that the protection of environmentally sensitive areas and critical habitats and active recreation. They (Conservation and ATVs) do not go together. Active recreation is definitely more destructive and is not set up to protect and preserve lands. **So, I would like to see that part struck out of there.**

Ms. Gutcher:

Just so that you are aware, that area down by the lake (pointing to the FLUM on the wall) - that big brown conservation area where Joe Budd is located – they do hunt in

there. So, that is mainly the reason why this language is the way that it is. Also active recreation includes something that you are doing like hiking, single tracts for the bicycles – that is active recreation. A lot of that happens down in that area also. You just need to think about that when you are forming this language.

Commissioner Lasley:

I personally don't have a problem with passive hunting with people. Your definition here is that passive uses are ...walking trails, observation points, open space, and boardwalks. I personally don't have a problem with that. The impacts to the conservation lands are going to come when ATVs are allowed in there without any regulation.

Ms. Gutcher:

Well you can mention something about motorized vehicles then.

Commissioner Lasley:

That would be good. I would be much more inclined to that in conservation. Restrict it to passive recreation.

Commissioner Bouie:

I agree.

Ms. Gutcher:

I would suggest that we put that as a development restriction under Part D.

Commissioner Lasley & Commissioner Bouie:

O.K.

Commissioner Nunamaker:

I have a very minor grammatical error to point out. Page 4.2. Second to the last sentence where it says "federally-owned" lands. I would get rid of that hyphen. I know that it is superfluous.

Ms. Gutcher:

O.K.

Chair Davis:

Is there anything further in Section 4102?

Commissioner Lasley:

I do have a question on the Bulk Regulations here.

In our last meeting, you mentioned that variances are only going to be allowed for these Bulk Regulations in these tables. Does that mean that someone could actually put more dwelling units in there if it is approved?

Ms. Gutcher:

The density of the category is limited first to what the Future Land Use Map is limited. Then if there is a difference and it is more restrictive, then it would be limited to the more restrictive zoning type district. So, if the Future Land Use allows for one dwelling unit per five acres, but the zoning says that it has to be one per ten, then that would be the limitation. One per ten.

Commissioner Lasley:

In this Conservation Table 4102, the Maximum is one dwelling unit per 40 acres in the Land Development Code here.

Ms. Gutcher:

Correct.

Commissioner Lasley:

Does that conflict with the Future Land Use Element?

Ms. Gutcher:

It is exactly the same.

Commissioner Lasley:

So, this is situation where a variance is not allowed?

Ms. Gutcher:

You cannot get a variance on density.

Chair Davis:

Development Restrictions. Any Concerns other than adding ATVs to this area? I am sorry, motorized vehicles.

Growth Management Director Lex:

If I may suggest another qualifier in there is "anything that would require extensive facilities or development." Again, that type of recreation usually requires extensive facilities and development and you would want to restrict that also in your conservation. For your consideration.

Ms. Gutcher:

That is a good point, but I would want to quantify that. We would want to know what "extensive" is. Do you want to limit the number of square feet a building can be?

Commissioner Lasley:

Isn't it already limited to a maximum of impervious surface of .05?

Ms. Gutcher:

That is not very large.

Commissioner Lasley:

Good.

Growth Management Director Suzanne Lex:

I think that would limit it.

Chair Davis:

Was there anything else in that section?

Commissioner Lasley:

I am through.

SUBSECTION 4103. Silviculture

Chair Davis:

We are now on to Silviculture.

Ms. Gutcher:

Silviculture is very similar to what the Future Land Use category is. It is pretty much the harvesting of trees. There is not a whole lot of this category in Gadsden County, but, it is primarily on the south and southwest side of the county boundary. These are planted pines, generally. They grow until they harvest. The allowable uses include silviculture uses, agriculture uses, other operations to protect Gadsden County streams, lakes and other water bodies. It does allow for hunting clubs and similar activities and limited residential at one dwelling unit per 80 acres.

Then we go down to our Table 4103. That talks about setbacks, lot sizes, lot frontages, the density, there is no maximum building height proposed. The development restrictions refer to the best management practices for silviculture which is the latest adopted version in 2008. It states that residential uses shall be constructed only if necessary to support the silviculture or agriculture use on the site. Then just another silviculture restriction.

Commissioner Nunamaker:

Would that house be like for a caretaker?

Ms. Gutcher:

Yes, something like that.

Commissioner Nunamaker:

Then again, it is only one per 80 acres?

Ms. Gutcher:

Yes, that is correct.

Commissioner Lasley:

I have some grammatical things on page 4-4.

In the last sentence of the first paragraph the word “be” should be added at the end of the sentence.

In the sentence that follows – it should read, “Lands “that” actively....”

Under “A” the second sentence should read “typically consist “of” planted trees...
Also under “A” the word Silviculture is spelled wrong. (the one that is not underlined)

Under Allowable uses, I am comfortable with hunting clubs as an activity. I think that is an appropriate use.

My next comment is on the next page – according to the footnote, the maximum building heights are unlimited with the exception of a house that shall not exceed 36 ft. So, I guess my question is – Why would they be allowed to have unlimited heights?

Ms. Gutcher:

Because of the Forestry towers.

Commissioner Lasley:

You sort of opened the door for everything based on one particular example and I am not comfortable with that.

Ms. Gutcher:

But, they would be limited to what is allowed in that category in that district. They can't put anything commercial in there.

Commissioner Lasley:

My next comment is going to be No. 2. “Residential uses shall be constructed only if necessary to support the Silvicultural or Agricultural uses on site.” How are you going to monitor that?

Ms. Gutcher:

When they come in to get a building permit for the residential structure.

Commissioner Lasley:

How does that work?

Ms. Gutcher:

I will let Suzanne answer that question.
She is asking how you would determine that the residential use is dependent on the silviculture activity. At one dwelling unit per 80 acres.

Growth Management Director Suzanne Lex:

I think that you would have to look at the application and the restriction that would be placed on that application in terms of if they had somebody there as a manager. Again, I would think that you would need a lot of acreage to want to do that. It would be permitted for that purpose, but, I don't think that we have ever had such an application and I would not anticipate that.

Ms. Gutcher:

I don't it is going to be an issue. I think that is a lot of land to use it for something other than the intended purpose.

Commissioner Bouie:

I do have some concerns about limiting the dwelling number. I am imagining that there are a lot of small farms that will need managers that will want to have dwelling places for them.

Growth Management Director Suzanne Lex:

That is exactly what I am thinking of in terms of you may have somebody whom you want to manage that activity, just as you have agriculture and silviculture activities similar to that.

Do you think it should be less acreage?

Commission Bouie:

I would guess or some type of allowance for more than one dwelling. I don't know just how you would do that.

Commissioner Lasley:

It is one dwelling per 80 acres, so on those dark blue charts, I am sure there are more than 80 acres. You could have quite a few houses in there.

Jill Jeglie:

They are owned by only about five corporations.

Commissioner Bouie:

So, if there is 386 acres for sale, I guess I would have to divide 80 into 386 acres to see that I could only have 5 dwellings on my property to house someone to care for it. Is that correct? Then I would have to have the houses spaced out for every 80 acres?

