



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: February 3, 2017

Meeting Date: February 16, 2017

Name: Brandon M. Stubbs

Department: Building And Zoning

Division Manager's Signature: _____

1. Nature and purpose of agenda item:

ORDINANCE 2017-01 - LDR 17-01: A proposed amendment to the text of the Land Development Regulations ("LDRs") to amend Section 4.2.31, entitled "Home Occupation Requirement"; Section 4.4.5, entitled "Special Exceptions"; Section 4.5.7, entitled "Special Exceptions"; Section 4.6.5, entitled "Special Exceptions"; Section 4.7.5, entitled "Special Exceptions"; Section 4.8.5, entitled "Special Exceptions"; Section 4.9.5, entitled "Special Exceptions"; Section 4.11.5, entitled "Special Exceptions"; Section 4.18.4, entitled "Special Exceptions"; and, Section 4.19.4, entitled "Special Exceptions". The purpose of the proposed amendment to allow for the Land Development Regulation Administrator the authority to approve home occupations. Currently, home occupations must obtain a special exception from the Board of Adjustment. The Land Development Regulations have strict regulations for home occupations which define what uses are permissible as home occupations and ensure there are no negative impacts to adjacent property owners.

Attach any correspondence information, documents and forms for action i.e., contract agreements, quotes, memorandums, etc.

2. Fiscal impact on current budget.

Is this a budgeted item?

N/A

Yes Account No. _____

No Please list the proposed budget amendment to fund this request

Budget Amendment Number: _____

Fund: _____

FROM:

TO:

AMOUNT:

For Use of County Manger Only:

Consent Item

Discussion Item

ORDINANCE NO. 2017-01

AN ORDINANCE OF COLUMBIA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 98-1, THE COLUMBIA COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; RELATING TO AN AMENDMENT TO THE TEXT OF THE COLUMBIA COUNTY LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, LDR 17-01, BY BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 4.2.31, ENTITLED "HOME OCCUPATION REQUIREMENTS"; AMENDING SECTION 4.4.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.5.7, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.6.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.7.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.8.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.9.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.11.5, ENTITLED "SPECIAL EXCEPTIONS"; AMENDING SECTION 4.18.4, ENTITLED "SPECIAL EXCEPTIONS"; AND, AMENDING SECTION 4.19.4, ENTITLED "SPECIAL EXCEPTIONS"; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Columbia County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare and adopt land development regulations;

WHEREAS, Sections 163.3161 to 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the Board of County Commissioners to prepare and adopt regulations concerning the use of land and water;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Planning and Zoning Board of Columbia County, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of Columbia County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 125.66, Florida Statutes, as amended, the Board of County Commissioners, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Board of County Commissioners has determined and found that approval of

said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, LDR 17-01, by the Board of County Commissioners, Section 4.2.31, entitled "Home Occupation Requirements"; Section 4.4.5, entitled "Special Exceptions"; Section 4.5.7, entitled "Special Exceptions"; Section 4.6.5, entitled "Special Exceptions"; Section 4.7.5, entitled "Special Exceptions"; Section 4.8.5, entitled "Special Exceptions"; Section 4.9.5, entitled "Special Exceptions"; Section 4.11.5, entitled "Special Exceptions"; Section 4.18.4, entitled "Special Exceptions"; and, Section 4.19.4, entitled "Special Exceptions" of the Land Development Regulations are hereby amended as follows:

4.2.31 *Home occupation requirements.* The Land Development Regulation Administrator, or the Land Development Regulation Administrator's designee, shall have the authority to approve home occupations subject to the following requirements:

1. Only one additional person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding 16 square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two feet distance from the main entrance to the residence.
4. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.
5. No home occupation shall occupy more than 20 percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters, shall be considered as floor area for the purpose of this definition until two years after the date of completion thereof.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

8. For purposes of illustration, the following uses shall not be considered home occupations: (1) studio for group instruction, (2) dining facility or restaurant, (3) antique or gift shop, (4) outdoor repair, (5) food processing, (6) retail sales, except in agriculture zoning districts, and (7) child care center.
9. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs a through h above and all other provisions of these land development regulations: (1) the giving of individual instruction to one person at a time such as art or music teacher; (2) fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales, except in agriculture zoning districts, are made in the home; (3) custom dressmaking, seamstress, milliner; (4) tutoring for not more than one student at a time; (5) answering telephone; (6) barber or beauty shop; (7) photographic studios; (8) professional or business offices; and retail sales in agriculture zoning districts; and other similar uses.
10. A home occupation shall be subject to all applicable occupational licenses and other business taxes.

4.4.5 *Special exceptions.*

(See also articles 12 and 13).

1. Campgrounds of less than 100 campsites, provided that such campgrounds are no located within five miles from another campground, which is also located within an environmentally sensitive area and not more than 20 percent of the natural vegetation on each campsite within such campgrounds shall be removed.
2. Bottled-water plant.
3. Solar power generation plant (See section 4.2.41).
4. Other similar uses, which are consistent with the uses within this district.

4.5.7 *Special exceptions within Agriculture-1, Agriculture-2 and Agriculture-3 districts.*

(See also articles 12 and 13.)

