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3 **Version for 12-5-2023 BoCC Meeting**  
4 **ORDINANCE NUMBER 2023-9**  
5

6 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**  
7 **AMENDING CHAPTER 6 RELATED TO ALCOHOLIC**  
8 **BEVERAGES, CHAPTER 22 RELATED TO PROHIBITED**  
9 **BUSINESSES, CHAPTER 50 (LAND DEVELOPMENT**  
10 **CODE) RELATED TO ZONING DISTRICT USE**  
11 **REGULATIONS AND APPENDIX B RELATED TO FEES,**  
12 **RATES AND CHARGES, ALL BEING WITHIN THE**  
13 **COUNTY CODE OF ORDINANCES; PROVIDING FOR**  
14 **INCLUSION IN THE CODE; PROVIDING A SEVERABILITY**  
15 **CLAUSE; PROVIDING A REPEALING CLAUSE; AND**  
16 **PROVIDING DIRECTIONS TO THE CLERK AND AN**  
17 **EFFECTIVE DATE.**

18  
19 **WHEREAS**, Section 1, Article VIII of the Florida Constitution and Chapter 125,  
20 Florida Statutes, vest the Board of County Commissioners of Levy County, Florida (the  
21 “Board”) with the authority to adopt county ordinances that are not inconsistent with state  
22 general or special law and provide the required procedures to adopt such ordinances;  
23

24 **WHEREAS**, in 1990, the Board adopted the Levy County Comprehensive Plan  
25 pursuant to the provisions of Chapter 163, Florida Statutes, which Comprehensive Plan  
26 has been amended through adoption of subsequent ordinances (the “Comprehensive  
27 Plan”);  
28

29 **WHEREAS**, in 1991, the Board adopted the Levy County Land Development  
30 Regulations, now codified as Chapter 50 titled “Land Development Code” of the Code of  
31 Ordinances of Levy County to implement the Comprehensive Plan and to provide  
32 regulations governing the development of land within the County;  
33

34 **WHEREAS**, by adoption of Ordinance Number 2022-3 on February 8, 2022, the  
35 County adopted a Zoning Map Atlas to place zoning district designations on all real  
36 property within the unincorporated area of the County;  
37

38 **WHEREAS**, with adoption of the Zoning Map Atlas, County staff and the Board  
39 have been engaged in reviewing and updating the County’s Land Development Code;  
40

41 **WHEREAS**, this proposed ordinance focuses on the uses allowed in the zoning  
42 districts;

Note: deletions shown ~~stricken~~, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

1           **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section  
2 50-55 of the Land Development Code, this proposed ordinance has been reviewed by  
3 the County Planning Commission for consistency with the Comprehensive Plan and the  
4 Planning Commission recommendation has been forwarded to the Board;

5  
6           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, notice was  
7 given by publication of a first advertisement no less than two columns wide by ten inches  
8 long in a newspaper of general circulation notifying the public of this proposed ordinance  
9 and of a public hearing in the Levy County Government Center in Bronson, Florida, to be  
10 held at least seven days after the day the first advertisement was published;

11  
12           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, notice was  
13 given by publication of a second advertisement no less than two columns wide by ten  
14 inches long in a newspaper of general circulation notifying the public of this proposed  
15 ordinance and of a second public hearing in the Levy County Government Center in  
16 Bronson, Florida, to be held at least five days after the day the second advertisement was  
17 published; and

18  
19           **WHEREAS**, in accordance with Section 125.66(4)(b), Florida Statutes, the two  
20 public hearings were held at least 10 days apart and at least one of the public hearings  
21 was held after 5pm.

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

25  
26           **SECTION 1.** A new Sec. 6-3 is created within Chapter 6 - Alcoholic Beverages to read  
27 as follows. Except as amended herein, the remainder of Chapter 6 remains in full force  
28 and effect.

29  
30           **Sec. 6-3. On-premises consumption of alcohol.** Any business that has on-premises  
31 consumption of alcohol must be located a minimum of 1,200 feet from the nearest place  
32 of religious assembly or elementary, middle or high school, and must have direct access  
33 on a paved collector or arterial road.

34  
35  
36           **SECTION 2.** A new Article II titled “Medical Marijuana Businesses” is created within  
37 Chapter 22 - BUSINESSES to read as follows:

38  
39           **ARTICLE II. MEDICAL MARIJUANA TREATMENT CENTER DISPENSING**  
40 **FACILITIES.**

Note: deletions shown ~~stricken~~, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

1 **Sec. 22-31. Medical marijuana treatment center dispensing facilities.**

2 As allowed by F.S. § 381.961, the county prohibits medical marijuana treatment center  
3 dispensing facilities within the county. Notwithstanding the foregoing, a municipality within  
4 the county may allow such dispensing facilities within its municipal limits.

5  
6 **SECTION 3.** Section 50-1. “Definitions” of the Levy County Code is amended as set forth  
7 below.

8  
9 **Sec. 50-1. Definitions.**

10 The following words, terms and phrases, when used in this chapter, shall have the  
11 meanings ascribed to them in this section, except where the context clearly indicates a  
12 different meaning. In addition, any word used in this chapter that is not defined herein  
13 shall be defined by its plain and ordinary meaning:

14 *Accessory dwelling unit* means an additional dwelling unit, including a separate  
15 entrance and permanent provisions for living, sleeping, eating, cooking and sanitation  
16 that is incidental and subordinate to the principal single family dwelling ~~or principal~~  
17 ~~mobile home dwelling~~ on the lot.

18 *Accessory use, building or structure* means a use, ~~building~~ or structure located on the  
19 same lot as the principal use or structure and ~~the use of~~ which is subordinate or  
20 customarily incidental to the principal use ~~or~~ the principal structure. Accessory  
21 structures include, but are not limited to, barns, pole barns, unattached garages,  
22 swimming pools, sheds, storage buildings, and other similar structures.

23 *Adult or child care facility* means a business that is not an *adult or child care home*  
24 and holds a current license from the state pursuant to F.S. Ch. 402 or Ch.429, Part III.

25 *Adult or child care home* means a business conducted in an occupied residence that  
26 holds a current license from the State: under F.S. § 402.313, as a “family day care  
27 home;” or under F.S. § 402.3131 as a “large family child care home;” or under F.S. §  
28 429.67 as an “adult family-care home.”

29 *Agricultural operation, bona fide* means the use of land for bona fide agricultural  
30 purposes per F.S. § 193.461, which includes, but is not limited to, horticulture;  
31 floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is  
32 used principally for the production of tropical fish; aquaculture as defined in F.S. §  
33 597.0015; algaculture; sod farming; all forms of farm products as defined in F.S. §  
34 823.14(3); and farm production. And includes all accessory uses that serve or are a  
35 related part of the bona fide agricultural operation such as the sale of agricultural  
36 products, the logging of forestry products, fuel and fertilizer storage, welding and  
37 fabrication.

38 *Agricultural operation, intensive* means a bona-fide agricultural operation that is

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1 reasonably expected to produce substantial offsite impacts, such as noise, odor, dust  
 2 and/or fumes. Such intensive operations may include, but are not limited to,  
 3 agricultural product processing, warehousing, packaging, crating and distribution,  
 4 and/or concentrated animal density generally associated with milking barns, feed lots,  
 5 hog farms, chicken houses, or holding pens. A bona fide agricultural operation that  
 6 exceeds any one or more of the below densities will automatically constitute an  
 7 intensive agricultural operation:

| <u>Animal Category</u>                           | <u>Per Acre</u> |
|--|-----------------|
| <u>Cattle, buffalo, beefalo, other ruminants</u> | <u>2</u>        |
| <u>Swine and horses</u>                          | <u>1</u>        |
| <u>Poultry and other fowl</u>                    | <u>20</u>       |
| <u>Rabbits</u>                                   | <u>20</u>       |

9  
 10 ~~*Airport* means any area of land or water designed and set aside for the landing and~~  
 11 ~~taking off of aircraft and used or to be used in the interest of the public for such~~  
 12 ~~purpose.~~

13 *Alley* means a right-of-way providing a secondary means of access and service to  
 14 abutting property.

15 *Antiquated subdivision* means, as defined in F.S. Ch. 163, Part II, a subdivision that  
 16 was recorded or approved more than 20 years ago and that has substantially failed to  
 17 be built and the continued buildout of the subdivision in accordance with the  
 18 subdivision's zoning and land use purposes would cause an imbalance of land uses  
 19 and would be detrimental to the local and regional economies and environment, hinder  
 20 current planning practices, and lead to inefficient and fiscally irresponsible  
 21 development patterns as determined by the county.

22 ~~*Apartment* means a portion of a building equipped with housekeeping facilities and~~  
 23 ~~used as a dwelling for which periodic compensation is paid, and is occupied by a~~  
 24 ~~person other than the legal owner.~~

25 ~~*Appeal* means a request for a review of the interpretation or administrative application~~  
 26 ~~of any provision of this chapter by the zoning officer or other county administrative~~  
 27 ~~staff or county official whose power or duty it is to enforce or administer the provisions~~  
 28 ~~of this chapter, or a request for a review of the interpretation or administrative~~  
 29 ~~application of any provision of the flood damage prevention provisions of this chapter~~  
 30 ~~by the floodplain administrator, whichever the context indicates.~~

31 ~~*Automobile service or repair* means the performance of mechanical service or repairs~~  
 32 ~~to automobiles or motor vehicles, which may include the sale of petroleum products~~  
 33 ~~and incidental sale of automobile or motor vehicle parts related to such service or~~  
 34 ~~repairs. Automobile service or repair does not include automobile paint and body work~~

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1 ~~or storage of untitled vehicles as a junkyard.~~

2 ~~*Automobile service or repair station, or service station,* means the commercial facility~~  
3 ~~where automobile service or repair is performed. Automobile service or repair station~~  
4 ~~does not include an automobile paint and body shop or storage of untitled vehicles as~~  
5 ~~a junkyard.~~

6 *Automotive sales, service or repair* means a business that sells or provides on-site  
7 service or repairs to any one or more of automobiles, recreational vehicles, all terrain  
8 and utility vehicles, golf carts, heavy equipment, boats, and trailers, and may include  
9 the incidental sale of parts, supplies or accessories. This use does not include  
10 automotive paint and body work or a junkyard or scrapyard.

11 *Basement* means a story having a part, but not less than one-half, of its height below  
12 grade plane.

13 *Block* means a group or tier of lots existing within well-defined and fixed boundaries,  
14 usually being an area surrounded by streets or other physical barriers and having an  
15 assigned number, letter or other name through which it may be identified.

16 *Building* means a structure designed or build for support, enclosure, shelter or  
17 protection of persons, animals or property of any kind. "Building" or "structure"  
18 includes parts thereof and these terms may be used interchangeably.

19 *Building coverage* means that percentage of the plot of land area covered by the  
20 principal and accessory buildings, including covered porches, carports and  
21 breezeways, but excluding open patios.

22 *Building height* means the vertical distance measured from grade plane to the average  
23 height of the highest roof surface.

24 *Building official* means the officer or other designated employee charged by the board  
25 of county commissioners and by the provisions of F.S. ch. 553, with the administration  
26 and enforcement of the Florida Building Code.

27 *Building setback line (refer to definition of setback)*

28 *Business* means activity conducted on the property that is done for monetary payment,  
29 donations, grants or other form of compensation, in contrast to activity that is  
30 predominantly personal to the property owner or occupant. For example, a pet dog  
31 that has one litter of puppies that are given to friends or taken off-site for sale may be  
32 considered a personal use; while having several pet dogs that produce multiple litters  
33 per year and are sold on premises may be considered a business.

34 *Cemetery*, as defined in F.S. § 497.005, means a place dedicated to and used or  
35 intended to be used for the permanent interment of human remains or cremated

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1 remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt  
2 interment; a columbarium, ossuary, scattering garden, or other structure or place used  
3 or intended to be used for the interment or disposition of cremated remains; or any  
4 combination of one or more of such structures or places.

5 *Central sewer system* means any domestic or industrial wastewater system which is  
6 regulated by the state department of environmental protection pursuant to F.S. Ch.  
7 403, Part I.

8 *Central water system* means any public water system which is regulated by the state  
9 department of environmental protection pursuant to F.S. Ch. 403, Part VI.

10 ~~*Clinic* means a building or a portion of a building where patients are not lodged~~  
11 ~~overnight, but are admitted for examination and treatment by a group of physicians or~~  
12 ~~dentists.~~

13 *Coastal high hazard area or high hazard area subject to high velocity wave action or*  
14 *v-zone* means the special flood hazard area extending from offshore to the inland limit  
15 of a primary frontal dune along an open coast and any other area subject to high  
16 velocity wave action from storms or seismic sources. The area is designated on the  
17 FIRM as zone V1-V30, VE or V.

18 *Collector street* means a street that serves to connect local streets (which provides  
19 primarily low-speed, low-volume access to property) to the arterial system, which  
20 serves primarily to carry high-speed, high-volume, through traffic between relatively  
21 remote origins/destinations. As used in this chapter, collector streets shall be further  
22 defined as:

23 (1) *Collector I.* Any street, regardless of the number of interconnections, which  
24 serves or which has the potential to serve between 30 and 60 lots, parcels,  
25 tracts and multifamily dwelling units combined.

26 (2) *Collector II.* Any street, regardless of the number of interconnections, which  
27 serves or which has the potential to serve more than 60 lots, parcels, tracts  
28 and multifamily dwelling units combined.

29 ~~*Commercial districts or land use* means any property within designated commercial~~  
30 ~~areas and shown on the future land use map or activities within land areas which are~~  
31 ~~predominantly connected with the sale, rental and distribution of products, or~~  
32 ~~performance of services. Commercially designated lands may include but are not~~  
33 ~~limited to property zoned C-1, C-2, C-3 and C-4.~~

34 ~~*Community residential home* means a dwelling unit licensed to serve clients of the~~  
35 ~~department of elderly affairs, the agency for persons with disabilities, the department~~  
36 ~~of juvenile justice, or the department of children and families or licensed by the agency~~  
37 ~~for health care administration which provides a living environment for seven to 14~~

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1 ~~unrelated residents who operate as the functional equivalent of a family, including~~  
2 ~~such supervision and care by supportive staff as may be necessary to meet the~~  
3 ~~physical, emotional and social needs of the residents, that is licensed and regulated~~  
4 ~~pursuant to F.S. ch. 419.~~

5  
6 Community residential home (small) or (large) is defined in F.S. § 419.001(1) as a  
7 dwelling unit licensed to serve six or fewer residents (small) or 7 to 14 residents (large)  
8 by providing a living environment that operates as the functional equivalent of a family,  
9 including such supervision and care by supportive staff as may be necessary to meet the  
10 physical, emotional, and social needs of the residents.

11  
12 *Comprehensive plan* means the Levy County Comprehensive Plan, adopted pursuant to  
13 the Local Government Comprehensive Planning and Land Development Regulation Act,  
14 F.S. ch. 163, and any other applicable law.

15 ~~Concentrated commercial farming~~ means the raising of animals on any property which  
16 may by numbers of animals, noise, dust, odor, or other factors, be obnoxious to or  
17 incompatible with any uses on an adjacent property, and which may include but are  
18 not limited to, dairies, feed lots, pig parlors, chicken farms, and other similar uses, and  
19 which is located within 1,320 feet of any residential structure. While the number of  
20 animals is not the only factor that may determine a use to be considered concentrated  
21 commercial farming, the raising of numbers of animals that exceed the following  
22 thresholds will automatically constitute concentrated commercial farming:

23

| <i>Animal Category</i>                        | <i>Maximum Per Acre<br/>Per Category</i> |
|---|--|
| Cows, oxen, buffalo, beefalo, other ruminants | 2  |
| Swine and horses                              | 4  |
| Poultry and fowl                              | 20                                       |
| Rabbits                                       | 20                                       |

24  
25 *Construction permit* means a permit authorizing installation of improvements, issued  
26 following the approval of the preliminary plat and construction plans.

27  
28 ~~Country club~~ means use of buildings and premises for social and recreational  
29 activities, catering exclusively to the membership. This may include a clubhouse with  
30 dining facilities, a golf course driving range, tennis/racquetball court, swimming pool,  
31 health and fitness facilities and other customary uses and does not include any  
32 vehicular/motorized recreational activities (i.e., dirt bikes, ATVs, mudbogging trucks,  
33 go-carts, etc.) or racetracks of any kind.

34 *Cul-de-sac* means a street terminated at the end by a vehicular turnaround.

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1 ~~Day care center~~ means any place wherein are received, for pay, children under 18  
2 years of age for group care, without transfer of custody, for more than four hours and  
3 less than 24 hours per day

4 *Departments* mean departments authorized by the board of county commissioners to  
5 conduct the various functions performed by the county, such as the road and bridge  
6 department, the development department, the planning and zoning department, the  
7 parks and recreation department, etc.

8 *Developer* means any person who engages in development, either as the owner or as  
9 the agent of an owner of the property.

10 *Development* means the carrying out of any building activity or mining operation, the  
11 making of any material change in the use or appearance of any structure or land, or  
12 the dividing of land into three or more parcels, and as further defined in Section  
13 380.04, Florida Statutes. ~~the same as the definition of "development" contained in F.S.~~  
14 ~~§ 380.04, as the same may be amended, unless the context clearly indicates~~  
15 ~~otherwise.~~

16 *Domestic animals* mean all household ~~pets normally~~ animals kept for personal  
17 companionship and not raised or kept as a business ~~primarily for the production of~~  
18 ~~income.~~

19 ~~Domestic livestock~~ means ~~cattle, horses, hogs, sheep, goats and poultry of all kinds,~~  
20 ~~used or raised on a farm for use or profit.~~

21 ~~Dwelling~~ means ~~any building that contains one or more dwelling units~~

22 ~~(1) Dwelling, multifamily, means a building designed for occupancy by three or~~  
23 ~~more families living independently of each other, and containing three or more~~  
24 ~~dwelling units. Such buildings shall consist of the following types:~~

25 ~~a. Medium-density dwellings. A multifamily dwelling containing up to six~~  
26 ~~dwelling units per structure and not exceeding two stories in height.~~

27 ~~b. High-density dwellings. A multifamily dwelling containing seven to 12~~  
28 ~~dwelling units per structure and not exceeding three stories in height.~~

29 ~~(3) Dwelling, single-family, means a detached building~~ manufactured home, a modular  
30 home or a site-built home that contains one dwelling unit designed for or occupied  
31 exclusively by one family. A single-family dwelling must be a minimum of 750 square  
32 feet of floor area.

33 ~~(4) Dwelling, duplex, means a detached or semidetached~~ site-built building where not  
34 more than two dwelling units are entirely separated by vertical walls or horizontal  
35 floors, unpierced except for access to the outside ~~or to a common cellar.~~

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1 Dwelling, triplex, means a detached or semidetached site-built building where not  
2 more than three dwelling units are entirely separated by vertical walls or horizontal  
3 floors, unpierced except for access to the outside or to a common cellar.

4 *Dwelling unit* means a single unit providing complete independent living facilities for  
5 one family, including permanent provisions for living, sleeping, eating, cooking and  
6 sanitation.

7 *Easement* means a strip of land intended for public or private utilities, drainage,  
8 sanitation, or other specified uses having limitations, the title to which shall remain in  
9 the name of the property owner, subject to the right of use designated in the  
10 reservation of the servitude. Easements for ingress and egress that serve no more  
11 than two lots, tracts or parcels shall be at least 30 feet in width. Easements for ingress  
12 and egress that serve more than two lots, tracts or parcels shall be at least 60 feet in  
13 width, inclusive of a ten-foot utility easement.

14 ~~*Emergency work* means any work performed for the purpose of preventing or~~  
15 ~~alleviating the physical trauma or property damage threatened or caused by an~~  
16 ~~emergency.~~

17 ~~*Enforcement agent* means an authorized and qualified employee of the county~~  
18 ~~sheriff's office, office of code enforcement or the office of animal control charged with~~  
19 ~~the responsibility of enforcing this chapter.~~

20 ~~*Essential public utility services* means electric transmission and distribution lines,~~  
21 ~~including electric utility poles, transmission towers and electric substations,~~  
22 ~~telecommunications lines, telecommunications facilities, utility poles and street~~  
23 ~~lighting, natural gas lines, public drainage facilities, well houses, water or sewer~~  
24 ~~facilities, and other similar equipment necessary for the furnishing of adequate utility~~  
25 ~~services.~~

26 *Essential public utility services* means electric and gas transmission and distribution  
27 facilities, including lines, poles, substations; voice, data, internet and other  
28 communications lines and facilities; street lighting; stormwater facilities; water and  
29 sewer facilities, including distribution and collection lines and lift stations and other  
30 similar equipment necessary for the furnishing of adequate utility services. This  
31 definition specifically excludes generation and treatment facilities and communications  
32 towers and antenna that are separately regulated in this code.

33 ~~*Excavation or extraction of resources* means the removal of minerals, resources, or~~  
34 ~~natural resources from their location so as to make them suitable for commercial,~~  
35 ~~industrial, or construction use. The term excavation shall not be interpreted to include~~  
36 ~~excavation in connection with building construction or other legally permitted activities.~~  
37 ~~The cumulative effects of tree farming and plant nurseries shall not be construed as~~  
38 ~~excavation or fill activities, or as fill removal.~~

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1 *Family* means one or more natural persons who are living together and interrelated as  
2 spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster  
3 parent, brother, sister, grandparent, niece, nephew, father-in-law, mother-in-law, son-  
4 in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced  
5 by written documentation of such relationship, plus no more than two additional  
6 unrelated natural persons. A family may also include live-in domestic servants and  
7 temporary gratuitous guests (natural persons occasionally visiting the family for a  
8 short period of time.) Pursuant to F.S. § 419.001, family also means six or fewer  
9 residents who operate as the functional equivalent family and reside together in a  
10 dwelling unit that otherwise meets the definition of a community residential home.

11 *Fill* means extracted mineral or natural resources deposited onto a parcel of land. The  
12 source of the material originates from another location and shall include any suitable  
13 material deposited for the purpose of raising the level of the natural land surface. The  
14 cumulative effects of tree farming and plant nurseries shall not be construed as  
15 excavation or fill activities, or as fill removal.

16 *Fishing camp or club* means the use of more than 1 acre of land adjacent to the water  
17 for fishing and temporary camping in recreational vehicles and/or dwellings that are  
18 self-contained. The temporary occupants at a fishing camp or club must have valid  
19 fishing licenses and fishing equipment.

20 *Floodplain management regulations* means the flood damage prevention provisions  
21 contained in article VI of this chapter, and other zoning regulations, subdivision  
22 regulations, building codes, health regulations, special purpose regulations including  
23 but not limited to floodplain regulations, grading regulations, and erosion control  
24 regulations, if any, as any of the foregoing may be amended, and other applications of  
25 police power which control development in flood-prone areas. This term describes  
26 federal, State of Florida, or local regulations in any combination thereof, which provide  
27 standards for preventing and reducing flood loss and damage.

28 *Floor area* means the square footage of enclosed conditioned (heated and/or cooled)  
29 space on all floors within a building. ~~means the gross horizontal areas of all floors,  
30 including penthouses (but excluding such areas within a building which are used for  
31 parking), measured from the exterior faces or columns of the exterior walls of a  
32 building. Basements shall be included as one-half the floor area.~~

33 *Florida Building Code* or *FBC* means the family of codes adopted by the Florida  
34 Building Commission, as the same may be amended, including: Florida Building Code:  
35 Building; Florida Building Code: Residential; Florida Building Code: Existing Building;  
36 Florida Building Code: Mechanical; Florida Building Code: Plumbing; Florida Building  
37 Code: Fuel Gas; Florida Building Code: Test Protocols; Florida Building Code:  
38 Accessibility; Florida Building Code: Energy Conservation, and all other codes  
39 adopted as part of the Florida Building Code, and the National Electric Code and the  
40 Florida Fire Prevention Code.

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1 *Future land use designation* means the land use category for a particular lot or parcel  
2 shown on the adopted county comprehensive plan future land use map.

3 ~~*Gas station* means a use or a business that sells fuel for automobiles or other  
4 motorized vehicles, but does not include a use or business that performs service or  
5 repair to automobiles or other motorized vehicles. A gas station may be combined with  
6 other retail sales operations, such as a convenience store.~~

7 ~~*General farming and forestry* means the conduct of bona fide agricultural operations  
8 on land classified as agricultural land pursuant to Section 193.461, Florida Statutes.~~

9 *Governing body* means the board of county commissioners, or, when appropriate to  
10 the context, shall include the legal governing body of another county, municipality,  
11 town or village of the state.

12 *Grade* or *grade plane* means the average of the finished ground level adjoining the  
13 exterior walls of the building.

14 *Highest adjacent grade* means the highest natural elevation of the ground surface,  
15 prior to construction, next to the proposed walls or foundation of a structure.

16 *Historic structure* means, for purposes of the provisions of this chapter unrelated to the  
17 flood damage prevention provisions contained in article VI of this chapter, means any  
18 structure that is:

19 (1) Listed individually in the National Register of Historic Places (a listing  
20 maintained by the U.S. Department of Interior) or preliminarily determined by  
21 the U.S. Secretary of the Interior as meeting the requirements for individual  
22 listing on the National Register of Historic Places; or

23 (2) Certified or preliminarily determined by the U.S. Secretary of the Interior as  
24 contributing to the historical significance of a registered historic or a district  
25 preliminarily determined by the U.S. Secretary of the Interior to qualify as a  
26 registered historic district; or

27 (3) Individually listed on the Florida Master Site File of historic places, which  
28 has been approved by the Florida Secretary of State; or

29 (4) Individually listed on a local inventory of historic places in communities with  
30 historic preservation programs that have been certified either:

31 a. By the approved Florida program as determined by the Florida  
32 Secretary of State, or

33 b. Directly by the U.S. Secretary of the Interior.

34 *Hospital* means a facility as defined and licensed by the state pursuant to F.S. Ch.395.

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1 ~~building having room facilities for more than one overnight patient used for providing~~  
2 ~~on the premises medical or surgical care for sick or injured human beings, together~~  
3 ~~with all related facilities.~~

4 Hotel means a facility as defined and regulated by the State pursuant to F.S. Ch.509,  
5 Part I. building in which lodging, or boarding and lodging, is provided and offered to  
6 the public for compensation, and in which ingress and egress to and from all rooms  
7 are made through an inside lobby or office supervised by a person in charge at all  
8 hours.

9 Hunting camp or club means the use of land (consisting of the minimum acreage  
10 required in its zoning district) for hunting and associated temporary camping in  
11 recreational vehicles and/or dwellings that are self-contained. The temporary  
12 occupants at a hunting camp or club must have valid hunting licenses and must own  
13 or lease sufficient acreage for hunting, or must have a current membership in a local  
14 hunting club, or must have a valid stamp/permit to hunt on State lands.

