



BOARD OF COUNTY COMMISSIONERS

THE KEYSTONE COUNTY-ESTABLISHED 1827

435 W. Walnut St., Monticello, Florida 32344

Benjamin "Benny" Bishop
District 1

John Nelson, Sr.
District 2

Hines F. Boyd
District 3

Betsy Barfield
District 4

Stephen Walker
District 5

Regular Session Agenda
April 4, 2013 at the Courthouse Annex
435 W. Walnut St. Monticello, FL 32344

1. **9:00 A.M. – Call to Order, Invocation, Pledge of Allegiance**
2. **Public Announcements, Presentations, & Awards**
3. **Consent Agenda**
 - a) **Approval of Agenda**
4. **Citizens Request & Input on Non-Agenda Items (3 Minute Limit, No Commissioner Discussion)**
5. **General Business**
 - a) **Road Maintenance on Fishburn Lane – Commissioner Walker**
 - b) **Road Bond Budgeting – Commissioner Boyd**
 - c) **Board Meeting Time/Date – Commissioner Barfield**
6. **County Coordinator's Report**
 - a) **Proposed FLUM Amendments – Bill Tellefsen/Scott Shirley**
 - b) **Briefing on Proposed Firing Range Ordinance– Bill Tellefsen/Scott Shirley**
 - c) **Fire Station Construction Budget – Mark Matthews/Alan Wise**
 - d) **ARPC Hazardous Waste Management Practices – Parrish Barwick**
 - e) **Martin Road Update – Alan Wise/Parrish Barwick**
7. **Citizen's Forum (3 Minute Limit, Commissioner Discussion Allowed)**
8. **Commissioner Discussion Items**
9. **Adjourn**

From the manual "Government in the Sunshine", page 40:

Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may 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.

ITEM 6(a): PROPOSED FLUM AMENDMENTS

JEFFERSON COUNTY PLANNING DEPARTMENT

445 W. PALMER MILL ROAD MONTICELLO, FLORIDA 32345
Phone (850) 342-0223 Fax: (850) 342-0225

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: BILL TELLEFSEN, PLANNING OFFICIAL
SUBJECT: PROPOSED COMPREHENSIVE PLAN MAP AMENDMENTS
DATE: 3/28/2013
CC: (BY EMAIL) KIRK REAMS, PARRISH BARWICK, NICK FLYNT, SCOTT SHIRLEY, BUCK BIRD

The request to submit staff-generated FLUM amendments involves two areas in the county with 5 parcels in each area.

The initial impetus for a proposed FLUM amendment was an inquiry by a realtor regarding the uses allowed on a parcel of land. The first question by staff was whether the subject parcel lies within the City Limits or is in the County. The parcel in question led to the discovery that several parcels on the west side of US 19 South appeared to be depicted incorrectly on the Property Appraiser's website.

The Future land Use layer depicts the County FLUM designations. In viewing the existing map, the gray areas are indicated as being within the City's boundaries (See Image 1 below).