Ms. Gutcher:

Yeah. These are pine plantations though. It is not like it is an agricultural activity that requires a lot of maintenance. They take 15 years before the trees can be harvested from the time they are planted.

Just as another note, if you are looking at changing this number, we will have to change it in the Comprehensive Plan also because that is the density that is listed in the plan.

Commissioner Bouie:

I am just leery of restricting the number. I am from a rural area agricultural zone. I remember the day when there were houses on the properties, but, O.K. I will come back to it.

Chair Davis:

Anything else, commissioners? (no response)

O.K. then we will move to Recreation.

SUBSECTION 4104. Recreation Page 4-5

Chair Davis:

O.K. Let's move on to Recreation.

Ms. Gutcher:

This district is intended for where we can have areas for outdoor recreation, indoor recreation for visitors and residents of Gadsden County. It is not a category that we really limited to a location where it can be. It can be located anywhere throughout the county and adjacent to both residential and non-residential development.

Allowable uses are applicable to those that you would consider as a Recreational Zoning. Activities would consist of parks, playgrounds, sports fields, courts, dog parks, swimming facilities and the like. We would also allow tent, cabin, and RV sites in this category. Hunting clubs and activities and temporary vendors to offer food and beverage to recreational users (food trucks.) "Temporary" is defined as a period of three (3) days or less during a thirty (30) day period for those temporary vendors.

The Bulk Regulations are listed in Part "C". There is no density in this category unless there is an on-site management operator that needs to stay there overnight.

There are other bulk regulations listed in the table.

Other restrictions include those that apply to a Recreation Vehicle Park, which we have in another part of our Code, which you guys recommended adoption back in January. We talked about RV parks and what those requirements would be. That would be in Chapter 5 of the Land Development Code.

It talks about residential uses shall be dependent upon the management of the on-site use.

Parking requirements shall be what is contained in other portions on this Code.

The sports facilities and fields shall be limited in their hours of operation just so that it is not a nuisance to adjacent residential uses.

Chair Davis:

O.K., Commissioners. Comments, questions or concerns?

Commissioner Lasley:

I have comments on Page 4 – 5. So, again, my question is – Are these going to be labeled on the zoning map?

Ms. Gutcher:

Yes. Just as they are today on the map on the wall there.

Commissioner Lasley:

O.K. But, not within a subdivision when a subdivision has a recreation area or a mixed use. Master planned community developer decides it is going to have a recreation component. Is that going to get labeled on the map?

Ms. Gutcher:

If it is a mixed use development, the whole project will be done as mixed use. It won't have separate pockets of different types. There will be a mixed use and it will be approved as what we call a "planned development or planned unit development." That will be different. You will look at the whole overall development of the things. It won't be piece-milled.

Commissioner Lasley:

So, we have a house and we have facilities. We've possibly got swimming pools with changing areas and a pump station for pool. We've got maintenance facility buildings. We've got camp sites. We've got RV sites. We've got a hunt club, which, I am assuming can't have a structure unless it is the management facility one and the same. Bathroom facilities. So, we've got all this, but, there is no mention of water or sewer being necessary to house these.

To make them operate successfully and to provide amenities for our tourists that come into the county, I feel like we need to have some requirements since we are dealing with the water supply and the waste that is going to be created from this endeavor. That could be passive. It looks like there are some impacts here that are going to be happening.

Commissioner Bouie:

Would that be maintenance facilities and accessory to the primary use? (Page 4-5 B)

Ms. Gutcher:

Yes. They would be dependent on the use on the site.

When we talk about things like the RV parks and swimming pools – those specific development regulations for that type of development will be located in Chapter 5, which is the general development standard. That is what RV parks are. So, this is what is allowed overall. Overall setbacks and overall restrictions, but, when you are talking

that specific, it will be in another section of the Code.

Commissioner Lasley:

So, you have somewhere in the Code where there are restrictions about how swimming pools are going to be designed and regulated?

Ellen Andrews, Planner:

That is in the Building Code. It is covered in the Florida Building Code as well as the Florida Statutes. There are a lot of swimming pool regulations and many of them have to do with not only how they are built, but, Department of Health regulations. The Building Code is pretty specific about you can and can't do with swimming pools.

Commissioner Lasley:

Looking at the table, we have one housing facility per site. That is my interpretation. Is that correct?

Ms. Gutcher:

That is correct.

Commissioner Lasley:

The next page, Page 4-6. "The maximum impervious surface" for this site is going to be a maximum of 20%. Is that correct?

Ms. Gutcher:

Yes.

Commissioner Lasley:

So, that is going to limit the intensity of the development.

Ms. Gutcher:

Yes.

Commissioner Lasley:

At the bottom of that table, there is a footnote about the maximum building heights are unlimited again. Explain why that is.

Ms. Gutcher:

There are certain types of uses that I don't personally know of any reason we would want to regulate them. There are only a certain number of things that can occur in this zoning district that are hard to predict from a recreational aspect. Again, we are not allowing industrial uses; we are not allowing general commercial uses. You have to think about what is allowed inside that zoning district. As far as recreational activities, you might have forestry towers; you might have viewing tower in a park or something similar.

Commissioner Lasley:

Couldn't they apply for a variance for a structure?

Ms. Gutcher:

I don't know right off the top of my head; I thought we had a provision in the Code that didn't allow you to get a height variance.

Commissioner Lasley:

Well, they didn't think they did on a cell tower.

Jill Jeglie:

That is a different code. There is a specific code that you all adopted several years ago regarding cell tower heights.

Commissioner Lasley:

I remember that.

Ms. Gutcher:

If you look at Section 1500 on variance procedures. Part A of that section says in the last sentence, "The height of the structure is excluded as part of this definition for what you can get a variance from." You would not be able to get a height variance.

Commissioner Nunamaker:

Are you saying there is no height restriction?

Ms. Gutcher:

Not in this recreation category.

Commissioner Nunamaker:

So, somebody could build a 100 ft. tall bungee jumping platform?

Ms. Gutcher:

Yes.

Commissioner Lasley:

And the RV Parks - again, in the other part of the Code that we dealt with last time, I believe that there can be eight RVs per acre or something like that.

Ms. Gutcher:

Right. If there is water and sewer. Those are not usually hooked up to central sewer. They are usually pumped out at a pumping station.

Commissioner Lasley:

The next question I have is on no. 4 under "D", Development Restrictions – page 4-6. "Sports facilities and fields shall be limited in hours of operation when abutting residential zoning districts." I would feel more comfortable if it stated something like residential dwellings or something.

Again, there are AG1 Residential subdivisions. As long as they are included in that, that is fine. But, it doesn't look to me that AG1 or even AG2 subdivisions will be protected by this. So, should they be adjacent to this?

The next statement is, "The hours of operation shall be between 7:00 a.m. and 9:00 p.m., and shall include the operation of the outdoor lighting." I am wondering if 8 a.m. isn't better than 7:00 a.m.

Then, is it only for Rural Residential? Urban Residential? Suburban Residential? In which case, again, the AG subdivisions and highly developed areas that for some reasons might not be zoned residential – do they not have unlimited hours?

