ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, AMENDING CHAPTER 50, LAND DEVELOPMENT CODE (LDC), FOR COMPLIANCE WITH FLORIDA STATUTES; AMENDMENT OF ARTICLE I OF THE LDC CONCERNING GENERAL PROVISIONS, INCLUDING SECTION 50-1 CONCERNING DEFINITIONS AND SECTION 50-2 CONCERNING NOTICE OF PUBLIC HEARINGS; REPEAL AND REPLACEMENT OF ARTICLE II, DIVISION 2 OF THE LDC DESIGNATING THE BOARD OF COUNTY COMMISSIONERS AS THE LOCAL PLANNING AGENCY; AMENDMENT OF SECTION 50-100 OF THE LDC CONCERNING THE BOARD OF ADJUSTMENT; AMENDMENT OF SECTION 50-350 OF THE LDC CONCERNING SPECIFIC PROHIBITIONS; AMENDMENT OF ARTICLE XI, DIVISION 2 OF THE LDC CONCERNING PLATTING; AMENDMENT OF SECTION 50-583 OF THE LDC CONCERNING STREET SYSTEM LAYOUT; AMENDMENT OF SECTION 50-601 OF THE LDC CONCERNING LOT SPLITS FOR A FAMILY HOMESTEAD; AMENDMENT OF ARTICLE XIII OF THE LDC CONCERNING ZONING, INCLUDING SECTION 50-645 CONCERNING AMENDMENTS AND LOCAL PLANNING AGENCY REVIEW, SECTION 50-661 CONCERNING THE RR-3C DISTRICT, AND SECTIONS 50-664 AND 50-665 CONCERNING AMENDMENTS TO THE ZONING MAP ATLAS; AMENDMENT OF SECTION 50-700 OF THE LDC CONCERNING THE USE TABLE; AMENDMENT OF SECTION 50-720 OF THE LDC PROVIDING FOR NOTICE OF CONDITIONAL USE APPLICATIONS; AMENDMENT OF SECTION 50-755 OF THE LDC CONCERNING SPECIAL EXCEPTION REVIEW CRITERIA, LIMITATIONS, AND PROCESS; CREATION OF ARTICLE XIII, DIVISION 4, SUBDIVISION III, SECTIONS 50-800 THROUGH 50-825 OF THE LDC CONCERNING CERTIFIED RECOVERY RESIDENCES AND REASONABLE ACCOMMODATION REQUEST PROCESS; CREATION OF ARTICLE XIII, DIVISION 4, SUBDIVISION IV, SECTION 50-826 OF THE LDC CONCERNING CHANGES OF USE; AMENDMENT OF ARTICLE XIII, DIVISION 6 OF THE LDC CONCERNING PLANNED UNIT DEVELOPMENT; PROVIDING FOR TRANSITION AND PENDING APPLICATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1 of the Florida Constitution and Chapter 125, *Florida Statutes*, vest the Board of County Commissioners of Levy County, Florida (the "Board") with the

authority to adopt county ordinances that are not inconsistent with state general law or special law and provide the required procedures to adopt such ordinances; and

WHEREAS, Section 163.3167(1)(c), *Florida Statutes*, empowers the Board to adopt land development regulations to guide the growth and development of the County; and

WHEREAS, in furtherance of the public health, safety, and welfare, and to facilitate the proper and efficient administration of the County's Land Development Code in a manner that protects and balances the rights and interests of property owners, the general public, and the environmental and natural resources of the County, the Board finds it necessary to amend the Land Development Code to conform to recent amendments to the Florida Statutes, including those governing platting, certified recovery residences, offsite-constructed residential dwellings, and farm and landscape equipment, and to designate the Board as the local planning agency.

NOW, THEREFORE, BE IT ORDAINED by the Levy County Board of County Commissioners as follows:

SECTION 1. AMENDMENT OF ARTICLE I OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article I of the Levy County Land Development Code, entitled "In General" is hereby amended as follows:

ARTICLE I. IN GENERAL

Sec. 50-1. Definitions.

* * *

Certified recovery residence means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.
(a) A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.
(b) A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
(c) A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.

(d) A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence, and all licensable services are provided offsite.

Certified recovery residence administrator means a recovery residence administrator who holds a valid certificate of compliance.

Credentialing entity means an organization approved by the Department of Children and Families to issue and monitor recovery residence certifications under Section 397.487, Florida Statutes.

* * *

Licensed service provider means a public agency, private for-profit or not-for-profit agency, organization, physician, hospital, or other private practitioner that is licensed under Chapter 397, Florida Statutes, to provide substance abuse services through one or more licensed service components.

* * *

~~*Planning commission* means the board that serves as the local planning agency pursuant to F.S. § 163.3174, and has such other responsibilities as provided by this chapter or state law.~~

* * *

Recovery residence means a residential dwelling unit, or other form of group housing that is offered or advertised through any means including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug free living environment.

* * *

Sec. 50-2. Notice of public hearings.

* * *

Hearings and Public Notice Table	
Type of Hearing or Application	**Types of Public Notice**

Board of Adjustment Quasi-Judicial Hearing - Variance	Published notice: refer to Sec. 50-3.C Mailed notice: refer to Sec. 50-3.A Posted notice: refer to Sec. 50-3.B
Administrative ~~Planning Commission~~ ~~Quasi-Judicial Hearing - Special Exception & Major Amendment to Special Exception;~~ Plat, Replat & Vacate Plat ~~Quasi-Judicial Hearing - Zoning Map amendment (private initiated of any size OR County initiated less than ten contiguous acres)~~ ~~Legislative Hearing - Future Land Use Map amendment (private initiated of any size OR County initiated less than ten contiguous acres)~~	~~Published notice: refer to Sec. 50-3.C~~ Mailed notice: refer to Sec. 50-3.A Posted notice: refer to Sec. 50-3.B
~~**Planning Commission**~~ ~~Quasi-Judicial Hearing - Zoning Map amendment (10 contiguous acres or greater initiated by County)~~ ~~Legislative Hearing - Future Land Use Map amendment (10 contiguous acres or greater initiated by County); Comprehensive Plan text amendment or Land Development Code text amendment~~	~~Published notice: refer to Sec. 50-3.C~~
* * *	
County Commission Quasi-Judicial Hearing - Special Exception, Appeal of Minor Amendment to Special Exception, and Major Amendment to Special Exception Quasi-Judicial Hearing - Zoning Map amendment (private initiated of any size OR County initiated less than ten contiguous acres) Legislative Hearing - Future Land Use Map amendment (private initiated of any size OR County initiated less than ten contiguous acres)	Published notice: refer to Sec. 50-3.C Mailed notice: refer to Sec. 50-3.A Posted notice: refer to Sec. 50-3.B