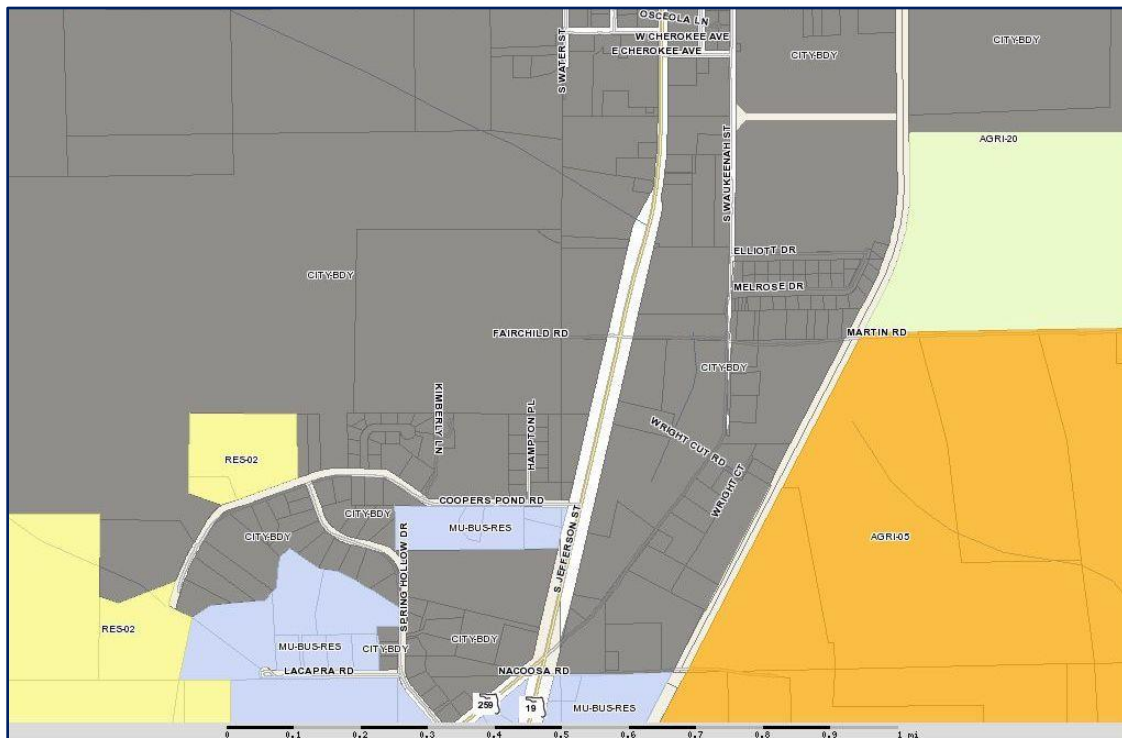


Image 1 – Current FLUM (City is gray)

Turning off the FLUM layer and turning on the City Zoning layer and background aerial revealed parcels that were in the City as overlaid by the colors of their respective zoning districts while county properties were visible as the aerial map with yellow parcel lines. Five (5) parcels west of US 19 indicated as being in the City on the FLUM overlay were clearly visible on the aerial (see Image 2 below).