1. The processing, storage, and sale of agricultural products and commodities which are not raised on the premises; provided, that no building used for these activities shall be located within 150 feet of any side or rear lot line.
2. Livestock auction arenas and general merchandise auction houses.
3. Livestock or poultry slaughterhouses; provided, that no building used for these activities shall be located within 150 feet of any lot line.
4. Heavy equipment and related machinery sales.
5. Agricultural feed and grain packaging, blending, storage, and sales.
6. Agricultural fertilizer storage and sales.
7. Agricultural fairs and fairground activities.
8. Recreational activities such as racetracks and speedways; golf courses; country clubs; tennis and racquet clubs; golf and archery ranges; rifle, shotgun, and pistol ranges; travel trailer parks or campgrounds, including day camps; hunting or fishing camps; and similar uses.

9. Riding or boarding stables; provided that no building used for housing of animals shall be located within 150 feet of any lot line.
10. Drive-in theaters (see section 4.2 for special design standards).
11. Hospitals, sanitariums, nursing homes, and residential homes for the aged and residential facilities for the aged.
12. Commercial kennels, veterinary clinics, and animal shelters; provided, that no open runs or buildings used for housing of animals shall be located within 150 feet of any lot line.
13. Group living facilities.
14. Crematories.
15. Airplane landing fields.
16. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
17. Public buildings and facilities, unless otherwise specified (see section 4.2).
18. Private clubs and lodges.
19. Off-site signs (see also section 4.2).
20. Solid waste facilities.
21. Group home care facilities.
22. Explosives, manufacturing or storage.
23. Flea markets.
24. Paper and pulp manufacturing
25. Cemeteries and mausoleums which require state licensure.
26. Small engine repair (not to exceed 2,000 square feet).
27. Automotive repair and repair of agricultural equipment (not to exceed 2,500 square feet).
28. Welding shop (not to exceed 2,500 square feet).
29. Bed and breakfast inns.
30. Building contractor and yard.
31. General store.
32. Mini-warehouses (completely enclosed).
33. Intensive agriculture (except where prohibited).
34. Sawmills and planing mills and similar uses; provided, that no building used for these activities shall be located with 300 feet of any lot line.
35. Funeral homes.
36. Exotic animals.
37. Private schools offering curricula similar to public school.
38. Solar power generation plant (see section 4.2.41).

39. Other uses which are compatible with the uses of this district.

4.6.5 *Special exceptions.*

(See also articles 12 and 13.)

1. Reserved.
2. Reserved.
3. Reserved.
4. Reserved.
5. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and
 - b. Provision is made for areas for off-street pickup and drop-off of children.
6. Public buildings and facilities, unless otherwise specified. (See section 4.2.)
7. Private clubs and lodges.
8. Private schools offering curricula comparable to that of public schools.
9. Other similar uses.

4.7.5 *Special exceptions.*

(See also articles 12 and 13.)

1. Golf courses, country clubs, and racquet and tennis clubs.
2. Cemeteries and mausoleums.
3. Private clubs and lodges.
4. Parks maintained by any private association of persons residing in the district.
5. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.
6. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
7. Commercial greenhouses and plant nurseries.
8. Bed and breakfast inns.
9. Conference centers.
10. Duplexes (in RSF-2 on one acre).
11. Private schools offering curricula comparable to that of public schools.
12. Other similar uses.

4.8.5 *Special exceptions.*

(See also articles 12 and 13.)

1. Bed and breakfast inns.

2. Golf courses, country clubs, racquet and tennis clubs.
3. Cemeteries and mausoleums.
4. Private clubs and lodges.
5. Parks maintained by any private association of persons residing in the district.
6. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified. (See section 4.2.)
7. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
8. Commercial greenhouses and plant nurseries.
9. Duplexes (in RSF/MH-2 minimum one-acre parcel).
10. Conference centers.
11. Private schools offering curricula comparable to that of public schools.
12. Other similar uses, which are compatible with the uses of the district.

4.9.5 *Special exceptions.*

(See also articles 12 and 13.)

1. Golf courses, country clubs, and racquet and tennis clubs.
2. Cemeteries and mausoleums.
3. Private clubs and lodges.
4. Parks maintained by any private association of persons residing in the district.
5. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified. (See section 4.2.)
6. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.; and
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
7. Commercial greenhouses and plant nurseries.
8. Private schools offering curricula comparable to that of public schools.
9. Other similar uses compatible with the district.

4.11.5 *Special exceptions.*

(See also articles 12 and 13.)

1. Golf courses, country clubs, and racquet and tennis clubs.
2. Cemeteries and mausoleums.
3. Private clubs and lodges.
4. Parks maintained by any private association of persons residing in the district.
5. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified. (See section 4.2.)

6. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - b. Provision is made for areas for off-street pick-up and drop-off of children.
7. Group living facilities.
8. Nursing homes and residential homes for the aged.
9. Conference centers.
10. Bed and breakfast inns.
11. Private schools offering curricula comparable to that of public schools.
12. Other similar uses, which are compatible with the character of the district.

4.18.4 *Special exceptions.*
 (see also articles 12 and 13).

1. Residential homes for the aged

4.19.4 *Special exceptions.*
 (see also articles 12 and 13).

1. Reserved

Section 2. 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 effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.

Section 6. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting,

by the Board of County Commissioners this 16th day of February 2017.

Attest:

BOARD OF COUNTY COMMISSIONERS OF
 COLUMBIA COUNTY, FLORIDA

P. DeWitt Cason, County Clerk

Ron Williams, Chairman