

Deputy Clerk UWILLIAMS

ORDINANCE NUMBER 2023-10

**AN ORDINANCE OF LEVY COUNTY, FLORIDA,
AMENDING THE LEVY COUNTY COMPREHENSIVE PLAN
BASED ON AN EVALUATION AND APPRAISAL AS
REQUIRED BY SECTION 163.3191, FLORIDA STATUTES;
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");

WHEREAS, by letter dated October 3, 2022, the Florida Department of Economic Opportunity ("DEO" or the "State Land Planning Agency") notified the County that it was time to initiate and complete an Evaluation and Appraisal of the County's Comprehensive Plan as required by Section 163.3191, Florida Statutes;

WHEREAS, in accordance with Sections 163.3184(2)(c), (4) and (11), Florida Statutes, the adoption of Comprehensive Plan amendments based on an Evaluation and Appraisal follow the State Coordinated Review Process which requires two public hearings - the first public hearing (for first reading of this Ordinance) is referred to as the "transmittal stage" and the second public hearing (for the second and final reading of this Ordinance) is referred to as the "adoption stage";

WHEREAS, on October 2, 2023, the Levy County Planning Commission heard and recommended transmittal of the Evaluation and Appraisal amendments attached as Exhibits to this Ordinance;

WHEREAS, on October 17, 2023, the Board approved this Ordinance on first reading and directed staff to transmit the Evaluation and Appraisal amendments attached as Exhibits to this Ordinance, along with the supporting data and analysis, to DEO and other state reviewing agencies; and

Note: In the Exhibits to this Ordinance, deletions are shown ~~stricken~~, additions are shown underlined.

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ORDINANCE NUMBER 2023-10

AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE LEVY COUNTY COMPREHENSIVE PLAN BASED ON AN EVALUATION AND APPRAISAL AS REQUIRED BY SECTION 163.3191, FLORIDA STATUTES; 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");

WHEREAS, by letter dated October 3, 2022, the Florida Department of Economic Opportunity ("DEO" or the "State Land Planning Agency") notified the County that it was time to initiate and complete an Evaluation and Appraisal of the County's Comprehensive Plan as required by Section 163.3191, Florida Statutes;

WHEREAS, in accordance with Sections 163.3184(2)(c), (4) and (11), Florida Statutes, the adoption of Comprehensive Plan amendments based on an Evaluation and Appraisal follow the State Coordinated Review Process which requires two public hearings - the first public hearing (for first reading of this Ordinance) is referred to as the "transmittal stage" and the second public hearing (for the second and final reading of this Ordinance) is referred to as the "adoption stage";

WHEREAS, on October 2, 2023, the Levy County Planning Commission heard and recommended transmittal of the Evaluation and Appraisal amendments attached as Exhibits to this Ordinance;

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1 **WHEREAS**, in accordance with Section 163.3187, Florida Statutes, notice was
2 given by publication of an advertisement in a newspaper of general circulation notifying
3 the public of the first public hearing on this proposed ordinance in the Levy County
4 Government Center in Bronson, Florida, to be held at least seven calendar days after the
5 day the first advertisement was published;

6
7 **WHEREAS**, on October 17, 2023, the Board approved this Ordinance on first
8 reading and directed staff to transmit the Evaluation and Appraisal amendments attached
9 as Exhibits to this Ordinance, along with the supporting data and analysis, to DEO and
10 other state reviewing agencies;

11
12 **WHEREAS**, after review and comment by DEO and other state reviewing
13 agencies, in accordance with Section 163.3184(11), Florida Statutes, the Board held the
14 second and final reading of this Ordinance; and

15
16 **WHEREAS**, in accordance with Section 163.3187, Florida Statutes, notice was
17 given by publication of an advertisement in a newspaper of general circulation notifying
18 the public of the second and final public hearing on this proposed ordinance in the Levy
19 County Government Center in Bronson, Florida, to be held at least five days after the day
20 the second advertisement was published.

21
22 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
23 of Levy County, Florida that:

24
25 **SECTION 1.** The **Capital Improvements Element** of the Comprehensive Plan is
26 amended to read as set forth in Exhibit "A" attached to this Ordinance.

27
28 **SECTION 2.** The **Coastal Management Element** of the Comprehensive Plan is
29 amended to read as set forth in Exhibit "B" attached to this Ordinance.