15 ~~Hunting and/or fishing camp or hunting and/or fishing club means the use of land for~~  
16 ~~seasonal hunting and/or fishing and, it may include, seasonal camping (as an~~  
17 ~~accessory use in connection with the hunting or fishing) in structures or recreational~~  
18 ~~vehicles that are serviced by electric, water and wastewater facilities (either provided~~  
19 ~~at the camp or self-contained). Hunting camps or hunting clubs require minimum~~  
20 ~~acreage that is safe and suitable for the type of game hunted on the premises.~~

21 *Improvements* means and includes, but are not limited to, street pavements, curbs and  
22 gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary  
23 sewers, storm sewers or drains, street names, signs, landscaping, permanent  
24 reference monuments (PRMs) or any improvement required by the board of county  
25 commissioners.

26 ~~*Industrial district* means any property within areas designated as Industrial on the~~  
27 ~~future land use map or the zoning map atlas.~~

28 ~~*Industrial land use* means utilization of property for uses which predominantly consist~~  
29 ~~of manufacturing, assembly, processing, storage of products, or similar uses, and~~  
30 ~~which may be designated as Industrial on the future land use map or zoning map~~  
31 ~~atlas.~~

32 ~~*Institution* means the structures or land occupied by a group, cooperative, board,~~  
33 ~~agency or organization created for the purpose of carrying on nonprofit functions of a~~  
34 ~~public or semipublic nature, such as hospitals, schools, churches, fraternal orders and~~  
35 ~~orphanages.~~

36 *Institutional* means nonprofit or quasi-public uses or institutions, such as houses of  
37 worship, libraries, public or private schools, hospitals, or government owned or  
38 operated buildings, structures, or land used for public purposes.

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1 *Junkyard* means an area of land, with or without buildings, primarily used for the  
2 storage (outside of a completely enclosed building) of used and discarded materials,  
3 including but not limited to waste paper, rags, metal, building materials, house  
4 furnishings, machinery, vehicles or parts thereof, broken or wrecked motor vehicles or  
5 parts thereof, with or without the dismantling, processing, salvage, sale or other use or  
6 disposition of such materials.

7 *Land alteration* means any change or alteration of the land's natural grade.

8 *Land surveyor* means a person who holds a current license issued pursuant to F.S.  
9 Ch. 472, to engage in the practice of surveying and mapping

10 ~~*Loading space* means a space within the main building, or on the same lot, providing~~  
11 ~~for the standing, loading or unloading of trucks and other carriers.~~

12 *Local street* means a local street serves primarily to provide access to property. A  
13 local street generally carries relatively low volumes of low-speed traffic. As used in this  
14 chapter, a local street shall further be defined as:

15 (1) *Local I.* A dead-end street, terminating in a cul-de-sac, which serves no  
16 more than 20 lots, tracts, parcels and multifamily dwelling units combined.

17 (2) *Local II.* A street which is connected to other streets at no more than two  
18 points, and which serves no more than 30 lots, tracts, parcels, and multifamily  
19 dwelling units combined.

20 *Lot* means a tract or parcel of land intended for transfer of ownership, use or  
21 improvement.

22 (1) *Corner lot* means a lot abutting two or more streets at their intersection or at  
23 a street corner having an interior angle of less than 135 degrees.

24 (2) *Lot depth* means the mean horizontal distance between the front and rear  
25 lot lines.

26 (3) *Lot line* means the property lines bounding the lot.

27 a. Lot line, front, means the property line that includes or provides  
28 vehicular access to the lot whether via easement or public or private  
29 road.

30 b. Lot line, rear, means the lot line opposite from the front lot line.

31 c. Lot line, side, means any lot line other than a front or rear lot line.

32 d. Lot line, street, means a lot line separating the lot from a street.

33 e. Lot line, waterfront, means a lot line that abuts or lies within a

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1 waterbody (such as the Gulf of Mexico, bays, bayous, rivers, streams,  
2 creeks, canals, lakes, or impounded reservoirs). A waterfront lot line may  
3 be a front, rear or side lot line and for purposes of measuring its setback,  
4 a waterfront lot line is measured from the mean high water line (for tidally  
5 influenced waterbodies) and the ordinary high water line (for non-tidally  
6 influenced waterbodies.)

7 (4) *Lot width* means the distance between the two side lot lines measured at the  
8 intersection of the required front yard setback line with the side lot lines.

9 (5) *Lot area* means the total horizontal plane, expressed in square feet or acres,  
10 within the lot lines. For the purpose of satisfying the minimum lot area  
11 requirements for an existing lot (not a lot being newly created by metes and  
12 bounds description or by subdivision), the lot may include a portion of any  
13 adjoining public (federal, state, county or city) street right-of-way in calculating  
14 the lot area. The portion of right-of-way that may be included shall be calculated  
15 by multiplying the length that the lot fronts the public street by the average  
16 distance from the lot line that adjoins the public street to the centerline of the  
17 public street. Provided, however, no lot shall have a lot area less than 85  
18 percent of the minimum lot area requirement when such public street is  
19 excluded from the computation.

20 ~~*Lowest floor* means the lowest floor of the lowest enclosed area of a building or~~  
21 ~~structure, including basement, but excluding any unfinished or flood-resistant~~  
22 ~~enclosure, other than a basement, usable solely for vehicle parking, building access,~~  
23 ~~or limited storage, provided that such enclosure is not built so as to render the~~  
24 ~~structure in violation of the non-elevation requirements of the Florida Building Code or~~  
25 ~~ASCE 24.~~

26 *Mangroves or mangrove stand* means an assemblage of mangrove trees which  
27 consists mostly of low trees noted for a copious development of interlacing  
28 adventitious roots above ground and which contain one or more of the following  
29 species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*);  
30 white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

31 ~~*Manufactured home* means a mobile home (see definition below) single-family~~  
32 ~~dwelling that was fabricated on or after June 15, 1976 to meet the Manufactured~~  
33 ~~Home Construction and Safety Standards promulgated by the U.S. Department of~~  
34 ~~Housing and Urban Development (HUD) that is transportable in one or more sections~~  
35 ~~which is 12 body feet or more in width; over 35 feet in length; with a minimum floor~~  
36 ~~area of 750 square feet; and, which is built on an integral chassis, designed to be~~  
37 ~~used as a dwelling when connected to the required utilities and includes the plumbing,~~  
38 ~~heating, air conditioning and electrical systems contained therein. A structure not~~  
39 ~~meeting these dimensional requirements is considered a recreational vehicle not a~~  
40 ~~dwelling unit. A manufactured home must bear the HUD label and be installed by a~~

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1 manufactured home installer licensed by the Florida Department of Highway Safety  
2 and Motor Vehicles. The interconnection of two or more manufactured homes is  
3 prohibited.

4 ~~Marina means a place for docking pleasure boats, staying overnight in docked~~  
5 ~~pleasure boats or providing services to pleasure boats and the occupants thereof,~~  
6 ~~including minor servicing and repair to boats while in the water, sale of fuel and~~  
7 ~~supplies, and provision of lodging, food, beverages and entertainment as accessory~~  
8 ~~uses.~~

9 ~~Mobile home means a residential structure constructed to meet the Manufactured~~  
10 ~~Home Construction and Safety Standards promulgated by the U.S. Department of~~  
11 ~~Housing and Urban Development that is transportable in one or more sections which~~  
12 ~~is 12 body feet or more in width; over 35 feet in length; with a minimum floor area of~~  
13 ~~500 square feet; and, which is built on an integral chassis, designed to be used as a~~  
14 ~~dwelling when connected to the required utilities and includes the plumbing, heating,~~  
15 ~~air conditioning and electrical systems contained therein. A structure not meeting~~  
16 ~~these dimensional requirements is considered a recreational vehicle and is not a~~  
17 ~~dwelling unit.~~

18 ~~Mobile home park means a use of land in which lots or spaces are offered for rent or~~  
19 ~~lease for the placement of mobile homes and in which the primary use of the park is~~  
20 ~~residential.~~

21 ~~Mobile home subdivision means a parcel of land which has been planned as a~~  
22 ~~subdivision for mobile homes, each mobile home lot being individually owned.~~

23 ~~Modular home means a manufactured building pursuant to F.S. Ch. 553 that is a~~  
24 ~~residential structure with a minimum floor area of 750 square feet constructed to~~  
25 ~~standards promulgated by the Florida Building Commission, away from the installation~~  
26 ~~site, and which bears a Florida Department of Community Affairs (DCA) Business and~~  
27 ~~Professional Regulation Insignia on the inside of the cover of the home's electrical~~  
28 ~~panel.~~

29 ~~Motel means a facility as defined and regulated by the State pursuant to F.S. Ch. 509,~~  
30 ~~Part I. building or group of buildings used for the temporary occupancy of transients~~  
31 ~~and containing no facilities for cooking in the individual units, and which has the~~  
32 ~~entrances to the individual rental units opening directly to the exterior.~~

33 ~~Mudbogging means the recreational use of land for motorized off-road and trail~~  
34 ~~driving, and mud races.~~

35 ~~Multiple frontage property means a plot or parcel that is contiguous to more than one~~  
36 ~~public right-of-way being either a corner plot or parcel.~~

37 ~~Multiuse complex means a development of two or more business or industrial uses~~

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1 ~~that are under common ownership or that share common property frontage.~~

2 *Municipality* means any incorporated city or town.

3 ~~*Nightclub/bottle club* means a commercial premises devoted primarily to the retailing~~  
4 ~~and on-site consumption of any alcoholic beverage. Private clubs such as golf and~~  
5 ~~country clubs, social membership clubs, or fraternal organizations, where alcohol is~~  
6 ~~not the primary purpose of attendances, shall not be considered nightclubs or bottle~~  
7 ~~clubs.~~

8 *Nonconforming legal lot of record* means a lot that does not meet the minimum lot  
9 size, lot depth, lot width or other requirements of its zoning district, but which was in  
10 compliance with all applicable regulations at the time such lot was recorded in the  
11 office of the clerk of the court.

12 *Nonconforming lot* means any lot which does not conform with the minimum width,  
13 depth and size specified for the zoning district in which such lot is located.

14 *Nonconforming use* means the use of any building or land which was, allowed at the  
15 time the use commenced, but is now prohibited by its current zoning district.

16 ~~*Nursing home* mean a home for the aged and infirm in which three or more persons~~  
17 ~~not of the immediate family are received, kept or provided with food and shelter or~~  
18 ~~care for compensation; but not including hospitals, clinics or similar establishments~~  
19 ~~devoted primarily to the diagnosis and treatment of the sick or injured.~~

20 *Office* means the building, room or space where clerical or administrative activities are  
21 performed.

22 *Open space* means a yard area which is open and unobstructed and not used for or  
23 occupied by a driveway, off-street parking, loading space, impervious surfaces or  
24 structures.

25 ~~*Outdoor commercial recreation* means the use of land for outdoor recreational~~  
26 ~~services, facilities, entertainment, exhibitions, competitions, sporting events or other~~  
27 ~~attractions offered to the public for a fee, entry fee, or admission charge. This~~  
28 ~~includes, but shall not be limited to, racetracks of any kind, off road vehicular trail~~  
29 ~~facilities, mudboggling and motocross/dirt bike facilities, golf driving ranges, sports~~  
30 ~~arenas/stadiums and other similar uses that have the potential to generate high~~  
31 ~~volumes of traffic and/or create noise, dust, odor or lighting that is detectable beyond~~  
32 ~~the property line. This use does not include any form of camping or overnight stays.~~

33 ~~*Outdoor passive recreation* means the use of land for recreation afforded by natural~~  
34 ~~resources as springs, native vegetation, wildlife and open space and the scenic~~  
35 ~~appeal of natural settings, requiring minimal development, except for restrooms,~~  
36 ~~dressing rooms, equipment storage, maintenance buildings, open air pavilions, and~~

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1 ~~similar structures and services provided in connection with the primary recreational~~  
2 ~~use. This includes walking and hiking trails, picnic areas, bridle paths, equestrian~~  
3 ~~facilities, archery ranges, greenways and other similar resource based uses. This use~~  
4 ~~does not include any form of camping or overnight stays.~~

5 *Parent parcel* ~~or *parcel of record*~~ means a lot that existed on December 31, 1989, the  
6 date of the original adoption of the Levy County Comprehensive Plan, and which lot is  
7 reflected in the parent parcel maps on file in the county planning and zoning office, or  
8 which lot is proven by the owner to have been created by deed(s) recorded in the  
9 public records of Levy County, Florida, on or before December 31, 1989.

10 *Parking lot* means an open area used exclusively for the temporary storage of motor  
11 vehicles, where fees may be charged, but no vehicles are to be equipped, repaired,  
12 rented or sold.

13 *Permanent control point (PCP)* means a reference monument meeting the  
14 requirements of F.S. Ch. 177, Part I.

15 *Permanent reference monument (PRM)* means a permanent reference monument  
16 meeting the requirements of F.S. Ch. 177, Part I.

17 *Person* means an individual, association, partnership, corporation, governmental  
18 agency, business trust, estate, trust, co-partnership, joint venture or any entity, public  
19 or private in nature.

20 *Planned unit development (PUD)* means the overlay zoning district established in  
21 article XIII, division 2 and division 6 of this chapter.

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

25 *Plat* or *replat* means a map or delineated representation of the subdivision of land,  
26 being a complete exact representation of the subdivision and the other information in  
27 compliance with the requirements of all applicable sections of this code.

28 ~~*Primitive camping* means overnight stays by temporary guests using equipment, such~~  
29 ~~as tents or self-contained campers, that are removed at the end of the guests stay and~~  
30 ~~characterized by lack of permanent electrical, sanitary wastewater, plumbing and~~  
31 ~~cooking facilities.~~

32 *Principal building* or *principal structure* means a structure in which is conducted the  
33 principal use of the lot on which it is situated. In any residential district, the primary  
34 dwelling is deemed the principal building or principal structure.

35 *Principal use* means the primary use for which land or a building is used.

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1 ~~Private club, enclosed clubhouse, means the use, entirely confined within a building,~~  
2 ~~for meeting and activities conducted by nonprofit organizations and fraternal lodges~~  
3 ~~restricted exclusively to their members and guests, Nightclubs/bottle clubs, health and~~  
4 ~~fitness clubs and other establishments operated as for profit/commercial businesses~~  
5 ~~are not classified as private clubs.~~

6 ~~Private club, outdoor activities, means the use of land, for the purpose of meeting and~~  
7 ~~passive outdoor recreation activities conducted by nonprofit organizations and~~  
8 ~~fraternal lodges in which the use is restricted exclusively to their members and guests;~~  
9 ~~providing that the organization does not operate as a for profit/commercial business~~  
10 ~~and the facilities are not available for use by the general public. This includes golf~~  
11 ~~courses, bridle trails, nonvehicular trail facilities and other similar uses.~~

12 *Public recreational uses* mean recreational facilities, structures and land that are  
13 owned and/or operated by a governmental agency and open to the public, including  
14 parks and picnic areas, noncommercial playgrounds, boat ramps, fishing piers, tennis  
15 courts, walking/hiking trails, bridle trails and facilities, greenways, trail heads and other  
16 similar recreational uses.

17 ~~Racetrack/racecourse means the paved or unpaved ground, track, path or area on~~  
18 ~~which a race or contest of speed is conducted.~~

19 *Recreational vehicle* means a recreational vehicle-type unit designed for temporary  
20 recreational, camping or travel use, as identified in F.S. Ch. 320. These units include,  
21 without limitation, a travel trailer, camping trailer, truck camper, motor home, motor  
22 coach, van conversion, park trailer, and fifth-wheel trailer.

23 ~~Residential district or residential zoning district means the F/RR, A/RR, RR, R-1, R-2,~~  
24 ~~RR-3C, R-3 and RMU zoning districts set forth in sec. 50-661 of this code.~~

25 ~~Residential land use means the F/RR, A/RR, RR, ULDR, UMDR and UHDR land use~~  
26 ~~categories set forth in the future land use element of the comprehensive plan.~~

27 *Right-of-way* means land dedicated, deeded, used or to be used, for a street, alley,  
28 walkway, boulevard, drainage facility, access for ingress and egress, or other  
29 purposes by the public, certain designated individuals or others.

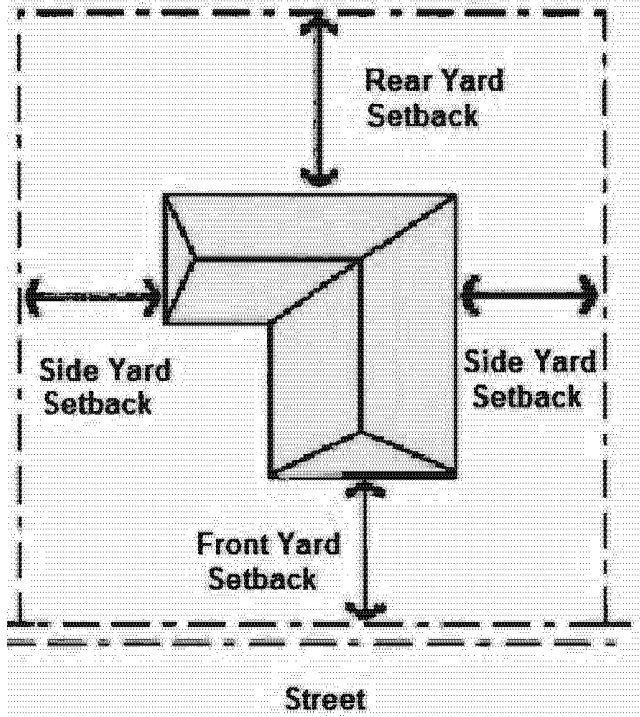
30 *Riverine* means relating to, formed by, or resembling a river (including tributaries),  
31 stream, brook, or other similar water bodies.

32 ~~Runway means a defined area on an airport prepared for landing and takeoff of~~  
33 ~~aircraft along its length.~~

34 *Sand dunes* means naturally occurring accumulations of sand in ridges or mounds  
35 landward of the beach.

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1 *Setback* means the required distance that the foundation of a building or structure is  
2 required to be separated from the lot line. A soffit or any other part of the roof or  
3 structure may extend up to two feet into a required setback area. The diagram below  
4 illustrates the concept of setback.



5  
6  
7 *Site plan* means the drawings which put forth the pattern of development to take place  
8 on a particular piece of land.

9 *Slope* means the ratio of a horizontal distance to ~~one corresponding unit of~~ the vertical  
10 distance between two points.

11 *Start of construction* means the date of issuance of permits for new construction and  
12 substantial improvements, provided the actual start of construction, repair,  
13 reconstruction, rehabilitation, addition, placement, or other improvement is within 180  
14 days of the permit issuance date. The actual start of construction means either the first  
15 placement of permanent construction of a structure (including a manufactured home)  
16 on a site, such as the pouring of slab or footings, the installation of piles, the  
17 construction of columns. Permanent construction does not include land preparation  
18 such as clearing, grading or filling, the installation of streets or walkways, excavation  
19 for a basement, footings, piers, or foundations, the erection of temporary forms or the  
20 installation of accessory buildings such as garages or sheds not occupied as dwelling  
21 units or not part of the main structure. For a substantial improvement, the actual start

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1 of construction means the first alteration of any wall, ceiling, floor, or other structural  
2 part of a building, whether or not that alteration affects the external dimensions of the  
3 building.

4 *State plane coordinates* means the system of plane coordinates as defined in F.S. §  
5 177.031(19). State plan coordinates may be used to define or designate the position  
6 of points of the surface of the earth in accordance with F.S. § 177.151.

7 *Story* means that portion of a building included between the surface of any floor and  
8 the surface of the floor next above it, then the space between the floor and the ceiling  
9 above.

10 *Street* or *road* means any access way such as a street, road, highway, alley, parkway,  
11 viaduct, circle, court, terrace, place or other similar designations, or cul-de-sac, or  
12 other ways intended for travel by the general public, whether improved or unimproved,  
13 but shall not include easements of any type or those accessways such as easements  
14 and rights-of-way intended for limited utility purposes such as for electric power lines,  
15 gas lines, telephone lines, water lines, sanitary sewers or other such uses, and shall  
16 not include easements for ingress and egress as provided in this chapter.

17 *Street frontage* means all the property on one side of a street that lies between two  
18 streets which intersect such street (crossing or termination), measured along the line  
19 of the street. If the street is a dead end street, then all of the property that lies on one  
20 side between a street which intersects such street and the dead end of the street.

21 *Structure* means anything constructed, installed, or portable, and which is over 30  
22 inches in height or requires a building permit, located on land or water. It includes a  
23 movable structure while it is located on land for use either temporarily or permanently.  
24 "Structure" also includes fences, billboards, swimming pools, towers, smokestacks,  
25 and signs. "Building" or "structure" includes parts thereof and these terms may be  
26 used interchangeably.

27 *Subdivision* means the division of land into three or more lots, parcels, tracts, tiers,  
28 blocks, sites, units, or any other division of land; and includes establishment of new  
29 streets and alleys, additions, and resubdivisions; and, when appropriate to the context,  
30 relates to the process of subdividing or to the lands or area subdivided.

31 *Survey data* means all information shown on the face of a plat that would delineate the  
32 physical boundaries of the subdivision and any parts thereof.

33 *Surveying data* means:

34 (1) P.C.—Point of curvature: The point where a tangent circular curve  
35 begins.

36 (2) P.T.—Point of tangency: The point where a circular curve ends and

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- 1 becomes tangent.
- 2 (3) P.C.C.—Point of compound curvature: The point where two circular  
3 curves have a common point of tangency, the curves laying on the same  
4 side of the common tangent.
- 5 (4) P.R.C.—Point of reverse curvature: The point where two circular curves  
6 have a common point of tangency, the curves lying on opposite sides of  
7 the common tangent.

8 ~~Temporary means for less than six months, unless otherwise specified. As applicable~~  
9 ~~to a temporary circus, carnival or amusements, the term "temporary" shall mean no~~  
10 ~~more than seven days.~~

11 ~~Unenclosed use means a use which is not enclosed by a roof and at least three walls.~~

12 *Utility* means any public or private utility, such as but not limited to storm drainage,  
13 sanitary sewers, electric power, water service, gas service or telecommunication lines,  
14 whether underground or overhead.

15 *Watercourse* means a river, channel, creek, stream, or other topographic feature in,  
16 on or over which waters flow at least periodically.

17 *Yard* means an open space which lies between the foundation of the principal building  
18 or group of buildings and the nearest lot line, and is unoccupied and unobstructed  
19 from the ground upward except as permitted in this chapter.

20 (1) Front yard means an open space which lies between the principal building  
21 or group of buildings and the front lot lines.

22 (2) Rear yard means an open space extending the full width of the lot between  
23 a principal building and the rear lot line.

24 (3) Side yard means an open space extending from the front yard to the rear  
25 yard between a principal building and the nearest side lot line.

26 ~~Yard sales means the sale of personal household items on a temporary basis not to~~  
27 ~~exceed three consecutive days and no more than three times a year.~~

28 *Zoning officer or zoning official* means the administrative officer charged with the duty  
29 of enforcing and administering the provisions of this chapter.

30  
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34

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1 **SECTION 4.** New Sections 50-2 titled “Notice of Public Hearings” and 50-3 titled “Types  
2 of Public Notice” are created within Article I of Chapter 50 to read as follows:  
3

4 **Sec. 50-2 Notice of Public Hearings.**  
5

6 A. *Generally.* This section sets forth the notice requirements for public hearings –  
7 which may be legislative hearings or quasi-judicial hearings. If state law is revised  
8 to impose more stringent or expansive notice requirements, state law shall prevail  
9 until this section is amended to comply. A request by an applicant to continue a  
10 hearing will require the applicant to incur the costs of the additional public notice.

