

1 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
 2 newspaper of general circulation notifying the public of this proposed ordinance and of a
 3 public hearing in the Levy County Government Center in Bronson, Florida.

4
 5 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
 6 of Levy County, Florida, that:

7
 8 **SECTION 1.** Section 50-678 of the Levy County Code is amended to read as follows:

9
 10 **Sec. 50-678. – Lot Cover Regulations.**

Schedule 2-1. Lot Cover Regulations				
	Maximum impervious coverage expressed as a percentage of the lot size			
District	Less than 1 acre	1 – 4.99 acres	5 - 9.99 acres	10 acres or greater
F/RR	25%	20%	10%	5%
A/RR	25%	20%	10%	5%
RR	25%	20%	15%	10%
R-1	30%	20%	15%	10%
R-2	30%	20%	15%	10%
RR-3C	20%	15%	10%	5%
R-3	50%	40%	30%	20%
C-1	<u>50</u> <u>80</u> %, regardless of lot size			
C-2				
C-3				
C-4				
I				

Note: deletions shown ~~stricken~~, additions shown underlined; highlighted **revision** made by staff after the Planning Commission meeting

RMU	<u>50%, regardless of lot size</u>
PF	
REC	10%, regardless of lot size
NR-CON	Refer to Comprehensive Plan - Future Land Use Element
PUD	The lot cover regulations of the underlying zoning district, unless specific regulations are set forth in the PUD ordinance
Note: In the event of conflict or inconsistency with the requirements of Federal or State agencies, the Federal and/or State requirements will control.	

1
2 **SECTION 2.** Section 50-691 of the Levy County Code is deleted in its entirety and
3 portions thereof are relocated to more appropriate locations within the Code (as reflected
4 in SECTIONS 3 and 4 below.)
5

6 **Sec. 50-691. – Reserved. Open space.**
7

8 ~~(a) *Lot cover.* Schedule 2 of this article provides that, within the various districts, a~~
9 ~~portion of every lot of record will, when developed, remain as open space, i.e., not~~
10 ~~covered with impervious surfaces or structures.~~

11
12 ~~(b) *Usable uplands and wetlands.* Except for essential public utility services and~~
13 ~~electric generating facilities, one hundred percent of all wetlands shall be~~
14 ~~preserved in a natural state, except in circumstances where they must be crossed~~
15 ~~for access purposes. If wetlands are altered or destroyed by crossings, mitigation~~
16 ~~shall be required at the rate of 1.1 square feet of new wetlands per square foot~~
17 ~~destroyed. For each acre of preserved wetland, a minimum of one-tenth acre of~~
18 ~~contiguous upland will be dedicated to permanent open space. The development~~
19 ~~potential of the preserved uplands may be transferred to other uplands under the~~
20 ~~same common ownership, with a commensurate reduction in the average lot size.~~
21 ~~Development in wetlands necessary for essential public utility services and electric~~
22 ~~generating facilities shall be subject to the uniform mitigation assessment method~~
23 ~~for wetlands (UMAM) established by the Florida Department of Environmental~~
24 ~~Protection.~~

25
26 ~~(c) *Density bonuses for public dedication.* Developers who dedicate usable uplands~~
27 ~~to public use, (i.e., county, state, special district or private, nonprofit organizations),~~
28 ~~with public access, shall receive a density bonus of one dwelling unit per acre~~
29 ~~dedicated. The density bonus may be utilized on other lands that are contiguous~~

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1 and under the same common ownership, with a commensurate reduction in the
2 average lot size.

3
4 ~~(d) Trees. All open space areas shall contain a minimum of ten trees per acre.~~

5
6 ~~(1) Tree species shall be predominantly, i.e. over 50 percent, native trees.~~

7
8 ~~(2) If the tree species to be planted are not drought tolerant, an irrigation system~~
9 ~~must be installed.~~

10
11 ~~(3) Tree sizes and spacing or grouping shall be left to the discretion of the~~
12 ~~developer.~~

13
14 **SECTION 3.** Section 50-191 of the Levy County Code is re-titled and amended as
15 follows.

