



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS

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To: Board of Levy County Commission

From: Stacey Hectus, Planning and Zoning Director
Nicolle Shalley, County Attorney

Date: September 6, 2023

Subject: Uses Ordinance Amendments Summary

Staff has been actively working on revising the Uses Ordinance since the summer of 2022. In October, staff requested that the BoCC place a Zoning in Progress (ZIP) which was enacted October 18, 2022. Staff held three workshops on the Uses as a whole and some on more specific uses on:

- October 18, 2022
- November 22, 2022
- February 21, 2023

At these workshops and subsequent Commissioner meetings it was decided that a few certain uses still need more examination before getting placed back into our code. Those are:

- Kennels, Rescues, Sanctuaries
- Asphalt or Cement Plants
- Farm Worker Housing
- Agritourism
- Outdoor Commercial/Passive Recreation
- Meat processing with live animals
- Extended evaluation of Hunting and Fishing Camps

Staff has reorganized and cleaned up most of Chapter 50 Land Development Code. We moved Alcohol Beverage language out of Chapter 50 and into Chapter 6 Alcoholic Beverages where it belongs. We also moved prohibition on Medical

Marijuana Treatment Center Dispensing Facilities to Chapter 22 Business where the other prohibited business reside. We have created a more user friendly document for everyone. We have eliminated uses we did not feel the county could handle because of lack of water and sewer, tried to simplify our definitions to be more clear and concise, made various code changes to uses via conditional uses (staff review) and special exceptions (Board review).

Uses in our revised code are either permitted, conditional use or special exception use. If the use is not listed, then it is prohibited. Conditional Uses are what staff refer to as “checklist items”. We have the use spelled out and if the applicant can meet all the requirements they sign an affidavit to that affect and staff can approve the use. If they applicant can’t sign the affidavit then it is denied. I have provided an example below. Special Exception uses require more detailed staff research, the applicant to show how they meet all the criteria based on what they are requesting and this goes to the Planning Commission for recommendation and to the BoCC for final approval.

I have summarized a few of the main points from our work below:

- Created a user-friendly uses table.
- All commercial uses will be required to present a site plan and go through a development review process. This has already been happening but it is more formalized in this draft.
- RV parks will only be permitted in the MSD, as C-3 or C-4 zoning as a special exception with water and sewer.
- Marinas and Commercial and Sport Fisheries were removed from the code since there are no real locations in unincorporated Levy County that are not located in our Environmentally Sensitive Lands.
- Multifamily has been removed as a county use as it is impossible to be placed on wells and septic and should be in the municipalities.
- Special Exceptions that have not been acted upon within 10 (2013) years of the adoption of this ordinance will be null and void.
- We have made the required legislative changes to our Uses as it relates to Community Residential Homes and Solar Facilities.

- Seriously considered uses as it relates to code enforcement. If it was not enforceable, why have a regulation?
- Completely reorganized and re-examined our notice requirements and placed them all in one location with a table to make it much easier to understand. There are statutory notice requirements and supplemental notice requirements.

Will this fix everything? No. While we want to think we found all the issues and tried our best to correct them we will miss things and after the adoption someone will come in with a use we never contemplated. We have a process for them – Zoning Text Amendment. They can present a use to the BoCC that would need to be contemplated countywide. It give staff the time to research and gain an understanding of the use and potentially consult other professionals related to the proposed use.

Questions?

Example of a Conditional Use (checklist)

Sec. 50-733. Manufactured and modular home sales and service.

- (1) The minimum parcel size is 2 acres.
- (2) Primary access must be provided on a paved county, state or federal road with a minimum functional classification of major collector as designated by the traffic circulation element of the comprehensive plan or defined in this code.
- (3) Entrance and exit driveways and parking spaces shall be constructed of impervious surface. A maximum of two driveways are allowed and the location and spacing of the driveways must meet or exceed the requirements of the county road department or state department of transportation.
- (4) If adjacent to any property that contains a dwelling, a visual barrier (refer to sec. 50-776) must be provided along that property line and all lighting shall be screened or shielded to protect adjacent residential uses.
- (6) Homes for sale may be located in the front, side or rear yard; but not within any setback area. All other outdoor storage must be located in the rear yard and surrounded by an opaque visual barrier (refer to sec. 50-776). The gate must be closed at all times except when accessing the yard.