11 B. *Failure to perfect notice.* If an applicant fails to provide posted or mailed notice in  
12 accordance with this section prior to a hearing, then their petition will be continued  
13 or withdrawn from the agenda to allow time for the applicant to comply. The failure  
14 of any person to receive mailed notice, or failure to perfect posted or mailed notice  
15 (if the applicant made a good faith attempt to comply) may not be construed to  
16 invalidate final action by the county on a land development decision. Pursuant to  
17 Section 125.66(5), Florida Statutes, five years after the adoption of any ordinance,  
18 no cause of action may be commenced as to the validity of the ordinance based on  
19 the failure to strictly adhere to the ordinance notice requirements.  
20  
21  
22

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| <b><u>Hearings and Public Notice Table</u></b>  |   |
|---|---|
| <b><u>Type of Hearing</u></b>   | <b><u>Types of Public Notice</u></b>  |
| <b><u>Board of Adjustment</u></b><br><br><u>Quasi-Judicial Hearing – Variance</u>   | <u>Published notice: refer to Sec. 50-3.C</u><br><u>Mailed notice: refer to Sec. 50-3.A</u><br><u>Posted notice: refer to Sec. 50-3.B</u>         |
| <b><u>Planning Commission</u></b><br><br><u>Quasi-Judicial Hearing - Special Exception &amp; Major Amendment to Special Exception; Plat, Replat &amp; Vacate Plat</u><br><br><u>Quasi-Judicial Hearing - Zoning Map amendment (private initiated of any size OR County initiated less than 10 contiguous acres)</u><br><br><u>Legislative Hearing - Future Land Use Map amendment (private initiated of any size OR County initiated less than 10 contiguous acres)</u> | <u>Published notice: refer to Sec. 50-3.C</u><br><br><u>Mailed notice: refer to Sec. 50-3.A</u><br><br><u>Posted notice: refer to Sec. 50-3.B</u> |
| <b><u>Planning Commission</u></b><br><br><u>Quasi-Judicial Hearing - Zoning Map amendment (10 contiguous acres or greater initiated by County)</u>  | <u>Published notice: refer to Sec. 50-3.C</u>   |

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|  |   |
|--|---|
| <p><u>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</u></p>  |   |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Legislative Hearing - Expedited State Review per F.S. §§163.3184(3) and (11).</u></p> <p><u>Comprehensive Plan text amendment or large scale (greater than 50 acres) future land use map amendment</u></p>          | <p><u>Published notice: Two small ads (refer to Sec. 50-3.F). The first public hearing (transmittal stage) shall be held on a weekday at least 7 calendar days after the day the first ad is published. The second hearing (adoption stage) shall be held on a weekday at least 5 calendar days after the day the second ad is published.</u></p> |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Legislative Hearing – State Coordinated Review per F.S. §§163.3184(4) and (11).</u></p> <p><u>Comprehensive Plan Evaluation and Appraisal Report (EAR) and other amendments listed in F.S. §163.3184(2)(c).</u></p> | <p><u>Published notice: Two small ads (refer to Sec. 50-3.F). The first public hearing (transmittal stage) shall be held on a weekday at least 7 calendar days after the day the first ad is published. The second hearing (adoption stage) shall be held on a weekday at least 5 calendar days after the day the second ad is published.</u></p> |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Legislative Hearing – Small-Scale Review per F.S. §163.3187.</u></p>  | <p><u>Published notice: One small ad (refer to Sec. 50-3.F) for one public hearing (adoption stage) held on a weekday at least 5 days after the day the ad is published.</u></p>  |

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|  |  |
|--|--|
| <p><u>Future land use map amendment (generally 50 acres or less) and comprehensive plan text change that relates directly to and is adopted with the map amendment</u></p>                           |  |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Legislative Hearing – F.S. §125.66(2)(a).</u></p> <p><u>Land Development Code text amendment (other than zoning district use table)</u></p> | <p><u>Published notice: One small ad (refer to Sec. 50-3.F) for one public hearing (adoption stage) held on a weekday at least 10 calendar days after the day the ad is published.</u></p>   |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Legislative Hearing - F.S. § 125.66(5)(b).</u></p> <p><u>Land Development Code zoning district use table</u></p>                            | <p><u>Published notice: Two large ads (refer to Sec. 50-3.E). At least one hearing must be held after 5pm on a weekday, unless the board of county commissioners by affirmative vote of 4 commissioners elects to conduct the hearing at another time of day. The first public hearing shall be held on a weekday at least 7 calendar days after the day the first ad is published. The second hearing shall be held on a weekday at least 10 calendar days after the first hearing and at least 5 calendar days after the day the second ad is published.</u></p> |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Quasi-Judicial Hearing – F.S. § 125.66(5)(b).</u></p> <p><u>Zoning Map Amendment (10 contiguous acres or more initiated by County)</u></p>  | <p><u>Published notice: Two large ads (refer to Sec. 50-3.E). At least one hearing must be held after 5pm on a weekday, unless the board of county commissioners by affirmative vote of 4 commissioners elects to conduct the hearing at another time of day. The first public hearing shall be held on a weekday at least 7 calendar days after the day the first ad is published. The second hearing shall be held on a weekday at least 10 calendar days after the first hearing and at least 5</u></p>   |

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|   |   |
|---|---|
|   | <u>calendar days after the day the second ad is published.</u>  |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Quasi-Judicial Hearing – F.S. § 125.66(5)(a).</u></p> <p><u>Zoning Map Amendment (less than 10 contiguous acres initiated by County)</u></p> | <p><u>Published notice: One small ad (refer to Sec. 50-3.F) for one public hearing held on a weekday at least 10 calendar days after the day the ad is published.</u></p> <p><u>Mailed notice: refer to Sec. 50-3.D</u></p> |
| <p><b><u>County Commission - Ordinance</u></b></p> <p><u>Quasi-Judicial Hearing – F.S. § 125.66(2).</u></p> <p><u>Any Zoning Map Amendment NOT initiated by County</u></p>                            | <p><u>Published notice: One small ad (refer to Sec. 50-3.F) for one public hearing (adoption stage) held on a weekday at least 10 calendar days after the day the ad is published.</u></p>                                  |
| <p><b><u>County Commission – Petition and Order</u></b></p> <p><u>Quasi-Judicial Hearing – Special Exception and Major Amendment to Special Exception</u></p>   | <p><u>Published notice: refer to Sec. 50-3.C</u></p> <p><u>Mailed notice: refer to Sec. 50-3.A</u></p> <p><u>Posted notice: refer to Sec. 50-3.B</u></p>  |

1

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1 **Sec. 50-3 Types of Public Notice.**  
2

3 (a) Mailed notice. The applicant is responsible for sending supplemental mailed  
4 notice. The mailed notice must identify the property appraiser's parcel  
5 identification number(s) for the subject property, the physical address of the  
6 subject property (if no address is assigned, the general vicinity or nearest  
7 intersection); the date, time, and location of the public hearing; and a general  
8 description of the application. The notice must be mailed by certified mail at least  
9 15 calendar days prior to the date of the hearing to all real property owners  
10 whose property lies within 300 feet, or 2500 feet for a special exception for  
11 electric generating facilities, or 2500 feet for a special exception for mining  
12 (without blasting and 49 or less one way truck trips per day), or two miles for a  
13 special exception for mining (that includes blasting or 50 or more one way truck  
14 trips per day) from any property line of the property that is the subject of the  
15 application. Addresses for mailed notice must be obtained from the county  
16 property appraiser's current ad valorem tax records.

17  
18 (b) Posted notice. Notice signs (which can be obtained from the county planning and  
19 zoning office) must be posted by the applicant as follows:  
20

21 (1) Content of notice. Posted notices shall include the following clearly written on  
22 the sign: The petition or ordinance number with brief description of the request,  
23 the parcel identification numbers and the county phone number to contact for  
24 additional information.

25 (2) Location of signs.

26 a. Street frontage. One sign shall be placed along each road that fronts the  
27 property. Signs should be placed on the property (not within the road right-of-  
28 way) so as to be visible from the road.

29 b. Lack of street frontage. If the property does not have frontage on a road,  
30 at least one sign shall be placed on the property at the access point and  
31 additional signs shall be placed on the nearest public right-of-way with an  
32 indication of the location of the property.

33 c. Installation, maintenance and removal. Signs shall be posted in a  
34 professional manner and maintained on the subject property by the applicant  
35 until final action on the application. The applicant shall remove the sign(s)  
36 within 10 calendar days after final action on the application.

37 (3) Timing of posting and affidavit. Signs shall be posted no later than 10  
38 calendar days after the application has been deemed sufficient and the county  
39 has notified the applicant of the hearing date(s). A notarized affidavit shall be

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1 submitted to the department within seventy-two (72) hours after the posting,  
2 certifying that the signs were posted in compliance with this section. The zoning  
3 official may require submittal of photographs of all signs as part of the affidavit.  
4 Applications will not be considered complete and will not be processed until the  
5 signed and notarized affidavit has been received.

6 (c) *Published advertisement.* The county will publish notice of each meeting at least  
7 10 calendar days prior to the date of the meeting and, at a minimum, the notice  
8 must contain the following information:

- 9 (1) the date, time and place of the meeting;
- 10 (2) the title, or a general description, of the petition(s);
- 11 (3) the place(s) within the county where the petition(s) may be inspected by  
12 the public;
- 13 (4) that “Interested parties may appear at the meeting and be heard with  
14 respect to the petition(s)”;
- 15 (5) that “In accordance with Section 286.0105, Florida Statutes, should any  
16 person decide to appeal any decision made with respect to any matter  
17 considered at this meeting, such person will need a record of the  
18 proceedings, and for such purpose, may need to ensure that a verbatim  
19 record of the proceeding is made, which record includes the testimony and  
20 evidence upon which the appeal is to be based”; and
- 21 (6) that “In accordance with the Americans with Disabilities Act, persons  
22 needing a special accommodation or an interpreter to participate in the  
23 proceeding should contact the Office of the Board of County  
24 Commissioners at (352) 486-5217, at least two (2) days prior to the date  
25 of the meeting. Hearing impaired persons can access the foregoing  
26 telephone number by contacting the Florida Relay Service at 1-800-955-  
27 8770 (Voice) or 1-800-955-8771 (TDD).”

28  
29 (d) *Ordinance mailed notice.* In accordance with F.S. §125.66(5)(a), the county must  
30 mail notice to each property owner whose property will be re-designated. The  
31 notice must state: the substance of the proposed ordinance and the date, time, and  
32 location of the public hearing. The notice must be mailed at least 30 calendar days  
33 prior to the date of the hearing, and a copy of such notice shall be available for  
34 public inspection in the office of the clerk of the board of county commissioners.

35  
36 (e) *Ordinance large published advertisement.* The ad must be no less than 2  
37 columns wide by 10 inches long in a standard or tabloid size newspaper and the  
38 headline of the ad must be 18 point type or larger. The ad must be placed in a  
39 newspaper of general paid circulation in the county; of general interest and  
40 readership, not one of limited subject matter; and published at least 5 days a week

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1 (unless it is the only newspaper in the county). The ad cannot be placed in the legal  
2 notices or classified ad sections of the newspaper. The ad must be in substantially  
3 the following form:

4  
5 NOTICE OF (INSERT TYPE OF) CHANGE

6  
7 The Levy County Board of County Commissioners proposes to adopt the  
8 following ordinance: (insert title)

9  
10 A public hearing on the ordinance will be held on (insert date and time) at  
11 (insert address and name of meeting location). The proposed ordinance  
12 may be inspected at (insert location). Interested parties may appear at the  
13 meeting and be heard with respect to the proposed ordinance.

14  
15 In accordance with Section 286.0105, Florida Statutes, should any person  
16 decide to appeal any decision made with respect to any matter considered  
17 at this meeting, such person will need a record of the proceedings, and for  
18 such purpose, may need to ensure that a verbatim record of the  
19 proceeding is made, which record includes the testimony and evidence  
20 upon which the appeal is to be based.

21  
22 In accordance with the Americans with Disabilities Act, persons needing a  
23 special accommodation or an interpreter to participate in the proceeding  
24 should contact the County Clerk's Office at (352) 486-5266, or the Office  
25 of the Board of County Commissioners at (352) 486-5217, at least two (2)  
26 days prior to the date of the meeting. Hearing impaired persons can  
27 access the foregoing telephone number by contacting the Florida Relay  
28 Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

29  
30 In addition, if the ordinance proposes rezoning property, the ads must contain a  
31 geographic location map that clearly indicates the area to be rezoned. The map  
32 must include major street names to identify the general area.

33  
34 (f) Ordinance small published advertisement. The ad must be in substantially the  
35 following form:

- 36  
37 (1) the date, time and place of the meeting;  
38 (2) the title(s) of the proposed ordinance(s);  
39 (3) the place(s) within the county where the proposed ordinance(s) may be  
40 inspected;  
41 (4) that interested parties may appear at the meeting and be heard with  
42 respect to the proposed ordinance(s);

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- 1 (5) that “In accordance with Section 286.0105, Florida Statutes, should any  
2 person decide to appeal any decision made with respect to any matter  
3 considered at this meeting, such person will need a record of the  
4 proceedings, and for such purpose, may need to ensure that a verbatim  
5 record of the proceeding is made, which record includes the testimony and  
6 evidence upon which the appeal is to be based”; and  
7 (6) that “In accordance with the Americans with Disabilities Act, persons  
8 needing a special accommodation or an interpreter to participate in the  
9 proceeding should contact the County Clerk’s Office at (352) 486-5266, or  
10 the Office of the Board of County Commissioners at (352) 486-5217, at  
11 least two (2) days prior to the date of the meeting. Hearing impaired  
12 persons can access the foregoing telephone number by contacting the  
13 Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771  
14 (TDD).”

15  
16  
17 **SECTION 5.** Section 50-55 within Chapter 50, Article II, Division 2 of the Levy County  
18 Code is amended as set forth below. Except as amended herein, the remainder of  
19 Division 2 remains in full force and effect.

20  
21 **Sec. 50-55. - Powers, duties, and authority.**

22 (a) *Powers, duties and responsibilities.* The planning commission will have the following  
23 powers, duties, and responsibilities:

24  
25 (1) Act as the local planning agency as described in F.S. § 163.3174, more  
26 particularly described as follows:

27  
28 a. Have general responsibility for the conduct of the comprehensive planning  
29 program;

30  
31 b. Be responsible for the preparation of the local comprehensive plan and  
32 make recommendations to the board of county commissioners regarding the  
33 adoption of such plan or element or portion thereof;

34  
35 c. Monitor and oversee the effectiveness and status of the comprehensive plan  
36 and recommend to the board of county commissioners such changes in the  
37 comprehensive plan as may be required, including preparation of the periodic  
38 reports required by F.S. § 163.3191.

39  
40 d. Review proposed land development regulations and land development  
41 codes or amendments thereto, and make recommendations to the board of

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1 county commissioners as to consistency of the proposal with the adopted  
2 comprehensive plan or element or portion thereof.

3  
4 e. Perform any other functions, duties, and responsibilities which may be  
5 assigned by the board of county commissioners pursuant to general or special  
6 law.

7  
8 (2) Review applications for special exceptions to the provisions governing the  
9 Williston Municipal Airport as provided in section 50-100, and provide  
10 recommendations to the board of county commissioners regarding the same.

11  
12 (3) Review applications for preliminary and final plats submitted in accordance with  
13 the subdivision regulations contained in ~~article XI~~ of this chapter, and provide  
14 recommendations to the board of county commissioners regarding the same.

15  
16 ~~(4) Review applications for variances from the subdivision requirements of article~~  
17 ~~XI of this chapter, and provide recommendations to the board of county~~  
18 ~~commissioners regarding the same.~~

19  
20 ~~(5~~ 4) Review proposed zoning map adoptions, and any proposed amendment to  
21 the zoning map, which proposed amendment may also be referred to in this chapter  
22 as a change in zoning district boundary, zoning change or rezoning, for any parcel  
23 or parcels of property, in accordance with division 2, article XIII of this chapter, and  
24 provide recommendations to the board of county commissioners regarding the  
25 same.

26  
27 ~~(6~~ 5) Review applications for special exceptions ~~submitted in accordance~~  
28 ~~with division 5, article XIII of this chapter,~~ and provide recommendations to the  
29 board of county commissioners regarding the same.

30  
31 ~~(7) Review applications for conditional use permits submitted in accordance with~~  
32 ~~subdivision III, division 5, article XIII of this chapter, and provide recommendations~~  
33 ~~to the board of county commissioners regarding the same.~~

34  
35 ~~(8~~ 6) Review applications for planned unit developments ~~submitted in~~  
36 ~~accordance division 6, article XIII and section 50-469 of this chapter,~~ and provide  
37 recommendations to the board of county commissioners regarding the same.

38  
39 ~~(9~~ 7) Perform any other duties and responsibilities and exercise any other powers  
40 which may be assigned to it by the board of county commissioners.

41  
42  
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1 **SECTION 6.** Section 50-84 within Chapter 50, Article II, Division 3 of the Levy County  
2 Code is amended as set forth below. Except as amended herein, the remainder of  
3 Division 3 remains in full force and effect.

4 **Sec. 50-84. Duties.**

5 The board of adjustment shall have the following duties and responsibilities:

6 ~~(1) To hear and decide appeals from administrative decisions regarding the~~  
7 ~~enforcement, application, or interpretation of this chapter.~~

8 ~~(2 1) To hear and decide requests for variances from the provisions of article VI and~~  
9 ~~article XIII of this chapter, and from the provisions of any other articles of this chapter~~  
10 ~~which provide that variances from such provisions are to be heard and decided by the~~  
11 ~~board of adjustment, excluding those requests for variances from the provisions of~~  
12 ~~article XIII of this chapter that are to be heard and decided by the board of county~~  
13 ~~commissioners pursuant to other sections of this chapter.~~

14 (3 2) To act as sign code board of adjustment as provided in article X of this chapter.

15 (4 3) To perform any other duties and responsibilities and exercise any other powers  
16 which may be assigned to it by the board of county commissioners.

17  
18  
19 **SECTION 7.** Within Chapter 50, Article III, Division 2 of the Levy County Code, a new  
20 Subsection 50-97(b)(7) is created, Subsection 50-98(a) is amended and Section 50-99 is  
21 amended as set forth below. Except as amended herein, the remainder of Article III,  
22 Division 2 remains in full force and effect.

23  
24 **Article III. Airport Zoning**

25 **Division 2. Williston Municipal Airport**

26  
27 **Sec. 50-97. - Airport zones and airspace height limitations.**

28 (b) Public civil airport height zones and limitations shall be as follows:

29  
30 (7) Height limitations.

31  
32 a. No existing use, structure or tree (or extension, expansion or growth thereof)  
33 may encroach into any portion of the approach zones, horizontal zones or conical  
34 zones. Where any use, structure or tree encroached into such zones at the time  
35 it was approved as a special exception by the board of county commissioners prior  
36 to September 29, 1977, such use, structure or tree shall be considered  
37 nonconforming, but in no way is it allowed to further encroach into such zones.

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1  
2 b. The transitional zone maybe altered in order to comply with Federal Emergency  
3 Management Agency requirements for flood elevation of manmade structures;  
4 provided, however, that such structures shall be located at the maximum  
5 perpendicular distance away from the runway as determined by limiting  
6 geographical features.  
7

8 **Sec. 50-98. - Airport land use restrictions.**  
9

10 (a) *Use restrictions.* Notwithstanding any other provision of this division, no use  
11 may be made of land or water within any zones established by this division in such  
12 a manner as to interfere with the operation of an airborne aircraft. The following  
13 special requirements shall apply to ~~each permitted use~~:

14  
15 (1) All lights or illumination used in conjunction with street, parking, signs  
16 or use of land and structures shall be arranged and operated in such a  
17 manner that it is not misleading or dangerous to aircraft operating from a  
18 public airport or in vicinity thereof.

19 (2) No operations from any type shall produce smoke, glare or other visual  
20 hazards within three statute miles of any usable runway of a public airport.

21 (3) No operations from any type shall produce electronic interference with  
22 navigation signals or radio communication between the airport and aircraft.

23 (4) The following Use of land within the accident potential hazard area  
24 shall prohibit high density residential use, is prohibited: multi-family  
25 dwellings, schools, hospitals, storage of explosive material, assemblage of  
26 large groups of people or any other use that could produce a major  
27 catastrophe as a result of an aircraft crash. In addition, single-family  
28 dwellings are limited to one dwelling unit per acre, or to the density depicted  
29 on the Williston Municipal Services District Map, whichever is the more  
30 restrictive.  
31

32 **Sec. 50-99. - Administration and enforcement.**  
33

34 It shall be the duty of the zoning administrator to administer and enforce the regulations  
35 prescribed in this division within the unincorporated area of the county, territorial limits  
36 over which the political subdivision has zoning authority. In the event of any violation of  
37 the regulations contained in this division, the person responsible for such violation may  
38 be cited or noticed by a code enforcement officer pursuant to chapter 2, article V of this  
39 code. shall be given notice in writing by the zoning administrator. Such notice shall  
40 indicate the nature of the violation and the necessary action to correct or abate the  
41 violation. A copy of such notice shall be sent to the appropriate board of adjustment. An  
42 administrative official shall order discontinuance of use of land or building; removal of

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1 ~~trees to conform with height limitations set forth in this division; removal of buildings,~~  
2 ~~additions, alterations, or structures; discontinuance of any work being done; or shall take~~  
3 ~~any or all other action necessary to correct violations and obtain compliance with all the~~  
4 ~~provisions of this division.~~  
5  
6

7 **SECTION 8.** Section 50-661 within Chapter 50, Article XIII, Division 2 of the Levy County  
8 Code is amended to read as follows.  
9

10 **Article XIII. Zoning**  
11 **Division 2. Zoning Districts Established; Zoning Map**  
12

13 **Sec. 50-661. Establishment of districts; intent of districts.**  
14

15 The following zoning districts are established to implement the comprehensive  
16 plan and to classify and regulate the use of land, buildings and structures within  
17 the county in order to promote orderly growth and development and discourage  
18 urban sprawl:  
19

|                  |  |
|------------------|--|
| <del>F/RR</del>  | <del>Forestry/Rural Residential</del>                |
| <del>A/RR</del>  | <del>Agricultural/Rural Residential</del>            |
| <del>RR</del>    | <del>Single-Family Residential, Rural</del>          |
| <del>R-1</del>   | <del>Single-Family Residential, Urban</del>          |
| <del>R-2</del>   | <del>Single-Family Residential, Urban</del>          |
| <del>RR-3C</del> | <del>Single-Family, Exclusive, No Mobile Homes</del> |
| <del>R-3</del>   | <del>Multifamily Residential, Urban</del>            |
| <del>C-1</del>   | <del>Exclusive Office</del>                          |
| <del>C-2</del>   | <del>Neighborhood Commercial</del>                   |
| <del>C-3</del>   | <del>Moderately Intensive Commercial</del>           |

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|        |                                      |
|--------|--------------------------------------|
| C-4    | Highway Commercial                   |
| I      | Industrial                           |
| RMU    | Rural Mixed Use                      |
| PF     | Public and Institutional Facilities  |
| REC    | Recreation                           |
| NR-CON | Natural Reservation and Conservation |
| PUD    | Planned Unit Development             |

1  
2

|                               |   |
|-------------------------------|---|
| <u>Agricultural Districts</u> |   |
| <u>F/RR</u>                   | <u>Forestry/Rural Residential</u>       |
| <u>A/RR</u>                   | <u>Agricultural/Rural Residential</u>   |
| <u>Residential Districts</u>  |   |
| <u>RR</u>                     | <u>Single-Family Residential, Rural</u> |
| <u>R-1</u>                    | <u>Single-Family Residential, Urban</u> |
| <u>R-2</u>                    | <u>Single-Family Residential, Urban</u> |
| <u>RR-3C</u>                  | <u>Single-Family, Exclusive</u>         |
| <u>RMU</u>                    | <u>Rural Mixed Use</u>                  |
| <u>Commercial Districts</u>   |   |
| <u>C-1</u>                    | <u>Exclusive Office</u>                 |
| <u>C-2</u>                    | <u>Neighborhood Commercial</u>          |
| <u>C-3</u>                    | <u>Moderately Intensive Commercial</u>  |
| <u>C-4</u>                    | <u>Highway Commercial</u>               |
| <u>Industrial Districts</u>   |   |
| <u>I</u>                      | <u>Industrial</u>                       |

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|                                  |  |
|----------------------------------|--|
| <u>Special Purpose Districts</u> |  |
| <u>PF</u>                        | <u>Public and Institutional Facilities</u> |
| <u>REC</u>                       | <u>Recreation</u>                          |
| <u>NR-CON</u>                    | <u>Natural Resources and Conservation</u>  |
| <u>PUD</u>                       | <u>Planned Unit Development</u>            |

The intent of each zoning district is as follows:

*Forestry/rural residential (F/RR) district.* The county's existing land use map and the future land use map designate certain lands used (now and in the future) for forestry purposes. Forestry products are an important segment of the county's economic base and, as such, require protection from incompatible uses. It is recognized that forestry operations require prescribed burns, herbicides and pesticides, and heavy equipment, all of which are generally incompatible with residential, commercial and most public uses, and thus forestry lands must be protected from encroachment by such uses. Likewise, separation of forestry uses from those other uses limits exposing residents, businesses and the public to the hazards associated with wildfires, smoke, dust, fumes and exposure to chemicals. As such, the F/RR district is intended to allow only very low-density residential development that is spatially separated from the predominant land use in the district - commercial forests. Residential density is limited to one dwelling per 20 (or more) acres.

*Agricultural/rural residential (A/RR) district.* The conservation element and the land use element within the county comprehensive plan have established objectives and policies to protect agriculturally productive lands. Agricultural products (crops and livestock) are an important segment of the county's economic base, and as with forestry operations, agricultural operations use herbicides and pesticides, and generate noise, dust and waste products. As such, the A/RR district is intended to provide for the continued viability of agribusiness in the county while permitting low-density residential land uses that are compatible with the predominant land use in the district - commercial farming. Residential density is limited to one dwelling per 10 (or more) acres.

*Single-family residential, rural (RR) district.* The RR district is intended to provide locations for single-family residential use on rural lots, usually without central water or sewer systems, at a net density of one ~~unit~~ dwelling per three (or more) acres. The RR district is intended to serve as a transition area between agricultural uses and higher-density residential/urban districts.

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1 *Single-Family Residential, Urban (R-1 and R-2) districts.* The R-1 and R-2 districts  
2 are is intended to provide locations for single-family residential use at net densities  
3 of one ~~unit~~ dwelling per one (or more) acre. The R-1 and R-2 districts are is  
4 intended to provide a transition between RR, R-2 and Commercial R-3 zoning.

5  
6 *Single-Family Residential, Urban (R-2) districts.* The R-2 district is intended to  
7 provide locations for single-family and duplex dwellings at net densities of up to 5  
8 dwellings per one (or more) acre. The R-2 district is intended to provide a transition  
9 between R-1 and municipal development.

10  
11 *Single-family, exclusive, ~~no mobile homes~~ (RR-3C) district.* The RR-3C district is  
12 intended to provide continuity of zoning between Levy County and Marion County  
13 within the area known as the Rainbow Lakes Estates Municipal Service District  
14 (created by a Special Act of the Florida Legislature set forth in Chapter 2001-293,  
15 Laws of Florida). Within this district, only ~~conventional~~ site-built or modular single-  
16 family dwellings built to the Florida Building Code are allowed; manufactured  
17 homes and mobile homes are prohibited.

18  
19 ~~*Multifamily residential, urban (R-3) district.*~~ The R-3 district is intended to provide  
20 ~~relatively high intensities of development for residential use that is served by~~  
21 ~~central water and sewer.~~

22  
23 *Exclusive office (C-1) district.* The C-1 district is intended for commercial offices  
24 for professional service types of businesses.

25  
26 *Neighborhood commercial (C-2) district.* The C-2 district is intended to allow an  
27 intensity of use and types of uses that are compatible with, and directed primarily  
28 at serving, the surrounding neighborhood.

29  
30 *Moderately intensive commercial (C-3) district.* The C-3 district is intended to  
31 provide locations for intensive commercial uses. The uses typically require more  
32 off-street parking, stormwater, and outdoor storage, than neighborhood and office  
33 uses.

34  
35 *Highway commercial (C-4) district.* The C-4 district is intended to accommodate  
36 commercial uses that service highway traffic or which require a location near a  
37 major highway for access purposes.

38  
39 *Rural mixed use (RMU) district.* The RMU district is intended to provide for mixed  
40 use development in rural commercial nodes, including limited neighborhood  
41 commercial, residential and agriculture-related commercial and industrial uses to  
42 support established communities in rural areas of the county.

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1  
2 *Public and institutional facilities (PF) district.* The PF district is intended to provide  
3 locations suitable for necessary public and quasi-public uses, functions and  
4 activities, such as government offices and facilities, libraries, and public and private  
5 utilities and public and private educational facilities.

6  
7 *Recreation (REC) district.* The REC district is intended to provide for publicly or  
8 privately owned recreation sites for active or passive recreational activities.

9  
10 *Natural ~~reservation~~ resources and conservation (NR-CON) district.* The NR-CON  
11 district is intended to provide for the preservation and conservation of natural  
12 resources and environmentally sensitive lands (ESL) as described in the  
13 comprehensive plan, including, but not limited to areas designated for floodplain,  
14 wetlands, streamside, river and coastal resource management purposes.

15  
16 *Planned unit development (PUD) overlay district.* The PUD district is an overlay  
17 district that is intended to provide parcel specific zoning for planned developments  
18 that have unique conditions, require design flexibility, and/or contain diverse and  
19 integrated uses and structures, that are consistent with the comprehensive plan,  
20 but which other zoning districts do not readily accommodate. A PUD ordinance  
21 may impose conditions and regulations deemed necessary by the county  
22 commission to protect the public health, safety and welfare. The PUD uses should  
23 be generally compatible with the uses allowed in the underlying zoning district.  
24 Higher intensity uses may be limited to areas that are served by central water and  
25 sewer systems.