16
17 **Sec. 50-191. – Environmental assessments; Specific and cumulative impact**
18 **protection.**

19
20 ~~(a) Wetlands. Except for construction of a single-family dwelling, Any~~
21 ~~development contiguous to a wetland, waters of the state, a wildlife management~~
22 ~~area or preserve, marine resources or any beach or shoreline shall provide an~~
23 ~~environmental assessment of the potential environmental impacts of the~~
24 ~~development upon those ecosystems, except as provided in subsection (b) of~~
25 ~~this section. The assessment must be prepared by a qualified firm or individual~~
26 ~~and, at a minimum, must document predevelopment conditions of the~~
27 ~~ecosystems; describe the cumulative effects of the various development phases,~~
28 ~~including surrounding development, upon environmental quality; and describe~~
29 ~~those actions to be taken to protect or improve environmental quality.~~

30
31 ~~(b) Exemption. Single family development on tracts of record prior to January 1990~~
32 ~~is exempt from this requirement.~~

33
34 ~~(c) Standards. An environmental impact assessment shall meet the following~~
35 ~~minimum standards:~~

36
37 ~~(1) It shall be prepared by an individual or a firm with at least a four-year degree in~~
38 ~~the environmental sciences and unrelated to the applicant.~~

39
40 ~~(2) It shall document predevelopment conditions of the ecosystems described in~~
41 ~~subsection (a) of this section; it shall describe the cumulative effects of the~~
42 ~~various development phases, including surrounding development, upon~~

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1 environmental quality; and it shall describe those actions to be taken to protect
2 or improve environmental quality.

3
4 **SECTION 4.** A new Section 50-195 is created within the Levy County Code to
5 accommodate text relocated from Sec. 50-691 (deleted in SECTION 2 above.)

6
7 **Sec. 50-195. Usable uplands and wetlands.**

8
9 Except for essential public utility services and electric generating facilities, one hundred
10 percent of all wetlands shall be preserved in a natural state, except in circumstances
11 where they must be crossed for access purposes. If wetlands are altered or destroyed by
12 crossings, mitigation shall be required at the rate of 1.1 square feet of new wetlands per
13 square foot destroyed. For each acre of preserved wetland, a minimum of one-tenth acre
14 of contiguous upland will be dedicated to permanent open space. The development
15 potential of the preserved uplands may be transferred to other uplands under the same
16 common ownership, with a commensurate reduction in the average lot size. Development
17 in wetlands necessary for essential public utility services and electric generating facilities
18 shall be subject to the uniform mitigation assessment method for wetlands (UMAM)
19 established by the Florida Department of Environmental Protection.

20
21 **SECTION 5** Section 50-192 of the Levy County Code, is deleted in its entirety and
22 portions thereof are relocated to a more appropriate location within the Code (as reflected
23 in SECTION 6 below.)

24
25 **Sec. 50-192. – Reserved. Trees and open space.**

26
27 (a) ~~Dimensions. If a tree of 16 inches in diameter, or greater, as measured at a~~
28 ~~point of 4½ feet above ground level, must be removed for development~~
29 ~~purposes, a replacement tree shall be planted by the developer for each~~
30 ~~tree removed.~~

31 (1) ~~Trees removed for right-of-way or off-street parking construction and~~
32 ~~meeting the size criteria in this subsection shall be replaced by the~~
33 ~~developer in an area dedicated to permanent open space.~~

34 (2) ~~Trees removed for building construction and meeting the size criteria in~~
35 ~~this subsection shall, in the case of any structure other than a single-~~
36 ~~family dwelling, be replaced in an area dedicated to permanent open~~
37 ~~space.~~

38 (b) ~~Exemption. Residential homes, and both agricultural and forestry land uses~~
39 ~~are exempt from this section.~~

40 (c) ~~Mitigation. Replacement tree sizes and species are optional, at the~~
41 ~~discretion of the developer.~~

42
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1 **SECTION 6.** Sec. 50-775(b)(2) of the Levy County Code is amended as set forth below.
2 Except as amended herein, the remainder of Sec. 50-775 remains in full force and effect.
3

4 **Sec. 50-775. – Site plans; general design standards.**

5
6 (b) Compliance with the following general design standards, where applicable, must
7 be noted or depicted on the site plan:

8
9 (2) *Landscape.*

10 (a) Landscape treatment for plazas, roads, paths, service and parking
11 areas shall be designed as an integral part of a coordinated landscape
12 design for the entire project area.

