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**ORDINANCE
NUMBER 2022-11**

AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE LEVY COUNTY COMPREHENSIVE PLAN RELATED TO ALLOWING RESIDENTIAL USE IN THE COMMERCIAL LAND USE CATEGORY; PROVIDING FOR EXCLUSION FROM CODIFICATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTION TO THE CLERK AND COUNTY STAFF; AND PROVIDING EFFECTIVE DATES.

WHEREAS, in 1990, the Board of County Commissioners of Levy County, Florida (the "Board") adopted the Levy County Comprehensive Plan pursuant to the provisions of Chapter 163, Florida Statutes, and have subsequently amended the Plan in accordance with the requirements of State Law (the "Comprehensive Plan"); and

WHEREAS, in April 2021, the Board directed County staff to work on an amendment to the Comprehensive Plan to allow residential use within the Commercial land use category and, pursuant to that direction, County staff initiated Petition LSTA 21-01 to amend Policy 1.2 in the Future Land Use Element of the Comprehensive Plan (the "Petition"); and

WHEREAS, in accordance with Section 163.3184(11) and Section 163.3164(39), Florida Statutes, the adoption of an amendment to the text of the Comprehensive Plan requires two public hearings published pursuant to the requirements of Section 125.66(2), Florida Statutes; and

WHEREAS, the first public hearing is held at the "transmittal" stage; and

WHEREAS, on August 2, 2021, the Levy County Planning Commission heard and recommended approval and transmittal of the Petition; and

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

1 **WHEREAS**, on September 7, 2021, the Board heard and approved the Petition and
2 directed its transmittal to the Florida Department of Economic Opportunity (the “DEO”) and
3 other state reviewing agencies; and
4

5 **WHEREAS**, by letter dated December 29, 2021, DEO responded that it had no
6 comment on the amendment proposed in the Petition and the County received no
7 comments from other state reviewing agencies; and
8

9 **WHEREAS**, in accordance with Section 163.3184(11), Florida Statutes, the
10 adoption of this amendment must be by ordinance; and
11

12 **WHEREAS**, the Board finds that this proposed ordinance serves a public purpose
13 and benefits the County; and
14

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

18 **SECTION 1.** The Commercial Land Use Category within Policy 1.2 of Objective 1 in
19 the Future Land Use Element of the Comprehensive Plan is amended to read as follows.
20 Except as amended herein, the remainder of Objective 1 and Policy 1.2 remain in full force
21 and effect.
22

23 **Policy 1.2** Land use categories on the Future Land Use Map shall be defined as
24 follows:
25

26 **Commercial**

27 This land use category allows for commercial land uses and the development of
28 central business districts. Commercial land uses are described by levels of intensity
29 of Commercial/Professional Office, Neighborhood/Retail Services,
30 Community/Retail and Wholesale Business and Regional/Retail and Wholesale
31 Business. The minimum lot size is one-fourth [1/4] acre and the maximum floor area
32 ratio is 0.5. Lot coverage shall be based on and shall be required to meet all other
33 local and state land development regulations. This land use is only permitted within
34 a Municipal Service Districts and Planned Unit Developments (P.U.D.s), however
35 this designation shall be permitted within rural areas identified on the Future Land
36 Use Map Series as follows: Gulf Hammock, Lebanon Station, Rosewood/Sumner,
37 and the U.S. 19 Corridor between Fanning Springs and Chiefland.

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

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2 In addition to the above-described commercial uses, one (1) residential dwelling unit
3 may be permitted on a parcel of land that is designated commercial land use,
4 provided that all of the following requirements are satisfied:

5 (1) The parcel was designated commercial land use on December 31, 1989; and

6 (2) The parcel is located within either a recorded residential plat or the boundaries
7 of such parcel are identical to the boundaries of the parcel as it existed on
8 December 31, 1989; and

9 (3) There are no non-residential structures on the parcel; and

10 (4) All applicable requirements of the County's land development regulations are
11 met.

12
13 **SECTION 2. Exclusion from the Code of Ordinances; Direction to County**
14 **Staff.** This Ordinance shall not be included in the Code of Ordinances of Levy County,
15 Florida. However, the provisions of Section 1 of this ordinance shall be incorporated into
16 the official County Comprehensive Plan that is on file with the County Planning and Zoning
17 Department and the Department Director is authorized and directed to accomplish that
18 incorporation.

19
20 **SECTION 3. Severability Clause.** It is declared to be the intent of the Board that if
21 any section, subsection, sentence, clause, phrase, portion or provision of this Ordinance is
22 for 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.

26
27 **SECTION 4. Repealing Clause.** All ordinances or parts of ordinances and all
28 resolutions or parts of resolutions of Levy County in conflict herewith are hereby repealed
29 to the extent of such conflict.

30
31 **SECTION 5. Direction to the Clerk and County Staff.** Within 10 days after
32 adoption of this Ordinance: (1) In accordance with Section 125.66, Florida Statutes, the
33 Clerk to the Board of County Commissioners is directed to file this ordinance with the
34 Florida Department of State, and (2) In accordance with Section 163.3184(c)(3), Florida
35 Statutes, County staff is directed to forward a copy of this ordinance along with supporting
36 data and analysis to the state land planning agency and any other reviewing agencies or
37 local governments that submitted timely comments to the transmittal of the Petition, and to
38 the North Central Florida Regional Planning Council.

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

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SECTION 6. Effective Dates. This Ordinance shall become effective upon filing with the Department of State; however, in accordance with Section 163.3184(c)(4), Florida Statutes, the effective date of the Comprehensive Plan Amendment shall be thirty-one (31) days after the state land planning agency notifies the County that the Comprehensive Plan Amendment package is complete. If this Comprehensive Plan Amendment is timely challenged pursuant to Section 163.3184(5)(a), Florida Statutes, then the effective date of this Comprehensive Plan Amendment shall be the date the state land planning agency or the Administration Commission issues a final order determining the adopted Comprehensive Plan Amendment to be in compliance, or ninety-one (91) days after a recommended order of compliance is issued by an administrative law judge and the state land planning agency fails to act on such order within ninety (90) days after issuance. No development orders, development permits, or land uses dependent on this Comprehensive Plan Amendment may be issued or commenced before it has become effective.

PASSED AND DULY ADOPTED this 3rd day of May, 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

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