26  
27 **SECTION 9.** Chapter 50, Article XIII, Division 3, Subdivision 1 of the Levy County Code  
28 is re-titled; Sections 50-676, 50-687 and 50-688 are deleted and reserved; and Section  
29 50-686 is amended. All remaining sections within Subdivision 1 remain in full force and  
30 effect:

31  
32 **DIVISION 3. – ZONING DISTRICT REGULATIONS**

33  
34 **Subdivision 1. - ~~Schedules of Zoning District Uses and Lot, Yard, and Height~~**  
35 **~~Restrictions; and Other Supplemental Development Regulations~~**

36  
37 **Sec. 50-676. Generally Reserved.**

38  
39 ~~The restrictions and controls intended to regulate uses of property in each~~  
40 ~~district are set forth in the attached schedule which is supplemented by other~~  
41 ~~sections of this article.~~

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| <b>SCHEDULE 1. USE REGULATIONS</b>                 |  |  |   |   |
|--|--|--|---|---|
| <i>District</i>                                    | <i>Permitted Uses</i>  | <i>Accessory Uses</i>  | <i>Prohibited Uses</i>  | <i>Special Exception Uses</i>   |
| F/RR Forestry/<br>Rural<br>Residential<br>District | <p>Single-family residences.</p> <p>Mobile homes.</p> <p>General farming and forestry.</p> <p>Nurseries, greenhouses and truck farming.</p> <p>Churches and other houses of worship.</p> <p>Public building and uses, except prisons and jails, schools, civic, hospitals and other public uses.</p> <p>Public parks.</p> <p>Dwelling, mobile home.</p> <p>Primitive camping.</p> <p>Camps.</p> <p>Permanent sawmills.</p> <p>Permanent woodchippers.</p> <p>Planned unit development (PUD) in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</p> <p>Essential public utility services.</p> <p>Aquaculture.</p> <p>Private club, enclosed clubhouse and lodges.</p> | <p>Home occupations.</p> <p>Sale of produce and livestock which is raised on the premises.</p> <p>Private boat landings, docks, swimming pools and similar uses.</p> <p>Buildings for agricultural workers.</p> <p>Other uses customarily accessory to the permitted use.</p> <p>Fuel oil and bottle gas</p> | <p>All commercial uses, except as listed as permitted uses, accessory uses or special exception uses in this district.</p> <p>All industrial uses, except as listed as permitted uses, accessory uses or special exception uses in this district.</p> <p>Mobile homes as accessory use.</p> <p>Interconnection of two mobile homes not designed for such use.</p> <p>Parking more than one commercial</p> | <p>Commercial boat landings.</p> <p>Gas stations.</p> <p>Major mining, excavation and fill activities or operations.</p> <p>Landfills.</p> <p>Cemeteries.</p> <p>Concentrated commercial farming.</p> <p>Dog kennels.</p> <p>Prisons or jails.</p> <p>Food or other plant or animal product processing plant.</p> <p>Broadcasting towers.</p> <p>Communication towers greater than 350' in height, the measurement of which includes all appurtenances and attachments.</p> <p>Outdoor commercial recreation.</p> |

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|  |  |  |  |   |
|--|--|--|--|---|
|  | <del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses. Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse. Outdoor passive recreation. Public parks, noncommercial playgrounds and other public recreational facilities. Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses. Minor excavation and fill activities or operations.</del> | <del>storage, as related to agriculture uses. Temporary circus, amusements. Temporary asphalt plant or concrete batch plant. Private airstrip. Temporary yard sales.</del> | <del>vehicle not functionally related to the principal use. Nightclub/bottle club. Medical marijuana treatment center dispensing facilities.</del> | <del>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges. Support and operation facilities related to the extraction of water for bulk or retail sales. Electric generating facilities subject to the Florida Electrical Power Plant Siting Act, F.S. §§ 403.501—403.518.</del> |
|  | <del>Communication towers, not including broadcasting towers, less than or equal to 350' in height, the measurement of which includes all appurtenances and attachments.</del>   |  |  |   |
| A/RR<br>Agricultural/Ru<br>ral Residential<br>District | <u>Single-family residences and mobile homes.</u><br><u>General farming and forestry.</u><br><u>The raising of livestock and poultry</u>   | <u>Private boat landings, docks, swimming</u>  | <u>All commercial uses except as listed as permitted uses,</u>   | <u>Commercial boat landings.</u><br><u>Airports for private use and airstrip only.</u>  |

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|  |   |   |   |  |
|--|---|---|---|--|
|  | <p>for commercial and family use.<br/> <del>Nurseries, greenhouses and truck farming.</del><br/> <del>Churches and other houses of worship.</del><br/> <del>Schools.</del><br/> <del>Public buildings and uses, except prisons or jails.</del><br/> <del>Primitive camping.</del><br/> <del>Camps.</del><br/> <del>Planned unit development (PUD) in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</del><br/> <del>Large animal boarding.</del><br/> <del>Veterinarian offices.</del><br/> <del>Essential public utility services.</del><br/> <del>Aquaculture.</del><br/> <del>Private club, enclosed clubhouse and lodges.</del><br/> <del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses.</del><br/> <del>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</del><br/> <del>Outdoor passive recreation.</del></p> | <p><del>pools and similar uses.</del><br/> <del>Other uses customarily accessory to the permitted use.</del><br/> <del>Temporary circus, amusements.</del><br/> <del>Temporary asphalt plant or concrete batch plant.</del><br/> <del>Temporary yard sales.</del></p> | <p><del>accessory uses or special exception uses in this district.</del><br/> <del>All industrial uses, except as listed as permitted uses, accessory uses or special exception uses in this district.</del><br/> <del>Mobile homes as accessory use.</del><br/> <del>Interconnection of two mobile homes not designed for such use.</del><br/> <del>Parking more than one commercial vehicle not functionally related to the principal use.</del><br/> <del>Nightclub/bottle club.</del><br/> <del>Medical marijuana</del></p> | <p><del>Riding stables and academies.</del><br/> <del>Sale of produce which is raised on the premises.</del><br/> <del>Landfills Cemeteries.</del><br/> <del>Concentrated commercial farming.</del><br/> <del>Dog kennels.</del><br/> <del>Permanent sawmills.</del><br/> <del>Permanent woodchippers.</del><br/> <del>Major mining, excavation and fill activities or operations.</del><br/> <del>Reptile farms, zoos, or similar facilities, or keeping dangerous exotic animals or dangerous native animals.</del><br/> <del>Prisons or jails.</del><br/> <del>Food or other plant or animal product processing plant.</del><br/> <del>Broadcasting towers.</del><br/> <del>Communication towers greater than 350' in height, the measurement of which includes all</del></p> |
|--|---|---|---|--|

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|                               |   |   |  |   |
|-------------------------------|---|---|--|---|
|                               | <p>Public parks, noncommercial playgrounds and other public recreational facilities.</p> <p><del>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</del></p> <p><del>Minor excavation and fill activities or operations.</del></p>                   |   | <p>treatment center dispensing facilities.</p>   | <p>appurtenances and attachments.</p> <p><del>Outdoor commercial recreation.</del></p> <p><del>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</del></p> <p><del>Support and operation facilities related to the extraction of water for bulk or retail sales.</del></p> |
|                               | <p>Communication towers, not including broadcasting towers, less than or equal to 350' in height, the measurement of which includes all appurtenances and attachments.</p>  |   |  |   |
| C-1 Exclusive Office District | <p><del>Real estate offices.</del></p> <p><del>Attorney offices.</del></p> <p><del>Architect offices.</del></p> <p><del>Engineer offices.</del></p> <p><del>Insurance offices.</del></p> <p><del>Banks.</del></p> <p><del>Accounting offices.</del></p> <p><del>Any professional or business office not already specifically included in this list of permitted uses unless</del></p> | <p><u>Uses customarily accessory to a permitted use in this district.</u></p> | <p><u>All uses listed as permitted uses in the C-2, C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in this district.</u></p> | <p><u>Veterinary clinics.</u></p>   |

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|                                      |  |  |  |   |
|--------------------------------------|--|--|--|---|
|                                      | <p><del>specifically listed as a prohibited use or special exception use in this district.</del></p> <p><del>Public buildings and uses except prisons and jails.</del></p> <p><del>Essential public utility services, except as otherwise prohibited.<sup>4</sup></del></p> <p><del>Aquaculture.</del></p> <p><del>Private clubs within enclosed clubhouses, and lodges.</del></p> |  | <p>All industrial uses.</p> <p>Towers, communications and broadcasting.</p> <p>Mobile homes as an accessory use.</p> <p>Parking more than one commercial vehicle not functionally related to the principal use.</p> <p>Residential.</p> <p>Medical marijuana treatment center dispensing facilities.</p> |   |
| C-2 Neighborhood Commercial District | <p>Retail sales, including but not limited to food, beverages, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies, sports equipment, musical instruments, television and radio equipment, flowers and plants,</p>  | <p>Uses customarily accessory to a permitted use in this district.</p> | <p>All uses listed as permitted uses in the C-3 and C-4 districts, unless specifically and individually listed as a permitted use or a special exception use in</p>  | <p>Automobile service or repair stations.</p> <p>Broadcasting towers.</p> <p>Schools, including vocational and technical schools.</p> <p>Halfway homes and rehabilitation centers.</p> <p>Restaurant with on-</p> |

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|  |   |  |   |  |
|--|---|--|---|--|
|  | <p><del>gifts, pharmaceutical products, home furnishings, appliances, office equipment, antiques, and hardware, unless specifically listed as a prohibited use or special except use in this district.</del></p> <p><del>Restaurants without the on-premises sales and consumption of alcohol.</del></p> <p><del>Personal service establishments, including but not limited to barbershops, beauty parlors, steam baths, shops, exercise or reducing salons, watch and clock repair, printing and copying, locksmiths, and title companies.</del></p> <p><del>Commercial banks, savings and loans, credit unions, loan companies, and other financial services.</del></p> <p><del>Laundry and dry cleaning plants.</del></p> <p><del>Copying, printing, book binding, newspaper offices and presses.</del></p> <p><del>Aquaculture.</del></p> <p><del>Radio and television stations, excluding towers.</del></p> <p><del>Gas stations.</del></p> <p><del>Funeral homes.</del></p> <p><del>Churches.</del></p> <p><u>Medical and dental clinics, nursing</u></p> |  | <p><del>this district.</del></p> <p><del>Mobile homes as an accessory use.</del></p> <p><del>Parking more than one commercial vehicle not functionally related to the principal use.</del></p> <p><del>Residential:</del></p> <p><del>Medical marijuana treatment center dispensing facilities.</del></p> | <p><del>premises sales and consumption of alcohol.</del></p> <p><del>Wholesales sales.</del></p> <p><del>Institutions.</del></p> <p><del>Automobile sales and service.</del></p> <p><del>Veterinary clinics.</del></p> <p><del>Automobile paint and body shops.</del></p> <p><del>Nightclubs/bottle clubs.</del></p> <p><del>Bars, taverns or lounges.</del></p> |
|--|---|--|---|--|

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|  |  |  |  |  |
|--|--|--|--|--|
|  | homes, nurseries, and day care centers.  |  |  |  |
|  | <del>Mini-warehouses.</del><br><del>Garden and farm supplies.</del><br><del>Licensed masseurs and masseuses.</del><br><del>Recreation and entertainment in enclosed buildings.</del><br><del>Any uses listed as a permitted or a special exception use in the C-1 district, unless specifically listed as a prohibited use or special exception use in this district.</del><br><del>Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</del><br><del>Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</del><br><del>Bed and breakfast lodging.</del><br><del>Essential public utility services.</del><br><del>Private clubs within enclosed clubhouses, and lodges.</del><br><del>On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges.</del> |  |  |  |

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|   |  |  |   |  |
|---|--|--|---|--|
| <p><del>C-3</del><br/>Moderately<br/>Intensive<br/>Commercial</p> | <p>Wholesale sales.<br/>Warehouses.<br/>Institutions.<br/>Automobile paint and body shops.<br/>Mobile home sales and service.<br/>Recreational vehicle sales and service.<br/>Automobile sales and service.<br/>Tractor sales and service.<br/>Boat sales and service.<br/>Builders or contractors supplies.<br/>Construction contractor or subcontractor yards or offices.<br/>Bulk storage and dispensing of petroleum and liquid petroleum gas.<br/>Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.<br/>Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.<br/>Public buildings and uses, except prisons and jails.<br/>Professional and administrative offices.<br/>Printing.</p> | <p>Uses customarily accessory to a permitted use in this district.</p> | <p>All uses listed as permitted uses in the C-4 district, unless specifically listed as a permitted use or a special exception use in this district.<br/>Mobile homes as an accessory use.<br/>Residential:<br/>Medical marijuana treatment center dispensing facilities.</p> | <p>Flea markets.<br/>Commercial boat landings, sport fisheries, and marinas.<br/>Sale of unfinished products outside of structures.<br/>Furniture manufacturing.<br/>Woodshops in enclosed structures.<br/>Veterinary clinics.<br/>Junkyards.<br/>Cemeteries.<br/>Manufacture, assembly, processing, packaging, and storage of products within a building, with no emissions of smell, odor, noise, dust, smoke, vibration, or light.<br/>Travel trailer parks.<br/>Nightclubs/bottle clubs.<br/>Bars, taverns or lounges.</p> |
|---|--|--|---|--|

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|                        |   |   |  |   |
|------------------------|---|---|--|---|
|                        | <del>Radio and television stations, excluding towers.</del><br><del>All uses listed as permitted uses in the C-1 and C-2 districts unless specifically listed as a prohibited use or special exception use in this district.</del><br><del>Essential public utility services.</del><br><del>Aquaculture.</del><br><del>Private clubs within enclosed clubhouses, and lodges.</del><br><del>On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges.</del> |   |  |   |
| C-4 Highway Commercial | <u>Hotels.</u><br><u>Motels.</u><br><u>Bed and breakfast lodging.</u><br><u>Tourist attractions.</u><br><u>Automobile service or repair stations.</u><br><u>Restaurants.</u><br><u>Hospitals.</u><br><u>Schools, colleges, and dormitories.</u><br><u>Truck terminals.</u><br><u>Commercial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</u>  | <u>Uses customarily accessory to a permitted use in this district.</u><br><u>On-premises sales and consumption of alcohol as an accessory to a hotel or restaurant.</u> | <u>All uses listed as permitted uses in the C-1, C-2 and C-3 districts, unless specifically and individually listed as a permitted use or a special exception use in this district.</u><br><u>Mobile homes as an accessory use.</u><br><u>Residential.</u> | <u>Shopping centers.</u><br><u>Rehabilitation centers.</u><br><u>Travel trailer parks.</u><br><u>On-premises sales and consumption of alcohol as an accessory use when primary use is not a hotel or restaurant.</u><br><u>Nightclubs/bottle clubs.</u><br><u>Bars, taverns or lounges.</u> |

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|                     |   |   |  |   |
|---------------------|---|---|--|---|
|                     | <p><del>Industrial PUD in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof.</del></p> <p><del>Public buildings and uses, except prisons and jails.</del></p> <p><del>Essential public utility services.</del></p> <p><del>Aquaculture.</del></p>  |   | <p>Medical marijuana treatment center dispensing facilities.</p>   |   |
| Industrial District | <p><del>Manufacture, assembly, processing, packaging and storage of products.</del></p> <p><del>Warehouses and wholesale distribution centers, including related offices and showrooms.</del></p> <p><del>Professional and administrative offices.</del></p> <p><del>Printing, engraving and related reproductive processes.</del></p> <p><del>Research laboratories.</del></p> <p><del>Radio or television station, including studios, offices and broadcasting towers.</del></p> <p><del>Automobile paint and body shops.</del></p> <p><del>Bottling of beverages.</del></p> <p><del>Bulk fuel oil plants.</del></p> <p><del>Bottle gas plants.</del></p> <p><del>Asphalt plants.</del></p> <p><del>Permanent sawmills.</del></p> <p><del>Permanent woodchippers.</del></p> | <p><u>Parking.</u></p> <p><u>Signs.</u></p> <p><u>Other uses customarily accessory to a permitted use in this district.</u></p> | <p>All residential uses except when acting as on-site, full-time security for primary use.</p> <p>Mobile homes as accessory use.</p> <p>Prison and jails.</p> <p>Medical marijuana treatment center dispensing facilities.</p> | <p>Quarrying, mining and processing of raw materials.</p> <p>Cemeteries.</p> <p>Institutions.</p> |

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|   |  |   |  |   |
|---|--|---|--|---|
|   | <del>Mini-warehouses.</del><br><del>Public buildings and uses, except prisons and jails.</del><br><del>Contractor's plants, storage and equipment areas.</del><br><del>Wholesale distribution and storage warehouses.</del><br><del>Sale of building materials, including lumber, cement and plaster; feed and fuel; also including millwork and storage when conducted within a building.</del><br><del>Automobile, tractor and boat sales, and builders supplies.</del><br><del>Essential public utility services.</del><br><del>Aquaculture.</del><br><del>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</del><br><del>Temporary asphalt plant or concrete batch plant.</del><br><del>Junkyards.</del> |   |  |   |
| RR<br>(Rural Residential)<br>Single-Family District | <u>Single-family dwelling.</u><br><u>General farming and forestry.</u><br><u>Churches and other houses of worship.</u><br><u>Schools.</u><br><u>Public buildings and uses, except</u>  | <u>Home occupations.</u><br><u>Private boat landings, docks, swimming</u> | <u>All C-1, C-2, C-3 and C-4 uses except as an integral part of a primarily residential PUD.</u> | <u>Planned unit development.</u><br><u>Riding stables and academies.</u><br><u>Sale of produce which is raised on the premises.</u> |

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|  |   |   |  |  |
|--|---|---|--|--|
|  | <p><del>prisons and jails.</del><br/> <del>Mobile homes.</del><br/> <del>Essential public utility services except towers, broadcasting and communications.</del><sup>1</sup><br/> <del>Private club, enclosed clubhouse and lodges.</del><br/> <del>Camps.</del><br/> <del>Outdoor passive recreation.</del><br/> <del>Public parks, noncommercial playgrounds and other public recreational facilities.</del><br/> <del>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</del></p> | <p><del>pools, and similar uses.</del><br/> <del>Other uses customarily accessory to the permitted use.</del><br/> <del>Nurseries, greenhouse and truck farming.</del><br/> <del>Raising of household pets and livestock for family use.</del><br/> <del>Outdoor storage.</del><sup>2</sup><br/> <del>Temporary yard sales.</del></p> | <p><del>Mobile homes as accessory use.</del><br/> <del>Interconnection of two mobile homes not designed for such use.</del><br/> <del>Parking more than one commercial vehicle.</del><br/> <del>Nightclub/bottle club.</del><br/> <del>Medical marijuana treatment center dispensing facilities.</del></p> | <p><del>Cemeteries.</del><br/> <del>Temporary circus amusements.</del><br/> <del>Broadcasting towers and communications.</del><br/> <del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses.</del><br/> <del>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</del><br/> <del>Outdoor commercial recreation.</del><br/> <del>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</del><br/> <del>Major mining and excavation activities, not including fill activities.</del></p> |
|--|---|---|--|--|

<sup>1</sup>Also see section 50-765.

<sup>2</sup>The outdoor storage must be accessory to and functionally related to the principal use.

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|                                   |  |  |  |  |
|-----------------------------------|--|--|--|--|
|                                   |  |  |  | Support and operation facilities related to the extraction of water for bulk or retail sales.  |
| RR-2<br>Single-Family<br>District | <p>One single-family dwelling.</p> <p>Churches and other houses of worship.</p> <p>Schools.</p> <p>Public buildings and uses, except prisons and jails.</p> <p>Essential public utility services, except as prohibited.</p> <p>Private club, enclosed clubhouse and lodges.</p> <p>Public parks, noncommercial playgrounds and other public recreational facilities.</p> <p>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</p> | <p>Private boat landings, docks, swimming pools, and similar uses.</p> <p>Other uses customarily accessory to the principal permitted use.</p> <p>Home occupations.</p> <p>Temporary yard sales.</p> | <p>All C-1, C-2, C-3 and C-4 uses except as integral part of a primarily residential PUD.</p> <p>Towers, communication and broadcasting.</p> <p>Mobile homes as accessory use.</p> <p>Interconnection of two mobile homes not designed for such use.</p> <p>Parking of commercial vehicles.</p> <p>Nightclub/bottle club.</p> <p>Medical marijuana treatment center dispensing facilities.</p> | <p>Shopping centers.</p> <p>Mobile home parks and subdivisions.</p> <p>Institutions.</p> <p>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses.</p> <p>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</p> <p>Camps.</p> <p>Outdoor commercial recreation.</p> <p>Outdoor passive recreation.</p> <p>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</p> |

Note: deletions shown stricken, additions shown underlined; highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting

|       |   |  |   |  |
|-------|---|--|---|--|
| RR-3C | <del>One conventional single-family dwelling.<br/>Churches.<br/>Schools.<br/>Public buildings and uses, except prisons and jails.<br/>Essential public utility services, except as prohibited.<br/>Modular homes and residential design mobile homes.<br/>Private club, enclosed clubhouse and lodges.<br/>Public parks, noncommercial playgrounds and other public recreational facilities.<br/>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</del> | <del>Home occupations.<br/>FFA<br/>Projects.<sup>3</sup><br/>Temporary yard sales.</del> | <del>All commercial, except home occupation.<br/>Towers,<br/>commercial and broadcasting.<br/>Mobile homes,<br/>parking commercial vehicles.<br/>General farming and forestry.<br/>Nightclub/bottle club.<br/>Medical marijuana treatment center dispensing facilities.</del> | <del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular trail facilities and other similar uses.<br/>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.<br/>Camps.<br/>Outdoor commercial recreation.<br/>Outdoor passive recreation.<br/>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</del> |
| RR-3M | <del>Single-family dwelling, either conventional or mobile.<br/>Churches.<br/>Schools.</del>  | <del>Home occupations.<br/>FFA Projects</del>  | <del>All commercial, except home occupations.<br/>Towers,</del>   | <del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular</del>  |

<sup>3</sup>FFA means Future Farmers of America, and "Projects" means the raising of one animal per student living on the property. The accessory use must terminate when the County Fair ends each year. Neither pigs nor roosters are permitted as accessory uses in the RR-3C district.

Note: deletions shown stricken, additions shown underlined; highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting

|                        |  |   |   |   |
|------------------------|--|---|---|---|
|                        | <del>Public buildings and uses, except prisons and jails.</del><br><del>Essential public utility services, except as prohibited.</del><br><del>Private club, enclosed clubhouse and lodges.</del><br><del>Public parks, noncommercial playgrounds and other public recreational facilities.</del><br><del>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</del> | <u>4</u><br><u>Temporary yard sales.</u>  | <del>commercial and broadcasting.</del><br><del>Parking commercial vehicles.</del><br><del>General farming and forestry.</del><br><del>Nightclub/bottle club.</del><br><del>Medical marijuana treatment center dispensing facilities.</del> | <del>trail facilities and other similar uses.</del><br><del>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</del><br><del>Camps.</del><br><del>Outdoor commercial recreation.</del><br><del>Outdoor passive recreation.</del><br><del>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</del> |
| R Multifamily District | <del>Single family dwelling.</del><br><del>Duplex dwelling.</del><br><del>Multifamily dwellings.</del><br><del>Churches and other houses of worship.</del><br><del>Schools.</del><br><del>Dwelling, mobile home.</del><br><del>Public buildings and uses, except prisons and jails.</del>  | <del>Home occupations.</del><br><del>Private boat landings, docks, swimming pools and other similar uses.</del> | <u>All C-1, C-2, C-3 and C-4 uses except as an integral part of a primarily residential PUD.</u><br><del>Mobile homes as accessory use.</del><br><del>Interconnection of</del>  | <del>Shopping centers.</del><br><del>Cemeteries.</del><br><del>Large scale multiple-family developments.</del><br><del>Institutions.</del><br><del>Private club, outdoor recreation including golf courses, hunt clubs, bridle trails, nonvehicular</del>   |

4FFA means Future Farmers of America, and "Projects" means the raising of one animal per student living on the property. The accessory use must terminate when the County Fair ends each year. Neither pigs nor roosters are permitted as accessory uses in the RR-3M district.