13
14 (b) Primary landscape treatment shall consist of shrubs, ground cover
15 and street trees, and shall combine with appropriate walks and street
16 surfaces to provide an attractive development pattern. Landscape materials
17 selected ~~should be appropriate to local growing conditions~~ **should** be
18 Florida-friendly, drought resistant and compatible with the area soils.

19
20 (c) Whenever appropriate, existing trees shall be conserved and
21 integrated into the landscape design plan. For each tree 16 inches in
22 diameter or greater, as measured at a point of 4½ feet above ground level,
23 removed for development purposes, a replacement tree must be planted by
24 the developer on the project site. Replacement tree sizes and species are
25 left to the discretion of the developer. If the tree species to be planted are
26 not drought tolerant, an irrigation system must be installed. These
27 replacement trees are in addition to the open space trees required in (e)
28 below.

29
30 (d) All streets bordering the project area shall be planted at appropriate
31 intervals with street trees.

32
33 (e) ~~Vegetation shall be Florida-friendly, drought resistant and compatible~~
34 ~~with the area soils.~~ All open space areas must contain (or be planted with)
35 a minimum of 3 trees per acre on a project site greater than 10 acres; 5
36 trees per acre on a project site of 5 to 10 acres; and 7 trees per acre on a
37 project site of less than 5 acres. Tree species shall be predominantly (over
38 50 percent) native trees. If the tree species to be planted are not drought
39 tolerant, an irrigation system must be installed. Tree sizes and spacing or
40 grouping are left to the discretion of the developer.
41

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1 **SECTION 7. Inclusion in the Code.** The provisions of Sections 1 through 6 of this
2 Ordinance shall become and be made a part of the Levy County Code, and the sections
3 of this Ordinance may be renumbered or relettered and the word "Ordinance" may be
4 changed to "section," "article," "regulation," or other appropriate word or phrase in order
5 to accomplish the codification.

6
7 **SECTION 8. Severability Clause.** It is declared to be the intent of the Board that if any
8 section, subsection, sentence, clause, phrase, portion or provision of this Ordinance is
9 for any reason declared or held invalid or unconstitutional by any court of competent
10 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision shall
11 be deemed a separate, distinct and independent provision, and the remainder of this
12 Ordinance shall be not affected by such declaration or holding.

13
14 **SECTION 9. Repealing Clause.** All ordinances or parts of ordinances and all resolutions
15 or parts of resolutions of Levy County in conflict with this Ordinance are hereby repealed
16 to the extent of such conflict.

17
18 **SECTION 10. Effective Date.** In accordance with Section 125.66, Florida Statutes, the
19 Clerk to the Board of County Commissioners is directed to file this ordinance with the
20 Florida Department of State within 10 days after adoption and upon such filing, this
21 ordinance shall become effective.

22
23 ADOPTED on March 18, 2025.

24
25 BOARD OF COUNTY COMMISSIONERS
26 OF LEVY COUNTY, FLORIDA

27
28
29 _____
Desiree Mills, Chair

30 ATTEST: Clerk of the Circuit Court
31 and Ex-Officio Clerk to the Board of
32 County Commissioners

33
34 _____
35 Matt Brooks

36 Approved as to form and legal sufficiency

37
38 _____
Nicolle M. Shalley, County Attorney

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by staff after the Planning Commission meeting

Levy County Board of County Commissioners
Section 125.66(3), F.S. - Business Impact Estimate for Proposed Ordinance
For public hearing ON OR AFTER October 1, 2024

Instructions: This form must be completed and signed by the County Manager or Department Head for each proposed ordinance that is placed on a County Commission meeting agenda. If the proposed ordinance falls within one of the exemptions listed below, check the applicable exemption(s) and stop there. If the proposed ordinance does NOT fall within one of the listed exemptions, then complete the Business Impact Estimate section. Please email your completed, signed form to the County Attorney's Office (Langston-Lynne@levycounty.org), so that it can be posted on the county's website no later than the date the notice of the public hearing is published. If you have questions regarding completion of this form, contact the County Attorney's Office.

I am familiar with the proposed ordinance identified below and completed this form to the best of my knowledge for the sole purpose of compliance with Section 125.66(3), Florida Statutes.



Tara Howell, Levy County Planning and Zoning Director
Date: 2-13-2025

Proposed Ordinance Number and Title: ORDINANCE NUMBER 2025-2

AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE RELATED TO LOT, YARD AND HEIGHT REGULATIONS, TREE AND OPEN SPACE REQUIREMENTS AND ENVIRONMENTAL ASSESSMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.