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 2. REPEAL AND REPLACEMENT OF ARTICLE II, DIVISION 2 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article II, Division 2 of the Levy County Land Development Code, entitled "Planning commission," is hereby repealed and replaced in its entirety as follows:

DIVISION 2. LOCAL PLANNING AGENCY

Sec. 50-51. *Local planning agency designated.* Pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of Levy County hereby designates itself as the local planning agency, with the addition of a nonvoting representative of the School Board of Levy County appointed by the School Board as required by Florida Statutes. The Board, sitting as the local planning agency, shall perform the functions and duties prescribed by Section 163.3174(4), Florida Statutes.

Sec. 50-52 – Sec. 50-80. Reserved.

SECTION 3. AMENDMENT OF ARTICLE III, DIVISION 2, SECTION 50-100 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-100 of the Levy County Land Development Code, entitled "Board of adjustment" is hereby amended as follows:

Sec. 50-100. Board of adjustment.

(a) The board of county commissioners, sitting as the board of adjustment, shall have and will exercise the power to hear and decide special exceptions to the terms of this division relating to areas within the territorial limit of its authority, ~~after recommendation by the planning commission~~, and in accordance with all other provisions of this chapter governing special exceptions.

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 4. AMENDMENT OF ARTICLE VIII, DIVISION 2, SECTION 50-350 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-350 of the Levy County Land Development Code, entitled "Specific prohibitions" is hereby amended as follows:

Unless otherwise exempted in this division, or unless expressly allowed by special exception or other specific approval by the board of county commissioners or other county board or committee or official with specific authority to grant such approval, any of the following acts, or the causing or permitting thereof, shall be unlawful and a violation of this division:

* * *

(7) *Domestic power tools*. The operation, or causing or permitting the operation, of any portable mechanical, electrical, or gasoline motor-driven equipment, tool, or garden tool, outdoors between the hours of 10:00 p.m. and 7:00 a.m., such that the sound is plainly audible ten feet beyond the property line where the source of the sound is located and the receiving property of the sound is in a residential zoning district or a rural agricultural zoning district that allows residential uses. This subsection shall not apply to gasoline-powered farm equipment or gasoline-powered landscape equipment as defined in section 125.489, Florida Statutes.

(8) *Fixed equipment*. The operation, or causing or permitting the operation, of any pump, air conditioning, air-handling, air compressor unit, power fan or blower, fixed electric motor or engine, or other continuously operating motorized equipment such that the sound is plainly audible ten feet beyond the property line where the source of the sound is located. This subsection shall not apply to gasoline-powered farm equipment or gasoline-powered landscape equipment as defined in section 125.489, Florida Statutes.

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 5. AMENDMENT OF ARTICLE XI, DIVISION 2 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article XI, Division 2 of the Levy County Land Development Code, entitled "Platting" is hereby amended as follows:

* * *

Sec. 50-531. Generally.

* * *

(2) *Preliminary plat.* The purpose of the preliminary plat is to enable the subdivider to submit his request and provide ~~the planning commission,~~ other county agencies and departments~~, and the board of county commissioners~~ the opportunity to conduct a review of the preliminary proposed plan for conformance with regulations and requirements of the county or other governmental departments or agencies.

* * *

(4) *Final plat.* The final plat shall be submitted in a form acceptable for ~~filling~~ filing as a public record in accordance with this division. After review ~~and recommendation by the planning ,~~ by county staff and other county and state agencies and departments, and ~~the board of county commissioners, and if approved thereby~~ upon approval by the zoning official or designee pursuant to section 50-534, it shall be accepted and filed for record into the public records of the county.

Sec. 50-532. Submission and approval of preliminary plat.

(a) To receive consideration, a preliminary plat application, together with other required data, shall be presented to the county development department ~~no later than the first day of the month preceding a regular monthly meeting of the planning commission~~. The application shall include the application fee, and a sufficient number of copies of the following documents to supply copies of the documents ~~to all board and planning commission members and~~ to any county staff or county consultants that may perform a review of the application: preliminary plat, completed application form, checklist, and all other required supportive data and information. The number of copies required for an application may be adjusted by the development department director from time to time. Upon a finding by the development department director or his or her designee that an application is complete, the applicable county staff shall review the application. ~~Once county staff review is complete, the application shall be scheduled for a public hearing before the planning commission at the regular monthly meeting for the month following the application deadline described in the first sentence, or, if scheduling for such regular monthly meeting is not possible due to advertising deadlines or for any other reason, the application shall be scheduled for the next planning commission meeting at which it may reasonably be heard. After planning commission review and recommendation on the application, the application shall be scheduled for a board of county commissioners meeting at which it may reasonably be heard.~~

(b) ~~The applicant, or his duly authorized representative, shall attend the planning commission meeting at which the preliminary plat is to receive consideration. The planning commission may, in its discretion, either proceed with the public hearing and consideration of an application or table the application in the event the applicant or his duly authorized representative does not appear at the planning commission meeting.~~

~~(c) The~~ County staff, including representatives of the road department, county engineer, building official, and development department, ~~planning commission~~ shall review the preliminary plat for compliance with the requirements of this division, the design standards of Division 3 of this article, Part I of Chapter 177, Florida Statutes, the comprehensive plan, other applicable provisions of this chapter, and all other applicable law.