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|   |   |   |   |  |
|---|---|---|---|--|
|   | <p>Essential public utility services, except towers, communication and broadcasting.</p> <p>Private club, enclosed clubhouse and lodges.</p> <p>Public parks, noncommercial playgrounds and other public recreational facilities.</p> <p>Parks and recreational areas accessory to residential development including swimming pools and facilities, fitness facilities, tennis and golf course facilities and similar uses.</p> | <p>Other uses customarily accessory to the permitted use.</p> <p>Aquaculture.</p> <p>Temporary yard sales.</p>  | <p>two mobile homes not designed for such use.</p> <p>Parking of commercial vehicles.</p> <p>Towers, communication and broadcasting.</p> <p>Nightclub/bottle club.</p> <p>Medical marijuana treatment center dispensing facilities.</p> | <p>trail facilities and other similar uses.</p> <p>Golf courses, country club equestrian facilities, hunt clubs which may have a clubhouse.</p> <p>Camps.</p> <p>Outdoor commercial recreation.</p> <p>Outdoor passive recreation.</p> <p>On-premises consumption of alcohol in chartered or incorporated private country clubs or lodges.</p>             |
| <p>RMU<br/>Rural Mixed<br/>Use District</p> | <p>Single family dwellings.</p> <p>Sales, service and leasing of farm equipment, implements and supplies.<sup>1,2</sup></p> <p>Sales and service of farm irrigation equipment.<sup>1,2</sup></p> <p>Farm mortgage companies, agriculture insurance offices, farm management companies.</p> <p>Farm product crating, shipping, and packing sheds.<sup>1,2</sup></p> <p>Produce stands.</p>                                       | <p>Single family dwellings, provided such dwelling is not accessory to a private club or lodge, self storage or mini-warehouse, or church or other house of</p> | <p>Any use not listed as a permitted, accessory or special exception use in this district.</p> <p>Automobile sales or service.</p> <p>Medical marijuana treatment center dispensing facilities.</p>                                     | <p>Bulk fertilizer storage, sales and services.<sup>1,2,3</sup></p> <p>Veterinary clinics or offices with kennels or runs.<sup>1,2</sup></p> <p>Horse trailer or farm wagon sales, repair, or manufacturing.<sup>1,2,3</sup></p> <p>Locker or full-service cold storage facilities.<sup>1,2</sup></p> <p>Butcher shops, custom kill and wrap services.</p> |

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|  |  |   |  |   |
|--|--|---|--|---|
|  | <p><del>Fuel oil, gasoline and liquid petroleum retail sales.<sup>1,2</sup></del><br/> <del>Storage warehouses for farm products and supplies.</del><br/> <del>Convenience or grocery stores which may include gasoline, diesel and liquid petroleum gas sales.<sup>1,2,3</sup></del><br/> <del>Blacksmith or farrier shops.<sup>3</sup></del><br/> <del>Construction contractor and sub-contractor yards or offices.<sup>1,2,3</sup></del><br/> <del>Veterinary clinics or offices without kennels or runs.<sup>1,2,3</sup></del><br/> <del>Pharmacies.</del><br/> <del>Florist shops, gift shops, and barber shops.<sup>3</sup></del><br/> <del>Bakeries.</del><br/> <del>Business and professional offices.<sup>3</sup></del><br/> <del>Garden supplies or centers.<sup>1</sup></del><br/> <del>Hardware stores, including building material/supplies centers.<sup>1,2,3</sup></del><br/> <del>Trail shops or camping supply stores.<sup>3</sup></del><br/> <del>Restaurants, cafes, coffee shops or sandwich shops.<sup>3</sup></del><br/> <del>On-premises sales and consumption of alcohol in chartered or incorporated private country clubs or lodges.</del></p> | <p>worship.<br/> Uses customarily accessory to a permitted use in this district.<br/> Sales of produce which is raised on the premises.</p> |  | <p>Nightclubs/bottle clubs.<sup>2</sup><br/> Bars, taverns, or lounges.<sup>2</sup><br/> Heavy equipment storage, sales or service.</p> |
|--|--|---|--|---|

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|  |   |  |  |  |
|--|---|--|--|--|
|  | <del>Self-storage facilities or mini-warehouses.<sup>2</sup></del><br><del>Churches or other houses of worship.</del>                                   |  |  |  |
|  | <del>Bed and breakfast inns.</del><br><del>Self-service laundromats.</del><br><del>Package liquor stores.</del><br><del>Meat markets.<sup>3</sup></del> |  |  |  |

- 1
- 2 ~~<sup>1</sup>For these uses, there shall be the following limitations and requirements: i) There shall be no outside storage of scrap~~
- 3 ~~or used material; ii) Any outside storage of vehicles, equipment or new material shall require screening and buffering~~
- 4 ~~methods so as to make such outside storage compatible with, and complementary to, the adjacent and surrounding land~~
- 5 ~~uses; iii) All outside storage areas shall be paved with paving bricks, concrete, or asphalt; iv) All outside storage areas~~
- 6 ~~shall meet the setbacks required for the RMU district; and v) All parking spaces shall be paved with paving bricks,~~
- 7 ~~concrete, or asphalt.~~
- 8 ~~<sup>2</sup>For these uses, in addition to any other screening and buffering standards contained in this code, all screening and~~
- 9 ~~buffering must be compatible with and complementary to the character of the adjacent and surrounding land uses.~~
- 10 ~~<sup>3</sup>For these uses, structure size is limited to a maximum of 5,000 square feet.~~

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1 **Note to codifier: Secs. 50-677 through 50-685 remain unchanged.**  
2

3 **Sec. 50-686. - Fences.**

4 Fences six feet or less in height are unrestricted. Fences over six feet in height shall be  
5 subject to review and approval or denial by the board of adjustment, unless such fences  
6 are being reviewed and approved or denied through the special exception or conditional  
7 use processes or this code otherwise allows the fence for a particular use to be higher  
8 than six feet.  
9

10 **Sec. 50-687. Reserved. -Docks.**

11 ~~The county has no objection to construction of a private residential single-family dock~~  
12 ~~project not located within an aquatic preserve if it is constructed within the following~~  
13 ~~standards and criteria pursuant to F.A.C. ch. 18-21:~~

14 ~~(1) *Private residential single-family docks.* Private residential single-family docks~~  
15 ~~shall be regulated as follows:~~

16 a. ~~The dock and/or boathouse cannot be used as a revenue generating~~  
17 ~~income-related activity.~~

18 b. ~~The dock and its use cannot create a navigation hazard.~~

19 c. ~~There can be no dredging.~~

20 d. ~~The dock cannot be designed or constructed to accommodate more than two~~  
21 ~~boats.~~

22 e. ~~Nonwater dependent structures or activities cannot be allowed (i.e., gazebos,~~  
23 ~~sun decks and screen houses).~~

24 f. ~~On rivers and canals, the dock cannot extend waterward of the mean or~~  
25 ~~ordinary high water line more than 500 feet or 25 percent of the width of the~~  
26 ~~water body at that particular location, whichever is less.~~

27 g. ~~On any other body of water other than a river or canal as in subsection (1)f of~~  
28 ~~this section, the dock cannot extend out from the shoreline any further than a~~  
29 ~~maximum depth of minus four feet at mean low water.~~

30 h. ~~When the water depth is minus four feet at mean low water adjacent to an~~  
31 ~~existing bulkhead, the dock cannot extend further than 25 feet from the~~  
32 ~~bulkhead, subject to modifications accommodating shoreline vegetation~~  
33 ~~overhang.~~

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made on first reading at the 11-7-2023 BoCC Meeting

1 ~~i. The dock and all associated structures can be no closer than 25 feet from~~  
2 ~~your side riparian property lines.~~

3 ~~j. The main access pier cannot be greater than six feet in width.~~

4 ~~k. The terminal platform/activity area size cannot be more than 200 square feet.~~  
5 ~~If a boathouse is constructed, the total activity area (includes the terminal~~  
6 ~~platform, catwalks and boathouse) cannot exceed a total of 300 square feet and~~  
7 ~~the boathouse cannot have enclosed side walls.~~

8 ~~l. If a proposed dock will exceed 500 square feet over wetlands, or 1,000~~  
9 ~~square feet over nonoutstanding state waters or submerged lands, a state~~  
10 ~~department of environmental protection permit is required pursuant to F.A.C.~~  
11 ~~ch. 17-312.050, in which instance preceding subsections (1)f—(1)j of this~~  
12 ~~section will not apply.~~

13 ~~(2) Riprap. Riprap shall be regulated as follows:~~

14 ~~a. Must be located at or within ten feet of mean high water;~~

15 ~~b. Can be no greater than two to one slope; and~~

16 ~~c. Can only be placed on nonvegetated shorelines, i.e., no wetlands such as~~  
17 ~~mangroves, marshes or river swamps.~~

18 ~~(3) Seawalls or bulkhead replacement. Seawalls or bulkhead replacement shall be~~  
19 ~~regulated as follows:~~

20 ~~a. Must be located on a sandy beach which requires a permit from the state;~~

21 ~~b. Must be located at or within one foot of mean high water;~~

22 ~~c. Any fill associated with a seawall or bulkhead replacement must be at or~~  
23 ~~within one foot of mean high water;~~

24 ~~d. Can only be located on nonvegetated shorelines, i.e., no wetlands such as~~  
25 ~~mangroves, marshes or river swamps;~~

26 ~~e. Can be no greater than a maximum of 100 linear feet in length, or less;~~

27 ~~f. There can be no dredging; and~~

28 ~~g. If dimensions exceed these standards, a joint permit application and~~  
29 ~~approval will be required from the state department of environmental protection and~~  
30 ~~corps of engineers. Application forms are available from the development department.~~

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1  
2 **Sec. 50-688. Reserved. -- Recreational vehicle standards.**

3 (a) ~~In all residential zoning districts, and in all subdivisions within nonresidential zoning~~  
4 ~~districts, major recreational vehicles shall conform to the following standards:~~

5 ~~(1) No major recreational vehicle shall be used for living, sleeping or~~  
6 ~~housekeeping purposes on the premises, except that one major~~  
7 ~~recreational vehicle shall be allowed for occasional living purposes to~~  
8 ~~accommodate visitors for a period of no longer than 14 days interval, except~~  
9 ~~as provided in subsection (a)(2) of this section.~~

10 ~~(2) The zoning officer may grant a temporary permit for up to 90 days in cases~~  
11 ~~which include, but are not limited to, living on-site while a home is being~~  
12 ~~constructed or a replacement mobile home set up.~~

13 ~~(3) Storage on public streets, roads or rights-of-way, side yards or front yards~~  
14 ~~is prohibited.~~

15 ~~(4) No more than two such vehicles shall be stored on any lot.~~

16  
17 (b) ~~Within the required side yard and/or rear yard setback areas, the storing and~~  
18 ~~parking of the following recreational vehicles is permitted:~~

19 ~~(1) Travel trailers of less than 35 feet in length.~~

20 ~~(2) "Pop-up" campers in a collapsed position.~~

21 ~~(3) Pickup truck campers of 32 feet or less in length.~~

22 ~~(4) Boats (watercraft), either mounted on a trailer or unmounted, of 35 feet or~~  
23 ~~less in length and not to exceed 12 feet in height.~~

24 ~~(5) Boat trailers without boats.~~

25 ~~(6) Motor homes of 35 feet or less in length.~~

26 (c) ~~All recreational vehicles, exclusive of major recreational vehicles, shall be stored~~  
27 ~~in a safe and secure manner. All such recreational vehicles must be supported to~~  
28 ~~retard tipping or rolling. Tie downs, tarpaulins and ropes must be secured from~~  
29 ~~rattling and flopping in windy weather.~~

30  
31 **Note to codifier: Secs. 50-689 through 50-694 remain unchanged, and Secs. 50-695**  
32 **through 50-699 remain Reserved.**

33  
34 **SECTION 10.** Chapter 50, Article XIII, Division 3, Subdivision 2. titled "Requirements for  
35 Specific Uses" is deleted in its entirety as follows:

36  
37 **Subdivision 2. Requirements for Specific Uses**

Note: deletions shown stricken, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

1  
2 **Sec. 50-710. — Generally.**  
3

4 ~~(a) Any of the specific uses contained in this subdivision II shall be permitted only upon~~  
5 ~~meeting the specific requirements set forth herein for the applicable use. Unless~~  
6 ~~the context otherwise indicates, the requirements for each specific use in this~~  
7 ~~subdivision shall apply whether the use is listed as a permitted use, accessory use,~~  
8 ~~or special exception use in Schedule I. Use Regulations, of section 50-676 hereof.~~  
9 ~~The requirements for each specific use in this subdivision are also in addition to~~  
10 ~~any other requirements, criteria, standards, and conditions that may apply to the~~  
11 ~~specific use.~~

12 ~~(b) In the event the development department director or the board of county~~  
13 ~~commissioners determines that submittal and review of a site plan prepared in~~  
14 ~~accordance with section 50-775 will be required prior to permitting one of the~~  
15 ~~specific uses contained in this subdivision, and a site plan is not specifically~~  
16 ~~required by the regulations in this subdivision governing such use, the~~  
17 ~~development department director or board of county commissioners may still~~  
18 ~~require submittal and conduct a review of such site plan prior to permitting such~~  
19 ~~use.~~

20 **Sec. 50-711. Airports.**

21 ~~(a) Definition. As used in this section, the term "airstrip" means any unpaved runway.~~  
22 ~~Classes I, II, III and IV shall be defined by the state department of transportation.~~

23 ~~(b) New or enlarged airports. In addition to all other items required by the pertinent~~  
24 ~~sections of these regulations, application for enlarging or changing existing airfields or~~  
25 ~~to permit a new airfield shall be accompanied by:~~

26 ~~(1) Proof of compliance with all county, state and federal laws, regulations and~~  
27 ~~requirements.~~

28 ~~(2) Complete site plans for all airport facilities including approach zones, horizontal~~  
29 ~~zones and conical zones.~~

30 ~~(3) A fee in the amount required to reimburse the county for all costs of installing and~~  
31 ~~maintaining warning lights or markers upon any existing tree or structure outside the~~  
32 ~~property of the applicant and which extends into any approach zone, horizontal zone or~~  
33 ~~conical zone.~~

34 ~~(4) A list of all trees or structures which extend into any approach zone, horizontal zone~~  
35 ~~or conical zone and the dimension of such tree or structure.~~

36 ~~(c) Clear space. In order to reduce danger from low flying planes approaching and~~

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1 taking off from an airfield, the end of a runway shall not be closer than the applicable  
2 distance as set out in this section and as measured within the area drawn by the means  
3 provided in this subsection:

4 ~~(1) Seven hundred fifty feet for airstrip.~~

5 ~~(2) One thousand feet for class I airfields.~~

6 ~~(3) Two thousand feet for class II or class III airfields.~~

7 ~~(4) Two thousand five hundred feet for class IV airfields.~~

8 ~~(5) The distance shall be measured from the end of each runway by extending a line  
9 perpendicular to the centerline of such runway 1½ times the width of the runway in each  
10 direction from the centerline and taking the points from each end of such line so drawn.  
11 Thence extending a line from each of such points away from the centerline at an angle  
12 of seven degrees on each side for the distance as required in this subsection; an arc  
13 shall then be drawn connecting the point at the far end of each seven degree angle line  
14 using the end of the centerline of the runway as the center point for such arc.~~

15 ~~(6) The area outlined by the means prescribed in this subsection shall be reserved as a  
16 clear space and no use permitted thereon, except that private airfields in an A-zone may  
17 be used for agricultural purposes when not being used for the landing or taking off of  
18 planes other than those belonging to the owner of the field.~~

19 ~~(7) No runway or airstrip shall be closer than 250 feet to the airfield boundary.~~

20 ~~(d) Runways. All runways shall be hard surfaced and shall conform in length and width  
21 to the Federal Aviation Agency's minimum standards.~~

22 ~~(e) Aprons and ramps. Aprons and ramps shall be perpendicular to runways and  
23 taxiways.~~

24 ~~(f) Construction within the airfield. Structures within the airfield shall be constructed of  
25 material which will provide not less than two hour fire resistant construction according to  
26 the standards established by the American Society of Testing Materials or the  
27 requirements of the National Board of Fire Underwriters.~~

28 ~~(g) Height limitations near airports.~~

29 ~~(1) No existing use, structure or tree may be extended, expanded, or enlarged so as to  
30 encroach into any portion of the approach zones, horizontal zones or conical zones, nor  
31 shall any existing use, structure or tree be permitted to encroach into any of such zones.~~

32 ~~(2) Any use, structure or tree existing at the date of the adoption of these regulations~~

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1 and which extends into any approach zone, horizontal zone or conical zone of an  
2 existing airport shall be considered nonconforming and may not further encroach into  
3 any of such zones.

4 ~~(3) Where any use, structure or tree which shall be in existence on the date on which a~~  
5 ~~proposed airport shall be approved as a special exception by the board of county~~  
6 ~~commissioners and where such use, structure or tree extends into the approach zones,~~  
7 ~~horizontal zones or conical zones of such an airport, such use, structure or tree shall be~~  
8 ~~considered nonconforming as of the date specified in this subsection and shall be in no~~  
9 ~~way expanded to further encroach into such zones.~~

10 ~~(4) The transitional (side) zone of any airport maybe altered in order to comply with~~  
11 ~~Federal Emergency Management Agency requirements for flood elevation of manmade~~  
12 ~~structures; provided, however, that such structures shall be located at the maximum~~  
13 ~~perpendicular distance away from the runway as determined by limiting geographical~~  
14 ~~features of by previous platting.~~

15 ~~(h) Airport hazards. It is hereby found that an airport hazard endangers the lives and~~  
16 ~~property of users of the airport and of occupants of land in its vicinity and also, if of the~~  
17 ~~obstruction type, in effect reduces the size of the area available for the landing, taking~~  
18 ~~off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport~~  
19 ~~and the public investment therein. Accordingly, it is hereby declared that:~~

20 ~~(1) The creation or establishment of an airport hazard is a public nuisance and an injury~~  
21 ~~to the community served by the airport in question;~~

22 ~~(2) It is therefore necessary in the interest of the public health, public safety and general~~  
23 ~~welfare that the creation of establishment of airport hazards be prevented; and~~

24 ~~(3) This should be accomplished, to the extent legally possible, by the exercise of the~~  
25 ~~police power, without compensation.~~

26 ~~(i) Other hazards.~~

27 ~~(1) Uses within two miles of any airfield runway shall conform to the performance~~  
28 ~~standards established in this section.~~

29 ~~(2) No electrical use or operation shall be permitted that interferes with instrument~~  
30 ~~control or landing operation of planes or of radar, radio or ground control approach~~  
31 ~~systems for such airport.~~

32 **~~Sec. 50-712. Accessory dwelling units.~~**

33 ~~In all zoning districts that allow residential use, a single accessory dwelling unit is~~

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1 allowed as an accessory use to a principal single family dwelling or a principal mobile  
2 home dwelling (referred to in this section as the “principal dwelling”), without being  
3 included in density calculations, subject to all of the following requirements:

4 (a) ~~Location.~~ An accessory dwelling unit may be attached or detached from the  
5 principal dwelling.

6 (b) ~~Type.~~ An accessory dwelling unit may be a single family dwelling or a mobile  
7 home dwelling.

8 (c) ~~Access.~~ An accessory dwelling unit and any off-street parking spaces must be  
9 served by the same driveway/driveway connection as the principal dwelling.

10 (d) ~~Standards.~~ An accessory dwelling unit must comply with all standards  
11 applicable within the zoning district, including required setbacks and building  
12 height limits.

13 (e) ~~Owner occupancy required.~~ Property owner residency in either the principal  
14 dwelling or the accessory dwelling unit is required for permitting and continued  
15 use of an accessory dwelling unit.

16 (1) ~~Existing principal dwelling.~~ Prior to the issuance of a building permit for the  
17 construction of an accessory dwelling unit on a lot with an existing  
18 principal dwelling, the owner/applicant must submit a signed affidavit (in  
19 the recordable form provided by the county) along with proof of homestead  
20 exemption for the principal dwelling; or

21 (2) ~~New principal dwelling and new accessory dwelling unit.~~ Prior to the  
22 issuance of building permits for a new principal dwelling and an accessory  
23 dwelling unit that are being applied for at or near the same time, the  
24 owner/applicant must submit a signed affidavit (in the recordable form  
25 provided by the county) affirming that the property owner will permanently  
26 reside and obtain/maintain homestead exemption on the lot.

27 (f) ~~Building size.~~ The floor area of the accessory dwelling unit is limited to a  
28 maximum of fifty (50) percent of the floor area of the principal dwelling or one  
29 thousand two hundred (1,200) square feet, whichever is greater.

30 (g) ~~Water and wastewater services.~~ An accessory dwelling unit must be connected  
31 to: (1) the central water and central sewer system that serves the principal  
32 dwelling; or (2) where central water and central sewer service is not available,  
33 a shared well and septic with the principal dwelling and/or its own well and  
34 septic, provided all applicable requirements of the Florida Department of  
35 Health are met.

36 (h) ~~No conveyance.~~ Ownership of an accessory dwelling unit may not be

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1 transferred or conveyed and must remain under unified ownership with the  
2 principal dwelling.

3 (i) ~~Minimum lot size.~~ An accessory dwelling unit is allowed on a lot as small as  
4 one (1) acre, provided the total estimated daily flow for the principal and  
5 accessory dwelling units combined does not exceed the maximum flow limits  
6 established by the Florida Department of Health.

7 **~~Sec. 50-713. Communication and broadcasting towers.~~**

8 The following provisions apply to all communication and broadcasting towers,  
9 regardless of height:

10 (1) ~~The base of a tower shall be located at a distance from all property boundaries equal~~  
11 ~~to at least the total height of the tower.~~

12 (2) ~~Certification shall be provided by the owner or operator that no communication~~  
13 ~~emissions, broadcast emissions, or emissions associated with accessory equipment,~~  
14 ~~will interfere with the reception of or transmission by adjacent landowners.~~

15 (3) ~~Federal Aviation Administration approval, or waiver of authority to regulate, shall be~~  
16 ~~required for any tower.~~

17 (4) ~~Federal Communications Commission approval, or waiver of authority to regulate,~~  
18 ~~shall be required for any tower.~~

19 (5) ~~A tower shall comply with the provisions of article III, division 2 of this chapter.~~

20 **~~Sec. 50-714. Cemeteries.~~**

21 The following provisions apply to cemeteries:

22 (1) ~~Documentation shall be provided that any proposed public cemetery meets or~~  
23 ~~exceeds minimum state standards, including licensing.~~

24 (2) ~~A site plan shall be submitted as provided in section 50-775 for any private~~  
25 ~~cemetery. A survey showing the proposed plots shall be submitted for any public~~  
26 ~~cemetery.~~

27 (3) ~~All proposed cemeteries shall provide:~~  
28 ~~a. Off-street parking for a minimum of 20 spaces.~~  
29 ~~b. Perimeter screening or buffering.~~  
30 ~~c. A guarantee of perpetual maintenance.~~  
31 ~~d. Access control in the form of fences, gates, etc.~~

32 **~~Sec. 50-715. Electric generating facilities.~~**

Note: deletions shown stricken, additions shown underlined; highlighted revisions were  
made on first reading at the 11-7-2023 BoCC Meeting



- 1 ~~(a) — Definition. As used in this section, the term "electric generating facilities" means~~  
2 ~~any project subject to the Florida Electrical Power Plant Siting Act, F.S. §§ 403.501~~  
3 ~~through 403.518.~~
- 4 ~~(b) — No construction or expansion of any electric generating facilities shall be~~  
5 ~~permitted without first obtaining the approval of a special exception in accordance with~~  
6 ~~the provisions of this section.~~
- 7 ~~(c) — Minimum criteria, standards and conditions. In addition to any criteria, standards,~~  
8 ~~conditions, and requirements contained elsewhere in this division 5 of article XIII of this~~  
9 ~~chapter 50, an application for a special exception for electric generating facilities shall~~  
10 ~~meet the following criteria, standards, conditions, and requirements:~~
- 11 ~~(1) — The proposed electric generating facilities comply with all the required~~  
12 ~~regulations and standards of this chapter, including provisions of division 5, article XIII~~  
13 ~~and of this section specifically, and all other applicable regulations.~~
- 14 ~~(2) — The proposed electric generating facilities are serviced by roads of adequate~~  
15 ~~capacity to accommodate the traffic volume and load impacts and not adversely impact~~  
16 ~~surrounding uses; or the applicant enters into an agreement with the county to make the~~  
17 ~~necessary improvements to the impacted roads.~~
- 18 ~~(3) — The minimum tract size for electric generating facilities shall be 2,500 acres.~~
- 19 ~~(4) — The maximum lot coverage for electric generating facilities shall be reviewed and~~  
20 ~~approved by the board of county commissioners but impervious surface generally shall~~  
21 ~~not exceed a maximum of 20 percent.~~
- 22 ~~(5) — The height of any structure proposed with electric generating facilities shall be~~  
23 ~~reviewed and approved by the board of county commissioners, but generally shall not~~  
24 ~~exceed a maximum height of 300 feet.~~
- 25 ~~(6) — Notwithstanding any other provisions of this Code, the electric generating~~  
26 ~~facilities' operational area (power islands) shall be surrounded by security fencing as~~  
27 ~~required by state or federal agencies for security purposes.~~
- 28 ~~(7) — Screening and buffering of electric generating facilities shall be of such type,~~  
29 ~~dimension and character to improve compatibility of the proposed electric generating~~  
30 ~~facilities with land uses and structures of adjacent or nearby properties.~~
- 31 ~~(8) — The electric generating facilities are consistent with the comprehensive plan and~~  
32 ~~conform with the general plans of the county as embodied in the comprehensive plan.~~
- 33 ~~(9) — Potential impacts from water use to springs, rivers, tributaries, or water quality~~  
34 ~~shall be addressed in the Power Plant Site Certification Process under F.S. ch. 403.~~

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1 ~~(10) The proposed electric generating facilities shall not result in such noise, odor,~~  
2 ~~dust, vibration, off-site glare, substantial traffic or degradation of road infrastructure so~~  
3 ~~as to adversely impact surrounding development or cause hazardous traffic conditions.~~

4 ~~(11) For an application where the subject property is located in or contains~~  
5 ~~environmentally sensitive areas as designated by the land development regulations or~~  
6 ~~the comprehensive plan, the applicant shall provide a permit or letter of exemption from~~  
7 ~~the appropriate State of Florida Water Management District and the Florida Department~~  
8 ~~of Environmental Protection and any other permitting agency with competent jurisdiction~~  
9 ~~prior to the issuance of the local final construction approval document.~~

10 ~~(12) The proposed electric generating facilities shall not be detrimental to the area~~  
11 ~~residents or businesses, or the public health, safety or welfare of the community as a~~  
12 ~~whole.~~

13 ~~(d) Specific criteria, standards, conditions and requirements for special exceptions~~  
14 ~~for electric generating facilities. In order to meet the criteria, standards, conditions, and~~  
15 ~~requirements for approval of an application for electric generating facilities special~~  
16 ~~exception, in addition to the minimum criteria, standards, and conditions provided~~  
17 ~~above, the following provisions shall apply:~~

18 ~~(1) Prohibited areas for generating structures or equipment. The following are areas~~  
19 ~~where generating structures or equipment shall be prohibited (distances are measured~~  
20 ~~from the structure or equipment). The term "generating structures or equipment"~~  
21 ~~includes installations directly involved in generating electricity, such as reactors, boilers,~~  
22 ~~turbines, cooling towers and similar facilities.~~

23 ~~a. Within one mile of pre-existing schools and hospitals; within one-quarter mile of~~  
24 ~~pre-existing county, state or federal parks; or within 660 feet if buffering methods are~~  
25 ~~approved by the board of county commissioners in accordance with the buffering~~  
26 ~~standards in subsection (2) below.~~

27 ~~b. Within one mile of a pre-existing platted and recorded subdivision with lot sizes of~~  
28 ~~five acres or less that include constructed streets and developed parcels; or within~~  
29 ~~1,320 feet if buffering methods are approved by the board of county commissioners in~~  
30 ~~accordance with the buffering standards in subsection (2) below.~~

31 ~~(2) Buffering standards. When required by the board of county commissioners for~~  
32 ~~any generating structures or equipment, the following buffer standards shall apply:~~

33 ~~a. Length. The buffer shall be of sufficient length so as to shield generating~~  
34 ~~structures or equipment from incompatible land uses when viewed from the property~~  
35 ~~line.~~