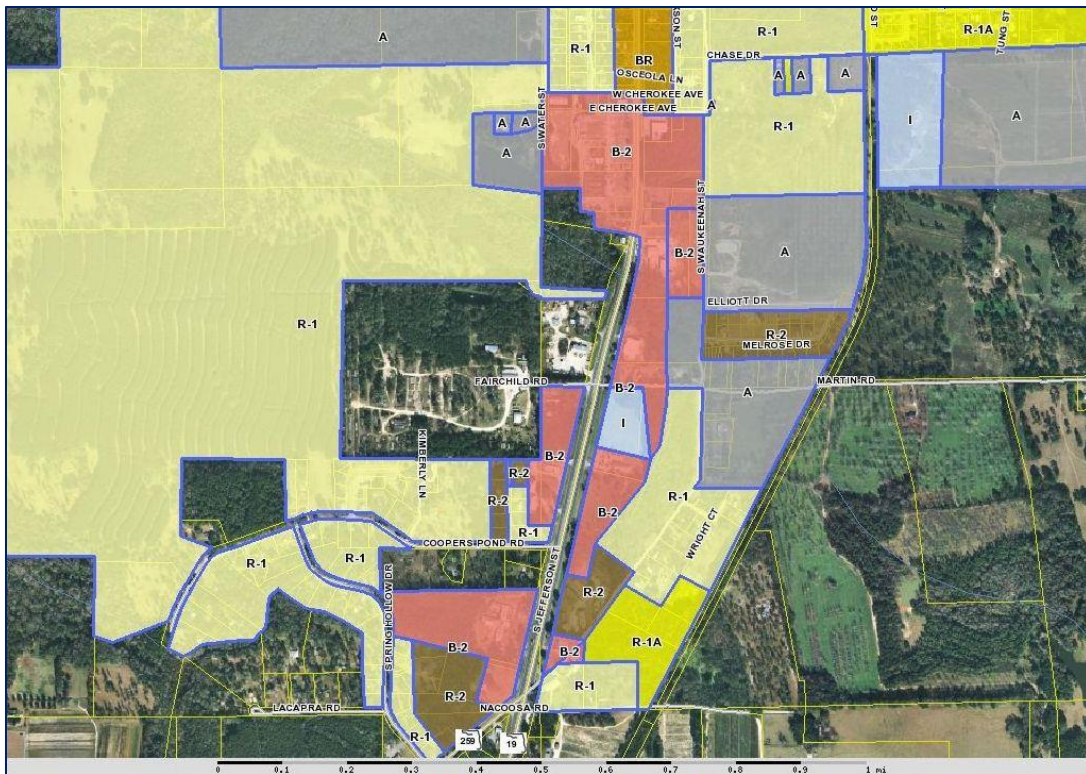


Image 2 – City Zoning Districts & City Limits (“Aerial only” areas are County properties)

When the map is view with no aerial and the FLUM and zoning layers turned on, the dark gray parcels are County properties currently depicted on our official FLUM as being within the city and not assigned a Future Land Use Category/Designation (see Image 3 below).



Image 3 – City Zoning/County FLUM (dark gray are undesignated County properties)

The county properties on both sides of US 19 are all designated Mixed-Use Business Residential as follows:

1. West – the South side of Cooper’s Pond Road (5 properties)
2. West – the North side of Waukeelah Highway and both sides of LaCapra Road.
3. West - South of Waukeelah Highway all the way to the Industrial Park
4. East – South of Nacoosa Road to JCMHS

The 6 undesignated properties listed below should also be MUBR.

PARCEL ID #	NAME	AREA
31-2N-5E-0000-0111-0000	BENTLEY MONTICELLO LLC	6.542 ACRES
	241 WASHINGTON AVENUE	
	MARIETTA, GA 30060	
31-2N-5E-0000-0121-0000	PEARY TIMOTHY H & MARTHA N	0.344 ACRES
	1405 S. JEFFERSON ST	
	MONTICELLO, FL 32344-1637	
31-2N-5E-0000-0120-0000	GRAVES EDWIN HOLT TR	6.86 ACRES
	4216 CHIPPEWA DR	
	JACKSONVILLE, FL 32210-6003	
31-2N-5E-0000-0141-0000	JEFFERSON COUNTY BOCC	7.219 ACRES
	CTHSE RM 10	
	MONTICELLO, FL 32344	
31-2N-4E-0000-0050-0000	ANDERSON COLUMBIA CO INC	51.7 ACRES
	PO BOX 1829	
	LAKE CITY, FL 32056-1829	

Detail image below shows three parcels north and two parcels south of the future entrance to the Monticello Plantations LLC property are county properties without designated Land Use Categories indicated.