The way this reads is that the hours shall be limited only if they are adjacent to residential zoning districts and if they are adjacent to anything else, the hours of operation are non-descriptive.

Ms. Gutcher:

That is the way it is stated.

Commissioner Lasley:

I think that the sports fields, there are times when things need to be, you know, we need to set a time and then just follow it.

Growth Management Director Suzanne Lex:

I want to just caution you. If I had an agricultural piece of property and I built a recreational facility on it and someone comes along and builds a home next to it, are you going to retroactively say that I have to shut down at 9 p.m. if it abuts residential zoning.

If someone else builds a house that is adjacent to my property where I built my recreation facility first, it would restrict the recreational use that had already been approved and developed. I would recommend that you not use "abutting residential use", but, "subdivision."

If you are in a rural residential or in a residential area and you come in for a zoning district, those zoning districts exist already. So, again, you have your rural residential, so you are not really changing anything that you have now. If it abuts rural residential, those are the hours of operation.

I would also say as a parent of a teen that plays ball, 9 p.m. is really early. These kids are playing until 10:00 p.m. typically. Another thing about starting at 7:00 a.m. You can start construction at 7:00 a.m. by the noise ordinance. You may want to consider opening the facility at 7:00 a.m. because you can start buzz sawing at that hour as well. I think this would be a lot less intrusive than construction. Just wanted to bring those facts to light.

Chair Davis:

I play tennis at 7 a.m. It is not too early. I am out there playing tennis and I get it.

Growth Management Director Suzanne Lex:

Some kid sports start at 6 a.m. Kids go to swim practice before they go to school right next against residential areas. Typically, if you want a recreational facility to really serve your community. You are going to allow it to serve the community and the needs of that community and it is early and it is later. That is my experience in both urban and more rural areas.

Commissioner Lasley:

If you look at eastern part of the county towards Havana, I believe that all that land is AG2 or a lot of it is AG2. So, I guess I have problems with the wording “when abutting residential zoning districts” by limiting it to just that category. There may be other residential dwellings nearby that might have a problem with it also. If they set the criteria, it is going in next to you and the folks are not going to have any say-so in this.

Ms. Gutcher:

I think the original idea was that in an agriculture district, you have greater acreage on which to build a house. So, there is likely more vegetation to help buffer any noise. Like Suzanne mentioned, you generally want these things near residential areas so the kids can get to them.

Chair Davis:

How do you other commissioners feel about the wording of “abutting residential zoning districts?” Does it need to be expanded or does it need to be just “residential zoning districts?”

Commissioner Bouie:

I actually think that they need more time. People typically work out late and early at sports facilities. You wake up early to get to a sports facility. I go at midnight to exercise a lot. To limit the hours – I think that will be taken care of in the application process. You know, when we ask the citizens to come forward with their concerns. But, to actually put a number in there – I don’t think it is fair to the facility. It is too restrictive.

I am O.K. with having some consideration for the residents, but, I don’t think we need to get to the point of numbers and all of that.

Growth Management Director Suzanne Lex:

I just examined this issue for the St. Hebron Park. If you have a residential dwelling unit, there are buffer requirements and they are more dense because you have that residential unit proximate to it. So, there is additional buffer required. It is a 20 Ft. buffer. There is more screening that is required. So, there are measures in the Code already that provide for that buffering with recreational uses adjacent to residential

units versus zoning districts. Again, I have incurred recreational facilities where people live in the residential zoning districts.

Chair Davis:

Commissioner, (speaking to **Commissioner Nunamaker**) do you have any thoughts on it? (pause) I guess not.

Commissioner Bouie:

I was waiting for something profound to come from him.

Commissioner Nunamaker:

Good luck.

Commissioner Lasley:

Again, I am not so worried about the hours of operation as I am about the outdoor lighting that might impact people that live around in that area.

Commissioner Nunamaker:

In that zoning category, doesn't it say that the lights go out at 9:00 p.m. also?

Commissioner Bouie:

What about football games? Will they just have to cut the game off because the lights need to go out?

Commissioner Nunamaker:

Part of the problem with that is when you have a public or private facility for recreation, they want those lights to go out at night because they don't want kids sneaking in there and jumping into the pool or sneaking around or whatever.

Chair Davis:

Are you speaking from experience?

Commissioner Nunamaker:

I heard about it.

(Laughter)

Growth Management Director Suzanne Lex:

You may want to limit the lighting that is directly related to the type of recreational facility like the big lights that are for ball fields. The type of lighting that you are talking about typically are not so intrusive (swimming pool or tennis courts.) You would not want to have those tall lights (ball fields) on beyond the need for them to support the activity that was going on. I would think.

Commissioner Nunamaker:

Perhaps we could have it shielded away from the residential areas.

Growth Management Director Suzanne Lex:

That is additional language, but, again, I would recommend that if you want to, to restrict the lighting. I think the most intrusive lighting is the lighting that you use for ballgames – football and baseball. Therefore, you may want to specify that type of lighting in terms of compatibility.

Chair Davis:

O.K. I am going to take this in three parts. The first being whether or not the commission would like to change the wording as it relates to abutting residential zoning districts. Can I get a feeling from you all? Commissioner Lasley has indicated that she would like to see it changed. You have indicated that you have no problem with it. That leaves one other.

Commissioner Bouie:

My concern is that this is something that should be considered as a case by case issue. I am having issues with the hours of operation.

Chair Davis:

That is the second part that I was going to take up. I would like to narrow it to one issue at a time.

Commissioner Bouie:

I am o.k. with giving consideration to residential properties. However, I am concerned about putting numbers to it.

Chair Davis:

You are saying, leave the “residential zoning districts.” Take out specific operating hours.

How do you feel about the outdoor lighting – being as specific as you can be?

Commissioner Bouie:

There should be adequate buffers for the height and lighting. Will that satisfy, Ms. Lasley? How can we provide a buffer for it?

Commissioner Lasley:

For a football field – I can’t imagine. There is no way. You can’t buffer those unless you’ve got dense 30 yr. old pine trees around it. I would hate to live in a house and then have a ball field come in next to me and have to have those lights on all the time when I used to be able to sit out in my yard and enjoy to stars. To me, that just doesn’t all go together.

Commissioner Bouie:

I understand, but, somehow we need a place for children to play.

Commissioner Lasley:

I am not going to sacrifice somebody's personal home at the expense because this is an inappropriate location for this.

Commissioner Bouie:

I hear you and I am saying that it should be considered by a case by case basis. At that time, we would have the citizens come before us and state their concerns and weigh it out there.

Commissioner Nunamaker:

There will be public hearings.

Commissioner Lasley:

I am fine with that, but, there are things written in here so that if somebody wanted this on their property, there is not going to be any public hearing.

Chair Davis:

Why don't we stop at the first sentence, and then follow with, "The hours of operation shall be what?"

Ms. Gutcher:

"...outdoor lighting operations shall be dependent on a qualified lighting study."

Commissioner Bouie:

What is that? Someone to come out and tell you what?

Ms. Gutcher:

How the lighting is going to spray.