Exemptions: Per Section 125.66(3)(c), F.S., the following types of ordinances are exempt from the Business Impact Estimate requirement (check the box for any exemption that applies):

- Ordinance required for compliance with the following Federal or State law or regulation: _____;
- Ordinance relates to the issuance or refinancing of debt;
- Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- Ordinance is required to implement the following contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the County: _____;
- Emergency ordinance;
- Ordinance relates to procurement; or
- Ordinance enacted to implement the following:
 - a. Development orders (which are defined in s. 163.3164, F.S. to mean any order granting, denying, or granting with conditions an application for a development permit); and Development permits (which are defined in s. 136.3164, F.S. to include any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development

- of land); and Development Agreements as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the County;
 - c. Sections 190.005 and 190.046, F.S. regarding community development districts;
 - d. Section 553.73, F.S. relating to the Florida Building Code; or
 - e. Section 633.202, F.S. relating to the Florida Fire Prevention Code.

If no exemptions apply, then complete this section - **Business Impact Estimate**

1. Summary of the proposed ordinance, including a statement of the public purpose (such as serving the public health, safety, morals, and welfare): The ordinance will increase the permitted pervious surface area in Commercial and Industrial zoning districts. This change will enhance opportunities for development in these areas, thereby creating jobs and providing services to the community.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including:0

(a) Estimate of the direct compliance costs that businesses may reasonably incur: 0

(b) Any new charge or fee imposed on businesses:0

(c) Estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs: 0

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: Any new Commercial or Industrial businesses.

4. Additional information (if any, but may wish to include how you determined the above information. For example: County staff solicited comments from businesses regarding the impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on County website, public workshop, etc. You may also include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses): County staff conducted a survey of current ISR in all rural counties in Florida. This study produced an average ISR. This study helped determine the appropriate ISR for Commercial and Industrial zoning districts in Levy County.

AFFP

0307 LC 3/18/25 PH ORD 2025-2

Affidavit of Publication

STATE OF FLORIDA }
COUNTY OF CITRUS } SS

0307 LC 3/18/25 PUBLIC HEARING ORD 2025-2

NOTICE OF
ORDINANCE NUMBER 2025-2

Before the undersigned authority personally appeared Evelyn Larsen, who on oath says that she is a Legal Advertising Representative of the Levy Citizen, a weekly newspaper published at 17 NE 3rd Street, Chiefland, FL in Levy County, Florida; that the attached copy of advertisement, being a legal notice in the matter of 0307 LC 3/18/25 PH ORD 2025-2, was published in said newspaper by print in the issues of March 07, 2025 or by publication on the newspaper's website, if authorized, on March 07, 2025.

NOTICE IS HEREBY GIVEN that Ordinance Number 2025-2, the title of which hereafter appears, will be heard by the Levy County Board of County Commissioners, at a public hearing on Tuesday, March 18, 2025 at 9:00 a.m. or as soon thereafter as the same may be heard, in the Levy County Government Center Auditorium, 310 School Street, Bronson, Florida. Copies of said Ordinance may be inspected by any member of the public at the Office of the Board of County Commissioners located at 310 School Street, Bronson, Florida, during regular business hours or contact by phone at (352) 486-5218. On the date, time and place first above-mentioned, all interested persons may appear and be heard with respect to the proposed Ordinance.

ORDINANCE
NUMBER 2025-2

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE RELATED TO LOT, YARD AND HEIGHT REGULATIONS, TREE AND OPEN SPACE REQUIREMENTS AND ENVIRONMENTAL ASSESSMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.

Evelyn Larsen

Affiant

In accordance with Section 286.0105, Florida Statutes, should any person decide to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sworn to and subscribed before me this 7th day of March 2025, by Evelyn Larsen who is personally known to me.

In accordance with the American with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

Maria A. Parks

Maria A. Parks, Notary Public 4/20/2025

Published March 7, 2025



MARIA A. PARKS
Commission # HH 099773
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50000415 50107686 (352)486-3492

Tara Howell, Dir/LynneLangstron /Avea
Martinez, Adm Asst II
LEVY COUNTY PLANNING & ZONING
PO BOX 310
BRONSON, FL 32621