* * *

(c) ~~(d)~~ After consideration of county staff, the zoning official or his or her designee ~~a public hearing on a preliminary plat application, the planning commission shall make a recommendation to the board of county commissioners for approval, approval with conditions, or denial of the application, or shall table the application~~

~~due to a request for additional information or revisions to the application or other reasonable cause. After a recommendation for approval, approval with conditions, or denial of a preliminary plat application, the application will be scheduled for a public hearing before the board of county commissioners. The board of county commissioners~~ may approve, approve with conditions, or deny the application, or ~~table or~~ take other action on the application based upon reasonable cause.

(d) ~~(e)~~ Conditional approval of a preliminary plat shall not be issued when conditions, revisions or modifications are of a substantive nature which shall require the applicant to resubmit any of its application materials ~~reappear before the commission and board of county commissioners~~ to acquire approval. Only after ~~board of county commissioner's~~ approval of the preliminary plat shall a construction permit be issued.

(e) Approval ~~(f) Board of county commissioner's approval~~ of a preliminary plat shall expire after a period of 18 months, unless extension is requested and granted by the zoning official or his or her designee for good cause shown, for a period not to exceed twelve (12) months per extension, ~~board of county commissioners~~, or unless a construction permit, if required, is granted within the 18-month period and construction is performed continuously until completion with any break in construction lasting for no more than six months.

(f) ~~(g)~~ Conditional approval shall constitute approval subject to requirements as specified by the zoning official or his or her designee. ~~board of county commissioners.~~

(g) ~~(h)~~ After a preliminary plat application has been distributed to the appropriate departments for review and comment and the applicant wishes to revise the preliminary plat, the fee set forth in Appendix B—Schedule of Fees, Rates and Charges must be paid and the revised preliminary plat review will be commenced after such payment. After ~~planning commission or board of county commissioner~~ action on a preliminary plat application, if an applicant proposes any substantive change to the preliminary plat application, the applicant shall pay the fee set forth in Appendix B—Schedule of Fees, Rates and Charges and shall submit a new application for review as a new application. For purposes of this subsection, a substantive change has the meaning given in Section 125.022, Florida Statutes.

* * *

Sec. 50-533. Submittal and approval of construction plans.

(e) Review process. County staff ~~The plat review committee~~ shall, within 30 days, review and decide to approve or disapprove the construction plans. County

staff ~~The plat review committee~~ will include the development department director, the county road superintendent, the county engineer, the county sanitarian and the county forester.

Sec. 50-534. Submission and approval of final plat.

(a) Designation of administrative authority. Pursuant to Section 177.071, Florida Statutes, the Levy County Development Department is designated as the administrative authority to receive, review, and process plat and replat submittals, and the Development Department Director is designated as the administrative official responsible for approving, approving with conditions, or denying plats and replats. Review responsibilities may be delegated to county staff or consultants, but final approval of a plat or replat shall be issued only by the designated administrative official or by an officer of a rank described in Section 177.071, Florida Statutes.

(b) Prior to expiration of the preliminary plat approval, an applicant shall submit a final plat application to the county development department. The application shall include the application fee and a sufficient number of copies of the following documents to supply copies to county staff or county consultants that may perform a review of the application: proposed final plat or replat, completed application form, checklist, and all other required supportive data and information. The number of copies required for an application may be adjusted by the development department director from time to time.

(c) Within 7 business days after receipt of a final plat or replat submittal, the zoning official or designee shall provide written notice to the applicant acknowledging receipt of the final plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with section 177.091, Florida Statutes. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(d) Unless the applicant requests an extension of time, the zoning official or designee shall approve, approve with conditions, or deny the final plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (c). If the zoning official or designee does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the final plat or replat submittal fails to meet.

(e) A public hearing shall not be required for final plat or replat approval.

(a) *Submission to planning commission.*

(1) Prior to expiration of the preliminary plat approval, and subsequent to the completion and approval of the construction of required improvements, an applicant shall submit a final plat application to the county development department no later than the first day of the month preceding a regular monthly meeting of the planning commission. The application shall include the application fee, and a sufficient number of copies of the following documents to supply copies of the documents to all board and planning commission members and to any county staff or county consultants that may perform a review of the application: proposed final plat, completed application form, checklist, and all other required supportive data and information. The number of copies required for an application may be adjusted by the development department director from time to time. Upon a finding by the development department director that an application is complete, the applicable county staff shall review the application. Once county staff review is complete, the application shall be scheduled for a public hearing before the planning commission at the regular monthly meeting for the month following the application deadline described in the first sentence, or, if scheduling for such regular monthly meeting is not possible due to advertising deadlines or for any other reason, the application shall be scheduled for the next planning commission meeting at which it may reasonably be heard. After planning commission review and recommendation on the application, the application shall be scheduled for a board of county commissioners meeting at which it may reasonably be heard.

(2) The applicant, or his duly authorized representative shall attend the planning commission meeting at which the proposed final plat is to receive consideration. The planning commission may, in its discretion, either proceed with the public hearing and consideration of an application or table the application in the event the applicant or his duly authorized representative does not appear at the planning commission meeting.

(3) The proposed final plat shall comply with the preliminary plat approved by the board of county commissioners and any conditions imposed thereon, and all other applicable federal, state, or county statutes, rules, requirements, codes or ordinances.

(4) After a public hearing on a final plat application, the planning commission shall make a recommendation to the board of county commissioners for approval or denial of the application, or shall table the application due to a request for additional information or revisions to the application or other reasonable cause. The planning commission may elect to approve and sign the final plat at the same meeting at which it is considered.

~~(5) The planning commission shall not approve and sign the final plat until it has been shown either in writing or by signature on the face of the plat that the requirements of the county health department and the county road department have been satisfied.~~

~~(b) *Submission to board of county commissioners.*~~

~~(1) Following a recommendation for approval or denial by the planning commission on a final plat application, the applicant may submit to the board of county commissioners the proposed final plat for approval. At this time, the board of county commissioners may require additional considerations, supportive data or improvements.~~

~~(2) The applicant shall submit a minimum of one copy or print and the original plat to the board of county commissioners for signature.~~

~~(3) Following consideration at the regular meeting, the board of county commissioners shall either approve, disapprove or table for a reasonable period of time the final plat, or request additional information, considerations, supportive data or improvements.~~

~~(4) If the board of county commissioners approves the final plat, the copy or print and the original plat shall be signed by the board of county commissioners.~~

(f)~~(c)~~ *Filing of final plat.*

(1) Immediately following approval and signing of the final plat ~~by the board of county commissioners~~, the applicant shall submit the signed original and copy thereof, both bearing original signatures ~~by the board of county commissioners~~, to the clerk of the circuit court.