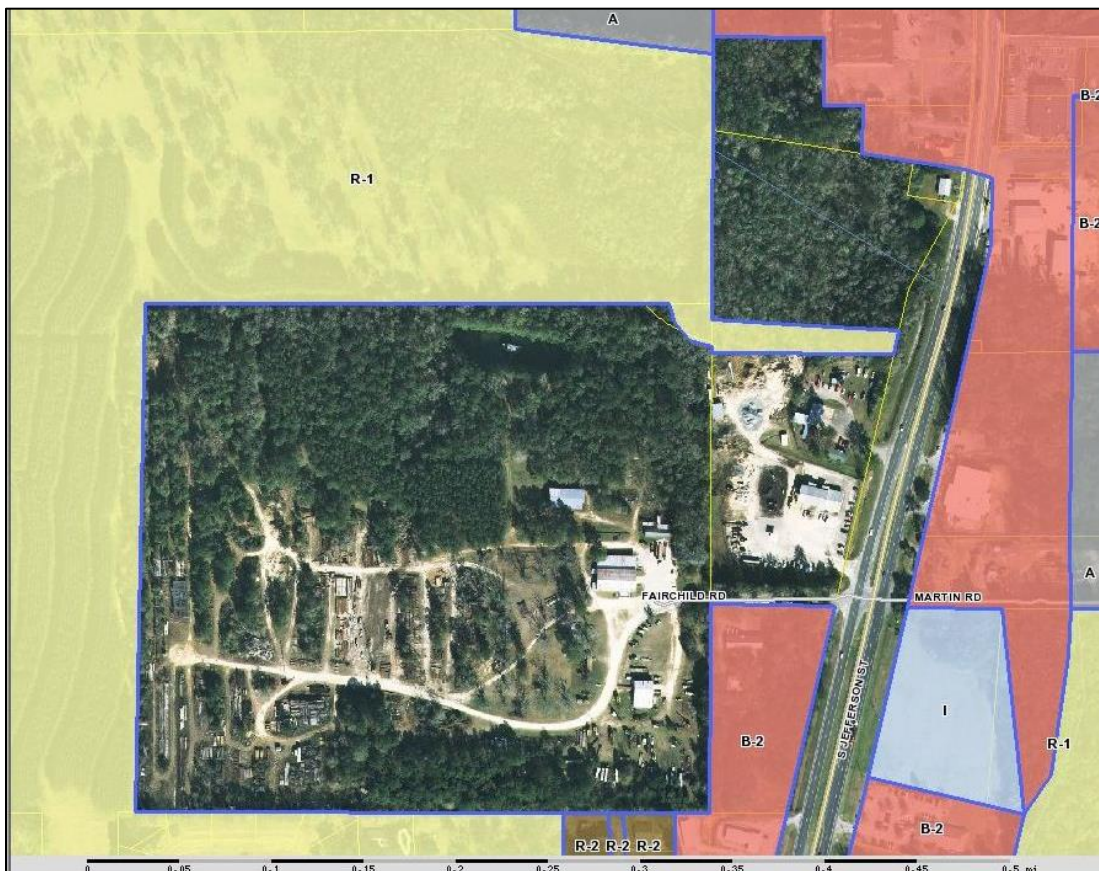


Image 4 – Undesignated County properties

Note: The 6.542-acre Bentley Monticello LLC parcel is partially in city/county with about 2.38 acres in the county and 4.16 acres in the city as depicted below in Image 4-A:



Image 4-A (Bentley Monticello LLC parcel)

In another, unrelated incidence, a property owner (Mr. & Mrs. Grantham) inquired about constructing another residence on their 25-acre property. In reviewing the parcel in question, it was found to be split between two land use categories. The southern non-frontage portion of the property is in Ag 20 and the northern portion is in Ag 5.



Image 5 – Grantham property



Image 5A – Existing Residence

The existing residence just happens to be located on the boundary between land use categories. The Granthams wish to construct a new site-built home north of the existing double-wide mobile home and then remove the existing mobile home or possibly convert it to a workshop or storage building, etc.

Looking at the adjacent properties, it became clear that 5 parcels are split in land use categories in a similar manner. At some point someone will want to know the options available for use of the any one of the individual properties. Image 6 depicts the properties affected (Image 7 is a much larger view of the entire area for reference in evaluation of potential impact of the change) as a whole.

It will be difficult for any future Planning Official to be definitive in a response to an inquiry regarding any parcel split by land use (or zoning) districts. While questions of interpretation should always be in favor of the property owner the need for any interpretation can be removed by making the properties wholly in a single category. To make them all Ag 20 would be removing some vested property rights, therefore I believe the correct course is to change the FLUM and place these parcels in Ag 5. I think the 160.58 acres has an existing potential of 19 units. Changing the properties would allow an overall maximum of 32 dwellings, resulting in an increase of a potential 13 units.