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- 1 b. ~~Depth. A minimum of 100 feet measured perpendicularly from the property line.~~
- 2 c. ~~Opacity. The buffer shall shield adjoining properties when viewed from the~~  
3 ~~property line. The buffer must shield the operation at the time electric generation begins.~~  
4 ~~Shielding shall meet an 80 percent opacity standard. Cooling towers and other similar~~  
5 ~~items that cannot functionally exist below the buffer need not be shielded. The clearing~~  
6 ~~and stripping of vegetation from the property where an electric generating facilities~~  
7 ~~special exception approval has been obtained shall not require the pre-establishment of~~  
8 ~~a buffer.~~
- 9 d. ~~Makeup. The buffer shall consist of a vegetated screen, augmented by a berm, if~~  
10 ~~required, to obtain opacity. The following conditions apply to the vegetated screening:~~
- 11 i) ~~A 100-foot wide vegetative screen is standard, except where a berm is~~  
12 ~~necessary. Where a berm is necessary, the outer 50 feet of the buffer must consist of~~  
13 ~~the vegetative screen.~~
- 14 ii) ~~Existing trees located within the vegetative screen area must remain unless not~~  
15 ~~native to the area.~~
- 16 iii) ~~If sufficient vegetation does not exist, the vegetative screen area shall be planted~~  
17 ~~primarily with evergreen or other non-deciduous trees native to the area and compatible~~  
18 ~~with the area soils.~~
- 19 iv) ~~The vegetative screen shall be a minimum of 10 feet in height at maturity.~~
- 20 v) ~~An access road for agricultural or other low impact uses may be integrated into~~  
21 ~~the buffer.~~
- 22 e. ~~Berms. The following are requirements for berms where utilized to augment~~  
23 ~~vegetative buffers:~~
- 24 i) ~~The berm shall generally run parallel to, and no closer than 50 feet from the~~  
25 ~~property line. The above two standards may be modified where there are impeding~~  
26 ~~physical features, such as wetlands or other such features.~~
- 27 ii) ~~The berm shall be built to the height necessary (not to exceed ten feet above the~~  
28 ~~natural surface of the ground) to shield generating structures or equipment from the~~  
29 ~~property line (excluding cooling towers and other similar items that cannot functionally~~  
30 ~~exist below the buffer) so that it cannot be viewed through the buffer from adjoining~~  
31 ~~properties when viewed from the property line. The berm shall generally be of uniform~~  
32 ~~height for its length, but may undulate at varying heights at or below the ten-foot~~  
33 ~~maximum set herein, while still providing the shielding from view of adjoining properties~~  
34 ~~from the property line.~~

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1 ~~iii) — The berm must be stabilized with the planting of vegetation. Sloping~~  
2 ~~requirements to the exterior face of the berm shall not exceed 1:2, vertical to horizontal.~~

3 ~~iv) — Adequate stormwater control shall be provided to protect the adjacent properties~~  
4 ~~from additional runoff caused by the earthen berm.~~

5 ~~(3) — Access requirements. All electric generating facilities shall comply with the~~  
6 ~~following access requirements:~~

7 ~~a. — Electric generating facilities shall be located only within an area that has direct~~  
8 ~~access to a major collector or arterial road.~~

9 ~~b. — Access and truck routes to the site through streets in platted recorded and~~  
10 ~~unrecorded residential subdivisions are prohibited.~~

11 ~~c. — The applicant or owner shall, at their expense, install turn lanes, median cuts~~  
12 ~~overpasses and/or traffic control devices deemed necessary (i) for state highways, by~~  
13 ~~the Florida Department of Transportation, based on standard warrant procedures used~~  
14 ~~by DOT to determine the need for such improvements; (ii) for county roads, by Levy~~  
15 ~~County, based on the DOT publication entitled "Design Standards for Design,~~  
16 ~~Construction and Maintenance and Utilities Operations on the State Highway System"~~  
17 ~~and the ITE Manual 7th Edition. The cost of any required road improvements shall be~~  
18 ~~credited against corresponding county impact fees under chapter 47 of this Code.~~

19 ~~(4) — Setback requirements. All electric generating facilities' operational area shall~~  
20 ~~meet the following setback requirements:~~

21 ~~a. — No use or structure shall be within 100 feet of any property boundary or public~~  
22 ~~road right-of-way boundary.~~

23 ~~b. — No use or structure shall be closer than 330 feet to a pre-existing adjoining~~  
24 ~~residentially developed lot, regardless of the location of the residence on the lot or~~  
25 ~~parcel.~~

26 ~~Exceptions to 4a. and 4b. above: Security fences, berms, guard houses, transmission~~  
27 ~~lines, access roads, rail lines, water pipelines and conveyances, water wells, monitoring~~  
28 ~~wells and similar accessory uses that do not produce excessive light, noise, dust or~~  
29 ~~odor.~~

30 ~~(5) — Electric generating facilities impact assessment report. All applications for~~  
31 ~~proposed electric generating facilities shall present an electric generating facilities'~~  
32 ~~impact assessment report prepared by a professional environmental consulting,~~  
33 ~~planning, geology or engineering firm addressing subsections a. through c. below. The~~  
34 ~~assessment report shall identify impacts to reflect all individual and cumulative impacts~~

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1 resulting from construction and development, including any phasing of the proposed  
2 electric generating facilities' operations or activities.

3 The electric generating facilities' impact assessment report shall address the following  
4 issues:

5 a.——Compatibility. This portion of the report shall address the impact of electric  
6 generating activities, (if applicable), vibration, noise and sound, generated from the  
7 project site and transmitted to the surrounding area; the surrounding character of the  
8 area and development in proximity to the proposed facilities (i.e., residential and non-  
9 residential structures and accessory uses) and environmental, cultural and historical  
10 resources. The applicant for the special exception shall identify design and buffering  
11 improvements proposed to mitigate impacts to the surrounding area identified in the  
12 report and ensure protection of identified environmental, cultural and historical  
13 resources.

14 b.——Transportation system. This portion of the report shall include the anticipated  
15 impact on the roads serving the proposed facilities. This is to be assessed in a  
16 submitted traffic analysis that identifies existing and projected level of service, projected  
17 trip generation, structural stability of the county roads impacted and distribution of traffic.  
18 The traffic analysis shall take into consideration peak-hour traffic generated at shift  
19 changes, and shall base the analysis on build-out projections for phased projects. The  
20 applicant for the special exception shall identify all improvements proposed to mitigate  
21 impacts to the transportation network and impacted roadways.

22 c.——Water pumping activities. Any electric generating facilities that include water-  
23 pumping activities shall not adversely impact water quality, run-off to adjacent  
24 properties, or existing legal uses as regulated by the appropriate water management  
25 district. The applicant shall provide water use approval under the Power Plant Siting Act  
26 in F.S. ch. 403, prior to the issuance of the final construction approval document for the  
27 facilities.

28 (6)——Documentation/application. In addition to meeting all application and notice  
29 requirements for special exceptions provided in division 5 of article XIII; an application  
30 for a special exception for electric generating facilities shall contain all reports,  
31 documentation and map illustrations showing that the application complies with all of the  
32 requirements contained in this section.

33 (7)——Application fee. The fee for an application for a special exception for electric  
34 generating facilities shall be set out in the fee schedule approved by the board of county  
35 commissioners and maintained by the county development department. The application  
36 fee is non-refundable, whether the application is ultimately approved or denied.

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1 ~~(8) — Public notice requirement. In addition to any other notice requirements for a~~  
2 ~~special exception contained within division 5 of article XIII, the extent of the notice~~  
3 ~~required to be provided to surrounding property owners for an application for a special~~  
4 ~~exception for electric generating facilities shall be extended from 300 feet to 2,500 feet.~~  
5 ~~The additional cost incurred by providing notice beyond 300 feet shall be calculated and~~  
6 ~~paid for by the applicant prior to the public hearing on the special exception to be held~~  
7 ~~before the planning commission.~~

8 ~~(9) — Transfer of special exception. Notwithstanding any other provision in this section~~  
9 ~~to the contrary, a special exception approval for electric generating facilities shall be~~  
10 ~~issued only in the name of the applicant and may be transferred only when the interest~~  
11 ~~of the applicant in the lands that are the subject of the special exception are transferred.~~  
12 ~~Prior to such transfer, the applicant and the prospective transferee must apply to, and~~  
13 ~~receive approval from, the board of county commissioners for an amendment to the~~  
14 ~~special exception application submitted to the county development department. All~~  
15 ~~financial liability and permit filing obligations shall be transferred at the time the interest~~  
16 ~~in said lands is conducted.~~

17 ~~(10) — Noncompliance. Upon a finding of noncompliance with this section, or any~~  
18 ~~special exception condition for electric generating facilities, or any approved site plan for~~  
19 ~~the electric generating facilities, the building official shall notify the applicant or operator~~  
20 ~~of the electric generating facilities in writing of noncompliance. The applicant or operator~~  
21 ~~shall have 30 days to respond. Failure to respond shall be grounds for any action at law~~  
22 ~~or in equity to enforce the provisions of the special exception or of this Code.~~

23 ~~a. — Appeal. Any appeal of a noncompliance finding issued in accordance with this~~  
24 ~~subsection shall be submitted to the county development department and the office of~~  
25 ~~the board of county commissioners within 15 days of the date of such noncompliance~~  
26 ~~finding. Such appeal shall be heard by the board of county commissioners at a noticed~~  
27 ~~public hearing. The board of county commissioners shall consider any action at law or in~~  
28 ~~equity to enforce the provisions of the special exception or of this Code. No appeal filed~~  
29 ~~later than 15 days after the date of such notice shall be acted upon by the board of~~  
30 ~~county commissioners.~~

31  
32 **~~Sec. 50-716. Commercial boat landings, sport fisheries and marinas.~~**

33  
34 ~~The following provisions apply to commercial boat landings, sport fisheries and marinas:~~

35 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

36 ~~(2) — No such facility shall be located contiguous to any existing public recreation facility.~~

37 ~~(3) — The proposed locations for fuel storage tanks shall be approved by the state~~  
38 ~~department of environmental protection prior to submittal to the board of county~~

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- 1 commissioners.
- 2 ~~(4) — Pump-out facilities shall be provided for sewage holding tanks. All such facilities~~  
3 ~~shall be approved by the county health department.~~
- 4 ~~(5) — The developer shall provide certification that no vessels shall be permitted to dock~~  
5 ~~with live-aboard persons; except, however, that commercial vessels may have one crew~~  
6 ~~member aboard at all times for security purposes as a permitted and essential accessory~~  
7 ~~use.~~
- 8 ~~(6) — The waterfront shall be treated as the rear yard for administrative purposes. The~~  
9 ~~building setback for the rear yard is zero feet.~~
- 10 ~~(7) — Lot coverage for all such facilities shall be limited to 75 percent.~~
- 11 ~~(8) — Pleasure facilities shall be located in areas where maximum physical advantages~~  
12 ~~exist and where least dredging and filling will be required. All applicants for new or~~  
13 ~~expanded marinas and commercial or sport fishery facilities shall document provisions~~  
14 ~~for manatee protection as specified in Regional Policies 10.2.1.1 and 10.2.2.2.~~
- 15 ~~(9) — Extended facility construction shall avoid destruction of marsh areas, shellfish beds~~  
16 ~~and submerged grasses.~~
- 17 ~~(10) — New marinas shall not be allowed in nor immediately adjacent to the following~~  
18 ~~sensitive areas:~~
- 19 ~~— Aquatic preserves.~~
- 20 ~~— Class II waters approved by the state department of environmental protection for~~  
21 ~~shellfish harvesting.~~
- 22 ~~— Outstanding Florida Waters.~~
- 23 ~~— Marine sanctuaries.~~
- 24 ~~— Estuarine sanctuaries.~~
- 25 ~~— Areas of essential manatee habitat, as determined by the state department of~~  
26 ~~environmental protection.~~
- 27 ~~(11) — Marinas must have sufficient upland for all non-water dependent uses, such as,~~  
28 ~~but not limited to, parking areas and restaurants. Dredging and filling of wetlands or open~~  
29 ~~water in order to accommodate uses which are not water dependent shall not be allowed.~~  
30 ~~Exceptions may be granted in cases shown to be overwhelmingly in the public interest,~~  
31 ~~such as the presence of sensitive upland natural systems.~~
- 32 ~~(12) — Marina facilities shall be located where maximum physical advantage for flushing~~  
33 ~~and circulation exists, where the least dredging and maintenance are required and where~~  
34 ~~marine and estuarine resources will not be significantly affected by dredging, filling, or~~  
35 ~~secondary impacts of the project.~~
- 36 ~~(13) — Cumulative effects of several marinas and/or boat ramps in one area shall be~~

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1 considered in the review of proposed marina projects.

2 ~~(14) — All new and expanded marinas must provide adequate capacity to handle sewage,~~  
3 ~~either by means of on-site pump-out and treatment facilities or connection to a treatment~~  
4 ~~plant. Applicants shall document the availability and capacity of such sewage facilities to~~  
5 ~~handle the anticipated volume of wastes. All marinas with fueling facilities shall provide~~  
6 ~~pump-out facilities of each fuel dock. Marinas which serve live-aboards or overnight~~  
7 ~~transient traffic shall provide direct connections to municipal sewage collection systems~~  
8 ~~at every live-aboard and transient slip.~~

9 ~~(15) — All applicants shall provide documentation of their capability to respond as rapidly~~  
10 ~~and effectively as possible to contain any spills of petroleum or other hazardous materials.~~  
11 ~~Documentation shall be in the form of a spill contingency plan which includes a list of~~  
12 ~~cleanup equipment and where it will be stored, fuel pump operation and emergency~~  
13 ~~shutdown procedures, spill containment and removal procedures, and a description of the~~  
14 ~~training which will be provided to marina personnel who will operate the pumps and deploy~~  
15 ~~cleanup equipment.~~

16 ~~(16) — All new and expanded marinas shall provide a demonstration of compliance with~~  
17 ~~state water quality standards by maintaining a water quality monitoring program approved~~  
18 ~~by the state department of environmental protection.~~

19 ~~(17) — New marinas shall be located only in areas having adequate depths of ingress and~~  
20 ~~egress with no dredging of productive submerged (vegetated or unvegetated) areas. A~~  
21 ~~minimum water depth of four feet mean low water shall be required. Greater depth shall~~  
22 ~~be required for those facilities designated for or capable of accommodating boats having~~  
23 ~~greater than a three-foot draft. These depth requirements shall apply to the area between~~  
24 ~~the proposed facility and any natural or other navigation channel, inlet, or deep water.~~  
25 ~~Where necessary, marking of navigational channels may be required.~~

26 ~~(18) — Grassbeds and other submerged habitat deemed valuable by state department of~~  
27 ~~environmental protection will be subject to protection regardless of their size.~~

28 ~~(19) — In reviewing applications for new or expanded docking facilities, ways to improve,~~  
29 ~~mitigate or restore adverse environmental impacts caused by previous activities shall be~~  
30 ~~explored. This may include shallowing dredge areas, restoring wetland or submerged~~  
31 ~~vegetation, or marring navigational channels. Such mitigation or restoration may be~~  
32 ~~required as a condition of approval for new, renewed or expanded facilities.~~

33 ~~(20) — Immediate access (ingress and egress) points shall be delineated by channel~~  
34 ~~marks, indicating speed limits, manatee area warnings and other applicable regulations.~~

35 ~~(21) — All new and expanded marinas must provide treatment of stormwater runoff from~~  
36 ~~upland areas to the extent necessary to ensure that state water quality standards are met~~

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1 at the point of discharge to waters of the state. In addition, all requirements of the water  
2 management districts and state department of environmental protection shall be met.

3 ~~(22) Boat maintenance activities in new or expanded marina sites shall be located as  
4 far as possible from open water bodies in order to reduce contamination of water bodies  
5 by toxic substances common to boat maintenance. Runoff from boat maintenance  
6 activities must be collected and treated prior to discharge.~~

7 ~~(23) Open wet slips shall be preferred to covered wet slips in marina design to reduce  
8 shading of water bodies which results in lowered biological productivity.~~

9 ~~(24) Marina design shall incorporate natural wetland vegetative buffers whenever  
10 possible near the docking area and in ingress/egress areas for erosion and sediment  
11 control, runoff purification and habitat purposes.~~

12 ~~(25) New marina facilities shall be designed to maximize the water quality benefits of  
13 existing water circulation and shall not adversely affect existing circulation patterns.  
14 Improvement of circulation shall be a preferred consideration when expanding or  
15 upgrading existing facilities. However, any buffer zone established by state department  
16 of environmental protection's shellfish environmental assessment section shall be  
17 maintained.~~

18 ~~(26) Marinas shall not be permitted in areas which have been determined by state  
19 department of environmental protection and U.S.F.W.S. to be critical to the survival of the  
20 endangered manatee. These areas can include, but are not limited to, manatee  
21 sanctuaries, feeding areas or areas which have been identified in state department of  
22 environmental protection or U.S.F.W.S. manatee recovery plans.~~

23 ~~(27) The West Indian manatee shall be afforded protection from boating activities which  
24 may have an adverse impact upon the species. In the implementation of this policy marina  
25 operators shall undertake the following manatee protection measures in areas where  
26 manatees are known to occur:~~

27 a. ~~Implement and maintain a manatee public awareness program, in consultation with  
28 the state department of environmental protection, which will include the posting of signs  
29 to advise boat users that manatees are an endangered species which frequent the waters  
30 of the regions' estuaries and lagoons and the provision of manatee literature at a  
31 conspicuous location;~~

32 b. ~~Declare the waters in and around marinas as "idle speed" zones; and~~

33 c. ~~Post telephone numbers to report an injured manatee.~~

34 ~~(28) The proposed land use must be compatible with all adjoining land uses.~~

35 ~~(29) Upland support services shall be available and adequate to serve the proposed  
36 use at or above minimum acceptable service levels.~~

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1 ~~(30) Hurricane contingency plan shall be provided by any nonresidential use.~~

2 ~~(31) Ownership shall be documented.~~

3 ~~(32) An environmental protection plan shall be provided, documenting preconstruction,~~  
4 ~~construction and post-construction protection of water quality, water depth, marshes and~~  
5 ~~marine ecosystems; and including a mitigation plan to restore in the event of damage or~~  
6 ~~destruction to the coastal environment.~~

7 ~~(33) Availability for public use and access shall be documented.~~

8 ~~(34) A market analysis shall document both the economic need and economic~~  
9 ~~feasibility.~~

10  
11 **Sec. 50-717. Concentrated commercial farming.**

12 ~~The following provisions apply to farming or animal operations, such as, but not limited~~  
13 ~~to, dairies, feed lots, pig parlors and chicken farms, at animal densities greater than as~~  
14 ~~contained in the definition of concentrated commercial farming in section 50-1, or which~~  
15 ~~otherwise meet the definition of concentrated commercial farming in section 50-1:~~

16 ~~(1) A site plan shall be submitted as provided in section 50-775.~~

17 ~~(2) Provisions shall be made for animal waste disposal, such that no odor, dust, flies~~  
18 ~~or runoff shall impact upon adjacent properties. The waste disposal system shall be~~  
19 ~~approved by the state department of environmental protection.~~

20 ~~(3) All operations shall be located outside known floodprone areas, and at an elevation~~  
21 ~~such that local ponding does not occur within the area being farmed.~~

22 ~~(4) Within an unnumbered A zone, a flood hazard study by a licensed engineer shall~~  
23 ~~be conducted to verify that no flood hazards exist.~~

24 ~~(5) The board of county commissioners will require that all feeding areas, all pens, all~~  
25 ~~waste holding, treatment and disposal areas, all unpaved vehicular access roads, all~~  
26 ~~chemical storage facilities, and all silage and all feed or product storage structures will be~~  
27 ~~located at least 1,320 feet from any residential structure on adjoining properties and from~~  
28 ~~any residential zone other than A/RR and F/RR. Greater distances or other special~~  
29 ~~conditions may be set at the discretion of the board of county commissioners, depending~~  
30 ~~upon the type, intensity, or location of the proposed use and its relationship to adjacent~~  
31 ~~land uses, both existing and proposed.~~

32  
33 **Sec. 50-718. Dog kennels.**

34 ~~The following applies to dog kennels:~~

35 ~~(1) The applicant shall provide written assurances that:~~

36 ~~a. All dogs will be kept within an enclosed building between the hours of 6:00 p.m.~~

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1 and 7:00 a.m. each day, as a means of protecting nearby residences from disturbance by  
2 barking.

3 b. — Each dog will be provided with a run which meets or exceeds minimum standards  
4 as established by the levy county humane society.

5 c. — Each dog will be provided access to dry shelter at all times.

6 d. — Solid wastes will be removed on a daily basis, according to a method approved by  
7 the county health department.

8 (2) — A security fence shall completely enclose all areas containing dog runs and/or  
9 kennels. Each such fence shall be a minimum of six feet in height.

10 (3) — Any proposed kennel and enclosing fence shall be located at least 200 feet from  
11 every property line.

12  
13 **Sec. 50-719. Mining and excavation of minerals, resources, or natural resources,  
14 and site reclamation.**

15 l. — Special exception approval and excavation and fill permits required; vesting;  
16 exceptions.

17 (a) — Special exception and excavation and fill permit. Mining activities or mining  
18 operations are divided into two categories: (a) major mining, excavation and fill activities  
19 or operations (also referred to as major mining operations), and (b) minor excavation and  
20 fill activities or operations. Major mining operations shall require the approval of a special  
21 exception application in accordance with the provisions of this section and all applicable  
22 sections in division 5, article XIII, of this chapter 50, prior to commencement of any such  
23 operations. Major mining operations and minor excavation and fill activities or operations  
24 shall also require the issuance of an excavation and fill permit in accordance with the  
25 provisions of this section prior to commencement of any such activities or operations.

26 (b) — Vested or approved existing mining operations. A mining operation shall be  
27 considered a vested or approved existing mining operation and shall not be required to  
28 obtain a special exception approval or an excavation and fill permit prior to  
29 commencement of or continuing operations, provided that such mining operation meets  
30 the definition of an active mine, it has previously obtained county approval via the special  
31 exception process, and documents are provided showing that all required state permits  
32 were obtained and maintained in a valid status after county approval of the special  
33 exception, or if no state permits or approvals were required at the time of county approval  
34 of the special exception, documents are provided showing written affirmation of the permit  
35 exemption from the Florida Department of Environmental Protection or the applicable  
36 Water Management District of the State of Florida, and any other applicable permitting

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1 ~~agency. Any vested or approved existing mining operation shall be limited to:~~  
2 ~~(1) — The parcel identified in the aforementioned special exception, permit or exemption~~  
3 ~~letter;~~  
4 ~~(2) — The property that was approved by the previous special exception review process~~  
5 ~~is in compliance with the approved site plan and conditions of the special exception, if~~  
6 ~~any; and~~  
7 ~~(3) — No expansion of any major mining operation shall be permitted without first~~  
8 ~~obtaining special exception approval and issuance of an excavation and fill permit in~~  
9 ~~accordance with the provisions of this section.~~  
10 ~~(c) — Exemptions. Any exemption contained herein shall not exempt any activity from~~  
11 ~~any requirements to obtain all necessary state or federal permits or approvals for such~~  
12 ~~activity and shall not exempt any such excavation or fill activity from meeting the hauling~~  
13 ~~requirements contained in subsection III.(c)(1) hereof. The following activities shall not~~  
14 ~~require a special exception approval or excavation and fill permit prior to commencement~~  
15 ~~or continuance of such activity:~~  
16 ~~(1) — Incidental excavation conducted pursuant to a valid building permit issued by the~~  
17 ~~Levy County Building Department or other valid development order approved and issued~~  
18 ~~by the applicable county department or county board or commission;~~  
19 ~~(2) — Construction of state, federal, or local public works within the limits of public~~  
20 ~~property;~~  
21 ~~(3) — Bonafide agriculture, silviculture, plant and tree nursery operations when the fill~~  
22 ~~and/or excavation activities are incidental to typical industry operations;~~  
23 ~~(4) — Earth moving in conjunction with the installation of a utility, wherein the excavation~~  
24 ~~is to be backfilled;~~  
25 ~~(5) — Earth moving pursuant to a valid permit issued by the applicable Water~~  
26 ~~Management District of the State of Florida for construction site preparation and~~  
27 ~~development of storm water management systems;~~  
28 ~~(6) — Excavation and fill placed pursuant to a valid permit issued by the State of Florida~~  
29 ~~Department of Health after a development approval has been issued by the Levy County~~  
30 ~~Development or Building Department;~~  
31 ~~(7) — Emergency activities necessary to protect lives and property; or~~  
32 ~~(8) — Graves in approved cemeteries.~~  
33 ~~II. — Special exceptions for major mining operations; criteria, standards and conditions.~~  
34 ~~(a) — Special exception approval required. Major mining operations not otherwise vested~~  
35 ~~or excepted herein shall require the approval of a special exception application in~~  
36 ~~accordance with the provisions of this section and all applicable sections in division 5,~~

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1 ~~article XIII, of this chapter 50, prior to commencement of such operations. Any major~~  
2 ~~mining operations shall also require the issuance of an excavation and fill permit prior to~~  
3 ~~the commencement of such operations. Some of the major mining operations that will~~  
4 ~~require a special exception approval include, but will not be limited to the following list,~~  
5 ~~which is provided by way of illustration and not limitation:~~

6 ~~(1) — Mining or excavation activities or operations;~~

7 ~~(2) — Borrow pits and similar activities;~~

8 ~~(3) — Mineral, resource, or natural resource extraction;~~

9 ~~(4) — Quarries and processing sites;~~

10 ~~(5) — Fill operations, including storage or stock piling of minerals, resources, natural~~  
11 ~~resources or materials.~~

12 ~~(b) — Exemptions from special exception requirement but not excavation and fill permit~~  
13 ~~requirement. The activities listed in this subsection II.(b) shall be exempt from the~~  
14 ~~requirement for a special exception approval pursuant to this section prior to~~  
15 ~~commencement or continuance of such activity. The listed activities will not be exempt~~  
16 ~~from the requirement for issuance of an excavation and fill permit prior to commencement~~  
17 ~~or continuance of such activity. The activities which are exempt from the special exception~~  
18 ~~requirement but not the excavation and fill permit requirement are as follows:~~

19 ~~(1) — Land alteration and excavation activities that:~~

20 ~~a. — Do not exceed 1,000 cubic yards of fill removed from or placed on a tract or parcel~~  
21 ~~of 20 acres or less; or do not exceed 10,000 cubic yards of fill removed from or placed on~~  
22 ~~a tract or parcel greater than 20 acres;~~

23 ~~b. — Do not impede or divert the flow of surface water entering or leaving the parcel in~~  
24 ~~a manner that adversely impacts offsite property;~~

25 ~~c. — Do not occur in environmentally sensitive lands such as but not limited to:~~  
26 ~~wetlands, estuaries, streamside management zones, riverine areas, coastal high hazard~~  
27 ~~areas or pristine habitat; and~~

28 ~~d. — Constitute site preparation for future construction projects or a re-grading of a lot~~  
29 ~~or parcel of land to accomplish a suitable topography for construction or aesthetic~~  
30 ~~purposes, provided that the proposed finished grade will be compatible with the adjacent~~  
31 ~~properties, with pre-existing drainage patterns, and shall not cause offsite impacts of~~  
32 ~~storm water run-off.~~

33 ~~(2) — Excavation resulting from the creation of a pond:~~

34 ~~a. — Not to exceed one half acre in size, or 35 percent of the area of a lot or parcel,~~  
35 ~~whichever is more restrictive, on a single family parcel of less than ten acres; or~~

36 ~~b. — Not to exceed one acre in size on a single family, agricultural or forestry parcel not~~

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1 less than ten acres.