* * *

Sec. 50-556. Generally.

(a) *Approval ~~by board of county commissioners~~.* Before a plat is offered for recording, it shall be approved ~~by the appropriate boards, commission, or departments~~ as provided for in this article, and evidence of such approval shall be placed on such plat. If not approved, the ~~board of county commissioners~~ zoning official or his or her designee shall return the plat to the land surveyor. However, such examination and approval for conformity to this article ~~by the appropriate boards, commission, departments and board of county commissioners~~ shall not include the verification of the survey data.

(b) *Dedication and approval.*

(1) Every plat of a subdivision proposing streets must contain a dedication by the developer. The dedication shall be executed by all developers and mortgagees having a record interest in the lands subdivided, in the same manner in which deeds are required to be executed.

(2) When a tract of land has been subdivided and a plat thereof bearing the dedication executed by the developers and mortgagees having a record interest in the lands subdivided and the approval ~~of the board of county commissioners~~ has been secured and recorded in compliance with this article, all streets, alleys, easements, rights-of-way, and public areas shown on such plat, unless otherwise stated, shall be deemed to have been dedicated to the public for the uses and purposes stated thereon. However, nothing in this article shall be construed as acceptance of or creating an obligation upon the board of county commissioners to perform any act of construction or maintenance within such dedicated areas except when the obligation is voluntarily assumed thereby.

(c) *Erection of buildings.* No building shall be erected on a lot or parcel of land within the area, nor shall any building permit be issued therefor, unless the street giving access to the lot or parcel on which such building is proposed to be placed has been accepted and opened as a public street, has otherwise received the legal status of a public street, has been accepted by the board of county commissioners and is shown on a recorded subdivision plat, or is a private street approved as provided for in this article ~~by the board of county commissioners~~ or available for use by the public; or is an easement as defined in section 50-1.

* * *

(h) *Title certification.* Every final plat of a subdivision submitted for approval ~~to the county commission~~ shall be accompanied by a title certification by an attorney-at-law licensed in the state, or a title insurance company confirming that the lands as described and shown on the plat are in it as shown on the plat and that the developer has apparent title to the lands. The title opinion or certification shall also show all mortgages not satisfied or released of records.

* * *

Sec. 50-558. Requirements for final plats.

* * *

(24) Park, recreation and school sites deemed necessary by county staff ~~the plat review committeeplanning commission~~ or required by the comprehensive plan, or this chapter, as shall be so designated.

* * *

Sec. 50-559. Forms of certificates.

(a) *County certificates.* Each plat shall on the first sheet shall include a ~~show~~ certificate of approval in the form as follows:

Certificates of Approval for Levy County, Florida; We, the undersigned do hereby certify that this plat conforms to the requirements of Levy County Ordinance and Regulations as follows:

Planning and Zoning—	Date	Zoning Official or Designee, Levy County Planning and Zoning
	Date	Reviewing Surveyor
Water and Sewer Requirements—	Date	Levy County Health Department
Lot sizes comply with F.S. ch. 381 and F.A.C. 10-D6—		
Road Requirements—	Date	Superintendent-Levy County Road Department
~~Property Appraiser —~~	~~Date~~	~~Levy County Property Appraiser~~
~~Form and Legality —~~	~~Date~~	~~Levy County Attorney~~
~~Commission —~~	~~Date~~	~~Chairman - Board of County Commissioners~~

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 6. AMENDMENT OF ARTICLE XI, DIVISION 3 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article XI, Division 3 of the Levy County Land Development Code, entitled "Design standards" is hereby amended as follows:

* * *

Sec. 50-583. Street system layout.

* * *

(l) To facilitate procurement of right-of-way for the future needs of the county collector roadway system, 50 feet on each side of all section lines shall be dedicated for roadway purposes.

(1) When a development lies along one side of a section line and no road or dedicated right-of-way exists along the opposite side of the section line, the developer may, with approval of the zoning official~~, upon recommendation of the planning commission~~:

a. Dedicate the required right-of-way and install no improvements. However, no lots, tracts or parcels shall require access from such and unimproved right-of-way; or

b. Construct a full road section on 50 feet (minimum) right-of-way and incorporate such road into street system of the development.

(2) When a development lies along one side of a section line and there exists a previously dedicated unimproved right-of-way, the developer may, with approval of the zoning official~~, upon recommendation of the planning commission~~:

a. Dedicate the required right-of-way and install no improvements. However, no lots, tracts or parcels shall require access from such unimproved right-of-way; or

b. Construct a full road section centered on the right-of-way centerline or as right-of-way configuration requires and incorporates such road into street system for the development.

(3) When a development lies along a section line and there exists a roadway constructed along the opposite side of the section line, the developer may, with approval of the zoning official~~, upon recommendation of the planning commission~~:

a. Dedicate the required right-of-way and not utilize the existing roadway to serve the development; or

b. Dedicate the required right-of-way and utilize the existing roadway or further improve such roadway to serve the development.

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 7. AMENDMENT OF ARTICLE XI, DIVISION 4, SECTION 50-601 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-601 of the Levy County Land Development Code, entitled "Types of lot splits" is hereby amended as follows:

* * *

(d) *Lot split for a family homestead*. As authorized by F.S. §163.3179, the following standards implement policy 1.13 of the future land use element in the comprehensive plan. These standards authorize the creation of a family homestead lot by deed to an eligible family member who is ready to establish their homestead residence on the lot within ten years.

(1) *Eligibility standards.*

a. Eligible lot means a legal lot of record that is not within a platted subdivision~~,~~ is not within a municipal service district, and is within a zoning district in which single-family dwellings are a permitted use~~, and has a zoning designation of F/RR, A/RR or RR~~.