Commissioner Lasley:

I am sorry, I can't buy that.

Ms. Gutcher:

Consider it on a case by case basis?

Commissioner Bouie:

Yeah, because you will have given the citizens the opportunity to come and state their concerns.

Commissioner Lasley:

That is not what she just said.

Commissioner Bouie:

O.K. then, let's add it.

Commissioner Lasley:

So, you did not state that the citizens were going to be informed of this qualified study, correct?

Ms. Gutcher:

The citizens will be informed just like they are today when they go through the public hearing process.

If it is a development order that is required to go through the public hearing process, that is the time they (citizens) would come forward to voice their opinions.

Commissioner Lasley:

These are all allowable uses that you are setting up here, correct?

Ms. Gutcher:

Yes. That is why I feel that if you talk about a lighting study and then we get a section of the Code that talks about what is acceptable in lighted facilities adjacent to residential zoning districts, that might help you. I understand that lighting is a concern, especially when they are 80 ft. off the ground.

Commissioner Lasley:

But, it is also my understanding that these are allowable uses. When someone comes into the Planning Office and says, "There is some recreation property here and I want to put this in." Then you are going to say, "O.K., pay your money and let's see your application." Is it going to be approved in the office or is it going to come to the Planning Commission?

Ms. Gutcher:

We are working through that in Chapter 7. It is in the chapter that it is coming forward to you. It is in Chapter 7 as to what the thresholds are for administrative approval and what has to go before the County Commission for approval.

Commissioner Bouie:

So, with lighting, can we say that it has to come before the board? Would that satisfy?

Ms. Gutcher:

You can make that restriction, yes.

Commissioner Bouie:

I think that would satisfy on the case by case basis and it would have more...
All lighting over sports facilities and fields.

Jill Jeglie:

What about the low lights that light the walking trails?

Ms. Gutcher:

You might just say lighting over 20 ft. in height has to be considered with a lighting

study and come before the commission.

Commissioner Lasley:

Yes, use sports facilities and fields.

Mr. Gutcher:

Lighting over 20 ft. in height that accompanies a sports facility field must have a lighting study. We will get to who reviews it when we get to Chapter 7.

Commissioner Lasley:

Why do you have to say over 20 ft.?

Ms. Gutcher:

Because if you are on a walking path and the light is 6 ft. high, it is probably not obtrusive to somebody that is 50 ft. away in their home on the next block.

Commissioner Lasley:

But that is not a sports facility or a field.

Ms. Gutcher:

Right.

Commissioner Bouie:

I guess what she is saying is that we don't have to include the height. O.K.

Commissioner Lasley:

It sets a criteria. It is like you can put 20 ft. in there and you can leave them on all night long and nobody has to study it.

Ms. Gutcher:

We like criteria because it is defensible and it is easy to interpret.

Chair Davis:

Would the commission like to see a height specific or no?

I hear one "no". Now two. So, there will not be a height number placed in there.

Clerk Straughn:

May I have some clarity? I understand that if it is a sports facility with fields

Chair Davis:

And fields.

Clerk Straughn:

And Fields. And or And/or?

Chair Davis:

And/or

Clerk Straughn:

I know that the new sports facility plan has sports fields, swimming pools, walking trails.

Chair Davis:

And/or.

Clerk Straughn:

And/or it is.

Chair Davis:

Shall be limited in hours of operation when abutting residential zoning districts and the next sentence I will defer to Allara.

Ms. Gutcher:

This is just a workshop, so this is just the language we are discussing.

Clerk Straughn:

You are going to require a lighting study

Ms. Gutcher:

We don't know that yet, we are just talking it through. This is going to come back to them either next month or the one after that.

Clerk Straughn:

And you are going to put in buffering considerations between a facility and the homes.

Ms. Gutcher:

That already exists.

Clerk Straughn:

And they will be considered on a case by case basis. Is that language going in there?

Ms. Gutcher:

No.

Commissioner Lasley:

What about the outdoor lighting for the sports facilities and fields, we want to be able to consider that on a case by case basis.

PUBLIC INSTITUTIONAL ZONE– Section 4105.

Chair Davis:

We are going to move quickly to Public Institutional Zone.

Ms. Gutcher:

This is no different than the Future Land Use category. It speaks to uses that are generally public and/or institutional such as government buildings, hospitals, schools anything that you would associate with institutions.

If you want to try to move on a little quicker, if you have any questions, because this is pretty much identical to the Future Land Use category. I guess we can go now to address specific questions now.

Commissioner Lasley:

I do on page 4-7. In my opinion, all of these uses that you have listed here need to be type 2 reviews so that the public and the boards can have input.

Medical facilities, utilities, sanitary sewer, gas, landfills. So, is it written in here that it is a use by right?

Ms. Gutcher:

Yes, it is a use by right. Anything that is listed inside the zoning district is a use by right.

Commissioner Lasley:

So, if it is a use by right, does it get approved in the office at the planning department and does it not come before the planning board and the board of county commissioners?

Ms. Gutcher:

We are going to look at that when we get to Chapter 7.

Commissioner Lasley:

How can you make decisions on this when we don't have that information?

Ms. Gutcher:

That is a different process. What we are looking to do here is to determine what is allowed inside that zoning district and what the setbacks and the building envelope is.

Commissioner Lasley:

O.K. So, then if that is the case, since I don't have that information, I feel that they need to be presented to the public who is going to be living near them or affected by them – the landfills and utilities and medical facilities, government buildings, prisons, rehab – They need to be a type 2, Class 2 hearing where people are informed and have the opportunity to come out and give input.

Ms. Gutcher:

O.K. But, right now, we are trying to decide if these uses fit into the Public/Institutional

Zoning District.

Commissioner Lasley:

O.K. I get it.

Chair Davis:

It is two parts. As long as you make the note, when we get to that section, placement of facilities should be brought before us for review and a public hearing before the people. Then we can go forward and say, "they are allowable uses in Public/Institutional zoning districts" as long as you make note of what the commissioners want when we get to that section which state further restrictions.

Ms. Gutcher:

Sure. But, the other thing that we need to think about is if we don't want them in this category, which category would you like them to be in?

Commissioner Nunamaker:

I think that is a good category.

Chair Davis:

I don't have a problem with them being in this category.

Ms. Gutcher:

That is what we are looking for at this level - agreement that it should be in Public/Institutional Zoning District.

Commissioner Lasley:

The only one that you mentioned that specifically is going to be a type 2 hearing is a prison.

Ms. Gutcher:

Just to let you know, we are getting away from "Types" and we are getting more and more into administrative or whether it goes to a public hearing.

Commissioner Lasley:

I am using the only language that has been presented to me. So,

Ms. Gutcher:

Yes, I agree. I understand what you are saying. It is just for context. We can only do so much in one meeting.

Commissioner Nunamaker:

I have a comment Section "D", Development Restrictions, no. 1. "Uses associated with the "incarnation" of people. (laughter) We need a better word. Inundated, etc.

Ms. Gutcher:

Yes, thank you.

Incarceration (laughter)

Commissioner Nunamaker:

Are you talking about incarceration or jail?

