

1
2
3
4
5 **ORDINANCE**
6 **NUMBER 2022-3**
7

8
9 AN ORDINANCE OF LEVY COUNTY, FLORIDA, ADOPTING
10 A ZONING MAP ATLAS WITH ZONING DISTRICT
11 DESIGNATIONS FOR ALL REAL PROPERTY LOCATED
12 WITHIN THE UNINCORPORATED AREA OF THE COUNTY;
13 AND MAKING CORRESPONDING AND NECESSARY
14 AMENDMENTS TO THE TEXT OF THE LAND
15 DEVELOPMENT CODE TO REFERENCE THE ADOPTED
16 ZONING MAP ATLAS, TO AMEND THE VARIOUS ZONING
17 DISTRICTS AND TO AMEND THE REQUIREMENTS FOR
18 ZONING CHANGES; PROVIDING FOR INCLUSION IN THE
19 CODE; PROVIDING A TRANSITION CLAUSE; PROVIDING A
20 SEVERABILITY CLAUSE; PROVIDING A REPEALING
21 CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK
22 AND AN EFFECTIVE DATE.
23

24
25 **WHEREAS**, in 1991, the Board of County Commissioners of Levy County, Florida
26 (the “Board”), adopted the Levy County Land Development Regulations, now codified as
27 Chapter 50 titled “Land Development Code” of the Code of Ordinances of Levy County;
28 and

29 **WHEREAS**, per Sec. 50-662 of the Land Development Code, Levy County has used
30 and relied on certain adopted maps contained within the Levy County Comprehensive Plan
31 (“Comprehensive Plan”) as the zoning map for the County; and

32 **WHEREAS**, per Sec. 50-644 of the Land Development Code, any property not
33 shown on such maps as being in a zoning district, is given the default zoning classification
34 of Forestry Rural Residential (F/RR);

Note: deletions shown ~~stricken~~, additions shown underlined.

1 **WHEREAS**, the use of the FLUM and other adopted maps from the Comprehensive
2 Plan as a zoning map, and the application of default zoning to F/RR, has led to issues with
3 application of zoning regulations to certain parcels and created uncertainty as to
4 development rights and specific uses allowed on individual parcels; and

5 **WHEREAS**, the Board finds that adoption of a zoning map atlas for the County will
6 promote orderly growth and development, discourage urban sprawl, provide certainty in the
7 determination of permitted uses and zoning requirements for properties, and overall will
8 provide more efficient and effective use of property – all of which serves the public health,
9 safety and welfare; and

10 **WHEREAS**, the Board finds that adoption of a zoning map atlas necessitates
11 corresponding revisions to the zoning districts and to the requirements for zoning changes,
12 both of which are included in this ordinance; and

13 **WHEREAS**, the Board finds that adoption of a zoning map atlas and revisions to the
14 zoning districts necessitates additional revisions to the Code of Ordinances that will be
15 contained in separate, future ordinances.

16 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
17 Levy County, Florida, that:

18
19 **SECTION 1.** Section 50-1 of the Levy County Code, is amended to add the following
20 definitions. Except as amended herein, the remainder of Sec. 50-1 remains in full force
21 and effect.

22
23 **Sec. 50-1. Definitions.**

24
25 Future land use map means the future land use map or map series
26 contained within the comprehensive plan.

Note: deletions shown ~~stricken~~, additions shown underlined.

1
2 Zoning map or zoning map atlas means the map(s) adopted by county
3 ordinance, and amended by subsequent ordinance(s), that designates
4 particular zoning districts on all real property located within the
5 unincorporated area of the county.
6

7 **SECTION 2.** Section 50-644 of the Levy County Code is amended to read as follows:

8 **Sec. 50-644. Interpretation.**

9 In interpreting and applying the provisions of this article, the provisions
10 shall be held to be the minimum requirements for the protection, promotion
11 and improvement of the public health, safety, comfort, order, appearance,
12 convenience, morals and general welfare of the community. ~~It is not intended~~
13 ~~by~~ This article is not intended to interfere with or abrogate or ~~annual annul~~
14 any easements, covenants or other agreements between parties; provided,
15 however, where this article imposes a greater restriction upon the use of
16 buildings or premises, or upon the height of buildings, or requires larger open
17 spaces than are imposed or required by other ordinances, rules, regulations
18 or by easements, covenants or agreements, then the provisions of this article
19 shall control. ~~If, because of error or omission in the zoning map, or lack of a~~
20 ~~zoning map district specifically coinciding with the names of the zoning~~
21 ~~districts bounded on a future land use map in the adopted future land use~~
22 ~~map series referenced in section 50-662, any property in the county is not~~
23 ~~shown as being in a zoning district described in this article, the classification~~
24 ~~of such property shall be F/RR unless otherwise provided in this article, or~~
25 ~~otherwise changed by amendment to the zoning map or by subsequent~~
26 ~~zoning ordinances.~~
27
28

