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**ORDINANCE  
NUMBER 2022-6**

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**AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE ZONING MAP ATLAS BY REZONING CERTAIN REAL PROPERTY CONSISTING OF 1.58 ACRES (PARCEL ID 0427000100) AND 3.8 ACRES (PARCEL ID 0427000500), MORE OR LESS, GENERALLY LOCATED AT THE INTERSECTION OF NE 170<sup>th</sup> AVENUE AND NE HWY 27, WILLISTON, FLORIDA FROM FORESTRY RURAL RESIDENTIAL (F/RR) TO HIGHWAY COMMERCIAL (C-4) AND MODERATELY INTENSIVE COMMERCIAL (C-3), RESPECTIVELY; PROVIDING DIRECTIONS TO THE COUNTY COORDINATOR; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR EXCLUSION FROM CODIFICATION; PROVIDING DIRECTIONS TO THE CLERK AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Section 163.3167, Florida Statutes, requires Levy County to maintain a Comprehensive Plan to guide the future development and growth of the County; and

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**WHEREAS**, Section 163.3177(6), Florida Statutes, requires the County Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; and

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**WHEREAS**, the County is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan and that are combined and compiled into a single land development code for the County; and

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**WHEREAS**, the County Land Development Code (Chapter 50 of the County Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and land development regulations on specific classifications of land within the County; and

45           **WHEREAS**, if adopted, this ordinance will amend the Zoning Map Atlas by rezoning  
46 the property that is the subject of this ordinance; and

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48           **WHEREAS**, upon petition of the property owner (Petition No. CZ 21-07), the County  
49 Planning Commission which acts pursuant to the authority granted in Sec. 50-55 of the  
50 County Code and which acts as the Local Planning Agency pursuant to Section 163.3174,  
51 Florida Statutes, held a public hearing on January 3, 2021, and voted to recommend  
52 approval of this rezoning; and

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

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

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61           **WHEREAS**, after due consideration at the public hearing, the County Commission  
62 finds that the rezoning of the subject property will be consistent with the County's  
63 Comprehensive Plan when the amendment to the Future Land Use Map adopted by  
64 Ordinance Number 2022-5 becomes effective as provided therein; and

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

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69           **SECTION 1.** The Zoning Map Atlas of Levy County is amended by rezoning the  
70 following property from **Forestry Rural Residential (F/RR)** to **Highway Commercial (C-4)**:

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72           **Parcel ID 0427000100** (1.58 acres, more or less): A parcel of land lying in Section 34,  
73 Township 12 South, Range 18 East, Levy County, Florida; being more particularly  
74 described as follows:

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76           Commence at the Southeast corner of the Southeast 1/4 of said Section 34, and run  
77 thence North 02°03'20" West, along the east line of said Southeast 1/4 and along the West  
78 right-of-way line of N.E. 170th Avenue, a distance of 1932.18 feet to the Point-of-Beginning  
79 of the herein described parcel; thence continue North 02°03'20" West, along said East line  
80 and along said West right-of-way line, a distance of 197.57 feet to a point on the Southerly  
81 right-of-way line of U.S. Highway No. 27A (a.k.a. State Road No. 500), said Southerly right-  
82 of-way line being the Southerly line of the taking per O.R. Book 634, page 604, said public  
83 records; thence North 71°02'22" West, along said Southerly right-of-way line, a distance of  
84 370.41 feet to the Northeast corner of the F.D.O.T. Retention Area No. 295; thence South

85 01°21'49" East, along the East line of said F.D.O.T. Retention Area, a distance of 220.94  
86 feet; thence South 79°09'00" East, a distance of 282.45 feet; thence South 59°39'23" East,  
87 a distance of 86.61 feet to the said Point-of-Beginning.  
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89 The location of the property is shown on **Exhibit A** for visual reference. In the event of  
90 conflict or inconsistency, the legal description above shall prevail over **Exhibit A**.

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92 **SECTION 2.** The Zoning Map Atlas of Levy County is amended by rezoning the following  
93 property from **Forestry Rural Residential (F/RR)** to **Moderately Intensive Commercial**  
94 **(C-3)**:  
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96 **Parcel ID 0427000500** (3.8 acres, more or less): A part of lands described in O.R.B. 920,  
97 Page 722, of the Public Records of Levy County, Florida; lying in Section 34, Township 12  
98 South, Range 18 East, Levy County, Florida; being more particularly described as follows:  
99 Commence at the Southeast corner of said Section 34 and run thence North 02°01'32"  
100 West, along the East line of said Section, a distance of 1500.92 feet; thence North  
101 89°38'37" West, a distance of 18.01 feet to the West Maintained right-of-way line of N.E.  
102 170th Avenue and the Point-of-Beginning of the herein described parcel; thence continue  
103 North 89°38'37" West, a distance of 335.94 feet to the Southerly extension of the East line  
104 of the F.D.O.T. Retention Area per O.R.B. 634, Page 604, said Public Records; thence  
105 North 01°28'02" West, along said East line, a distance of 526.05 feet to the Southwest  
106 corner of lands described in O.R.B. 1280, Page 135, said Public Records; thence South  
107 79°07'21" East, along the South line of said O.R.B. 1280, Page 135, a distance of 282.52  
108 feet; thence South 59°39'02" East, along said South line, a distance of 71.46 feet to the  
109 said West Maintained right-of-way line of N.E. 170th Avenue; thence South 01°20'42" East,  
110 along said West Maintained right-of-way line, a distance of 438.66 feet to said Point-of-  
111 Beginning.  
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113 The location of the property is shown on **Exhibit A** for visual reference. In the event  
114 of conflict or inconsistency, the legal description above shall prevail over **Exhibit A**.

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116 **SECTION 3.** The County Coordinator or designee is authorized and directed to  
117 make the necessary changes to the Zoning Map Atlas to comply with this ordinance.  
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119 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this  
120 ordinance or the application hereof to any person or circumstance is held invalid or  
121 unconstitutional, such finding will not affect the other provisions or applications of this  
122 ordinance that can be given effect without the invalid or unconstitutional provision or  
123 application, and to this end the provisions of this ordinance are declared severable.  
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125 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the  
126 extent of such conflict hereby repealed.

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128 **SECTION 6.** This ordinance shall not be codified in the Code of Ordinances of Levy  
129 County, Florida.

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131 **SECTION 7.** In accordance with Section 125.66, Florida Statutes, the Clerk to the  
132 Board of County Commissioners is directed to file this ordinance with the Florida  
133 Department of State within 10 days after adoption and upon such filing, this ordinance shall  
134 become effective. However, the amendment to the Zoning Map Atlas shall not become  
135 effective until the amendment to the Future Land Use Map of the Comprehensive Plan  
136 adopted by Ordinance Number 2022-5 becomes effective as provided therein.

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139 **PASSED AND ADOPTED** this \_\_\_\_\_ day of February, 2022.

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144 **BOARD OF COUNTY COMMISSIONERS**  
145 **OF LEVY COUNTY, FLORIDA**

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Russell Meeks Jr., Chairman

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

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157 Danny J. Shipp, Clerk

158 Approved as to form and legal sufficiency

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160 \_\_\_\_\_  
161 Nicolle M. Shalley, County Attorney

Exhibit A to Ordinance Number 2022-6