Ms. Gutcher:

Yes.

Commissioner Lasley:

I am still at the top of page 4-7.

The utilities. So, my question is: Should they be in industrial or commercial zoning or land use basically? And sanitary sewer and gas and electric? Again, the location is not restricted. I am a little concerned about that. The landfills – I don't know where they need to be.

Chair Davis:

But can they be in Public/Institutional zoning districts? That is the question, correct?

Ms. Gutcher:

Yes. Not here, because Gadsden County does not own a utility, but, sometimes a city owns their utility, their own wire, owns their own sewer, owns their own garbage. So, they would want to use their own property, which is a public land which would be the Public/Institution category and zoning district to be able to operate these facilities.

Chair Davis:

So, the question once again is whether or not if it is publicly owned, is this something they can put on their land? Is it an allowable use? Not, whether or not it could be in another section as well, but –

Ms. Gutcher:

Yes.

Commissioner Lasley:

What about landfills? I don't know where you are going to put them, but, industrial or commercial.

Chair Davis:

I say that it does.

Ms. Gutcher:

I am not sure that you would want it in commercial because you think about retail shopping centers and you probably don't want a landfill close to those.

Commissioner Bouie:

If the county chose to purchase its own landfill, you would you require the county to be commercial.

Commissioner Nunamaker:

Does it fit into that category is the question.

Commissioner Lasley:

O.K. So it is not commercial. What about Industrial? I am just saying that you've got public lands already and when you write this in here, it is like somebody (inaudible)

Ms. Gutcher:

I am just trying to help. Even if you made it an industrial category, it doesn't really matter in the broad scheme of things. It would have to be in the Industrial Future Land Use category in order to put a landfill there. It is really about location – I think that is what you're concerned about rather than what land use category it is allowed as. There is really not that much public/institutional on that map today.

Growth Management Director Suzanne Lex:

You are safer to keep it in Public/Institutional. If you start putting it in commercial and industrial, that opens the opportunity for private providers to come and say, "I want to take my industrial land and build a landfill or a transfer station. I think if it is under the public and the institutional, there is less of that, as she said, plus, I think there is less likelihood for that invasive use or perhaps what you would consider an incompatible use. If you want landfills to be looked at with a certain criteria, we can reserve that look at that in and of itself. They are usually the most contentious public use. So, I do understand your concerns, particularly about that, but electrical facilities, your substations, you need these so people can get out. You don't usually put your transmission lines right through a neighborhood, but these substations, you do need to be able to have these water facilities to serve your customers. Landfills, you may just want to have a separate criteria for review.

Commissioner Lasley:

In this same section 4105, I am not sure that the setbacks are enough depending on what they are adjacent to. What type of land use is next to them?

Commissioner Nunamaker:

These are like residential setbacks.

Commissioner Lasley:

Some of these are going to need bigger setbacks. There are too close for residential protections from utilities and landfills or prisons.

The other thing is because the impacts to residential life could be pretty big if you are next to something that is in this category. I would like to see some protections for the residences that exist or have this land use next to them.

In “D” 2 at the bottom of the page (4-7), “Class III Utilities are subject to a compatibility analysis.” Again, we are back to the issue of – Does that need a public hearing?

Ms. Gutcher:

Do you mean the compatibility analysis?

Commissioner Lasley:

Yes.

Ms. Gutcher:

The compatibility analysis in and of itself is not subject to a public hearing. It could be the type or the level of development type that you are used to hearing, that would be dependent on whether it goes before to the County Commissioner.

Commissioner Lasley:

Well, because we don’t have any definitions, the things that I listed before that I am concerned about that I think need to be type 2, I would like to reserve judgment on this whole section because I think we need additional criteria that defines.

Ms. Gutcher:

O.K. Let me ask you – Whether or not it is a type 2 – how would that relate to whether or not it is allowed in this zoning district? I mean it’s got to be located somewhere. If not in this zoning district, what district would you like to see it in?

Commissioner Lasley:

Well, the other thing is if you don’t mention it, then they have to apply for a special exception and then I know we are going to have a public hearing. As far as I can tell in these rules and regulations, the public may not be able to have input on anything where changes are going on in the county.

Ms. Gutcher:

That won’t be the case, but, you know, you have to allow for a waste water treatment facility to go somewhere. This is not whether it is going to be a type 1 review or a type 2 review. It is where do you want it to be?

Chair Davis:

Where do you want it? What zone do you want it in? I think we are getting into the weeds and not looking at -

Commissioner Bouie:

This is only about outlining the categories and not necessarily all of the requirements.

Commissioner Lasley:

The Land Development Code is supposed to be the rules of how the county functions. You have said that about the Comprehensive Plan – that it is basically the overarching

structure and so now we are down to the Land Development Code and this is where the rules are supposed to be and you are telling me now that these are not the rules.

Ms. Gutcher:

No, they are the rules. I never said they weren't.

Commissioner Bouie:

There are two different –

Ms. Gutcher:

There is another chapter that talks about specific types of development.

Growth Management Direct Suzanne Lex:

May I suggest though, if you are concerned about the specific uses of Class III Utilities and the landfills, you may want to include those uses as well under No. 1 and No. 2 so that all are subject to a public hearing and specifically call out those three things. Those are biggest issues that trigger compatibility - Utilities, jails and landfills. That is just a suggestion.

Commissioner Lasley:

I would be o.k. with that. Landfills, transfer stations, you know, I don't know how big the category is, but, if landfills cover everything, that is fine. If prisons cover rehab & half way houses, fine. I am o.k. with all of that. But, if you have to list everything separately, then, let's list them all separately.

Ms. Gutcher:

Well, incarceration would be somebody who cannot leave a facility. A half-way house, if you have six or fewer residents, then you can be in any residential zone, by State Statute.

Commissioner Nunamaker:

Some incarcerations can leave and come back. They have working permits and passes and stuff like that.

Ms. Gutcher:

We might want to define incarceration. We haven't.

Growth Management Director Suzanne Lex:

I think that is subject to the operation of the facility.

Commissioner Bouie:

You are saying that everything is pretty much subject to the facility?

Commissioner Nunamaker:

Right.

Ms. Gutcher:

You can't require certain electrical facilities. Substations are required by Florida Statutes to go anywhere and you can only regulate them in conservation and historical districts.

Chair Davis:

Commissioner Lasley, as I am hearing you, "D - 1" on page 4-7, "all allowable uses shall be subject to" is that what you are saying?

Ms. Gutcher:

I don't know that you want it to go that way. Do you want a government owned park to be required to be approved by the County Commission?

Commissioner Nunamaker:

Sure.

Commissioner Bouie:

Yeah.

Commissioner Lasley:

I would say Utilities and the landfills and the incarceration of people.

Commissioner Bouie:

So, Government-owned and quasi-public properties are coming before the county that owns them and for permission.

Chair Davis:

So, the last two bullets, you would definitely want.

Commissioner Lasley:

For what is currently described as a type 2 hearing.

Commissioner Bouie:

For government owned properties, you are going to regulate your own government. So, the county commissioners are going to say, "We want this new park and we are going to have to have a hearing?"

