

LEVY COUNTY PLANNING COMMISSION
MEETING MINUTES
Levy County Planning Commission
320 Mongo Street
Bronson, FL 32621

Monday, May 6, 2024
Regular Meeting
5:45 P.M.

I. CALL TO ORDER

Members Present:

Kelly Bishop

Thomas Harper

Co-Chair- J.D. Holmes III

Christopher Mills

Chair- Parks Wilson

Staff Present:

Andrew Carswell- County Engineer

Stacey Hectus- Planning & Zoning Director

Nicolle Shalley, County Attorney

Elizabeth Vigorito- Administrative Assistant II

Attendee(s):

Public Attendee(s): Linda Cooper

II. ROLL CALL – Administrative Assistant, Elizabeth Vigorito

III. APPROVAL OF MINUTES

April 1, 2024 meeting minutes approved

1st Motion to Approve, JD Holmes, III

2nd Motion to Approve, Thomas Harper

Motion Carries 5-0

V. New Business

- Legislative ORDINANCE NO. 2024-02:** AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE COUNTY CODE OF ORDINANCES RELATED TO COMMUNITY GARDENS; BY AMENDING DEFINITIONS; BY AMENDING PERMITS REQUIRED FOR ELECTRICAL SERVICE; BY AMENDING THE ZONING DISTRICT USE TABLE; BY CREATING CONDITIONAL USE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.

Recommend Approval ✓ *Recommend Denial* □

1st Motion to Approve, Kelly Bishop

2nd Motion to Approve, Thomas Harper

Motion carries 4-1, Opposed: J.D. Holmes III

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Hectus presented Ordinance 2024-02, "Community Gardens" to the Planning Commission (PC). There were no ex parte communications for said item. Hectus explained background regarding Ordinance 2024-2. There was an opportunity in a Williston subdivision for a piece of property, for land to be donated towards a community garden for the "Children's Table". The Board of County Commissioners tasked Planning and Zoning staff with adding Community Garden as a use to the zoning uses table. There were no provisions in the code previously for subdivision communities wanting to start a community garden who do not have Ag classification in order to have access to water and electrical service on vacant parcels. David Meyer collaborated with Planning and Zoning staff in adding specific language to the ordinance strictly limiting the use of water and power on said parcels to agricultural uses necessary to maintain a community garden (i.e. watering crops). Hectus explained the new use of a community garden as defined in pg. 2 of the ordinance and further specified that this is not bona fide agricultural use and they would not receive the classification as an Ag business or operation. Prospective applicants would have to fill out a "Conditional Use" application which would then be evaluated by staff for approval. Chair, Parks Wilson asked if there were parameters as far as size, Hectus explained there is no size limitation. Hectus, Carswell and Shalley looked at surrounding counties with similar community garden ordinances as a guide and decided on no size limitation. Hectus further explained that many subdivisions have quarter acre lots for example and it is very feasible to maintain a community garden on such lots, making size limitation unnecessary. Wilson asked for clarification on setbacks, Hectus referred the PC to page 7, (1) for specific setbacks required. Bishop and Parks asked about parking regulations and were referred to pg.5 of the ordinance outlining hours of operation, parking requirements and traffic analysis evaluated by zoning official as part of Conditional Use approval for a community garden. The PC discussed that it is very possible most residents would conduct such activity without permission. Hectus explained that Planning and Zoning staff would help guide residents through the process and there are requirements they would have to meet. Residents who do not abide by this process would most likely trigger code violations and they will be addressed as they arise and access to water and power will be cut if they are not compliant. In response to public comment provided by Cooper below, the discussion steered towards the influx of current code violations in the county. Parks asked for clarification and was told that the bulk of violations are unpermitted structures being occupied. Hectus informed the PC that Planning and Zoning staff is collaborating with Code Enforcement closely in identifying these cases as they arise. Mills asked for clarification regarding the definition of who can create a community garden- he was informed by both Hectus and Shalley that the code stipulates only a residential community or a nonprofit organization can apply and not an individual. Mills asked for clarification regarding the strikethrough sections and verbiage on Sec. 50-132 entitled "Permit required for electrical service". Hectus informed him that the ~~sticker~~ passages of the codes are all deleted sections and the underlined passages are additions to the code specifically requested by our County Building Official, David Meyer. Mills further asked for clarification on how this electrical service permitting section was included since it seems unrelated to Community Gardens. Hectus explained that this new community garden ordinance created an opportunity for the Building Department to include provisions and instructions for residents on obtaining water and electrical service permits for Agricultural and Non-Agricultural parcels for properties with an accessory prior to a home being built. Mills stated that it seems on unclear based on the verbiage provided and Hectus stated that code will be revised further based on his and other PC members' feedback prior to being presented to the BOCC. Wilson further explained that this allows the Building Department to make sure electrical and water service is being lawfully permitted in the county. Wilson used unlawful RV occupancy as being one of the main code violations that these additions to the code will help remedy. Mills had some further inquiries regarding section d on page 4 regarding permits for temporary electrical service during construction of a residence. Mills specifically wanted further explanation regarding the elimination of the "180 day period" time frame for temporary permit; addition of the permit being issued "as part of, and for a time period concurrent with, the building permit for the residence" and elimination of "if substantial construction progress is not maintained, the department may issue a cutoff order..." Hectus stated that the Building Department made these determinations to help avoid code violations. Mills stated he

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believes eliminating the specific timeframe might create confusion for residence and that “substantial completion” is too vague a term. Bishop interjected and stated this is a commonly used term in construction and permitting. Hectus stated she would bring Mills’ suggestion forward to Meyer, our Building Official, for further feedback. Shalley guided the PC through the various definitions and terms of the ordinance. Shalley further clarified that as the County Attorney, she works very closely with staff in drafting ordinances and that for this specific passage, when Meyer looked at this section he specifically asked Shalley to make it clear that a temporary electrical service permit could only be issued for a time period coinciding with an active building permit for the building a residence. This specific verbiage gives the resident a definite time period to work with and gives the Building Official the authority to be able to assess if a temporary permit is valid or if the resident is trying to live in an RV permanently with no intention of completing the building process and a cutoff order must be issued. Mills thanked Shalley for the explanation. The PC recommended for the language to be further revised to make the intent of a community garden more clearly to residents.

PUBLIC COMMENT ON SAID ITEM:

Public attendee, Linda Cooper, asked about the possibility of using solar panels for community gardens instead of electrical. She voiced concern regarding the code violations such a permitted use would trigger and feels it would overwhelm code enforcement staff already stretched dealing with other violations in the county. Cooper stated she is not in favor of this ordinance.

VI. GENERAL PUBLIC COMMENT

VII. UPDATES

Hectus confirmed that she received various item recommendations via email for upcoming joint meeting with BOCC on July 22, 2024. She also updated the Planning Commission on the status creating the new survey expected to be distributed this summer and informed the board that a draft of the new survey will be provided for the next PC meeting on June 3rd.

ADJOURN

1st Motion to Adjourn—J.D. Holmes, III

2nd Motion to Adjourn- Thomas Harper

Motion Carried 5-0

Meeting ended 6:30 pm

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, person needing a special accommodation or an interpreter to participate in the proceeding should contact the County Clerk’s Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing-impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

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