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 8. AMENDMENT OF ARTICLE XIII OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article XIII of the Levy County Land Development Code, entitled "Zoning" is hereby amended as follows:

Sec. 50-645. Amendments.

* * *

(b) *Review by ~~planning commission~~ local planning agency*. The ~~planning commission~~ Board of County Commissioners, in its capacity as the local planning agency under F.S. § 163.3174~~,~~ and section 50-51~~55~~ of this Code, shall hold a public hearing on any amendment, supplement, or repeal of the regulations and provisions of this article and any other land development regulation or land development code, and shall ~~provide the board of county commissioners with findings~~ make findings regarding consistency of such amendment, supplement, or repeal with the comprehensive plan~~, and shall provide the board of county commissioners with any other recommendations it may have regarding such amendment, supplement, or repeal~~. The local planning agency hearing may be held in conjunction with the Board of County Commissioners' public hearing on the ordinance, provided all notice requirements applicable to each hearing are satisfied.

* * *

Sec. 50-661. - Establishment of districts; intent of districts.

* * *

Single-family, exclusive (RR-3C) district. The RR-3C district is intended to provide continuity of zoning between Levy County and Marion County within the area known as the Rainbow Lakes Estates Municipal Service District (created by a Special Act of the Florida Legislature set forth in Chapter 2001-293, Laws of

Florida). Within this district, ~~only site-built or modular~~ single-family dwellings built to the Florida Building Code are allowed~~; manufactured homes and mobile homes are prohibited~~. Consistent with section 553.385, Florida Statutes, offsite-constructed residential dwellings, as defined therein, are permitted as of right in this district and shall be subject to the same standards as site-built single-family dwellings, except that such dwellings shall comply with the following compatibility standards: Mobile homes that do not qualify as offsite-constructed residential dwellings under section 553.385, Florida Statutes, are not permitted.

Sec. 50-664. Amendments to zoning map atlas.

* * *

(2) Staff review and preparation for public hearing, including public notice of board of county commissioners ~~planning commission~~ hearing, and preparation of staff reports and proposed ordinance.

(3) ~~Planning commission hearing, recommendation to board of county commissioners.~~

~~(4) Additional staff review and preparation for board of county commissioners public hearing, including public notice of board of county commissioners hearing on proposed ordinance, preparation of staff report and ordinance.~~

~~(5)~~ Board of county commissioners hearing and decision on zoning ordinance.

Sec. 50-665. Criteria for amendments to the zoning map atlas.

The following criteria shall be considered by county staff~~, the planning commission~~ and the board of county commissioners when reviewing an amendment to the zoning map atlas:

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 9. AMENDMENT OF ARTICLE XIII, DIVISION 2, SECTION 50-700 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-700 of the Levy County Land Development Code, entitled "Generally; use table" is hereby amended as follows:

Use (reference to code section that contains	F/RR	A/RR	RR	R-1	R-2	RR-3C	C-1	C-2	C-3	C-4	I	RMU	PF	REC	NR-CON

SE or CU requirements)	In this table, P=Permitted Use; CU=Conditional Use; and SE=Use by Special Exception														
					*	*	*								
Residential															
Dwelling, single-family[1] (includes offsite-constructed residential dwellings as defined in s. 553.385, F.S.)	P	P	P	P	P	P[1]	P	P	P	P					
Certified recovery residence							P	P	P	P		P			
Community residential home (small) (50-729)	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		CU			
Community residential home (large) (50-729)					CU		CU	CU	CU	CU		CU			
Adult or child care home	P	P	P	P	P	P	P	P	P	P		P			
					*	*	*								

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 10. AMENDMENT OF ARTICLE XIII, DIVISION 3, SUBDIVISION V, SECTION 50-720 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-720 of the Levy County Land Development Code, entitled "Generally; review criteria; limitations and process" is hereby amended as follows:

Sec. 50-720. - Generally; review criteria; limitations and process.

* * *

(3) *Process.*

* * *

(d) *Notice of conditional use applications*. The following notice shall be provided for each application for a conditional use or a material amendment to a conditional use:

(1) Mailed notice. Within ten (10) days after the application is determined complete, written notice shall be mailed to the owners of all property within 300 feet of the boundary of the subject property, as shown on the most recent ad valorem tax roll. The notice shall identify the applicant, the location of the

subject property, and the proposed use; state where the application may be inspected; and state that written comments may be submitted to the zoning official within fifteen (15) days after the date of the notice.

(2) Posted notice. Within the same ten (10) day period, the County shall post at least one sign on the subject property, visible from each abutting public right-of-way, containing the information required by paragraph (1), and shall maintain the sign until a decision is rendered.

(3) Decision. A decision on the application shall not be rendered until the comment period has expired, and all timely written comments shall be made part of the record. The written decision shall be provided to the applicant and to each person who submitted timely written comments, and shall state the procedure and deadline for any appeal.

(4) Defects in notice. The failure of any person to receive mailed notice shall not invalidate a decision where a good-faith effort to comply with this subsection has been made.

SECTION 11. AMENDMENT OF ARTICLE XIII, DIVISION 3, SUBDIVISION VI, SECTION 50-755 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-755 of the Levy County Land Development Code, entitled "Generally; review criteria; limitations and process" is hereby amended as follows:

Sec. 50-755. – Generally; review criteria; limitations and process.

The uses that are allowed by special exception as identified in the zoning district use table are listed below, are subject to the review criteria, limitations and process outlined herein, including application to the county, review by county staff, public notice and public hearings before ~~the planning commission and~~ the board of county commissioners who shall issue a final written decision of approval or denial.

(a) *Review criteria*. The board of county commissioners ~~The planning commission may recommend approval and the board~~ may approve an application for special exception upon finding that the proposed use meets the below listed criteria. The ~~planning commission may recommend and the~~ board may impose additional conditions, limitations and safeguards as it deems necessary to protect the public health, safety and welfare.

* * *

(c) *Process*.

* * *

(3) *Completeness determination; staff report and recommendation.* Upon receipt, the zoning official or designee will review the petition for completeness. If additional data or information is required, the zoning official or designee will advise the applicant and allow a reasonable time for the applicant to provide the additional

data or information. Upon finding that a petition is complete, the zoning official will review the petition for compliance, prepare a staff report with recommendation(s) and notice the petition as required by law for ~~public hearings~~ a public hearing before the ~~planning commission and the county commission~~ board of county commissioners.