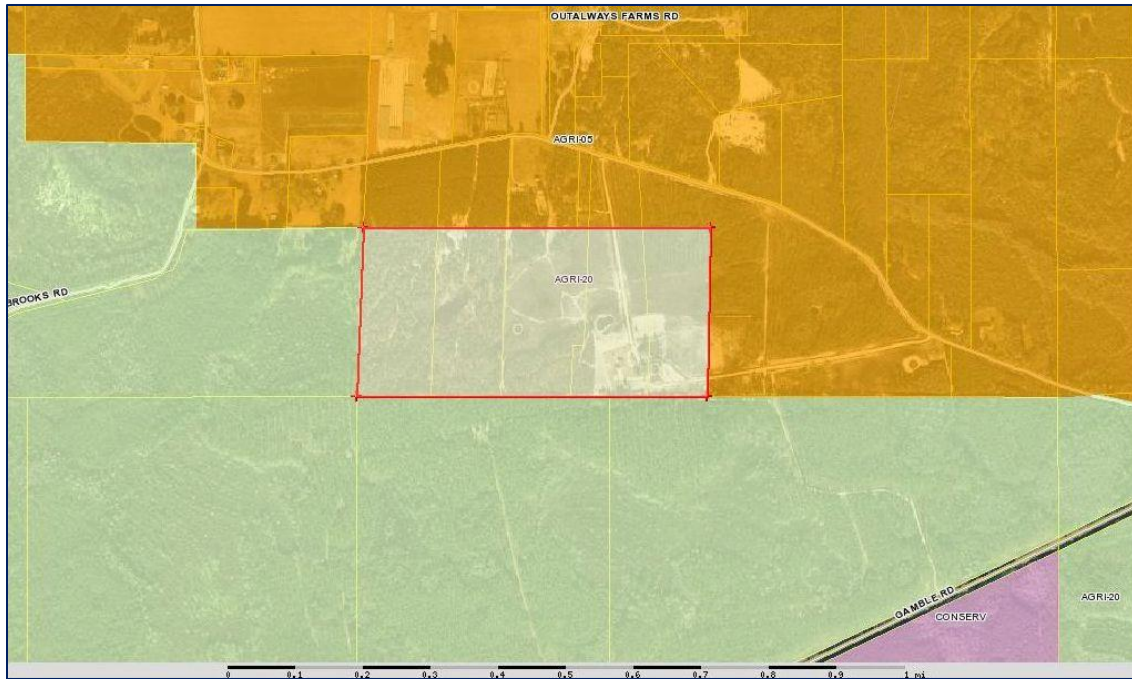


Image 6 – Proposed Area to change to Ag-5

A property split by zoning or land use districts becomes difficult for cluster development when the number of units allowable in the development is determined by mixed densities. Since this subject area is also encumbered by areas of wetlands, wetlands could not be included in density calculation without utilizing clustering. Even if clustering was utilized, maximum potential density may still be limited by the ½ acre minimum lot size necessary for septic tank/well placement.



Image 7 – Wetlands in Ag-20 Area

The 5 parcels are in three ownerships with approximate acreages in each land use district as shown below:

PARCEL ID #	NAME	AREA	AG 5	AG 20
34-1S-3E-0000-0025-0000	UDELL THOMAS M & DEBRA F	25.00 ACRES	7.6 ACRES (1 unit)	17.4 ACRES (1 unit)
	10870 HERFORD TRACE			
	TALLAHASSEE, FL 32317			
34-1S-3E-0000-0040-0000	GRANTHAM CURTIS DALE & RUBY LEE SCHMIGEL-GRANTHAM	25.00 ACRES	8.5 ACRES (1 unit)	16.5 ACRES (1 unit)
	P O BOX 383			
	WACISSA, FL 32361-0383			
34-1S-3E-0000-0023-0000	TURNER BENJAMIN P & JOYCE B	20.00 ACRES	1 ACRES (0 units*)	19 ACRES (1 unit)
	1121 LIMESTONE RD			
	MONTECELLO, FL 32344			
34-1S-3E-0000-0026-0000	TURNER BENJAMIN P & JOYCE B	20.00 ACRES	4.6 ACRES (1 unit)	15.4 ACRES (1 unit)
	1121 LIMESTONE RD			
	MONTECELLO, FL 32344			
34-1S-3E-0000-0020-0000	TURNER BENJAMIN P & JOYCE B	70.58 ACRES	56 ACRES (11 units)	14 ACRES (1 unit)
	1121 LIMESTONE RD			
	MONTECELLO, FL 32344			
TOTALS		160.58 ACRES (19 units)	77.7 ACRES (14 units)	82.3 ACRES (5 units)

None of the owners have requested any change; however, it has historically been the position of the BOCC & Planning Commission to follow property lines whenever reasonably possible in defining land use districts and keep parcels in one unified land use category. As is always the case, there are exceptions to the general policy.