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31 **SECTION 3.** The **Economic Element** of the Comprehensive Plan is amended to
32 read as set forth in Exhibit "C" attached to this Ordinance.

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34 **SECTION 4.** The **Future Land Use Element** of the Comprehensive Plan is
35 amended to read as set forth in Exhibit "D" attached to this Ordinance.

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37 **SECTION 5.** The **"2026 Future Land Use Map" within the Future Land Use**

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1 **Element Map Series** is amended (to correct mapping errors and remove annexed
2 parcels) as set forth in Exhibit "E" attached to this Ordinance.

3
4 **SECTION 6.** The **Housing Element** of the Comprehensive Plan is amended to
5 read as set forth in Exhibit "F" attached to this Ordinance.

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7 **SECTION 7.** The **Infrastructure Element** of the Comprehensive Plan is amended
8 to read as set forth in Exhibit "G" attached to this Ordinance.

9
10 **SECTION 8.** The **Transportation Circulation Element** of the Comprehensive
11 Plan is amended to read as set forth in Exhibit "H" attached to this Ordinance.

12
13 **SECTION 9. Data and Analysis.** In accordance with Section 163.3177(1)(f),
14 Florida Statutes, these Comprehensive Plan amendments are based upon relevant and
15 appropriate data and an analysis by the County. Such data and analysis is not deemed
16 a part of the Comprehensive Plan. The "Levy County Data and Analysis Report for 2024
17 Comprehensive Plan Evaluation and Appraisal Report" is available for public inspection
18 and copy at the Levy County Planning and Zoning Department, 320 Mongo Street,
19 Bronson, Florida or by email request to planning@levycounty.org.

20
21 **SECTION 10. Direction to Staff.** In accordance with Section 163.3184(4)(b),
22 Florida Statutes, within 10 working days after the first public hearing (at which this
23 Ordinance was approved on first reading) the Planning and Zoning Director, or designee,
24 shall transmit the Comprehensive Plan amendments attached as Exhibits to this
25 Ordinance, along with the supporting data and analysis, to DEO and any other reviewing
26 agencies, to the North Central Florida Regional Planning Council and to any other unit of
27 local government or government agency that has filed a written request for same.

28
29 In accordance with Section 163.3184(4)(e)(2), Florida Statutes, within 10 working
30 days after the second public hearing (at which this Ordinance was adopted on second
31 reading), the Planning and Zoning Director, or designee, is directed to transmit this
32 Ordinance with complete Exhibits, along with the supporting data and analysis, to DEO
33 and any other agency or local government that provided timely comments and to the
34 North Central Florida Regional Planning Council.

35
36 **SECTION 11. Exclusion from the Code; Incorporation into the**
37 **Comprehensive Plan; Direction to Staff.** This Ordinance shall not be included in the

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1 Code of Ordinances of Levy County, Florida. However, the Planning and Zoning Director,
2 or designee, shall incorporate the Comprehensive Plan amendments adopted in Sections
3 1 through 8 of this Ordinance into the official County Comprehensive Plan that is on file
4 with the County Planning and Zoning Department.

5
6 **SECTION 12. Severability Clause.** It is declared to be the intent of the Board
7 that if any section, subsection, sentence, clause, phrase, portion or provision of this
8 Ordinance is for any reason declared or held invalid or unconstitutional by any court of
9 competent jurisdiction, such section, subsection, sentence, clause, phrase, portion or
10 provision shall be deemed a separate, distinct and independent provision, and the
11 remainder of this Ordinance shall be not affected by such declaration or holding.

12
13 **SECTION 13. Repealing Clause.** All ordinances or parts of ordinances and all
14 resolutions or parts of resolutions of Levy County in conflict herewith are hereby repealed
15 to the extent of such conflict.