29 **SECTION 3.** Chapter 50, Article XIII, Division 2. Zoning Districts Established; Zoning Map
30 is amended to read as follows:

31
32 **Sec. 50-661. Establishment of districts; intent of districts.**

33
34 ~~For the purposes of promoting the public health, safety, morals and~~
35 ~~general welfare of the county, the county is hereby divided into the following~~
36 ~~types of zoning districts~~ The following zoning districts are established to
37 implement the comprehensive plan and to classify and regulate the use of
38 land, buildings and structures within the county in order to promote orderly
39 growth and development and discourage urban sprawl:
40

41 F/RR Forestry/Rural Residential

Note: deletions shown ~~stricken~~, additions shown underlined.

1	A/RR	Agricultural/Rural Residential
2	RR	Single-Family Residential, Rural
3	<u>R-1</u>	<u>Single-Family Residential, Urban</u>
4	RR-2	Single-Family Residential, Rural/Urban
5	RR-3C	Single-Family, Exclusive, No Mobile Homes
6	RR-3M	Single Family, Exclusive, Allows Mobile Homes Except
7		RDMH
8	<u>R-3</u>	<u>Multifamily Residential, Urban</u>
9	C-1	Exclusive Office
10	C-2	Neighborhood Commercial
11	C-3	Moderately Intensive Commercial
12	C-4	Highway Commercial
13	I	Industrial
14	RMU	Rural Mixed Use
15	PF	Public and Institutional Facilities
16	<u>REC</u>	<u>Recreation</u>
17	<u>NR-CON</u>	<u>Natural Reservation and Conservation</u>
18	<u>PUD</u>	<u>Planned Unit Development</u>

19
20
21 The intent of each zoning district is as follows:

22
23 Forestry/rural residential district (F/RR). The county's existing land use map and the
24 future land use map designate certain lands used (now and in the future) for forestry
25 purposes. Forestry products are an important segment of the county's economic
26 base and, as such, require protection from incompatible uses. It is recognized that
27 forestry operations require prescribed burns, herbicides and pesticides, and heavy
28 equipment, all of which are generally incompatible with residential, commercial and
29 most public uses, and thus forestry lands must be protected from encroachment by
30 such uses. Likewise, separation of forestry uses from those other uses limits
31 exposing residents, businesses and the public to the hazards associated with
32 wildfires, smoke, dust, fumes and exposure to chemicals. As such, the F/RR district
33 is intended to allow only very low-density residential development that is spatially
34 separated from the predominant land use in the district - commercial forests.

35
36 A/RR agricultural/rural residential district. The conservation element and the land
37 use element within the county comprehensive plan have established objectives and
38 policies to protect agriculturally productive lands. Agricultural products (crops and
39 livestock) are an important segment of the county's economic base, and as with
40 forestry operations, agricultural operations use herbicides and pesticides, and
41 generate noise, dust and waste products. As such, the A/RR district is intended to
42 provide for the continued viability of agribusiness in the county while permitting low-

Note: deletions shown ~~stricken~~, additions shown underlined.

1 density residential land uses that are compatible with the predominant land use in
2 the district - commercial farming.

3
4 Single-Family Residential, Rural (RR) district. The RR district is intended to provide
5 locations for single-family residential use on rural lots, usually without central water
6 or sewer systems, at a net density of one unit per three (or more) acres. The RR
7 district is intended to serve as a transition area between agricultural uses and
8 higher-density residential/urban districts.

9
10 Single-Family Residential, Urban (R-1 and R-2) districts. The R-1 and R-2 districts
11 are intended to provide locations for single-family residential use at net densities of
12 one unit per one (or more) acre. The R-1 and R-2 districts are intended to provide a
13 transition between RR and R-3 zoning.