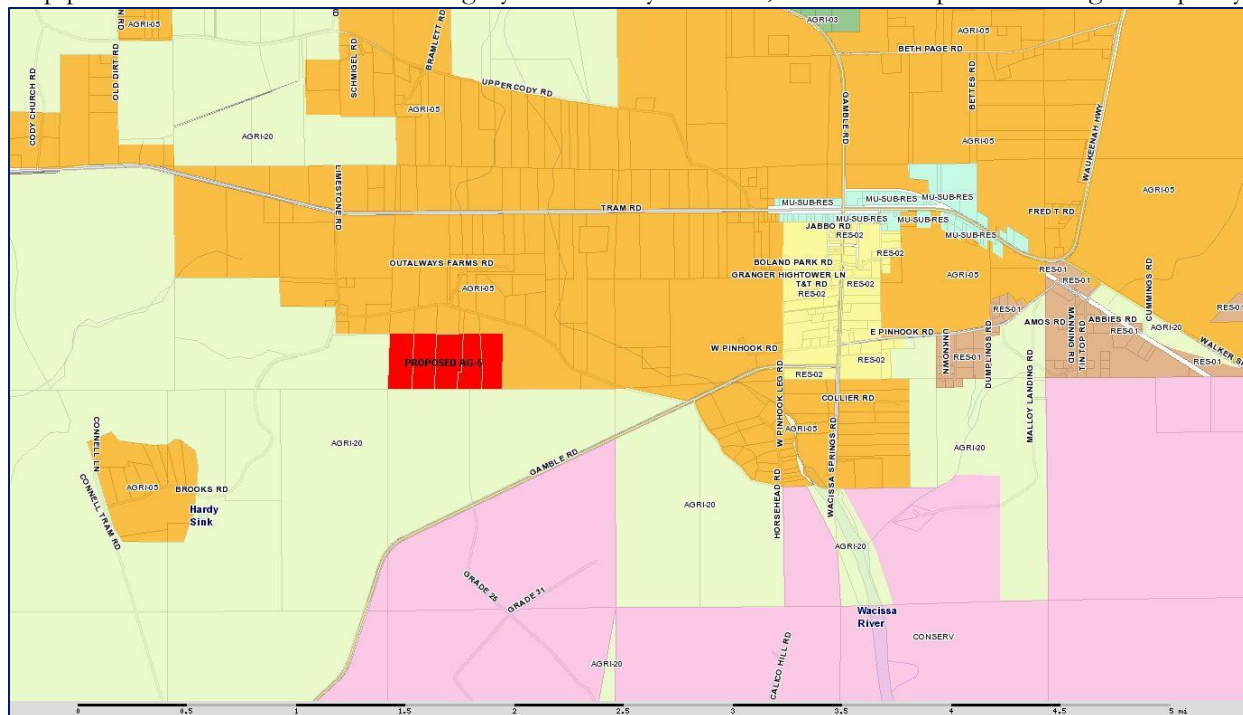
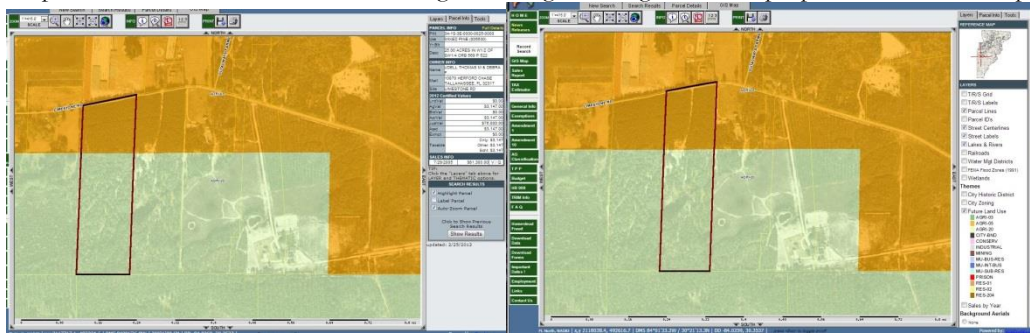