16
17 **SECTION 14. Direction to the Clerk; Effective Dates.** In accordance with
18 Section 125.66, Florida Statutes, the Clerk to the Board of County Commissioners is
19 directed to file this Ordinance with the Florida Department of State within 10 days after
20 adoption on second reading and upon such filing, this Ordinance shall become effective.
21 However, in accordance with Section 163.3184(4)(e)5, Florida Statutes, the
22 Comprehensive Plan amendments will become effective in accordance with the Notice of
23 Intent to find the Comprehensive Plan amendments in compliance issued by the State
24 Land Planning Agency. If the adopted Comprehensive Plan amendments are timely
25 challenged pursuant to Section 163.3184(5), Florida Statutes, then the effective date of
26 the Comprehensive Plan Amendment will be the date the State Land Planning Agency or
27 the Administration Commission issues a final order determining the adopted
28 Comprehensive Plan amendments to be in compliance, or ninety-one (91) days after a
29 recommended order of compliance is issued by an administrative law judge and the State
30 Land Planning Agency fails to act on such order within ninety (90) days after issuance.

31
32 No development orders, development permits, or land uses dependent on the
33 Comprehensive Plan amendments adopted by this Ordinance may be issued or
34 commenced before the Plan amendments become effective.

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36 **APPROVED ON FIRST READING** on October 17, 2023.

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1 **APPROVED AND ADOPTED ON SECOND READING** on February 20, 2024.

2
3 **BOARD OF COUNTY COMMISSIONERS OF**
4 **LEVY COUNTY, FLORIDA**

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6 
7 _____
8 Desiree Mills, Chair

9 **ATTEST: Danny J. Shipp, Clerk of the**
10 **Circuit Court and Ex Officio Clerk to**
11 **the Board of County Commissioners**

12
13 
14 _____
15 Danny J. Shipp

16
17 Approved as to form and legal sufficiency

18 
19 _____
20 Nicolle M. Shalley, County Attorney

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22

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addressed in an enforceable development agreement or development order. The County shall not be responsible for funding capital improvements that are the obligation of the developer. If the developer fails to meet any capital improvement commitment that is programmed in the Five-Year Schedule of Capital Improvements, a modification to delete the capital improvement from the Schedule shall be required.

Objective 4 Capital Improvements for Future Development

Ensure that future developments bear the pro-rata share of cost of providing improvements and infrastructure necessary to maintain the adopted levels of service.

Policy 4.1 All proposed developments shall provide infrastructure and meet the level of service standards and guidelines identified in Policy 1.1 of this Element and all other applicable elements of the Comprehensive Plan concurrent with development. New development shall bear a proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain adopted levels of service through the County’s proportionate share ordinance, impact fees, site-related developer dedications, and developer contributions or other allowable means.

Policy 4.2 Every development order shall document:

- a. The current County level of service standards;
- b. Conditions to be met by the applicant to assure the levels of service are not reduced below adopted level of service standards.

Policy 4.3 New developments will be assessed a pro-rata share of the cost necessary to finance public facility improvements. Development impacts shall be identified and assessed during the development review process to ensure that adopted level of service standards are met and maintained.

**TABLE 1: FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS
FISCAL YEARS 2022-2023 THROUGH 2026-2027**

Project Description	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027
TRANSPORTATION					
1 <i>C Street Bridge Replacement</i>	2,291(D)				
2 <i>C347 US 19 to SR 500 SCRAP</i>	2,250,000(C)				
3 <i>CR 341 SR 345 to US 19 Resurface</i>	1,719,250(C)				
4 <i>CR 345 SR 500 to US 129 Widen/Resurface</i>	1,500,000(A)				
5 <i>CR 330 C347 to C336 Widen/Resurface</i>	3,500,000(A)				
6 <i>C337 SR 121 to C336 Resurface</i>					1,968,963(C)
7 <i>C326 US 19 to CR 337 Resurface</i>					3,933,027(C)
8 <i>C347 SR 24 to CR 330 Widen/Resurface</i>					18,260,755(A)
6 <i>George T Lewis APT Resource Study</i>		50,000(D)			

7	<i>George T Lewis Design & Const New Hanger</i>					700,000(D)
8	<i>George T Lewis New restroom/kiosk</i>		450,000(D)			
9	<i>George T Lewis Shoreline Restoration</i>			180,000(D)		
10	<i>George T Lewis Generator for vault & vault upgrades</i>			200,000(D)		
11	<i>George T Lewis New lighting on runway</i>				300,000(D)	
12	<i>LCR 114 Rowdy Lowman RD- Resurface</i>	170,000(G)				
13	<i>CR 241- Alt 27 to CO. Line Resurface</i>		1,250,000(K)			
14	<i>CR 40 Sidewalk Mastadon LAP</i>		122,298(F)	98,529(F)		
15	<i>MT 205 Long Pond Landing Resurface</i>			250,000(G)		
	Total	\$22,713,541	\$1,872,298	\$728,529	\$300,000	\$24,862,745