14
15 Single-Family, Exclusive, No Mobile Homes (RR-3C) district. The RR-3C district is
16 intended to provide continuity of zoning between Levy County and Marion County
17 within the area known as the Rainbow Lakes Estates Municipal Service District
18 (created by a Special Act of the Florida Legislature set forth in Chapter 2001-293,
19 Laws of Florida). Within this district, only conventional site-built or modular single-
20 family dwellings are allowed; mobile homes are prohibited.

21
22 Multifamily Residential, Urban (R-3) district. The R-3 district is intended to provide
23 relatively high intensities of development for residential use that is served by central
24 water and sewer.

25
26 Exclusive Office (C-1) district. The C-1 district is intended for commercial offices for
27 professional service types of businesses.

28
29 Neighborhood Commercial (C-2) district. The C-2 district is intended to allow an
30 intensity of use and types of uses that are compatible with, and directed primarily at
31 serving, the surrounding neighborhood.

32
33 Moderately Intensive Commercial (C-3) district. The C-3 district is intended to
34 provide locations for intensive commercial uses. The uses typically require more off-
35 street parking, stormwater, and outdoor storage, than neighborhood and office
36 uses.

37
38 Highway Commercial (C-4) district. The C-4 district is intended to accommodate
39 commercial uses that service highway traffic or which require a location near a
40 major highway for access purposes.

Note: deletions shown ~~stricken~~, additions shown underlined.

1
2 Rural Mixed Use (RMU) district. The RMU district is intended to provide for mixed
3 use development in rural commercial nodes, including limited neighborhood
4 commercial, residential and agriculture-related commercial and industrial uses to
5 support established communities in rural areas of the county.

6
7 Public and Institutional Facilities (PF) district. The PF district is intended to provide
8 locations suitable for necessary public and quasi-public uses, functions and
9 activities, such as government offices and facilities, libraries, and public and private
10 utilities.

11
12 Recreation (REC) district. The REC district is intended to provide for publicly or
13 privately owned recreation sites for active or passive recreational activities.

14
15 Natural Reservation and Conservation (NR-CON) district. The NR-CON district is
16 intended to provide for the preservation and conservation of natural resources and
17 environmentally sensitive lands (ESL) as described in the comprehensive plan,
18 including, but not limited to areas designated for floodplain, wetlands, streamside,
19 river and coastal resource management purposes.

20
21 Planned Unit Development (PUD) overlay district. The PUD district is an overlay
22 district that is intended to provide parcel specific zoning for planned developments
23 that have unique conditions, require design flexibility, and/or contain diverse and
24 integrated uses and structures, that are consistent with the comprehensive plan, but
25 which other zoning districts do not readily accommodate. A PUD ordinance may
26 impose conditions and regulations deemed necessary by the county commission to
27 protect the public health, safety and welfare.

28
29
30 **Sec. 50-662. Zoning map.**

31
32 ~~The districts are bounded as shown on the map entitled “2020 Preferred Conceptual~~
33 ~~Future Land Use Map” which, with all explanatory matters thereon, and any other~~
34 ~~adopted future land use map series is hereby made a part of this article. In~~
35 ~~addition, the overlay district for the Williston municipal service district is adopted;~~
36 ~~this map shows the area covered by a 5,000-foot radius centered on the end of~~
37 ~~each runway at the Williston Airport as an accident potential area. The zoning map~~
38 ~~or zoning map atlas of the county is hereby adopted and made a part of this code.~~
39 ~~Such map(s) may be amended from time to time by county ordinance and shall be~~
40 ~~maintained by, and available for review in, the county planning and zoning~~
41 ~~department. If it is discovered that a property is inadvertently unzoned; or if the~~

Note: deletions shown ~~stricken~~, additions shown underlined.

1 zoning of any property is vacated or invalidated for any reason, either judicially or
 2 legislatively, then the county shall promptly initiate and adopt a zoning ordinance for
 3 such property. Until a zoning ordinance is adopted, no uses are permitted on the
 4 property.