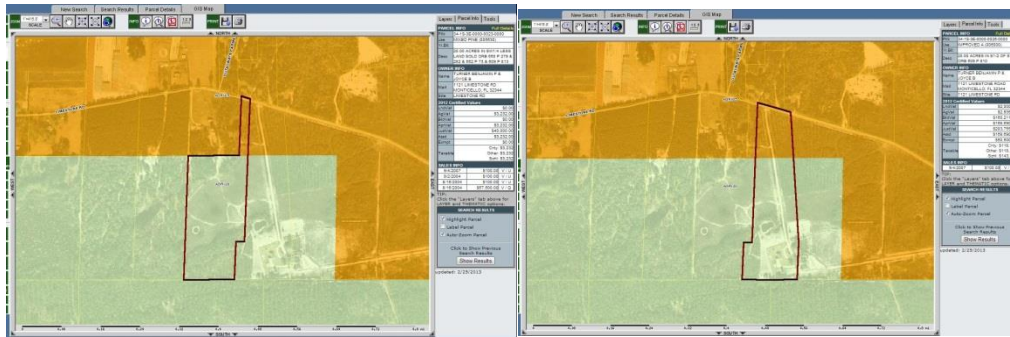
Image 8 Large Area Map of Proposed Ag-5 Parcels

Proposed FLUM Amendment # 2 – change from Ag 20 to Ag 5 – The 5 properties in 3 ownerships

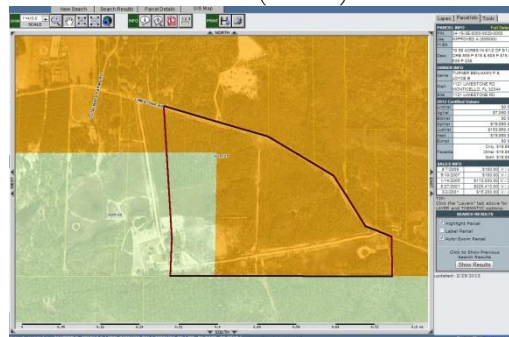


Udell

Grantham



Turner (3 tracts)



**ITEM 6(b): BRIEFING ON PROPOSED FIRING
RANGE ORDINANCE**

**JEFFERSON COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2013-022113-01

AN ORDINANCE OF JEFFERSON COUNTY FLORIDA, RELATING TO RECREATIONAL SHOOTING AND FIRING RANGES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; AMENDING LAND DEVELOPMENT CODE SECTION 2.02.01.03, OUTDOOR RECREATIONAL, TO EXEMPT COMMERCIAL RECREATIONAL SHOOTING AND FIRING RANGES FROM THE REQUIREMENT OF OBTAINING A SPECIAL EXCEPTION; AMENDING LAND DEVELOPMENT CODE SECTION 2.02.03 EFFECTING SAME PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Florida, as follows:

SECTION 1: FINDINGS OF FACT

WHEREAS, pursuant to the requirements of the Community Planning Act (formerly the Local Government Comprehensive Planning and Land Development Act of Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code), Jefferson County had adopted a Comprehensive Land Use Plan and Land Development Code; and

WHEREAS, pursuant to the requirements of the Community Planning Act, Jefferson County has adopted a Land Development Code which, among other things, establishes land uses allowed in the various areas of the County, as depicted on the Comprehensive Plan Future Land Use Map; and

WHEREAS, Land Development Code Section 2.02.01.03, Outdoor Recreational, specifies that a special exception is required for the establishment of commercial recreational shooting and firing ranges; and

WHEREAS, in 2011 the Florida Legislature adopted amendments to Section 790.33, Florida Statutes, which further strengthened and broadened the preemption of the regulation of the use of firearms to the State, and provided penalties to local officials for violation of such preemption; and

WHEREAS, in order to avoid intruding into an area of regulation preempted to the State, the Jefferson County Board of County Commissioners has determined that it is necessary to exempt commercial recreational shooting and firing ranges from the special exception requirement generally applicable to commercial recreational activities; and

WHEREAS, a public hearing has been conducted after due public notice by the Jefferson County Planning Commission which has recommended adoption of this ordinance by the Board of County Commissioners; and

WHEREAS, the Jefferson Board of County Commissioners has determined that this ordinance is consistent with the adopted Comprehensive Plan and is necessary to protect the health, safety, and welfare of Jefferson County, Florida and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of County Commissioners as follows:

SECTION 2: PURPOSE OF ORDINANCE

The purpose of this Ordinance is to exempt commercial recreational shooting and firing ranges from the special exception requirements of the Jefferson County Land Development Code.