(4) *Public notice and public hearing~~s~~.* Notice of the public hearing~~s~~ shall be given in accordance with secs. 50-2 and 50-3. The zoning official and the applicant (in person, by agent or attorney) shall appear at the hearing~~s~~. ~~At the completion of its public hearing, the planning commission will make a recommendation regarding the special exception petition to the board.~~ The board of county commissioners shall consider the special exception petition at public hearing. In reviewing the application, the board of county commissioners shall consider the recommendation of staff and shall approve, approve with conditions, or deny the application by written order. Notification of the board of county commissioners' decision shall be mailed to the applicant and filed with the planning and zoning department. The decision of the board of county commissioners shall be final, subject to review by a court of competent jurisdiction as provided by law. ~~will then hold a public hearing on the special exception petition. At the completion of the public hearing, the board may continue the matter or may direct the county attorney to draft a written order of approval or denial (with brief statement of reasons therefor) of the petition. Once the county attorney has prepared the written order, it must be noticed and placed on a board agenda for final action.~~

* * *

(e) *Amendments.*

(1) *Minor amendments.* An amendment to an existing special exception shall be considered minor where it will not cause an expansion to the existing use, or additional impacts to surrounding properties, natural resources, or public infrastructure. A minor amendment does not require a ~~planning commission~~ public hearing and instead may be approved by ~~proceed to the board for one hearing with~~ a written order of the zoning official or his or her designee. An amendment shall not be considered minor if it modifies a condition of approval expressly imposed by the board of county commissioners. An applicant whose minor amendment the zoning official has denied may appeal to the board of county commissioners at a public hearing by filing a written notice of appeal within thirty (30) days after the decision is rendered.

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 12. CREATION OF ARTICLE XIII, DIVISION 4, SUBDIVISION III, SECTIONS 50-800 THROUGH 50-825 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Article XIII, Division 4, Subdivision III, Sections 50-800 through 50-825 of the Levy County Land Development Code, are hereby created to read as follows:

Subdivision III. – Reasonable Accommodation

Sec. 50-800. – Certified recovery residences; reasonable accommodation request process.

Certified recovery residences shall require a certificate of zoning compliance pursuant to Section 50-772 of the Levy County Land Development Code and shall be subject to site plan review only to the same extent required for other residential uses of the same type and intensity in the zoning district. Applicants seeking to establish a certified recovery residence may request reasonable accommodations from any portion of the Levy County Land Development Code that serves to prohibit the establishment of a certified recovery residence . All activities governed by this section shall be conducted consistently with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The procedures for review and approval of applications for reasonable accommodations are as follows:

(1) Filing Application. An application for reasonable accommodation for the establishment of a certified recovery residence shall be filed with the planning and zoning department on a form obtained through that office.

(2) Contents of a complete application for reasonable accommodation for the establishment of a certified recovery residence. A complete application for reasonable accommodation for the establishment of a certified recovery residence shall include the following information :

(a) Owner. Name and contact information of the applicant or applicant's authorized representative. If the applicant is other than the owner of the entire parcel in question, written consent for such application signed by all the owners of the property which is the subject of the application.

(b) Description. A complete legal description of the property which is the subject of the application.

(c) Survey. A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.

(d) Nature of reasonable accommodation. A statement that the persons who will reside in the certified recovery residence are persons with a disability as defined by the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. (without disclosure of any individual's identity, diagnosis, or medical records), the proposed reasonable accommodation, and the nature of the premises which makes the accommodation necessary.

(e) Prohibition statement. Citation to the portion of the Levy County Land Development Code from which applicant seeks a reasonable accommodation and a statement of how the portion of the Levy County Land Development Code serves to prohibit the establishment of a certified recovery residence.

(f) Zoning Classification. The zoning classification of the premises.

(g) Impact. A statement as to the impact of granting the reasonable accommodation.

(h) Fee. A filing fee set by resolution of the Board of County Commissioners to cover any necessary advertising and other administrative costs.

(i) Signature. All applications shall include a statement made under penalty of perjury that the application materials submitted are true and correct to the best of the applicant's knowledge and belief.

(3) Completion of application. Upon receipt of an application, staff shall datestamp the application and review shall commence. During staff review, additional information or documentation may be requested from the applicant in writing within the first 30 days of receipt of the application, and staff shall allow the applicant at least 30 days to respond.

(4) Required findings. The zoning official or designee shall review completed applications and shall not grant any reasonable accommodation from any portion of the Levy County Land Development Code unless he or she makes a positive finding, based on competent, substantial evidence, on each of the following criteria:

(a) The portion of the Levy County Land Development Code that is the subject of the application serves to prohibit the establishment of a certified recovery residence.

(b) The reasonable accommodation does not impose an undue financial and administrative burden on the County.

(c) The reasonable accommodation does not fundamentally alter the essential nature of the County’s zoning scheme.

(5) Written determination. Within 60 days of receipt of a completed application, the zoning official or designee shall issue a final written determination to the applicant approving the application in whole or in part, with or without conditions or denying the request stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration. If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time. The zoning official shall take action on the application prior to any action being taken on the associated development application.

(6) Revocation. The zoning official may revoke a reasonable accommodation for a certified recovery residence granted under this Section for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under Chapter 397, Florida Statutes, if not reinstated within 180 days. Before revoking a reasonable accommodation, the zoning official shall provide written notice to the holder of the reasonable accommodation identifying the grounds for revocation, and allowing thirty (30) days for the holder to respond or cure. A decision to revoke shall be in writing and shall state the grounds, and may be appealed in the same manner as a denial.

(7) Nondiscrimination. This Section does not relieve the County of its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and

Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

Sec. 50-801. – Sec. 50-825. Reserved.

SECTION 13. CREATION OF ARTICLE XIII, DIVISION 4, SUBDIVISION IV, SECTION 50-826 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Section 50-826 of the Levy County Land Development Code, entitled "Change of Use" is hereby created to read as follows:

Subdivision IV. – Change of Use

Sec. 50-826. – Change of Use.