5
 6 **Sec. 50-663. Interpretation of boundaries Compatibility of zoning districts with**
 7 **future land use categories.**

8

<u>LAND USE – ZONING COMPATIBILITY TABLE</u>	
<u>Land Use Categories</u>	<u>Zoning Districts</u>
<u>Forestry/Rural Residential (F/RR)</u>	<u>FRR, NR-CON, REC, PF, PUD</u>
<u>Agriculture/Rural Residential (A/RR)</u>	<u>ARR, NR-CON, REC, PF, PUD</u>
<u>Rural Residential (RR)</u>	<u>RR, NR-CON, REC, PF, RR3-C, PUD</u>
<u>Urban Low Density Residential (ULDR)</u>	<u>R-1, NR-CON, REC, PF, PUD</u>
<u>Urban Medium Density Residential (UMDR)</u>	<u>R-2, NR-CON, REC, PF, PUD</u>
<u>Urban High Density Residential (UHDR)</u>	<u>R-3, NR-CON, REC, PF, PUD</u>
<u>Natural Reservation (NR)</u>	<u>All zoning districts</u>
<u>Conservation (CON)</u>	<u>All zoning districts</u>
<u>Recreation (R)</u>	<u>All zoning districts, limited in NR-CON</u>
<u>Rural Commercial Node (RCN)</u>	<u>RMU, NR-CON, REC, PF</u>
<u>Commercial (C)</u>	<u>C-1, C-2, C-3, C-4, NR-CON, REC, PF, PUD</u>
<u>Industrial (I)</u>	<u>I, C-1, C-2, C-3, C-4, NR-CON, REC, PF, PUD</u>
<u>Public and Institutional Facilities (PF)</u>	<u>All zoning districts</u>
<u>Historic Resources (H)</u>	<u>All zoning districts</u>

9
 10 ~~(a) *Designation of district boundaries.* The district boundary lines are intended~~
 11 ~~generally to follow the rights-of-way, existing lot lines, the mean water level of~~
 12 ~~streams and other waterways or municipal boundary lines, all as shown on the~~
 13 ~~zoning map, but where a district boundary line does not follow such a line, its~~
 14 ~~distance in feet shall be measured from a street centerline or other boundary line as~~
 15 ~~indicated on such map.~~

16
 17 ~~(b) *Determination of locations of boundaries.* In case of uncertainty as to the true~~
 18 ~~location of a district boundary line in a particular instance, the zoning officer shall~~

Note: deletions shown ~~stricken~~, additions shown underlined.

1 request the board of county commissioners to render its determination with respect
2 thereto.

3
4 **Sec. 50-664. Zoning changes Amendments to zoning map atlas.**

5
6 A change in zoning district boundaries, also sometimes referred to in this chapter as
7 aAn amendment to the zoning map atlas, also commonly referred to as a zoning
8 change, or a rezoning, shall follow the procedures established by this article and
9 applicable provisions of the Florida law Statutes. An application for a zoning change
10 may cover only one or more contiguous parcels of real property. Any noncontiguous
11 parcel shall require a separate application. Application forms, procedures and fee
12 schedules shall be maintained and provided by the zoning officer. In summary form,
13 an application for an amendment to the zoning map atlas change follows these
14 steps:

15
16 (1) ~~Step 1:~~ Submittal of application to zoning officer.

17
18 (2) ~~Step 2:~~ Staff review and preparation for public hearing, including public notice of
19 planning commission hearing, and preparation of staff reports ~~and draft of zoning~~
20 ~~change ordinance.~~

21
22 (3) ~~Step 3:~~ Planning commission hearing, recommendation to board of county
23 commissioners.

24
25 (4) ~~Step 4:~~ Additional staff review and preparation for board of county
26 commissioners public hearing, including public notice of board of county
27 commissioners hearing on proposed ordinance, preparation of ~~amendments to staff~~
28 ~~report or~~ and ordinance, ~~if applicable.~~

29
30 (5) ~~Step 5:~~ Board of county commissioners hearing and decision on zoning ~~change~~
31 ordinance.

32
33 **Sec. 50-665. Zoning change eCriteria for amendments to the zoning map atlas.**

34
35 ~~(a)~~ The following criteria shall be considered by county staff, the planning
36 commission and the board of county commissioners when reviewing an amendment
37 to the zoning map atlas: serve as minimum requirements or criteria for the planning
38 commission and the board of county commissioners to consider in a zoning change
39 request, which a zoning request must meet in order to be approved by the board of
40 county commissioners:

Note: deletions shown ~~stricken~~, additions shown underlined.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

(a) Consistency. The proposed rezoning is consistent with the comprehensive plan and this land development code.