		PARKS AND RECREATION				
Parks and Rec	Project Description	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027
1	<i>Boat Ramp At Shell Mound 3 phases Eng, Dredge, Boat Ramp replace & Electric</i>	102,945(H)	1,200,000(H)			
2	<i>Handicap & Blue & Henry Beck</i>					30,000(I)
3	<i>C40 Bird Creek Park water to bathrooms</i>					400,000(I)
4	<i>Bird Creek Boat Ramp Observation Decks</i>	464,080(I)				
5	<i>Levy County Square Park</i>	24,500	1,369,600			
	Total	\$591,525	\$2,569,600			\$430,000

		NON-LOS PROJECTS				
Non-LOS Projects	Project Description	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027
1	<i>Government Center Landscaping</i>	23,600	96,900			
2	<i>Government Center Improvements</i>	79,945	250,000	250,000	250,000	250,000
3	<i>Courthouse Renovations</i>	145,950				
	Total	249,495	346,900	250,000	250,000	250,000

Five-Year Schedule of Capital Improvements: Summary by Revenue Source

Funding Source	Description	FY 2022-2023	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-27	Total
FDOT SCOP (A)	Florida Small County Outreach Program	5,000,000	0	0	0	18,260,755	23,260,755
CIGP(B)	County Incentive Grant Program	0	0	0	0	0	0
SCRAP(C)	Florida Small County Road Assistance Program	3,969,250	0	0	0	5,901,990	9,871,240
FDOT Program(D)	Florida Department of Transportation 5-Year Work Plan	2,291	500,000	380,000	300,000	700,000	1,882,291

T.A. (E)	Transportation Alternatives		0	0	0	0	0	0
LAP(F)	Local Agency Program		0	122,798	98,529	0	0	220,827
LOGT (G)	Local Option Gas Tax		170,000	0	0	0	0	170,000
FBIP (H)	Florida Boating Improvement Program		102,945	1,200,000	0	0	0	1,302,945
Impact Fees (I)	Parks and Rec Impact Fees		464,080	0	0	0	430,000	894,080
Impact Fees (K)	Road Department Fees		0	1,250,000	0	0	0	1,250,000
	Total		99,878,566	3,072,798	478,529	300,000	25,292,745	39,022,138

Objective 5 Concurrency Management Program

Levy County’s Concurrency Management Program shall ensure the necessary public facilities and services are available and have sufficient capacity to accommodate new development within the County. The program will enable decision makers to manage the County’s public facilities and services by directing development toward those areas where adequate levels of service for public facilities are currently in place, or proposed to be in place, thus discouraging urban sprawl.

Levy County has adopted level of service standards for each of the public facilities and services. Public facilities and services within the County include sanitary sewer, solid waste, drainage, potable water, water supply, parks and recreation and open space, public school facilities and transportation. Level of service standards for these public facilities and services are established in the Comprehensive Plan and implemented through specific procedures within the Levy County Land Development Code.

The Concurrency Management Program provides a means for the County to: track and manage development as it occurs throughout the County; track the condition and capacity of existing facilities; provide a method for reviewing and assessing the impacts of proposed development; and to allow for scheduling of required improvements to correct existing or future facilities deficiencies.

Policy 5.1 General: Levy County’s Concurrency Management Program and regulations shall meet the following minimum standards:

(1) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supply and potable water facilities shall be in place and available to serve new development no later than the issuance by Levy County of a certificate of occupancy, or its functional equivalent. Prior to approval of a building permit or its functional equivalent, Levy County shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by Levy County of a certificate of occupancy or its functional equivalent. If applicable, the County shall consult with the relevant wastewater service provider to ensure that adequate wastewater facilities are available to serve the development.

(2) Consistent with the public welfare, parks and recreation and open space facilities to serve new development shall be in place or under actual construction at the time the development permit, or its functional equivalent, is issued. However, if the necessary facilities or services are the subject of a binding, executed contract for the construction or provision of services at the time the development permit is issued, or if the necessary facilities or services are guaranteed in an enforceable development agreement at the time the development permit is issued, the development permit or its functional equivalent may be issued.