(a) Applicability. A change of use of any lot, building, or structure, or any portion thereof, shall not be commenced until a certificate of zoning compliance has been issued under section 50-772, whether or not any construction, alteration, or building permit is required. A change of use occurs when the proposed use is classified under a different use in the use table in section 50-700 than the existing lawful use, or when an existing use is expanded in a manner that would independently require conditional use or special exception approval.

(b) Review. The zoning official shall issue the certificate of zoning compliance upon determining that: (1) the proposed use is a permitted use (P) in the zoning district or, if the proposed use is a conditional use (CU) or special exception (SE), the required approval has been obtained; (2) the proposed use complies with the use-specific standards of this chapter and with the off-street parking, loading, buffering, and other site standards of this chapter applicable to the proposed use; and (3) if the existing use is nonconforming, the change complies with Article XIII, Division 4, Subdivision II. - Nonconformities.

(c) Relationship to building code. A certificate of zoning compliance issued under this section does not authorize a change of occupancy classification under the Florida Building Code, which is subject to separate review by the building official.

(d) Uses protected by state or federal law. This section shall apply to a community residential home of six or fewer residents under Section 419.001(2), Florida Statutes, a family day care home under Section 125.0109, Florida Statutes, a certified recovery residence, or any other use that state or federal law requires to be treated as a single-family or residential use, only to the same extent it applies to a single-family dwelling in the same zoning district. Nothing in this section limits the reasonable accommodation process in section 50-800.

Sec. 50-827. – Sec. 50-850. Reserved.

SECTION 14. AMENDMENT OF ARTICLE XIII, DIVISION 6 OF THE LEVY COUNTY LAND DEVELOPMENT CODE. Division 6 of the Levy County Land Development Code, entitled "Planned Unit Development" is hereby amended as follows:

* * *

Sec. 50-905. - Application procedure and zoning approval process.

* * *

(b) *Application for preliminary site ~~sketch~~ plan approval.*

(1) In order to allow the ~~planning commission~~ county and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit a preliminary site ~~sketch~~ plan of his proposal to the ~~planning commission~~ zoning official. The preliminary site ~~sketch~~ plan shall be approximately to scale, though it need not be to the precision of finished engineering drawing, and it shall clearly show the following information:

* * *

(2) In addition, the following documentation shall accompany the preliminary site ~~sketch~~ plan:

* * *

(3) The ~~planning commission~~ zoning official shall review the preliminary site ~~sketch~~ plan and its related documents, and shall render either a favorable report ~~to the county commission~~ or an unfavorable report to the applicant. The ~~planning commission~~ zoning official shall consult with other county departments such as county engineer, health and highways and obtain a written review.

a. A favorable report ~~shall include a recommendation that a public hearing be held for the purpose of considering the preliminary proposal. It~~ shall be based on the following findings which shall be included as part of the report:

* * *

b. An unfavorable report shall state clearly the reasons therefore, and, if appropriate, point out to the applicant what ~~that~~ might be accomplished in order to receive a favorable report. Failure of a proposed planned unit development to achieve any portion of subsection (b)(2) above or any of the following shall be the basis of an unfavorable report:

* * *

(4) The ~~chairman of the planning commission~~ zoning official or his or her designee shall certify when all of the necessary application material has been presented; and the ~~planning commission~~ zoning official shall submit ~~its~~ the report within 30 days of such certification. If no report has been rendered after 30 days, the applicant may proceed as if a favorable report were given.

(c) *Application for final detailed site plan approval*. After receiving conditional approval on a preliminary site ~~sketch~~ plan and~~,~~ the approval for all necessary permits and curb cuts, the applicant may prepare a ~~his~~ final detailed site plan and submit it to the zoning official ~~planning commission~~ for final approval; except that if more than 12 months has elapsed between the time of the zoning official's ~~planning commission's~~ report on the preliminary site ~~sketch~~ plan and if the zoning official ~~the planning commission~~ finds that conditions have changed significantly in the interim, the zoning official ~~planning commission~~ may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final detailed site plan for review. An application for final detailed site plan approval shall also contain:

* * *

(d) *Action on the final detailed site ~~sketch~~ plan application.* Within 30 days of the receipt of the application for final detailed site ~~sketch~~ plan approval~~, and after a duly advertised public hearing~~, the zoning official or his or her designee ~~planning commission~~ shall render a written finding ~~decision~~ to the applicant ~~and so notify the board of county commissioners~~. If no determination ~~decision~~ is made within the 30-day period, the final detailed site ~~sketch~~ plan shall be considered approved.

The zoning official shall make a written finding of approval on the final detailed site plan only upon an express finding that the plan strictly conforms to the uses, densities, intensities, conditions, and design standards established in the PUD ordinance. The zoning official shall not make a written finding of conformance on any final detailed site plan that deviates from the approved preliminary site plan or PUD ordinance in any respect that would require amendment of the PUD ordinance under F.S. § 125.66(2). Any such deviation shall require the applicant to seek amendment of the PUD ordinance through the full public hearing process before the board of county commissioners.

As a condition of approval, the zoning official shall make a written finding that the final detailed site plan, as approved, conforms to the PUD ordinance. The written finding shall cite the specific provisions of the PUD ordinance with which the final detailed site plan conforms and shall be filed in the public record maintained by the county development department.

(1) Upon a determination that the final detailed site plan strictly conforms to the approved preliminary site plan, the PUD ordinance, and all applicable requirements of this division, and upon making the written finding of conformance required by this subsection, the zoning official shall endorse approval on the final detailed site plan. ~~Upon approving an application, the planning commission shall endorse its approval on a copy of the final sketch plan and shall forward it to the board of county commissioners, who shall then hold a public hearing within 30 days of such approval.~~

Within five (5) business days of the zoning official's endorsement of approval, written notice of the approval shall be delivered to all property owners within three hundred (300) feet of the boundary of the planned unit development, using the current tax roll maintained by the property appraiser. The notice shall identify the approved final detailed site plan, state that the written finding of conformance is available for public inspection at the county development department, and inform the recipients that any affected party may file an appeal or challenge pursuant to the procedures set forth in this Code or F.S. § 163.3215 within thirty (30) days of the date of the notice.