(b) Compatibility. The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

(c) Development patterns. The proposed rezoning shall result in logical and orderly development patterns.

(d) Suitability. The property is suitable for the uses that are allowed in the proposed zoning district(s).

(e) Adequate public facilities/services. The property is served by public facilities that are adequate for the uses that are allowed in the proposed zoning district(s).

(f) Access. Available ingress and egress is adequate for the uses that are allowed in the proposed zoning district.

(g) Public health, safety, and welfare. The uses allowed within the proposed zoning district shall not adversely affect public health, safety, and welfare.

~~(1) Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change are compatible with the adjacent development, and with uses allowed in the land use and zoning districts in the surrounding area or neighborhood.~~

~~(2) Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change are consistent with the provisions of the comprehensive plan.~~

~~(3) Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would protect the public health, safety, and welfare.~~

~~(4) Whether the proposed zoning change or the uses that would be allowed by the proposed zoning change would not adversely affect property values for properties in the surrounding area or neighborhood.~~

Note: deletions shown ~~stricken~~, additions shown underlined.

1 ~~(5) Whether there are substantial reasons why the property cannot be used in~~
2 ~~accordance with the existing zoning district.~~

3
4 ~~(6) Whether the proposed zoning change or the uses that would be allowed by the~~
5 ~~proposed zoning change would cause a detrimental increased load on public~~
6 ~~infrastructure, including, but not limited to schools, utilities, roads, solid waste, than~~
7 ~~would otherwise be allowed with the existing zoning district.~~

8
9 ~~(7) Whether the proposed zoning change or the uses that would be allowed by the~~
10 ~~proposed zoning change would not reduce light and air to adjacent properties and~~
11 ~~would not cause an increase in smoke, odor, or glare than would otherwise be~~
12 ~~allowed with the existing zoning district.~~

13
14 ~~(b) Commercial. In addition to the foregoing criteria, the following criteria shall be~~
15 ~~applicable if the request is for a zoning change to a commercial designation:~~

16
17 ~~(1) Rural commercial nodes as shown on the future land use map will be limited to~~
18 ~~areas and uses as provided in the comprehensive plan.~~

19
20 ~~(2) On the principal arterial and intrastate systems, commercial development will be~~
21 ~~required to locate within areas expressly designated for such development as part~~
22 ~~of a municipal services district, rural commercial node, established community, or~~
23 ~~commercial land use or overlay, as identified and allowed by the comprehensive~~
24 ~~plan, with rights-of-way and frontage road reservations; or, outside such areas, shall~~
25 ~~be permitted only in planned unit developments, subject to the following restrictions~~
26 ~~and requirements:~~

27
28 ~~a. Commercial uses may be approved in planned unit developments provided that~~
29 ~~the amount of commercial land is limited to ten acres per 500 approved dwellings in~~
30 ~~the planned unit development. (Dwelling units per acre shall not exceed the~~
31 ~~densities established for the land use category in which the planned unit~~
32 ~~development is located.)~~

33
34 ~~b. For nonresidential planned unit developments, such as industrial, recreational or~~
35 ~~agribusiness, the amount of commercial land area is limited to the lesser of either:~~

36
37 ~~1. Ten acres per 100 acres of principal use; or~~

38
39 ~~2. Ten square feet of floor area per 100 square feet of principal use floor area.~~
40

Note: deletions shown ~~stricken~~, additions shown underlined.

1 ~~3. In addition, the principal uses in nonresidential planned unit developments shall~~
2 ~~be consistent with the land use category in which the planned unit development is~~
3 ~~located.~~

4 ~~c. Development permits for commercial land uses within planned unit developments~~
5 ~~shall be issued in direct proportion to, and shall not exceed, the percentage of~~
6 ~~building permits that have been issued for the principal uses; e.g., if ten percent of~~
7 ~~the commercial land use (computed from subsection (b)(2)a of this section) may be~~
8 ~~issued, etc.~~

9
10 ~~d. Commercial uses within planned unit developments shall be located not less than~~
11 ~~one mile from a commercial node which is shown on the future land use map, and~~
12 ~~shall be located not less than one mile from other commercial land uses within~~
13 ~~planned unit developments, unless the other commercial uses are immediately~~
14 ~~adjacent. The words "immediately adjacent" shall include commercial uses which~~
15 ~~would be adjacent except for an intervening right-of-way.~~