Commissioner Lasley:

We were talking about the incarceration of people, utilities and the landfills.

Commissioner Bouie:

Those are government owned?

Chair Davis:

Right.

Commissioner Lasley:

The people live here in the county and are going to be affected by these developments and they need to have the opportunity to come into this room and talk to the Planning Commissioners and the County Commissioners about the things that are going to be happening next to them.

Chair Davis:

O.K. Alright.

Commissioner Bouie:

How will we word it?

Ms. Gutcher:

Any more questions about Public/Institutions?

No Response.

Subsection 4106. Agriculture Zones

Ms. Gutcher:

Moving on to Agriculture zones.

Chair Davis:

I am going to ask if we have any questions about agriculture zones so that we can move a little bit faster, please.

Commissioner Lasley:

I have a question.

Chair Davis:

Go ahead.

Commissioner Lasley:

In "A", the second paragraph there, well it is really the last line of the first paragraph, "Parcels within this district are low density." I did not find a definition for that in the definitions.

The next section, "the location of any Agriculture district shall be limited to the rural areas of the County, not adjacent to a City limit." That exists pretty much everywhere in the county. So, how do you address that? There are agricultural districts adjacent to every city in the county.

Commissioner Nunamaker:

Just take it out.

Ms. Gutcher:

You are correct. We certainly can take that out.

Chair Davis:

You said you were taking it out? Is that what I heard?" Are you taking out the entire sentence?

Ms. Gutcher:

The entire second paragraph.

Commissioner Lasley:

In "B" 1 – "Allowable uses are those which are related to agriculture activities...." My question is what happens if a property is zoned Ag and there are not Ag products being prepared there like exist today?

Ms. Gutcher:

They will be allowed to continue.

Commissioner Lasley:

Then somebody would regulate in the future? The activities on those properties to make sure that they don't

Ms. Gutcher:

Start a farm?

Commissioner Lasley:

That anything in the Ag area that is newly created will be producing an agricultural product.

Ms. Gutcher:

They would be allowed to continue on.

Commissioner Lasley:

What is the purpose of that?

Ms. Gutcher:

The purpose of that is because the intent is to try to encourage residential uses to be in a residential district. So, if anybody has 20 acres and they want to plat a subdivision to have them become residential on the Future Land Use Map and whatever residential zoning district, they would need to suit their development plan.

Just as you are concerned about obtrusive uses adjacent to obtrusive uses, there are certain types of agriculture activities that are obtrusive to a residential land. To preserve the agricultural uses.

Commissioner Lasley:

No. 2 is that, "The residential uses as the primary residence is for the person or family conducting the activities on that site." I question who is going to monitor that?

Ms. Gutcher:

Just like other activities that may go on a property that are not allowed by the Land Development Code. It is a Code Enforcement issue. It becomes a Code Enforcement issue.

Commissioner Lasley:

No. 3 – Agritourism/Agrotourism – I went to the definitions and it sent me to the FL Statutes. Why don't you just list the items in the definition that relate to Agritourism/agritourism, which are horticulture, floricultures, forestry, dairy, livestock, poultry,.....in the Chapter 2 definition of it so that people don't have to go to the Florida Statutes.

Ms. Gutcher:

You can certainly do that. The reason why we like to refer if there is a Florida Statute definition to the Florida Statutes is because when that changes, somebody has to be on it to know that the definition changed that year in that session then come back to amend the Code.

Commissioner Lasley:

You could also say something like, "such as," or "examples are" and then list these things. I am just saying that it is just not up front. It is like, o.k., I have to go to my computer and I have to find this Statute and I have to read what it says before I can even understand what this says. I am just sorry to see that.

Commissioner Nunamaker:

Why is Agritourism reiterated?

Chair Davis:

Yeah, that part I didn't understand.

Ms. Gutcher:

I may have to go back and look, but, I think it is mentioned both ways in the Statute.

Commissioner Bouie:

You could use "and/or" instead of the symbol.

Ms. Gutcher:

They are actually the same. It is actually terminology.

Commissioner Nunamaker:

It is the same spelling.

Commissioner Lasley:

One of them is supposed to be Agrotourism and Agritourism. One of them is misspelled.

Then the private air strips – No. 4. – I understand that this is where it is going to be and there is location criteria then have a certain amount of area that they need to be on. Again, I am back to the issue of – I personally believe that neighbors need to be notified. I want to make sure that this is part of the type 2 notification.

Chair Davis :

Again, that would be in another section. This is specifically stating allowable uses. What other zoning would you put private air strips and airplane hangars if not here.

Ms. Gutcher:

This is meant to capture the person who provides the service to spray crops. They need a place to take off and land from.

Commissioner Lasley:

I understand that.

And the deleted stuff. All this that has been deleted that we are getting rid of, there are all kinds of light industrial uses that calls for class 1 review; I mean class 1 and class 2 are listed all through the document you are getting rid of.

I am not creating something out of nothing. I know what this is replacing. I know that there are some things missing. So, there is no, “Yes, this is o.k. This is o.k.” The public is presented with the opportunity to speak against it. That is not in this document, O.K., and that is what I have a problem with.

Ms. Gutcher:

O.K.

Commissioner Bouie:

I am thinking that this is just outlining where these categories are.

Ms. Gutcher:

What is allowed inside of them?

Commissioner Bouie:

And so, other locations in the Statutes would tell me what the restrictions are. Is that right?

Ms. Gutcher:

No. In our Code. There is another chapter that will talk about the development of an airstrip or the development of an RV park or mobile home park.

Commissioner Nunamaker:

And whether or not they would be subject to a public hearing?

Ms. Gutcher:

Yes. How they are going to be processed. Yes.

Commissioner Bouie:

Perfect.

Commissioner Nunamaker:

Are you good? (speaking to **Commissioner Lasley**)

Commissioner Lasley:

I want to see it. I am not sure which part comes first, but, this doesn't answer all my questions.

Commissioner Bouie:

Does the chicken cross the street or does the street move?

Chair Davis:

Might I suggest this? Perhaps, in the future, if she has questions where she needs to see both parts, if you (Commissioner Lasley) could contact them and you all provide her with both parts so that she can compare them instead of us going through it this way.

Ms. Gutcher:

That is a standing offer. It has been made available all along.

Chair Davis:

I am getting older, so, I don't remember everything that I suggest.

That would certainly help her in her process of understanding what is here.

Commissioner Nunamaker:

Everybody has questions about how this is going to be processed and how it is going to be developed. Hopefully, that will come out in Section 7. Is that right?

Ms. Gutcher:

Yes.

Chair Davis:

My suggestion is that if you are working of Section 7 and you have a rough draft, go ahead and provide that to the commissioners so that they can go back and forth.

Commissioner Bouie:

We agreed a couple of years ago that we would get our concerns back to you all before the meeting so that when we come to the meeting, it is streamlined. So, we need to get back to that, perhaps.

Chair Davis:

Yes. I have something that I need to leave to do at 8:00 p.m. So, I don't know if we should continue this.

Ms. Gutcher:

Not with 3 people. I don't think that would be effective.