The final detailed site plan approval shall not take effect and no building permits shall be issued pursuant thereto until the expiration of the thirty (30) day challenge period described above, unless the challenge period is waived in writing by all notified property owners. If a timely appeal or challenge is filed, the final detailed site plan approval shall be stayed pending resolution of such appeal or challenge.

The zoning official shall forward a copy of the endorsed final detailed site plan and the written finding of conformance to the board of county commissioners and the county attorney within five (5) business days of endorsing approval.

(2) Upon ~~disapproving~~ a determination that the final detailed site plan does not strictly conform to the approved preliminary site plan, the PUD ordinance, or applicable requirements, the zoning official shall notify the applicant in writing of the specific deficiencies. The applicant may cure such deficiencies and resubmit for administrative review, or may appeal the determination as provided by law.~~an application, the planning commission shall so inform the board of county commissioners. The planning commission shall notify the applicant in writing of its reason for disapproval. A copy of the appropriate minutes may suffice for this notice.~~

(3) Upon final detailed site plan approval and expiration of the challenge period without the filing of a timely appeal or challenge, or upon resolution of any appeal or challenge in favor of the approval ~~approval the board of county~~

~~commissioners~~ , notice shall be forwarded to the building official ~~zoning officer~~ for issue of building permits.

(e) *Request for changes in preliminary site ~~sketch~~ plan.*

(1) If in the final detailed site ~~sketch~~ plan development it becomes apparent that certain elements of the preliminary site ~~sketch~~ plan, as it has been approved ~~by the board of county commissioners~~, are unfeasible and in need of significant modification, the applicant shall then present his solution to the zoning official ~~planning commission~~ as his preliminary site ~~sketch~~ plan in accordance with the procedures in subsection ~~(d)~~ (b) of this section. The zoning official ~~planning commission~~ shall then determine whether or not the modified plan is still in keeping with the intent of and strictly conforms with the PUD ordinance. ~~zoning resolution.~~ If a negative decision is reached, the preliminary site ~~sketch~~ plan shall be considered as disapproved. The applicant ~~developer~~ may then, if he wished, produce another preliminary site ~~sketch~~ plan ~~in conformance with the approved sketch plan~~ or seek to amend the PUD ordinance.

(2) If an affirmative decision is reached, ~~the planning board shall so notify the board of county commissioners stating all of the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary sketch plan approval may then be given only with the consent of the board of county commissioners.~~ the zoning official may grant approval of the modified preliminary site plan, stating the particulars of the matter and its reasons for continuing the project as modified.

(f) Staging. If the applicant wishes to stage his or her development, and he or she has so indicated, then he or she may submit only those stages he or she wishes to develop for site ~~sketch~~ plan approval in accordance with his or her staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged, and a staging plan must be developed. It is the intent of this division that individual stages of the development will have an integrity of use in their own right so that, if for any reasons the entire development would not be completed, those portions of the development already constructed will be an asset to the community by themselves. Staging plans must take into account this objective, and applicants ~~developers~~ proposing individual stages that deviate significantly from the overall character of the development should present convincing evidence that such a stage is indeed in keeping with this section.

Sec. 50-906. Regulation after initial construction and occupancy.

For the purpose of regulating development and use of property after initial construction and occupancy, any changes ~~other than use changes~~ shall be processed

as a special permit request to the ~~planning commission. Use changes shall also be in the form of a request for special permit except that~~ Board of County Commissioners~~ approval shall be required~~. It shall be noted, however, that properties lying in planned unit developments (PUDs) are unique and shall be so considered by ~~the planning commission and~~ the Board of County Commissioners when evaluating these requests; and maintenance of the intent and function of the planned unit development shall be of primary importance.

~~**Sec. 50-907. Sketch plan review.**~~

~~Sketch plan review under the provisions of this division shall suffice for planning commission review for subdivisions under county subdivision regulations, subject to the following conditions:~~

~~(1) The developer shall prepare sets of subdivision plats suitable for filing with the office of the county clerk in addition to those drawings required in this division.~~

~~(2) The developer shall plat the entire development as a subdivision; however, planned unit developments being developed in stages may be platted and filed in the same stages.~~

~~(3) Final sketch plan approval under section 50-905 shall constitute final plat approval under the county subdivision regulations; and provisions in county law requiring that the plat be filed with the county clerk.~~

* * *

[underline indicates addition; ~~strikethrough~~ indicates deletion; * * * indicates that text following * * * remains unchanged]

SECTION 15. TRANSITION; PENDING APPLICATIONS.

(a) An application for preliminary plat, special exception, minor amendment to a special exception, planned unit development site plan, or other development approval that was determined complete before the effective date of this Ordinance shall be processed under the procedures in effect when it was determined complete, unless the applicant elects in writing to proceed under this Ordinance; provided, however, that plats and replats shall be approved administratively as required by Section 177.071, Florida Statutes.

(b) Approvals granted before the effective date of this Ordinance remain valid according to their terms, and any reference in such an approval to action by the planning commission shall be deemed a reference to the zoning official or the Board, as applicable.

(c) The Levy County Planning Commission is abolished on the effective date of this Ordinance, and the terms of its members expire on that date. Any matter pending before the

Planning Commission on that date shall be transferred to the Board or the zoning official, as applicable, under this Ordinance.

SECTION 16. CODIFICATION. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Levy County Land Development Code and the Levy County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent. Any reference in the Levy County Land Development Code and the Levy County Code of Ordinances to the "planning commission" or "planning and zoning commission" shall be deemed a reference to the Board of County Commissioners, sitting as the local planning agency, or, for decisions made administratively under this Ordinance, to the zoning official, as context requires.

SECTION 17. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 18. CONFLICT. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 19. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall take effect as provided by law.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Levy County this _____ day of ____, 2026.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

_____
Tim Hodge, Chair

ATTESTED BY:

_____
Matt Brooks, Clerk of Court

APPROVED AS TO FORM

_____
Ray Poole, County Attorney