16
17 ~~e. Commercial uses within planned unit developments shall be located on local~~
18 ~~roads within the interior of the planned unit development, or at the intersection of~~
19 ~~collector or arterial roads and a major access road to the planned unit development.~~

20
21 ~~f. Commercial uses within planned unit developments shall not have direct access~~
22 ~~to arterial roads, all such access shall be from local or collector roads, and any~~
23 ~~direct access to collector roads shown on Map 2-1 of the traffic circulation element~~
24 ~~shall be located to meet state department of transportation standards.~~

25
26 ~~g. Regardless of the mix of land uses within the planned unit development, the~~
27 ~~commercial uses shall be accessory uses to and shall be functionally related to the~~
28 ~~principle uses, and shall not be dependent on the flow of traffic on the arterial~~
29 ~~system.~~

30
31 ~~h. It is the express intent of the board of county commissioners that the creation of~~
32 ~~municipal service taxing districts, for the purpose of financing the construction of~~
33 ~~frontage roads, will not work a hardship on owners of unimproved parcels. The~~
34 ~~article creating any such special district will:~~

35
36 ~~1. Assess only those parcels of land which have been developed.~~

37
38 ~~2. Exempt which the owner has voluntarily constructed a frontage road to county~~
39 ~~standards.~~

40
Note: deletions shown stricken, additions shown underlined.

1 ~~3. Provide for periodic adjustments to ensure that revenues generated will be~~
2 ~~adequate to pay for future construction costs.~~

3
4 ~~4. Schedule frontage road preliminary engineering, design and construction to be~~
5 ~~completed after 50 percent of the highway frontage has been developed and before~~
6 ~~it reaches 75 percent developed.~~

7
8 ~~i. It is further the intent of the board of county commissioners that between~~
9 ~~Chiefland and Fanning Springs, all lands shall be designated as C-1, C-2 and C-3,~~
10 ~~reflecting the amount of existing development in the area, as reflected on the U.S.~~
11 ~~19-98 Corridor Future Land Use and Zoning Districts map adopted by the board of~~
12 ~~county commissioners. These designations shall not preclude future consideration~~
13 ~~of, and rezoning to, C-4 or other commercial zoning designations if appropriate.~~
14 ~~Elsewhere in the county, land uses will be assigned to an appropriate zoning~~
15 ~~category, either through the board's adoption of a zoning map or atlas or upon~~
16 ~~application for a zoning designation and approval of such application by the board.~~
17 ~~Any zoning designation shall not preclude future consideration of, and rezoning to,~~
18 ~~another zoning district if appropriate and approved by the board.~~

19
20 ~~j. Any area reserved (not dedicated) for right-of-way and frontage road construction~~
21 ~~may be utilized by the owner for the following purposes only:~~

22
23 ~~1. On-premises advertising signs.~~

24
25 ~~2. Water retention areas.~~

26
27 ~~3. Off-street parking; provided, however, that the area will either be unpaved or~~
28 ~~paved to frontage road construction standards to eliminate the need for future~~
29 ~~reconstruction.~~

30
31 ~~j. At such time as a regional stormwater management plan is complete, all~~
32 ~~commercial site plans and development shall conform to such plan, and no right-of-~~
33 ~~way reservation area may be utilized for water retention.~~

34
35 ~~l. At such time as any segment of a principal arterial is scheduled for frontage road~~
36 ~~construction as a part of the state department of transportation five-year work~~
37 ~~program, the county comprehensive plan, through any joint county/state agreement~~
38 ~~or through special enabling legislation, right-of-way dedication will become~~
39 ~~mandatory and shall replace the reservation provisions of this article.~~

40
Note: deletions shown stricken, additions shown underlined.

1 **Sec. 50-666. Zoning change petitions.**

2
3 ~~A petition for a zoning change may cover only one or more contiguous parcels of~~
4 ~~property. Any simultaneous rezoning request for a noncontiguous parcel shall~~
5 ~~require a separate and independent petition.~~

6
7 **Sec. 50-667. Intent of the various districts.**

8
9 ~~(a) In establishing the various districts, and in addition to the statement of purpose~~
10 ~~as adopted in section 50-661, it is the express intent of the board of county~~
11 ~~commissioners to:~~

12
13 ~~(1) Implement the county comprehensive plan by adopting zoning districts which are~~
14 ~~consistent with that plan and which constitute an integral part of the Code.~~

