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5                   **ORDINANCE**  
6                   **NUMBER 2022-16**  
7

8                   **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING**  
9                   **THE ZONING MAP ATLAS BY REZONING CERTAIN REAL**  
10                   **PROPERTY CONSISTING OF APPROXIMATELY 9.5 ACRES**  
11                   **(A PORTION OF PARCEL ID 0475100000) GENERALLY**  
12                   **LOCATED AT THE INTERSECTION OF NE 50<sup>TH</sup> STREET**  
13                   **AND NE HWY 41, WILLISTON, FLORIDA FROM SINGLE-**  
14                   **FAMILY RESIDENTIAL, URBAN (R-2) TO MODERATELY**  
15                   **INTENSIVE COMMERCIAL (C-3); PROVIDING DIRECTIONS**  
16                   **TO THE COUNTY COORDINATOR; PROVIDING A**  
17                   **SEVERABILITY CLAUSE; PROVIDING A REPEALING**  
18                   **CLAUSE; PROVIDING FOR EXCLUSION FROM**  
19                   **CODIFICATION; PROVIDING DIRECTIONS TO THE CLERK**  
20                   **AND PROVIDING AN EFFECTIVE DATE.**  
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22                   **WHEREAS**, Section 163.3167, Florida Statutes, requires Levy County to maintain a  
23 Comprehensive Plan to guide the future development and growth of the County; and  
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25                   **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the County  
26 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map  
27 that designates the future general distribution, location, and extent of the uses of land for  
28 residential, commercial, industry, agriculture, recreation, conservation, education, public  
29 facilities, and other categories of the public and private uses of land, with the goals of  
30 protecting natural and historic resources, providing for the compatibility of adjacent land  
31 uses, and discouraging the proliferation of urban sprawl; and  
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33                   **WHEREAS**, the County is required by Section 163.3202, Florida Statutes, to adopt  
34 or amend and enforce land development regulations that are consistent with and  
35 implement the Comprehensive Plan and that are combined and compiled into a single land  
36 development code for the County; and  
37

38                   **WHEREAS**, the County Land Development Code (Chapter 50 of the County Code  
39 of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land  
40 development regulations on specific classifications of land within the County; and  
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42                   **WHEREAS**, if adopted, this ordinance will amend the Zoning Map Atlas by rezoning  
43 the property that is the subject of this ordinance; and

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45       **WHEREAS**, upon petition of the property owner (Petition No. CZ 22-01), the County  
46 Planning Commission which acts pursuant to the authority granted in Sec. 50-55 of the  
47 County Code and which acts as the Local Planning Agency pursuant to Section 163.3174,  
48 Florida Statutes, held a public hearing on August 1, 2022, and voted to recommend  
49 approval of this rezoning; and

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51       **WHEREAS**, at least ten days' notice has been given once by publication in a  
52 newspaper of general circulation notifying the public of this proposed ordinance and public  
53 hearing to be held by the County Commission; and

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55       **WHEREAS**, the public hearing was held pursuant to the notice described above at  
56 which hearing the parties in interest and all others had an opportunity to be heard; and

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58       **WHEREAS**, after due consideration at the public hearing, the County Commission  
59 finds that the rezoning of the subject property will be consistent with the County's  
60 Comprehensive Plan when the amendment to the Future Land Use Map adopted by  
61 Ordinance Number 2022-15 becomes effective as provided therein; and

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63       **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
64 Levy County, Florida:

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66       **SECTION 1.** The Zoning Map Atlas of Levy County is amended by rezoning the  
67 following property from **Single-Family Residential, Urban (R-2)** to **Moderately Intensive**  
68 **Commercial (C-3): A Portion of Parcel ID 0475100000** described as follows:

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70 A part of lands described in O.R.B. 926, page 871 of the Public Records of Levy County,  
71 Florida; lying in the Southwest ¼ of Section 30, Township 12 South, Range 19 East, Levy  
72 County, Florida; being more particularly described as follows:

73  
74 Commence at the Southwest corner of said Section and run thence South 89°13'04"East,  
75 along the South line of said Section, a distance of 1003.09 feet; thence North  
76 00°46'56"East, a distance of 11.82 feet to the North right-of-way line of N.E. 50th Street  
77 (a.k.a. County Road No. 503) and the Point-of-Beginning of the herein described parcel;  
78 thence continue North 00°46'56"East, a distance of 890.59 feet to the South line of the  
79 North 1775.37 feet of said Southwest ¼; thence 88°54'08"East, along the South line, as  
80 distance of 338.66 feet to the West right-of-way line of U.S. Highway 41; thence South  
81 15°07'43"East, along West right-of-way line, a distance of 924.13 feet to the said North  
82 right-of-way line of N.E. 50th Street; thence North 88°13'04"West, along said North right-of-

83 way line, a distance of 592.00 feet to the said Point-of-Beginning. Containing 9.501 Acres,  
84 more or less.

85 The location of the property is shown on **Exhibit A** for visual reference. In the event  
86 of conflict or inconsistency, the legal description above shall prevail over **Exhibit A**.

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88 **SECTION 2.** The County Coordinator or designee is authorized and directed to  
89 make the necessary changes to the Zoning Map Atlas to comply with this ordinance.

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91 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this  
92 ordinance or the application hereof to any person or circumstance is held invalid or  
93 unconstitutional, such finding will not affect the other provisions or applications of this  
94 ordinance that can be given effect without the invalid or unconstitutional provision or  
95 application, and to this end the provisions of this ordinance are declared severable.

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97 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the  
98 extent of such conflict hereby repealed.

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100 **SECTION 5.** This ordinance shall not be codified in the Code of Ordinances of Levy  
101 County, Florida.

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103 **SECTION 6.** In accordance with Section 125.66, Florida Statutes, the Clerk to the  
104 Board of County Commissioners is directed to file this ordinance with the Florida  
105 Department of State within 10 days after adoption and upon such filing, this ordinance shall  
106 become effective. However, the amendment to the Zoning Map Atlas shall not become  
107 effective until the amendment to the Future Land Use Map of the Comprehensive Plan  
108 adopted by Ordinance Number 2022-15 becomes effective as provided therein.

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110 **PASSED AND ADOPTED** this 20th day of September, 2022.

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112 **BOARD OF COUNTY COMMISSIONERS**  
113 **OF LEVY COUNTY, FLORIDA**

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116 \_\_\_\_\_  
Russell Meeks Jr., Chairman

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

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Danny J. Shipp, Clerk

Approved as to form and legal sufficiency

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Nicolle M. Shalley, County Attorney

Exhibit A to Ordinance Number 2022-16