Chair Davis:

We can continue it when the commissioner also has the Section 7, which she wants to see both of and can ask her questions to the staff. I think that will be better served for everyone if the commissioners agree.

Commissioner Nunamaker:

I am sure it is a good suggestion, but, all we are trying to do tonight is

Chair Davis:

Dr. Phil says when you say, "but," I strongly listen to what comes after.

Commissioner Nunamaker:

Exactly. Thank you. We are just trying to see if these categories for these items fit into these categories. That is all we need to do tonight. How and where and how it goes about and whether there is a hearing or not will come later, if I understand it correctly. So, let's just get these in the right category and move on.

Ms. Gutcher:

There really isn't much deviation from the Future Land Use Category language. So, if you want to amend something in here, then we are going to look at the Comprehensive Plan language to make sure that we are not being inconsistent with the Plan.

Chair Davis:

O.K. So, do you want to try and get through it or should I – let me defer to Commissioner Lasley. In order for you to get through the allowable uses, are you of the opinion that you would still need to see Chapter 7? If so, then we need to - we are about to lose one member.

Commissioner Lasley:

Yeah, like on page 4-9; D; 3 – It is talking about private airstrips. I am going to know how that is dealt with before I can say that this use is o.k. in this zoning district. I don't know if it can go somewhere else. This may not be the language that I want to put in here. If it is going to be a "use by right," people who have agriculture land and they come to the planning department and say, "I want to put an air strip in. I have enough room and the Airport Authority said I could. So, it is approved at staff level and the

neighbors go, "I've got these planes coming in here all the time."

Commissioner Nunamaker:

But, there are restrictions in Section 7.

Commissioner Bouie:

It says, "only allowable as an accessory use to agriculture use." That means that it would have to be proven that there is an agriculture use and the State would have to approve it. So, it is not like they could just walk into Gadsden County alone.

Commissioner Lasley:

That is not what it says.

Commissioner Bouie:

It says as an accessory use.

Commissioner Lasley:

It is happening now with no review level. There are airstrips throughout this county. I can't tell you where they are at.

Commissioner Bouie:

This Restriction states that, "only allowable as an accessory use to a primary agriculture use...."

Commissioner Lasley:

..Silviculture or....

Ms. Gutcher:

Or as residential Fly-in facilities. So, if you wanted to have a Fly-in subdivision, it would be allowed in the Agriculture zoning.

Commissioner Bouie:

But, that would be 10 houses that come together as a subdivision and agree that they would all have private planes come in on this landing strip.

Ms. Gutcher:

Exactly.

And, like Jill said, a lot of this is trying to address what is already happening without any review without any parameters of what is allowed. So, we are trying to capture some of that in this revision.

Commissioner Bouie:

Again, the issue is, "Is this a zoning district where this should be placed?" Right now, there is nothing wrong with that.

This is the recommendation of the staff and this is the zone where they have it currently. It does not ill-effect anyone to have it in this zone. There may be procedures that can be added to Chapter 7, but, it can be in this zone.

Chair Davis:

What is the will of the commission?

Commissioner Bouie:

I have twelve (12) minutes that I can stay.

Commissioner Lasley:

I would suggest that we finish with the Agriculture and get to a stopping point.

Chair Davis:

I don't know if you were at "D" or not. Were you above "D and still on the allowable uses as it relates to bed and breakfast and lodging?"

Commissioner Lasley:

Yes, I do have a question on that. Again, does the B & B lodging as an agrotourism use. I assume that is going to be decided by someone in the office.

Ms. Gutcher:

Yes, it will be reviewed by someone in the office, yes.

The applicant will propose a use and it will be reviewed by staff.

Commissioner Nunamaker:

I am just curious now, but, would that be like for a "Dude Ranch?"
Bed and Breakfast?

Ms. Gutcher:

It can be. People are traveling for experiences more recently. They will come in and work on a farm for a week and stay at the B & B then go home.

Growth Management Director Suzanne Lex:

It is a 5 acre minimum.

Commissioner Nunamaker:

Yeah, o.k. They want to work on a farm?

Commissioner Bouie:

And they will pay me to work on my farm? Hot diggity!

Commissioner Lasley:

So, on page 4-9, in the Table, the maximum building height is 30 ft. in all three of the Ag zones. Again, in the others (Recreation and Silviculture), you had no limits. So, I

would just like to hear the logic of this.

Ms. Gutcher:

Just as we talked about earlier about the possibility of having forestry towers or observation towers that you would possibly want to be taller than 36 ft. Trees are taller than that.

Commissioner Nunamaker:

They used to be. (laughter – a reference to the recent damages to trees from Hurricane Michael)

Commissioner Lasley:

In “D.1” you have, “The Immediate Family Exception will only apply to lands in Ag 2 & 3.” What if you have an Ag1 piece of property that is, we will say 6 acres.

Ms. Gutcher:

You have to have a certain number of acres (and I would have to go back and review), but, you have to have a minimum number of acres to even be able to use this provision.

Commissioner Lasley:

It is 6. 3 for the parent and 3 for the other parcel.

Ms. Gutcher:

I will need to go read it again, but, there is a reason why I wrote it this way and I just can't recall it at the moment.

Commissioner Lasley:

So, again, my question is, “What if you have a piece of Ag property that has the acceptable number of acres to divide it up, why is it not allowed to do that?”

Ms. Gutcher:

I will have to go back and review. I can't recall why I wrote it this way, but there was a reason.

Chair Davis:

She will get back with us on that one. D-1.

Commissioner Lasley:

On D-2, the third line, “zoning districts that are not classified as agriculture....” I think that agriculture needs to be capitalized.

Ms. Gutcher:

O.K.

Commissioner Lasley:

Again, the compatibility analysis comes up. You have already verified that it is not necessarily a type 2 hearing, so –

Ms. Gutcher:

A compatibility analysis is a report. It is a review of what is proposed against what is existing. It is a study.

Commissioner Lasley:

It is still a part of the type 2 hearing process currently.

No. 3. D-3. “Private airstrips are only allowable as an accessory use to a primary agriculture use, silviculture use, or residential subdivision in this zoning district.”

The word, residential subdivision needs to be defined a little bit better than that. That is (inaudible) I am not comfortable with that.

Ms. Gutcher:

Can I get clarification on that? Your understanding.

Commissioner Lasley:

Grammar-wise, in the second line, it should read, “these zoning districts.”

Ms. Gutcher:

“In this zoning district” “this” refers to – Oh, I get it - any of the three zoning districts.

Commissioner Lasley:

Then the next line “that provides for fly-in facilities,” instead of “provide”, I would use “fulfill the criteria for fly-in facilities” or something like that. Provides, I don’t think, is the right word.

Again, I question the residential subdivision. (Definition) require an application for a private air strip.

Commissioner Bouie:

There will probably only a handful of people who could afford to have a subdivision with an airstrip.

Commissioner Lasley:

But, if it is a residential subdivision airstrip, air traffic is going to be heavier and, again, it needs to be presented to the public so that they can have input.

Commissioner Bouie:

I accept that.

Commissioner Nunamaker:

Let's get it in the right category.