15
16 ~~(2) Comply with the state mandate that each local government shall, pursuant to~~
17 ~~F.S. § 163.3202, adopt land development regulations and to exercise land~~
18 ~~development regulatory authority pursuant to F.S. § 163.3201.~~

19
20 ~~(3) Discourage the proliferation of urban sprawl.~~

21
22 ~~(b) In addition:~~

23
24 ~~(1) F/RR forestry/rural residential district.~~

25
26 ~~a. The county existing land use map and the future land use map designate certain~~
27 ~~lands as now being used for forestry purposes, with such uses continuing in the~~
28 ~~future. The production of forest products is one of the most important segments of~~
29 ~~the county economic base, and as such it requires protection from incompatible~~
30 ~~uses. The management of forest land requires the use of prescribed fire, herbicides~~
31 ~~and pesticides, and heavy equipment which generate smoke chemicals and dust,~~
32 ~~respectively. These characteristics render forestry land uses generally incompatible~~
33 ~~with residential, commercial and most public uses, and the forest lands must~~
34 ~~therefore be protected from encroachment by such uses. Conversely, the county~~
35 ~~recognizes the need to protect new residents to the county from the hazards~~
36 ~~associated with constructing homes in areas subject to wildfires, dust and exposure~~
37 ~~to chemicals.~~

38

Note: deletions shown stricken, additions shown underlined.

1 ~~b. The F/RR, forestry/rural residential district, is intended to allow very low density~~
2 ~~residential development, spatially separated from the predominant land use in the~~
3 ~~district, commercial forests.~~

4
5 ~~(2) A/RR agricultural/rural residential district. The conservation element of the~~
6 ~~county comprehensive plan, and the land use element of the same document, have~~
7 ~~established objectives and policies to protect agriculturally productive lands. As with~~
8 ~~forestry lands, farming operations use chemicals for a wide variety of essential~~
9 ~~purposes. In addition, these activities generate noise, dust and waste products~~
10 ~~which, along with chemical emissions, are generally incompatible with residential~~
11 ~~development. Conversely, domestic pets such as dogs and cats are generally~~
12 ~~incompatible with adjoining livestock operations. The A/RR district is intended to~~
13 ~~provide for the continued viability of agribusiness in the county while permitting low-~~
14 ~~density residential land uses that are compatible with the predominant land use in~~
15 ~~the district, commercial farming.~~

16
17 ~~(3) Residential districts.~~

18
19 ~~a. The county comprehensive plan has identified various areas which, by virtue of~~
20 ~~their physical constraints or their suitability for development, have either limitations~~
21 ~~or potentials for residential land use, respectively.~~

22
23 ~~b. The RR, rural residential districts are intended to provide locations for either~~
24 ~~conventional dwelling units or mobile homes on relatively large, rural residential lots,~~
25 ~~usually without central water or sewer systems. The resultant net densities are~~
26 ~~intended to be less than one unit per~~

27
28 ~~acre, with the RR districts serving as transition areas between agricultural uses and~~
29 ~~higher-density residential districts.~~

30
31 ~~c. The RR-2, rural residential districts are intended to provide for conventional and~~
32 ~~mobile homes at net densities in excess of one unit per acre and up to two units per~~
33 ~~acre, but never more than one unit per lot or tract of record. The smaller lot sizes~~
34 ~~will, of necessity, eliminate some accessory uses, such as livestock, which are~~
35 ~~permitted as a matter of right in the RR districts. The higher densities of population,~~
36 ~~however, justify the consideration of some uses, such as shopping centers, which~~
37 ~~would not be considered in the RR districts, as special exceptions. The RR-2~~
38 ~~districts are intended to provide a transition between RR and R zoning.~~

39
40 ~~d. The RR-3C district is intended to continue the exclusive nature of existing~~
41 ~~subdivisions with lot sizes below one acre. Only conventional dwelling units are~~

Note: deletions shown stricken, additions shown underlined.