2 ~~(c) — Minimum criteria, standards and conditions. When reviewing an application for~~  
3 ~~special exception for a major mining operation, the planning commission shall not~~  
4 ~~recommend approval of such application unless the application meets all of the applicable~~  
5 ~~criteria, standards, conditions and requirements contained in all applicable sections in~~  
6 ~~division 5, article XIII, of this chapter 50, and in this section. The board of county~~  
7 ~~commissioners may grant a special exception application for a major mining operation,~~  
8 ~~provided that such application complies with all applicable provisions and requirements~~  
9 ~~of division 5, article XIII, of this chapter 50, and all applicable provisions of this section. A~~  
10 ~~finding by the board of county commissioners that any of the criteria, standards,~~  
11 ~~conditions or requirements in this section have not been adequately addressed to protect~~  
12 ~~area residents, businesses and the health, safety and welfare of the community as a~~  
13 ~~whole shall result in the denial of an application for a special exception for a major mining~~  
14 ~~operation. In addition to any criteria, standards, conditions, and requirements contained~~  
15 ~~in elsewhere in this division 5 of article XIII of this chapter 50, an application for a special~~  
16 ~~exception for a major mining operation shall meet the following criteria, standards,~~  
17 ~~conditions, and requirements:~~

18 ~~(1) — The proposed mining operation complies with all the required regulations and~~  
19 ~~standards of this chapter, including provisions of division 5 and of this section specifically,~~  
20 ~~and all other applicable regulations.~~

21 ~~(2) — The proposed mining operation is serviced by roads of adequate capacity to~~  
22 ~~accommodate the traffic volume and load impacts and not adversely impact surrounding~~  
23 ~~uses; or the applicant enters into an agreement with the county to make the necessary~~  
24 ~~improvements to the impacted roads.~~

25 ~~(3) — Screening and buffering for the proposed mining operation, where necessary, is of~~  
26 ~~such type, dimension and character to improve compatibility of the proposed mining~~  
27 ~~operation with uses and structures of adjacent and nearby properties.~~

28 ~~(4) — The proposed mining operation is consistent with the comprehensive plan and~~  
29 ~~conforms with the general plans of the county as embodied in the comprehensive plan.~~

30 ~~(5) — The proposed mining operation will not adversely impact springs, rivers, tributaries,~~  
31 ~~or water quality. The director of the county development department or the board of~~  
32 ~~county commissioners may require that a licensed professional geologist, registered with~~  
33 ~~the State of Florida, make this determination by using existing or new geological, hydro-~~  
34 ~~geological, water quality or any other pertinent data. If required by the director of the~~  
35 ~~county development department, the applicant shall supply the determination prior to the~~  
36 ~~hearing on the application with the planning commission. If required by the board of~~

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1 county commissioners, the applicant shall supply the determination when directed by the  
2 board.

3 (6) ~~— The proposed mining operation will not result in such noise, odor, dust, vibration,  
4 off-site glare, substantial traffic or degradation of road infrastructure so as to adversely  
5 impact surrounding development or cause hazardous traffic conditions.~~

6 (7) ~~— The proposed mining operation will not adversely impact the recreational  
7 enjoyment of state, federal or county parks by the public.~~

8 (8) ~~— The proposed mining operation will not cause an adverse environmental impact to  
9 dumpsites, landfills or effluent ponds, or public water supply wellhead, as shown by an  
10 environmental impact study prepared by a firm or individual qualified by experience and  
11 any necessary licensing to prepare such study, which study shall be submitted by the  
12 applicant with the application. Such study may be included as part of a mining impact  
13 assessment report submitted by the applicant.~~

14 (9) ~~— The proposed mining operation is not located in a prohibited area, and meets all  
15 requirements regarding buffering, access, application, impact assessment report,  
16 documentation, setback, slope, and reclamation requirements, and any other  
17 requirements, all as contained in this section.~~

18 (10) ~~— The proposed mining operation has obtained all other federal, state or local  
19 permits.~~

20 (11) ~~— The proposed mining operation will not be detrimental to the area residents or  
21 businesses, or the public health, safety or welfare of the community as a whole.~~

22 (d) ~~— Specific criteria, standards, conditions and requirements for special exceptions for  
23 major mining operations. In order to meet the criteria, standards, conditions, and  
24 requirements for approval of an application for a major mining operations special  
25 exception, in addition to the minimum criteria, standards, and conditions provided above,  
26 the following provisions shall apply:~~

27 (1) ~~— Prohibited areas for major mining operations. The following are areas where major  
28 mining operations shall be prohibited:~~

29 a. ~~— Within a 500-foot radius of abandoned dumpsites, landfills or effluent ponds as  
30 identified by the Florida Department of Environmental Protection. When blasting is used,  
31 this radius shall be increased to 1,000-foot radius.~~

32 b. ~~— Within a 1,000-foot radius of a public water supply wellhead of 100,000 gallons per  
33 day or greater providing blasting is not used as a method of extraction.~~

34 c. ~~— Within a one mile radius of a public water supply wellhead of 100,000 gallons per  
35 day or greater when blasting is used as a method of extraction.~~

36 d. ~~— Within two miles of the Manatee Springs or Fanning Springs State Park~~

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1 boundaries.

2 e. ~~Within a one mile corridor (one-half mile on each side) of known streams, conduits,~~  
3 ~~lineaments, fractures, or matrix flow paths with the potential to impact Manatee Springs~~  
4 ~~or Fanning Springs which may directly or indirectly result in the occurrence of one or more~~  
5 ~~of the following:~~

6 i) ~~The deterioration of water quality of adjacent private or public water supply wells,~~  
7 ~~or reduction of their water level.~~

8 ii) ~~The deterioration of water quality or flow of Manatee Springs or Fanning Springs.~~  
9 ~~The director of the county development department or the board of county commissioners~~  
10 ~~may require any applicant to provide documented scientific evidence that i) and ii) above~~  
11 ~~shall not occur, as referenced in subsection II.(c)(5) of this section.~~

12 f. ~~Within one quarter mile of schools, hospitals, county, state or federal parks; or~~  
13 ~~within 660 feet if buffering methods are approved by the board of county commissioners~~  
14 ~~in accordance with the buffering standards in subsection II.(d)(2) below.~~

15 g. ~~Within one quarter mile of a platted and recorded subdivision with lot sizes of five~~  
16 ~~acres or less that include constructed streets and developed parcels; or within 660 feet if~~  
17 ~~buffering methods are approved by the board of county commissioners in accordance~~  
18 ~~with the buffering standards in subsection II.(d)(2) below.~~

19 (2) ~~Buffering standards. When required by the board of county commissioners for any~~  
20 ~~major mining operation, the following buffer standards shall apply:~~

21 a. ~~Length. The buffer shall be of sufficient length so as to shield mining activity from~~  
22 ~~incompatible land uses.~~

23 b. ~~Depth. A minimum of 100 feet measured perpendicularly from the property line.~~

24 c. ~~Opacity. Where required, the buffer shall shield adjoining properties when viewed~~  
25 ~~from the property line. The buffer must shield the operation at the time excavation begins.~~  
26 ~~Shielding shall meet an 80 percent opacity standard. Berms, towers, stockpiles, and other~~  
27 ~~similar items that extend above the buffer need not be shielded. The clearing and stripping~~  
28 ~~of vegetation from the property where a major mining operations special exception~~  
29 ~~approval has been obtained shall not require the pre-establishment of a buffer.~~

30 d. ~~Makeup. The buffer shall consist of a vegetated screen, augmented by a berm if~~  
31 ~~required to obtain opacity. The following conditions apply to the vegetated screening:~~

32 i) ~~A 100 foot vegetative screen is standard, except where a berm is necessary.~~  
33 ~~Where a berm is necessary, the outer 50 feet of the buffer must consist of the vegetative~~  
34 ~~screen;~~

35 ii) ~~Existing trees located within the vegetative screen area must remain.~~

36 iii) ~~If sufficient vegetation does not exist, the vegetative screen area shall be planted~~

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1 primarily with evergreen or other non-deciduous trees native to the area and compatible  
2 with the area soils.

3 e. Berms. The following are requirements for berms where utilized to augment  
4 vegetative buffers:

5 i) The berm shall generally run parallel to, and no closer than 50 feet from the  
6 property line. The above two standards may be modified where there are impeding  
7 physical features, such as wetlands or other such features.

8 ii) The berm shall be built to the height necessary (not to exceed ten feet above the  
9 natural surface of the ground) to shield mining activity from the property line (excluding  
10 booms, towers, stockpiles or other similar items which extend above the buffer) so that it  
11 cannot be viewed through the buffer from adjoining properties when viewed from the  
12 property line. The berm shall not be of uniform height for its length, but shall undulate at  
13 varying heights at or below the ten-foot maximum set herein, while still providing the  
14 shielding from view of adjoining properties from the property line.

15 iii) The berm must be stabilized with the planting of vegetation. Sloping requirements  
16 to the exterior face of the berm shall not exceed 1:1, vertical to horizontal.

17 iv) Adequate control shall be provided to protect the adjacent properties from  
18 additional runoff caused by the earthen berm.

19 (3) Access requirements. All major mining operations shall comply with the following  
20 access requirements:

21 a. A mining and excavation operation shall be located only within an area which has  
22 direct access to a major collector or arterial road.

23 b. Ingress and egress must have direct access to a paved county or state maintained  
24 road. Where access is to a paved county road, the minimum road classification shall be  
25 a major collector.

26 c. Access and truck routes to the site through platted recorded and unrecorded  
27 residential subdivisions are prohibited. This requirement shall not apply if the excavation  
28 activity is being performed as part of the development of the applicable subdivision.

29 d. Hauling requirements. The applicant shall ensure that neither public nor private  
30 property will be damaged by the hauling of material, and that hazardous traffic conditions  
31 will not be created, as shown by a traffic study prepared by a traffic engineer licensed in  
32 the State of Florida, which study shall be submitted by the applicant with the application.  
33 Such study may be included as part of a mining impact assessment report submitted by  
34 the applicant. All such applications for a special exception shall identify proposed hauling  
35 routes. Where the hauling of excavated materials use public roads, such vehicles shall  
36 be covered in a manner to prevent fill spillage, consistent with the Florida Department of

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1 Highway Safety and Motor Vehicles standards. All hauling vehicles shall have the trucking  
2 company name (or truck owner's name if privately owned) prominently displayed on the  
3 sides of the vehicle.

4 (4) ~~Setback requirements. All major mining operations shall meet the following  
5 setback requirements:~~

6 a. ~~No excavation shall be within 100 feet of any road right-of-way boundary.~~

7 b. ~~No excavation of earth, minerals or resources shall be closer than 50 feet to an  
8 adjoining undeveloped lot or parcel and 100 feet from any residentially developed lot or  
9 parcel boundary, regardless of the location of the residence on the lot or parcel.~~

10 (5) ~~Slope requirements. All major mining operations shall meet the following slope  
11 requirements: Sides of reclaimed limestone, shell and dolomite mines shall provide a  
12 shore line slope consistent with the latest regulations of the department of environmental  
13 protection bureau of mine reclamation. Dormant sand, clay or dirt borrow pits shall be left  
14 with side slopes not steeper than one-foot rise for each three-foot horizontal  
15 measurement, or the slope requirement provision of the state agency issuing the  
16 environmental resource permit.~~

17 (6) ~~Reclamation plan. Any application for a special exception for a proposed major  
18 mining operation for limestone, shell, dolomite mines, sand, clay, or dirt shall provide, as  
19 a part of the application, a letter of confirmation from the Florida Department of  
20 Environmental Protection that a reclamation plan or notice has been reviewed and found  
21 sufficient, or that the mine will be exempt from the requirements to provide a plan or  
22 notice.~~

23 (7) ~~Mining impact assessment report. All applications for proposed major mining  
24 operations that will include blasting or the processing of raw material shall present a  
25 mining impact assessment report prepared by a professional environmental consulting,  
26 planning or engineering firm addressing subsections a. through d. below. The  
27 assessment report shall identify impacts to reflect all individual and cumulative impacts  
28 resulting from phasing of the proposed mining operations or activities.~~

29 ~~Borrow pits proposed to be used exclusively for the extraction of sand, clay and topsoil  
30 shall be required to provide a traffic impact assessment report which must be prepared  
31 by a professional environmental consulting, planning or engineering firm consistent with  
32 subsection b., transportation system, below. A proposed borrow pit operation shall also  
33 be required to provide impact assessment reports of compatibility and fill activities related  
34 to such borrow pit which shall be permitted to be provided by the applicant, his/her  
35 representative or a professional environmental consulting, planning or engineering firm.  
36 The determination of adequacy of any assessment reports required in this section is at~~

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1 ~~the discretion of the board of county commissioners.~~

2 ~~The mining impact assessment report shall address the following issues:~~

3 ~~a. Compatibility. This portion of the report shall address the impact of blasting~~  
4 ~~activities, (if applicable), vibration, noise and sound, generated from the project site and~~  
5 ~~transmitted to the surrounding area; the surrounding character of the area and~~  
6 ~~development in proximity to the proposed mine (i.e., residential and non-residential~~  
7 ~~structures and accessory uses) and environmental, cultural and historical resources. The~~  
8 ~~applicant for the special exception shall identify all design and buffering improvements~~  
9 ~~proposed to mitigate impacts to the surrounding area identified in the report and ensure~~  
10 ~~protection of identified environmental, cultural and historical resources.~~

11 ~~b. Transportation system. This portion of the report shall include the anticipated~~  
12 ~~impact on the roads and bridges along the proposed hauling route. This is to be assessed~~  
13 ~~in a submitted traffic analysis that identifies existing and projected level of service,~~  
14 ~~projected trip generation, structural stability of the roads and bridges and distribution of~~  
15 ~~traffic. The applicant for the special exception shall identify all improvements proposed to~~  
16 ~~mitigate impacts to the transportation network and impacted roadways.~~

17 ~~c. Water pumping activities. Any mining operation that includes water pumping~~  
18 ~~activities shall not diminish water quality, nor create any run-off to adjacent properties. In~~  
19 ~~order to document compliance with this requirement, the report shall address issues of~~  
20 ~~water quality and run-off to adjacent properties. The applicant shall provide the following~~  
21 ~~prior to issuance of the local permit and operation of the mine:~~

22 ~~i) A water use permit from the applicable Water Management District of the State of~~  
23 ~~Florida.~~

24 ~~ii) An industrial waste permit from the Florida Department of Environmental~~  
25 ~~Protection for any processing or washing of materials or products.~~

26 ~~d. Fill activities. Clean fill material shall only be permitted after it has been determined~~  
27 ~~by the county that the proposed finished grade will be compatible with the surrounding~~  
28 ~~area and with existing drainage patterns. The report shall include information regarding~~  
29 ~~the proposed fill, finished grade, and compatibility with surrounding area and existing~~  
30 ~~drainage patterns.~~

31 ~~(8) Documentation/application. In addition to meeting all application and notice~~  
32 ~~requirements for special exceptions provided in subdivision I and II of division 5 of article~~  
33 ~~XIII; an application for special exception for a major mining operation shall contain all~~  
34 ~~reports, documentation and map illustrations showing that the application complies with~~  
35 ~~all of the requirements contained in subsections II(c) and (d) hereof.~~

36 ~~(9) Application fee. An application for a special exception for a major mining operation~~

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1 shall be accompanied by the applicable fee set out in the fee schedule maintained by the  
2 county development department. The application fee is non refundable, whether the  
3 application is ultimately approved or denied.

4 ~~(10) Excavation and fill permit application included. An application for a special~~  
5 ~~exception for a major mining operation shall be accompanied by an application for an~~  
6 ~~excavation and fill permit which meets all the requirements for such permit as provided in~~  
7 ~~this section.~~

8 ~~(11) Public notice requirement. In addition to any other notice requirements for a special~~  
9 ~~exception contained within division 5 of article XIII, the extent of the notice required to be~~  
10 ~~provided to surrounding property owners for an application for a special exception for a~~  
11 ~~major mining operation shall be extended from 300 feet to two miles in the event that the~~  
12 ~~proposed major mining operation includes blasting or 50 or more one way truck trips per~~  
13 ~~day. The additional cost incurred by providing notice beyond 300 feet shall be calculated~~  
14 ~~and paid for by the applicant prior to the public hearing on the special exception to be~~  
15 ~~held before the planning commission.~~

16 ~~(12) Duration of approval; amendment of approval. Any special exception approval~~  
17 ~~granted for a major mining operation pursuant to the provisions hereof shall be valid for~~  
18 ~~a period specified for completion of all operations, including necessary reclamation as set~~  
19 ~~forth in the approved mining and reclamation plan. The board of county commissioners,~~  
20 ~~as it determines necessary to protect the public interest, may require such changes in the~~  
21 ~~duration of a special exception approval as conditions warrant. The applicant or~~  
22 ~~subsequent owner or operator of an approved major mining operation may also, on any~~  
23 ~~anniversary date of the approval of the special exception, seek an amendment of the~~  
24 ~~special exception conditions in order to vary or expand the scope of the major mining~~  
25 ~~operation by filing an application for amendment to the original special exception. Any~~  
26 ~~such amendment to the original special exception conditions shall meet all requirements~~  
27 ~~and be processed as an original application.~~

28 ~~(13) Transfer of special exception. Notwithstanding any other provision in this section~~  
29 ~~to the contrary, a special exception approval for a major mining operation shall be issued~~  
30 ~~only in the name of the applicant and may be transferred only when the interest of the~~  
31 ~~applicant in the lands that are the subject of the special exception are transferred. Prior~~  
32 ~~to such transfer, the applicant and the prospective transferee must apply to, and receive~~  
33 ~~approval from, the board of county commissioners for an amendment to the special~~  
34 ~~exception application submitted to the county development department. All financial~~  
35 ~~liability and permit filing obligations shall be transferred at the time the interest in said~~  
36 ~~lands is conducted.~~

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1 ~~(14) Liability for major mining operations. The applicant or operator of any major mining~~  
2 ~~operation that receives special exception approval pursuant to the provisions of this~~  
3 ~~section shall have absolute liability and financial responsibility for any damages to public~~  
4 ~~or private property, human, animal or plant life, or any mineral or water-bearing geologic~~  
5 ~~formations incurred due to mining operations, failure of any dam, spillway or outlet~~  
6 ~~structure of a settling or thickening pond, or failure to properly reclaim mined lands. At or~~  
7 ~~prior to the time of issuance or transfer of the excavation and fill permit for the applicable~~  
8 ~~major mining operation, in order to protect the interests of the board of county~~  
9 ~~commissioners and the public, the applicant shall post with the board the following bonds~~  
10 ~~or other surety in a form approved by the board of county commissioners:~~

11 ~~a. For each acre of land designated to be mined, the amount of \$2,000.00 as a~~  
12 ~~reclamation performance bond; and~~

13 ~~b. For each acre foot of storage to be contained in a slime, retention or thickening~~  
14 ~~pond in and above grade, the amount of \$1,000.00. This bond shall remain in effect for~~  
15 ~~as long as unconsolidated slime remains in the pond.~~

16 ~~(15) Annual report and inspection. As a condition of approval of a special exception for~~  
17 ~~a major mining operation, the applicant or operator of such major mining operation shall~~  
18 ~~provide an annual report to the county development department for review by the county~~  
19 ~~engineer documenting compliance with the special exception and excavation and fill~~  
20 ~~permit requirements for the major mining operation. The county engineer shall make an~~  
21 ~~onsite inspection to the major mining operation to assure compliance with the special~~  
22 ~~exception, the excavation and fill permit and any report submitted by the applicant or~~  
23 ~~operator.~~

24 ~~(16) Forfeiture. Upon a finding of noncompliance with this section, or any special~~  
25 ~~exception condition for a major mining operation, or any approved site plan for the major~~  
26 ~~mining operation or reclamation, the building official shall notify the applicant or operator~~  
27 ~~of the major mining operation in writing of noncompliance and the pending forfeiture of~~  
28 ~~the permit. The applicant or operator shall have 30 days to respond. If compliance is not~~  
29 ~~accomplished within such 30-day period, the major mining operation shall cease and the~~  
30 ~~special exception shall be revoked. Regardless of revocation or compliance with any~~  
31 ~~special exception condition, the applicant shall repair, perform reclamation, or perform~~  
32 ~~any other activity at the major mining operation site that the building official or county~~  
33 ~~engineer deems is necessary in the interest of the public health, safety or welfare.~~

34 ~~a. Appeal. Any appeal of a noncompliance finding issued in accordance with this~~  
35 ~~subsection shall be submitted to the county development department and the office of the~~  
36 ~~board of county commissioners within 15 days of the date of such noncompliance finding.~~

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1 Such appeal shall be heard by the board of county commissioners at a noticed public  
2 hearing. No appeal filed later than 15 days after the date of such notice shall be acted  
3 upon by the board of county commissioners.

4 (e) — Major mining operations in the rural residential (RR) zoning district. Major mining  
5 operations in the rural residential (RR) zoning district may be permitted pursuant to this  
6 section provided that the application for the major mining operation and the operation  
7 itself complies with the criteria, standards and conditions contained in subsections II.(c)  
8 and II.(d) hereof, and, provided further, that such major mining operation meets the  
9 requirements and conditions set forth in this subsection, and provided further, that such  
10 major mining operation obtains an excavation and fill permit in accordance with this  
11 section. The criteria, standards and conditions contained in subsections II.(c) and II.(d)  
12 shall take precedence in a review of a special exception application for a major mining  
13 operation in the RR zoning district in the event there is a conflict with provisions of this  
14 subsection. The additional requirements set forth in this subsection are intended to  
15 maintain an acceptable condition and final grade of the land to support agriculture and  
16 residential development. The additional requirements and conditions which must be met  
17 by an application for special exception for a major mining operation in a RR zoning district  
18 are as follows:

19 (1) — The minimum tract size for the proposed mining operation shall be ten acres.

20 (2) — No processing or grading of material shall be permitted in the proposed mining  
21 operation.

22 (3) — Only fill dirt consisting of sand or top soil may be removed from the proposed  
23 mining operation site.

24 (4) — The proposed mining operation shall use mechanical means of extraction only. No  
25 blasting shall be permitted.

26 (5) — The final grade of the land after reclamation shall be relatively level, but in no case  
27 shall such final grade be steeper than a three percent grade (three feet vertical per 100  
28 feet horizontal).

29 (6) — The proposed finished grade will be compatible with the adjacent properties, with  
30 pre-existing drainage patterns, and shall not cause offsite impacts of storm water run-off.

31 (7) — Access to the property line of the proposed mining operation must be via a county  
32 or state maintained paved road classified as a major collector or greater. Access to the  
33 site is prohibited on local roads within platted, recorded and unrecorded residential areas.

34 (8) — Hours of operation and days of operation shall be limited to the hours between  
35 7:00 a.m. and 6:00 p.m., Monday through Saturday, unless otherwise stated via  
36 conditions to the special exception based on site specific considerations. Operation hours

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1 shall be regulated to protect the character of nearby residential areas.

2 (9) ~~—The entire perimeter of the proposed excavation area will have posted signs placed~~  
3 ~~and maintained by the owner. The dimensions of the signs shall not be less than nine~~  
4 ~~inches by eleven inches and shall be placed no further than 100 feet apart.~~

5 (10) ~~—Prior to the initiation of any excavation activities, the applicant shall perform test~~  
6 ~~drilling to establish the depth to the seasonally high water table. A minimum of two feet~~  
7 ~~overburden must remain above the seasonally high water table at all times.~~  
8 ~~Documentation of such test drilling demonstrating compliance with this provision shall be~~  
9 ~~submitted with the application for the special exception.~~

10 (11) ~~—There shall be no back-fill permitted. Overburden relocated to permit access to the~~  
11 ~~desired resource, and then spread over the project site, shall not be considered back-fill.~~

12 III. ~~—Excavation and fill permits; application procedures and requirements.~~

13 (a) ~~—Excavation and fill permit required. Major mining operations, minor excavation and~~  
14 ~~fill activities or operations, any commercial mining or extraction of minerals, resources, or~~  
15 ~~natural resources for sale, or fill or alteration in any way of the natural grade of the land~~  
16 ~~or the grade of the land established at the time of the enactment of this section, which~~  
17 ~~activity or operation is not otherwise vested or excepted herein, shall require the issuance~~  
18 ~~of an excavation and fill permit in accordance with the provisions of this section prior to~~  
19 ~~commencement of such activity or operation. Any major mining operations shall also~~  
20 ~~require the approval of a special exception by the board of county commissioners in~~  
21 ~~accordance with the provisions of this section prior to the commencement of such~~  
22 ~~operations.~~

23 (b) ~~—Application requirements. The following information and documentation shall be~~  
24 ~~required for a complete application for an excavation and fill permit. In the event that the~~  
25 ~~proposed mining operation requires a special exception, the applicant for such mining~~  
26 ~~operation shall also submit a complete application for special exception as required in this~~  
27 ~~section. The required excavation and fill permit application information and~~  
28 ~~documentation listed below is in addition to the required documentation for a special~~  
29 ~~exception approval, and shall be submitted for review simultaneously with such special~~  
30 ~~exception application, if applicable. The minimum information and documentation~~  
31 ~~required for an excavation and fill permit application shall be as follows:~~

32 (1) ~~—A boundary survey of the subject tract or parcel.~~

33 (2) ~~—A site plan for the proposed minor excavation and fill operation which shall be~~  
34 ~~prepared at a scale not less than (one inch equals 60 feet) and presented to the county~~  
35 ~~development department prior to any excavation or fill operation. The site plan also shall~~  
36 ~~clearly show all of the following:~~

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- 1 a. ~~— The shape and dimensions of the entire property and delineate the project area (if~~  
2 ~~a portion of the entire tract).~~
- 3 b. ~~— All existing and proposed buildings; dimensions of buildings and distances of all~~  
4 ~~buildings to property lines.~~
- 5 c. ~~— All streets and easements abutting the subject property.~~
- 6 d. ~~— Indicate with a dashed line any water, depressions and sinkholes on the subject~~  
7 ~~property.~~
- 8 e. ~~— Show all storm water management systems and water retention areas on the~~  
9 ~~subject property.~~
- 10 f. ~~— Locate and delineate the proposed areas to be mined, excavated or filled and~~  
11 ~~identify approximate acreage delineated.~~
- 12 g. ~~— Locate and delineate all areas to be used for stock piles, slurry or settlement~~  
13 ~~ponds, crushing or other processing operations.~~
- 14 h. ~~— Identify the existing uses and approximate distance of existing residences or other~~  
15 ~~structures adjacent to the excavation site.~~
- 16 (3) ~~— On a map separate from the site plan, the applicant shall show a north arrow and~~  
17 ~~identify proposed hauling routes associated with filling operations or resource sales~~  
18 ~~consistent with subsection II.(d)(3), access requirements, and subsection III.(c)(2),~~  
19 ~~hauling requirements.~~
- 20 (4) ~~— A description of the work to be performed (including all excavation or fill activities~~  
21 ~~or both). The description shall include the purpose of the minor excavation and fill~~  
22 ~~operation, a schedule of the expected duration and phasing, if applicable, of the~~  
23 ~~operation, the type of fill to be placed (if any), a tabulation of the number of cubic yards~~  
24 ~~to be mined or excavated or fill to be placed, the depth of the excavation or the fill placed,~~  
25 ~~and the grade of side slopes associated with the proposed excavation or fill operation.~~
- 26 (5) ~~— For an application where the subject property located in an environmentally~~  
27 ~~sensitive area as designated by the land development regulations or the comprehensive~~  
28 ~~plan, the applicant shall provide a permit or letter of exemption from the appropriate State~~  
29 ~~of Florida Water Management District and the Florida Department of Environmental~~  
30 ~~Protection and any other permitting agency with jurisdiction over the proposed minor~~  
31 ~~excavation and fill operation.~~
- 32 (6) ~~— For an application where the subject property is located within the 100-year flood~~  
33 ~~plain adjacent to the Suwannee River the applicant shall provide an environmental~~  
34 ~~resource permit or letter of exemption from the Suwannee River Water Management~~  
35 ~~District.~~
- 36 (7) ~~— Any excavation for the purpose of creating a pond, or which exceeds the standard~~

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1 of two feet above the high water, wet weather mark shall require a permit or letter of  
2 exemption from the applicable State of Florida Water Management District.