SECTION 3: AMENDMENT OF TO SECTION 2.02.01.03 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 2.02.01.03 of the Jefferson County Land Development Code is hereby amended as follows:

NOTE: Underlined language is proposed language and ~~Struck-Through~~ language is language proposed to be deleted.

ARTICLE TWO LAND USE AND VEGETATION

2.02.00 USES ALLOWED IN LAND USE DISTRICTS

This Section defines and prescribes the specific uses allowed within each land use district described in the Jefferson County Comprehensive Plan and this Code.

2.02.01 TYPES OF USES BY CATEGORY:

...

2.02.01.03 Outdoor Recreational

These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, licensed airstrips, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, rodeo arenas, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, hunting, recreational shooting, firing ranges, marinas, miniature golf courses, race tracks, and similar recreational or quasi-recreational activities and all similar outdoor recreational uses, whether public or private, together with ordinary amenities and service normally associated with such uses. With the exception of outdoor recreational shooting and firing ranges, ~~C~~commercial uses of these shall require a special exception permit. Development order approval shall be required for commercial recreational outdoor shooting and firing ranges.

...

SECTION 4: AMENDMENT OF TO SECTION 2.02.03 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE

Section 2.02.03 of the Jefferson County Land Development Code is hereby amended as follows:

NOTE: Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

2.02.03 Allowable Uses Within Each Land Use District

A. Agriculture 20

The following types of uses are allowed in the Agriculture 20 land use district.

1. Agricultural.
2. Residential, subject to the density standards in Table 2.04.07
3. Institutional, excluding residential care facilities and nursing homes.
4. Outdoor Recreational.
5. Local Public Service Activities.
6. Roadside Produce Stands, Temporary or Permanent.
7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: commercial outdoor arenas, commercial livestock auction facilities, ~~commercial outdoor firing ranges~~, commercial race tracks, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the county is not permanent.

8. Commercial Outdoor Firing Ranges.

B. Agriculture 5

The following types of uses are allowed in the Agriculture 5 land use district.

1. Agricultural.
2. Residential, subject to the density standards in Table 2.04.07.
3. Institutional.
4. Outdoor Recreational.
5. Local Public Service Activities.
6. Roadside Produce Stands, Temporary or Permanent.
7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: commercial outdoor arenas, commercial livestock auction facilities, ~~commercial outdoor firing ranges~~, commercial race tracks, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the County is not permanent.
8. Commercial Outdoor Firing Ranges, subject to minimum 20 acre parcel size.

C. Agriculture 3

The following types of uses are allowed in Agriculture III land use areas.

1. Agriculture
2. Residential, subject to the density standards in Table 2.04.07
3. Institutional.
4. Outdoor recreational.
5. Local Public service activities.
6. Roadside produce stands, temporary or permanent.

7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: Commercial outdoor arenas, commercial livestock auction facilities, ~~commercial outdoor firing ranges~~, commercial race track, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the County is not permanent.

8. Commercial Outdoor Firing Ranges, subject to minimum 20 acre parcel size.

...

SECTION 5: SEVERABILITY

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and affect.

SECTION 6: CONFLICT

All ordinances or parts of ordinances in conflict herewith are, to the extent of such of conflict, hereby repealed.

SECTION 7: COPY ON FILE

A certified copy of this enacting ordinance shall be filed with the Clerk of the Circuit Court.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

SECTION 9: AUTHORITY

This ordinance is adopted pursuant to the authority granted by Chapter 125.01 and Chapter 163.3161 through 163.3215, Florida Statutes.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Jefferson County this _____ day of February, 2013.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA

John Nelson, Chairman

ATTESTED BY:

Kirk Reams, Clerk of the Circuit Court

APPROVED as to FORM & SUBSTANCE:

Scott Shirley, County Land Use Attorney