1 ~~permitted, inclusive of modular housing and RDMH but excluding mobile homes.~~
2 ~~Because of the small lot sizes, general farming is to be prohibited.~~

3
4 ~~e. The RR-3M district is intended to allow both mobile homes and conventional~~
5 ~~homes in existing subdivisions with lot sizes below one acre. Because of the small~~
6 ~~lot sizes, general farming is to be prohibited.~~

7
8 ~~f. The R, urban residential districts are intended to provide relatively high intensities~~
9 ~~of development for residential use. Multifamily dwellings or more than two units per~~
10 ~~tract of record, and both central water and sewer are to be encouraged in these~~
11 ~~districts, limited to locations where municipal services are available.~~

12
13 ~~(4) Commercial districts. The county comprehensive plan has, since the 1970s,~~
14 ~~contained within the land use element the basis for adopting zoning criteria which~~
15 ~~relate directly to the functional classification of the highway network.~~

16
17 ~~a. The C-1 districts are intended to accommodate commercial offices for~~
18 ~~professional business purposes. Retail sales are intended to be excluded from C-2~~
19 ~~districts, which as a result will be limited to "services" types of businesses.~~

20
21 ~~b. The C-2 districts are intended to allow an intensity of use and types of uses~~
22 ~~directed primarily at serving a surrounding neighborhood. The principal uses should~~
23 ~~be retail sales, mostly of a "convenience" nature. All commercial uses not permitted~~
24 ~~as a matter of right, or subject to consideration as a special exception, are intended~~
25 ~~to be prohibited.~~

26
27 ~~c. The C-3 districts are intended to provide locations for intensive commercial uses.~~
28 ~~The uses typically require more off-street parking and more space than~~
29 ~~neighborhood and office uses, and room for outdoor storage.~~

30
31 ~~d. The C-4 districts are intended to accommodate commercial uses that service~~
32 ~~highway traffic or which require a location on a major highway for access purposes.~~
33 ~~Only those land uses that are functionally related to the arterial road system are~~
34 ~~intended to be allowed, according to stringent locational and access criteria, to~~
35 ~~maintain the integrity of the arterial road network.~~

36
37 ~~(5) Other districts.~~

38
39 ~~a. The RMU, rural mixed use district is intended to provide for mixed use~~
40 ~~development in rural commercial nodes, including limited neighborhood commercial,~~

Note: deletions shown ~~stricken~~, additions shown underlined.

1 ~~residential and agriculturally-related commercial and industrial uses to support~~
2 ~~established communities in rural areas of the county. Lot, yard and height~~
3 ~~regulations and lot coverage regulations for the RMU district shall be the same as~~
4 ~~for the C-2, neighborhood commercial district. Dwellings used as accessory to~~
5 ~~businesses in the RMU district shall only be permitted on the second story above~~
6 ~~business, as an attached dwelling unit located in the rear behind the business, or as~~
7 ~~a detached dwelling unit located a minimum of 30 feet behind the business.~~
8

9 **SECTION 4.** Inclusion in the Code. The provisions of Sections 1 through 3 of this
10 ordinance shall become and be made a part of the Levy County Code, and the sections of
11 this ordinance may be renumbered or relettered and the word “ordinance” may be changed
12 to “section,” “article,” “regulation,” or other appropriate word or phrase in order to
13 accomplish the codification.
14

15 **SECTION 5.** Transition Clause. To carry out the intent of this ordinance until such time
16 as the relevant code sections can be updated by additional, separate ordinance(s), any
17 reference in the Code of Ordinances to “RR-2” shall now mean “R-1” and “R” shall now
18 mean “R-3.”
19

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

Note: deletions shown ~~stricken~~, additions shown underlined.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SECTION 7. Repealing Clause. All ordinances or parts of ordinances and all resolutions or parts of resolutions of Levy County in conflict herewith are hereby repealed to the extent of such conflict. In addition, any prior purported change of zoning district on a parcel of real property that was memorialized by email or letter or any other means is hereby repealed and replaced with the zoning district assigned to that real property on the zoning map atlas adopted in Section 3 of this ordinance.

SECTION 8. Effective Date. In accordance with Section 125.66, Florida Statutes, the Clerk to the Board of County Commissioners is directed to file this ordinance with the Florida Department of State within 10 days after adoption and upon such filing, this ordinance shall become effective.

PASSED AND DULY ADOPTED this _____ day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Russell Meeks Jr., Chair

ATTEST: Danny J. Shipp, Clerk of
the Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

Danny J. Shipp

Approved as to form and legal sufficiency:

Nicolle M. Shalley, County Attorney

Note: deletions shown stricken, additions shown underlined.