Commissioner Bouie:

Then with restrictions, you can outline them in another area. Then you can state that it needs to come before a hearing or whatever.

Chair Davis:

That completes that particular section. We will adjourn.

Attorney Weiss:

I think we might want to have a couple of minutes for public questions?

Chair Davis:

I do apologize. Do we have public input on this thus far?

Sara Johnson, 1666 Talquin Ave. Quincy, FL:

Where do you see the RV parks that are in existence already such as Ingram's Marina, Talquin Lodge, and Whip-O-Will – under recreation or under Nature Center? By reading it, I am unclear. There is so much of the same in both of them. So, my question is where do we fit in?

Chair Davis:

I will defer to staff.

Do you mean currently?

Sara Johnson:

Well Yes, or where are you going to place us?

Growth Management Director Suzanne Lex:

You will stay where you are.

Sara Johnson:

Good.

Jill Jeglie:

But, I would see Nature Tourism as being the best fit rather than Recreation. It will depend on the criteria we go with.

Ms. Gutcher:

You are allowed in Recreation.

Sara Johnson:

I was reading all the commercial things – the house, the boat rental and all of that, which we already have over in Nature zoning. We are just a blend. That will work.

Growth Management Director Suzanne Lex:

If there is a zoning district that you think better fits you, then you can request a zoning change. That is a review process. You kind of got what you got, but, if there is anything you want to change, you can.

Chair Davis:

Is there anyone else?

Growth Management Director Suzanne Lex:

I just want to report that I did write a letter and reached out to all the commissioners to let them know that there are vacancies and requested appointments to the Planning Commission Board. Thank you.

Chair Davis:

Any other comments from the attorney or staff?

O.K. Then we are adjourned.

Again, please share Chapter 7 and also I encourage the commissioners to contact the staff so that we can ask our questions as it relates to Chapter and this chapter and any others.

Regina Davis, Acting Chair

Date Approved

ATTEST:

Nicholas Thomas, Clerk

Gadsden County Planning Commission
 March 14, 2019 Workshop

<u>Zoning District</u>	<u>Sub-section</u>	<u>Page</u>	<u>Questions/Concerns/ Suggested Changes</u>	<u>Conclusion</u>
Mixed Use (MU)	4100	4-1	Break this out into both subcategories "Nature Based Mixed Use" and "Urban Mixed Use"	Revisit this later
Zoning Districts	4100	4-1	Paragraph following the list of zoning districts – second line: correct the spelling of Statutes & manufactured	Corrections noted
Zoning Districts	4100	4-1	Capitalize Federal in the first bullet following the first paragraph	Correction noted
Historical Zone	4100 B Allowable Uses	4-2	Broaden part B to add "As historically established."	Correction noted
Conservation	4102	4-2	First bullet at the bottom of the page, remove the hyphen between federally owned lands.	Correction noted
Conservation	4102 B Allowable Uses	4-3	Add language to restrict use of motorized vehicles on conservation lands. Restrict conservation lands to only passive recreation as a restriction in Part D rather than change Part B.	Add restrictions in Part D regarding motorized vehicles.
Silviculture	4103	4-4	Add the word "be" to the end of the last sentence of the first paragraph.	Correction noted
Silviculture	4103	4-4	In The first sentence of the first bullet, add "that" following the first word (Lands.)	Correction noted
Silviculture	4103 A	4-4	Second line: add the word "of" after typically consist	Correction noted
Recreation	4104 D 4	4-6	Recreation facilities that have ball fields, swimming pools and walking trails, etc.	Consensus to add language that will require developers of sports facilities and /or ball fields that require outdoor lighting to have a lighting study done and the study must be approved by

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<u>Zoning District</u>	<u>Sub-section</u>	<u>Page</u>	<u>Questions/Concerns/ Suggested Changes</u>	<u>Conclusion</u>
				the planning commission and the county commission in a public hearing.
Recreation	4104 D4	4-6	Discussion regarding the wording, "abutting residential zoning districts."	There was a consensus to leave the wording as written with Commissioner Lasley objecting
Recreation	4104 D4	4-6	Hours of operation of the recreation parks	Extensive discussion, but no consensus was reached to change them.
Recreation	4104 D4	4-6	Is the Recreation Use the correct zoning in which to place the described facilities?	Yes
Recreation	4104 D4	4-6	Review on case by case basis	No consensus was reached
Public/Institutional	4105	4-6	Is the zoning district acceptable	Lengthy discussion: Consensus – yes
Public/Institutional	4105 D; 1.	4-6	Correct the spelling of incarceration	Correction was noted
Public/Institutional	4105 B Allowable Uses	4-7	The last 2 bullets of Allowable Uses <ul style="list-style-type: none"> • Any facility related to the provision of utilities including potable water, sanitary sewer, gas or electrical power • Landfills, subject to state permitting process 	Add utilities and landfills to No. 1 and No. 2 to require public hearings and compatibility analysis.
Agriculture Zones	4106 A	4-8	The term "low-density" does not appear in the list of definitions in the code	Add a definition to the list of definitions elsewhere in the Code
Agriculture Zones	4106 A	4-8	The second paragraph of A. does not appear to be a correct statement. Any property that is adjacent to a city limit would be considered rural.	Delete the entire second paragraph
Agriculture Zones	4106 B 3	4-8	Duplication of Agritourism/agritourism	Change the spelling of one of the words to be Agrotourism

<u>Zoning District</u>	<u>Sub-section</u>	<u>Page</u>	<u>Questions/Concerns/ Suggested Changes</u>	<u>Conclusion</u>
Agriculture Zones	4106 B 4	4-8	Is this the correct zone to place air strips and airplane hangars?	After a lengthy discussion, there was not a consensus to change it to another zone.
Agriculture Zones	4106 B 5	4-8	Is Agriculture the appropriate place to list Bed and Breakfast lodging as an agrotourism use	There was a consensus that the Agriculture Zone is appropriate
Agriculture Zones	4105 D 1	4-9	There was a question as to why Ag1 would be exempted from the Immediate Family Exemption (if it had adequate acreage) when Ag 2 and Ag3 were not.	Ms. Gutcher stated that she could not remember why she wrote the language in the manner that she did, but she would come back to them with the answer.
Agriculture Zones	4105 D 2	4-9	D2; third line; the word agriculture should be capitalized.	Correction was noted.
Agriculture Zones	4105 D 3	4-9	The term "residential subdivision" needs to be defined a bit better. Grammar wise, the phrase, "this zoning district" should say, "these zoning districts" because it refers to more than one. Also, the term "provides for fly-in facilities." It was suggested that "provides" is not the right word to use. "fulfill the criteria for fly-in facilities" was suggested as a substitute.	Correction and suggested language was noted.
<p>Ms. Gutcher and staff were requested to provide each of the commissioners a copy of Chapter 7 (where the restrictions are to be placed on zoning districts) so that comparisons could be made between it and Chapter 4 where the zoning districts are described.</p> <p>In addition, Chair Davis requested that the commissioners consult the staff before the meeting time to address their questions so that the meeting could be more productive.</p>				