3 (8) — Any minor excavation operation in an existing body of water (ie: pond, lake, stream,  
4 canal or river) shall require a permit or letter of exemption from the Florida Department of  
5 Environmental Protection or the applicable State of Florida Water Management District.

6 (9) — The application shall document that the proposed minor excavation or fill operation  
7 does not interfere with any storm water system currently maintained by a public or private  
8 entity. Any cost incurred as the result of excavation that damages public works or  
9 infrastructure shall be the responsibility of the permittee.

10 (10) — The application shall document that the minor excavation fill operation does not  
11 affect the natural flow or drainage pattern of surface waters that were present prior to the  
12 excavation or fill operation.

13 (11) — Application fee. An application for an excavation and fill permit shall be  
14 accompanied by the applicable fee set out in the fee schedule maintained by the county  
15 development department. The application fee is non refundable, whether the application  
16 is ultimately approved or denied.

17 (c) — Permit review and approval process and requirements. An application for an  
18 excavation and fill permit shall meet the requirements and follow the process set out  
19 herein, prior to issuance of the applicable permit and prior to commencement or  
20 continuation of any mining operations. In addition to any other requirements contained in  
21 this section, an application for excavation and fill permit, or any excavation activities shall  
22 meet the following requirements:

23 (1) — Hauling requirements. These hauling requirements apply to any excavation and fill  
24 activities for which an excavation and fill permit is required as well as the activities  
25 exempted from obtaining an excavation and fill permit pursuant to subsection 1.(c) hereof.  
26 The applicable hauling requirements are as follows:

27 a. — No material may be hauled from the subject property, except to satisfy final grading  
28 requirements in cases such as, or similar to:

29 i) — Removal of excess fill associated with the installation of swimming pools or  
30 basements in conjunction with valid building permits.

31 ii) — Removal of fill associated with construction of public works on public property.

32 b. — Fill may be hauled to or from the subject property for excavation and fill operations  
33 that require and have obtained an excavation and fill permit in order to satisfy cut and fill  
34 balance requirements for final grading related to pond excavation and storm water  
35 management purposes. However, all applicable requirements of this section and of the  
36 permit shall apply.

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1 c. ~~The off-site hauling of fill and other material if directly related to the operation of an~~  
2 ~~agriculture, silviculture, plant or tree nursery business shall be permitted.~~

3 d. ~~The permittee and the hauler shall have joint and several liability and financial~~  
4 ~~responsibility for any damages to public or private property, human, animal or plant life~~  
5 ~~due to hauling. Levy County retains the right to recover any cost to repair damages to~~  
6 ~~county maintained or dedicated roads, bridges, and drainage infrastructure caused by~~  
7 ~~hauling related to excavation and fill activities and activities that are exempt from the~~  
8 ~~requirement of obtaining an excavation and fill permit pursuant hereto.~~

9 (2) ~~No excavation activity shall be deeper than a point of two feet above the high water,~~  
10 ~~wet weather mark unless the application includes the creation of a pond.~~

11 (3) ~~Only mechanical means of excavation may be used (no blasting is permitted).~~

12 (4) ~~No excavation is permitted within 100 feet of the right of way of a public road, nor~~  
13 ~~50 feet of a property line or a private easement. This section shall not prevent leveling of~~  
14 ~~the property, in these set-back areas, to the grade of the adjacent property when done~~  
15 ~~consistent with the provisions of this section and other applicable sections in this Code.~~

16 (5) ~~Where excavations create holes, depressions or cavities, the side slope of the~~  
17 ~~excavations shall be left with slope not to exceed a 3 to 1 slope (ie, not more than one-~~  
18 ~~foot rise for each 3 feet horizontal distance).~~

19 (6) ~~Prior to the issuance of an excavation and fill permit, the building official and county~~  
20 ~~engineer shall review the application and plan of the work provided by the applicant for~~  
21 ~~such permit. When a special exception is required for the proposed mining operation, the~~  
22 ~~county engineer shall render a written recommendation to the planning commission and~~  
23 ~~the board of county commissioners.~~

24 (7) ~~No excavation and fill permit or plan shall be approved, which, in the opinion of the~~  
25 ~~county engineer or building official, shall be detrimental to the health, safety or general~~  
26 ~~welfare of adjacent properties or the community. In examining and approving the permit~~  
27 ~~application and the plan, the county engineer and building official shall use, as minimum~~  
28 ~~standards, the criteria set forth in this section.~~

29 (8) ~~An approved excavation and fill permit and plan shall be conditioned upon the use~~  
30 ~~of land or structures shown on the plan and permit application as permitted. Any~~  
31 ~~substantial deviation from the approved permit or plan shall constitute a violation of this~~  
32 ~~section.~~

33 (9) ~~Prior to the issuance of an excavation and fill permit, all other required permits or~~  
34 ~~letters of exemption from other applicable state or federal agencies, including but not~~  
35 ~~limited to: Florida Department of Environmental Protection, the applicable State of Florida~~  
36 ~~Water Management District and the Army Corps of Engineers shall be submitted to the~~

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1 building department.

2 ~~(d) — Operation of permit and permitted activities. A holder of an excavation and fill~~  
3 ~~permit and all excavation or fill activities shall be subject to and shall follow the~~  
4 ~~requirements set out in this subsection.~~

5 ~~(1) — The permit shall be posted at the entrance of the project site and clearly visible to~~  
6 ~~the public. It shall be the responsibility of the applicant/permittee to post the permit,~~  
7 ~~approved site plan, and project description prior to commencement of any work pursuant~~  
8 ~~to the permit.~~

9 ~~(2) — Duration of permit; amendment of permit. Any excavation and fill permit granted~~  
10 ~~for a minor excavation and fill operation pursuant to the provisions hereof shall be valid~~  
11 ~~for a period specified in such permit, but in no event shall any such permit be valid for~~  
12 ~~more than 90 days. The applicant/permittee may seek an amendment to the permit, the~~  
13 ~~permit conditions or the approved plan; however, any such amendment application shall~~  
14 ~~meet all requirements and be processed as an original application for an excavation and~~  
15 ~~fill permit.~~

16 ~~(3) — The applicant/permittee shall call for an inspection as soon as the excavation or fill~~  
17 ~~activities are completed based on the specified completion date identified on the permit.~~  
18 ~~The county development department shall then, within a reasonable time, visit the site to~~  
19 ~~examine the work for consistency with the approved plan and permit. If the work is found~~  
20 ~~in compliance with the approved permit and plan, the field representative from the~~  
21 ~~development department shall indicate so on the permit posted on the site and mail a~~  
22 ~~certificate of code compliance to the applicant.~~

23 ~~(4) — Forfeiture. Upon a finding of noncompliance with this section, or any excavation~~  
24 ~~and fill permit, permit condition, or any approved plan for applicable minor excavation or~~  
25 ~~fill operation, the building official shall notify the applicant or operator of the minor~~  
26 ~~excavation or fill operation in writing of noncompliance and the pending forfeiture of the~~  
27 ~~permit. The applicant or operator shall have 30 days to respond. If compliance is not~~  
28 ~~accomplished within such 30-day period, the minor excavation or fill operation shall cease~~  
29 ~~and the permit shall be revoked. Regardless of revocation or compliance with any permit~~  
30 ~~condition, the applicant shall repair, perform reclamation, or perform any other activity at~~  
31 ~~the minor excavation or fill site that the building official or county engineer deems is~~  
32 ~~necessary in the interest of the public health, safety or welfare.~~

33 ~~a. — Appeal. Any appeal of a noncompliance finding issued in accordance with this~~  
34 ~~subsection shall be submitted to the county development department and the office of the~~  
35 ~~board of county commissioners within 15 days of the date of such noncompliance finding.~~  
36 ~~Such appeal shall be heard by the board of county commissioners at a noticed public~~

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1 hearing. No appeal filed later than 15 days after the date of such notice shall be acted  
2 upon by the board of county commissioners.

3  
4 **Sec. 50-720. Flea market.**

5 The following applies to flea markets:

6 (1) All display areas and sales areas shall be under one roof.

7 (2) For each display area or sales area, one off-street parking space shall be provided  
8 for the exhibitor. In addition, two off-street parking spaces shall be provided per each  
9 display area or sale area.

10 (3) Buffering shall be required along any adjoining residential district or adjoining  
11 property with an existing residential land use. As used here, the term "buffering" is defined  
12 as an earthen berm, opaque fencing, vegetation, or any combination thereof that will  
13 provide a visual barrier at least eight feet high prior to issuance of a certificate of  
14 occupancy. Driveways are exempt from this requirement, provided that no driveway shall  
15 have a width in excess of 30 feet.

16 (4) Site plan approval as provided in section 50-775 is required.

17  
18 **Sec. 50-721. Furniture manufacturing.**

19 The following provisions apply to furniture manufacturing:

20 (1) All storage of materials, finished or unfinished, shall be within a totally enclosed  
21 structure.

22 (2) All solvents, paints, stains, glue and other flammable materials shall be provided  
23 with separate storage and with an automatic fire suppression system.

24 (3) Disposal of waste materials shall be via a method approved by the state  
25 department of environmental protection.

26 (4) Emissions detectable at the property line are expressly prohibited.

27  
28 **Sec. 50-722. Gas stations.**

29 The following provisions apply to gas stations:

30 (1) The gas station shall be located at an intersection, or contiguous to an existing and  
31 conforming commercial use.

32 (2) A gas station shall obtain all required permits or written approvals from the state  
33 department of environmental protection and provide copies thereof to the county prior to  
34 operation or county issuance of a building or operating permit, whichever is earlier.

35 (3) A scale accurate map shall indicate the locations and dimensions of all fuel storage  
36 tanks. No storage tank shall be located closer than 30 feet to a property line, with the

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1 ~~exception of a road right-of-way line. All set backs shall meet or exceed the National Fire~~  
2 ~~Prevention Code and Pollutant Storage Code.~~

3 ~~(4) — No repairs of automobiles shall be permitted at gas stations.~~

4 ~~(5) — No street access shall be granted to a gas station closer than 30 feet to an~~  
5 ~~intersection.~~

6 ~~(6) — Gas stations shall have their gasoline pumps set back at least 30 feet from any~~  
7 ~~right-of-way line.~~

8  
9 **~~Sec. 50-723. Reserved.~~**

10  
11 **~~Sec. 50-724. Halfway homes and rehabilitation centers.~~**

12 ~~The following provisions apply to halfway homes and rehabilitation centers:~~

13 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

14 ~~(2) — The minimum lot size shall be ten acres.~~

15 ~~(3) — All structures shall be located a minimum of 1,200 feet from any residential zoning~~  
16 ~~district.~~

17 ~~(4) — The lot on which the halfway home or rehabilitation center is located may not abut~~  
18 ~~any residential zoning district.~~

19 ~~(5) — There shall be a minimum of one staff person per six clients, on premises at all~~  
20 ~~times.~~

21 ~~(6) — The applicant shall submit documentation that the state department of health~~  
22 ~~and/or any other state agency having jurisdiction has licensed or otherwise approved the~~  
23 ~~proposed facility.~~

24  
25 **~~Sec. 50-725. Hospitals.~~**

26 ~~The following provisions apply to hospitals:~~

27 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

28 ~~(2) — Direct access onto collector or arterial road, as designated by the traffic circulation~~  
29 ~~element of the county comprehensive plan, shall be required.~~

30 ~~(3) — The minimum lot size shall be ten acres, with a minimum highway frontage of 200~~  
31 ~~feet.~~

32 ~~(4) — All structures shall be located a minimum of 1,200 feet from any residential~~  
33 ~~development or F/RR, A/RR or RR zoning district; and 600 feet from any property with a~~  
34 ~~zoning district or future land use map designation with an allowable maximum residential~~  
35 ~~density of one unit per acre or two units per acre.~~

36 ~~(5) — Where the proposed hospital abuts a residential district, that boundary shall be~~

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1 surrounded by a visual barrier as defined in section 50-823.

2  
3 **Sec. 50-726. Institutions (other than group homes and foster care facilities).**

4 The following provisions apply to institutions other than group homes and foster care  
5 facilities:

6 (1) — Licensing by the state shall be a prerequisite.

7 (2) — A site plan shall be submitted as provided in section 50-775.

8 (3) — Buffering and visual screening are required where the property is contiguous to  
9 any district which requires lower population densities.

10  
11 **Sec. 50-727. Junkyards.**

12 The following provisions apply to junkyards:

13 (1) — A site plan shall be submitted as provided in section 50-775.

14 (2) — Any junkyard shall be located a minimum of 200 feet from any residential zoning  
15 district.

16 (3) — The entire perimeter of a junkyard shall be surrounded by a visual barrier. The  
17 visual barrier along all road frontages shall consist of an opaque decorative wood or  
18 masonry fence not less than 6 feet in height, nor higher than ten feet. The remainder of  
19 the perimeter of the junkyard shall be surrounded by a visual barrier consisting of an  
20 opaque fence that may consist of masonry or wood construction, or of a chain link with  
21 sufficient aluminum slats to render it opaque, not less than six feet in height.

22 (4) — Stacking of vehicles, crushed or uncrushed, shall not exceed the height of any  
23 visual barrier.

24 (5) — Ingress and egress shall not be permitted through any residential zoning district.

25 (6) — All burning or burying materials or waste products on site is prohibited.

26 (7) — Facilities for the collection and recycling of used antifreeze, coolant, grease, oil,  
27 gasoline or diesel fuel shall be located on the premises. These facilities shall consist, at  
28 a minimum, of a structure with a roof and a containment system for the used items, and  
29 shall be constructed in accordance with all applicable code requirements. The facilities  
30 shall also provide a second containment system to be used in the event the primary  
31 containment system fails for any reason.

32 (8) — All smelting or processing of metals or other materials on site is prohibited.

33 (9) — If the property abuts any residential zoning district, the use of heavy machinery  
34 before 8:00 a.m. or after 5:00 p.m. is prohibited. The term "heavy machinery" includes,  
35 but is not limited to, impact hammers, crushers, shredders, cranes, fork lifts and similar  
36 equipment which, when operated, generates noise levels which might adversely impact

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1 upon adjacent residents or residential land values.

2 ~~(10) Access shall be directly onto a paved roadway with a minimum classification of a~~  
3 ~~collector road that is maintained by the state or the county.~~

4 ~~(11) The minimum parcel size for a junkyard shall be five acres. The maximum parcel~~  
5 ~~size for a junkyard shall be 20 acres.~~

6 ~~(12) All lighting shall be shielded so as to not shine directly on adjacent properties.~~

7 ~~(13) The owner or operator of a junkyard shall maintain documentation on site that a~~  
8 ~~professional exterminator has been retained and will continue to be retained for monthly~~  
9 ~~visits and treatments as necessary to control rodents, mosquitoes and any other pests,~~  
10 ~~insects, or animals.~~

11 ~~(14) There shall be no bulk storage of flammable or explosive liquids, solids or gasses~~  
12 ~~permitted on site. For the purposes of this subsection, "bulk storage" means more than~~  
13 ~~500 gallons of flammable or explosive liquid, more than 500 pounds of flammable or~~  
14 ~~explosive solids, and more than 100 cubic feet of flammable or explosive gasses. In~~  
15 ~~addition to this subsection, storage of flammable or explosive liquids, solids, or gasses~~  
16 ~~shall meet the requirements of section 50-762.~~

17 ~~(15) No materials or wastes shall be deposited or stored in or at any junkyard in such~~  
18 ~~a form or manner that they may leach into the ground or be transferred off site by storm~~  
19 ~~water runoff.~~

20 ~~(16) Any material or waste which has the potential to cause fumes or dust, or which~~  
21 ~~could constitute a fire hazard, or which may be edible by or otherwise be attractive to~~  
22 ~~rodents or insects, shall be stored outdoors only in closed containers constructed and~~  
23 ~~approved for storing such material or waste.~~

24 ~~(17) A junkyard shall contain at least one office building constructed in accordance with~~  
25 ~~all applicable code requirements, and which shall contain at least one accessible unisex~~  
26 ~~restroom, and a minimum of five off-street parking spaces constructed in accordance with~~  
27 ~~sections 50-381 through 50-384.~~

28  
29 **~~Sec. 50-728. Large scale multifamily developments (over three acres).~~**

30 ~~The following provisions apply to large scale multifamily developments that are over three~~  
31 ~~acres:~~

32 ~~(1) All supplementary regulations shall apply to a large scale multifamily development.~~

33 ~~(2) The proposed development must be contiguous to or within existing corporate or~~  
34 ~~special district limits, and provide a package treatment plant designed and built for~~  
35 ~~connection to a centralized sewer system at the property line.~~

36 ~~(3) A state-approved central water system shall be required.~~

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1 ~~(4) — Where the proposed use abuts an RR or RR-2 zoning district, a landscaped buffer~~  
2 ~~area with a minimum width of 200 feet shall be required.~~

3 ~~(5) — A site plan shall be submitted as provided in section 50-775.~~

4 ~~(6) — The proposed development shall have access directly to a collector or arterial road~~  
5 ~~as designated by the traffic circulation element of the county comprehensive plan.~~

6 ~~(7) — User-oriented recreation facilities and open space shall be provided pursuant to~~  
7 ~~those minimum standards established by the recreation and open space element of the~~  
8 ~~county comprehensive plan.~~

9  
10 **~~Sec. 50-729. Manufacturing.~~**

11 ~~The following provisions are applicable to all types of manufacturing, except furniture~~  
12 ~~manufacturing, which is treated under section 50-721:~~

13 ~~(1) — Loading and unloading docks shall be provided for trucks.~~

14 ~~(2) — All outdoor storage is prohibited.~~

15 ~~(3) — Emissions detectable at the property line are expressly prohibited.~~

16 ~~(4) — Buffering shall be provided along the boundary line with any residential district or~~  
17 ~~existing residential land use. As used here, the term "buffering" means a berm, an opaque~~  
18 ~~fence, or vegetation in any combination which creates a visual barrier at least eight feet~~  
19 ~~high. If a residential district or residential land use is separated from the proposed~~  
20 ~~manufacturing use by a road, the buffering requirement shall also apply, except at~~  
21 ~~driveways having a maximum width of 30 feet.~~

22 ~~(5) — A site plan shall be submitted as provided in section 50-775.~~

23  
24 **~~Sec. 50-730. Mobile home parks.~~**

25 ~~(a) — The following provisions apply to mobile home parks when such mobile home park~~  
26 ~~is allowed as a special exception use:~~

27 ~~(1) — A site plan shall be submitted as provided in section 50-775. For all mobile home~~  
28 ~~parks, a state-approved site plan and permit is required prior to county consideration,~~  
29 ~~unless permitting is waived by the state.~~

30 ~~(2) — Each mobile home space shall contain a minimum of 4,000 square feet of land~~  
31 ~~area, provided that spaces of 3,500 square feet may be approved if for each such space~~  
32 ~~other space containing 4,500 square feet is provided.~~

33 ~~(3) — No mobile home may be placed within 40 feet of any F/RR, A/RR or RR zoning~~  
34 ~~district boundary.~~

35 ~~(4) — A minimum 15-foot side yard shall be provided for each mobile home.~~

36 ~~(5) — Access shall be directly to a paved highway designated as a "collector" or "arterial"~~

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- 1 by the county comprehensive plan.
- 2 ~~(6) — All mobile homes, regardless of size and including travel trailers, shall be tied down~~  
3 ~~and permitted as for a conventional mobile home.~~
- 4 ~~(7) — A user-oriented recreation facility shall be provided, meeting or exceeding those~~  
5 ~~minimum standards established within the recreation element of the county~~  
6 ~~comprehensive plan.~~
- 7 ~~(8) — Where contiguous properties have been developed for residential purposes, the~~  
8 ~~board of county commissioners may require a landscaped and irrigated buffer area, which~~  
9 ~~may include but shall not be limited to requirements for:~~
- 10 a. ~~Opaque fencing or walls.~~
- 11 b. ~~Evergreen vegetation.~~
- 12 c. ~~Berms.~~
- 13 d. ~~Minimum standards for the spacing, survival and species selection.~~
- 14 ~~(9) — Mobile home parks shall not be permitted within a designated floodplain and/or~~  
15 ~~coastal high-hazard area. No existing mobile home park may be granted a special~~  
16 ~~exception to increase in size or number of spaces if already located within a designated~~  
17 ~~floodplain and/or coastal high-hazard area.~~
- 18 ~~(10) — Setbacks shall be established in schedule 2 of the district regulations, with no~~  
19 ~~improvements allowed within the required setback area.~~
- 20 ~~(b) — The following provisions apply to mobile home parks when such mobile home park~~  
21 ~~is a permitted use:~~
- 22 ~~(1) — Lot or parcel size and space requirements.~~
- 23 a. ~~The minimum size of the entire tract shall be five acres.~~
- 24 b. ~~Mobile home parks shall provide a minimum of 4,000 square feet per space except~~  
25 ~~that 25 percent of the spaces to be provided in such a park may provide a minimum area~~  
26 ~~of 3,500 square feet provided that, for each such space, one space shall be provided with~~  
27 ~~a minimum area of 4,500 square feet.~~
- 28 c. ~~The minimum space width shall be 40 feet.~~
- 29 d. ~~The minimum space depth shall be 80 feet.~~
- 30 ~~(2) — Yard size requirements.~~
- 31 a. ~~There shall be a minimum distance of 15 feet between structures or mobile homes~~  
32 ~~located on adjoining spaces within the park.~~
- 33 b. ~~There shall be a minimum front yard for each space of ten feet measured from the~~  
34 ~~body of a mobile home or the wall of a structure to the edge of a roadway within the park.~~
- 35 ~~(3) — Sanitary requirements. Surface drainage plans shall be reviewed by the county~~  
36 ~~engineer who shall determine whether the proposed plan will be compatible with the~~

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1 ~~surrounding area and the ultimate county drainage plan, prior to issuance of site plan~~  
2 ~~approval and building permit. No permit shall be issued in such instances where the~~  
3 ~~county engineer finds the plan to be incompatible with surrounding area. Sewage facilities~~  
4 ~~shall be provided as required by the county health department. If a central sewer system~~  
5 ~~is provided, it shall be owned and operated by a municipality, special district, or a~~  
6 ~~community development district.~~

7 ~~(4) — Park road requirements. Roadways within the park shall be a minimum of 22 feet~~  
8 ~~in width with a minimum of 18 feet of paved road.~~

9  
10 **~~Sec. 50-731. Mobile home subdivision.~~**

11 ~~The following provisions apply to mobile home subdivisions:~~

12 ~~(1) — The preliminary plat shall first be reviewed by the planning commission, which shall~~  
13 ~~evaluate the compatibility of the proposed subdivision with:~~

14 ~~a. — Surrounding land uses.~~

15 ~~b. — Highway access.~~

16 ~~c. — Internal physiographic features.~~

17 ~~(2) — The board of county commissioners may require any conditions it considers~~  
18 ~~necessary to ensure internal and external compatibility.~~

19 ~~(3) — To be considered as a special exception where permitted as such, the mobile~~  
20 ~~home subdivision design is expected to exceed those minimum standards applicable to~~  
21 ~~conventional subdivisions.~~

22 ~~(4) — Mobile home subdivisions shall not be permitted within a designated floodplain~~  
23 ~~and/or coastal high hazard area. No existing mobile home park may be granted a special~~  
24 ~~exception to increase in size or number of spaces if already located within a designated~~  
25 ~~floodplain and/or coastal high hazard area.~~

26  
27 **~~Sec. 50-732. On-premises consumption of alcohol.~~**

28 ~~The following provisions apply to premises authorized to sell alcohol for on-premises~~  
29 ~~consumption:~~

30 ~~(1) — The lot shall be a minimum of 300 feet from the nearest residential zoning district~~  
31 ~~and 1,200 feet from the nearest church or school. This provision shall not apply for~~  
32 ~~applications for special exceptions for on-premises consumption of alcohol in chartered~~  
33 ~~or incorporated private country clubs or lodges in a RR, RR-2, RR-3C or RR-3M zoning~~  
34 ~~district.~~

35 ~~(2) — Direct access to a paved collector or arterial road shall be required.~~

36  
  
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1 **Sec. 50-733. Automobile paint and body shops.**

2 The following provisions apply to automobile paint and body shops:

3 (1) — Emissions detectable at the property line are prohibited. Paint spraying systems,  
4 including but not limited to paint booths, shall be consistent with the requirements of any  
5 applicable state agency or department and the applicable sections of the National Fire  
6 Prevention Association Code.

7 (2) — The proposed location of the structure to be used for the paint and body shop shall  
8 be at least 300 feet from any residential land use or residential zoning district.

9 (3) — Outdoor storage of vehicle parts is prohibited.

10 (4) — No more than eight vehicles of customers may be parked outdoors at any time.

11 (5) — Buffering shall be provided along the boundary with any contiguous residential land  
12 use or residential zoning district. As used in this subsection, the term "buffering" means  
13 a berm, an opaque fence, or vegetation in any combination, which creates a visual barrier  
14 at least eight feet high. If a residential district or use is separated from the proposed paint  
15 and body shop by a road right-of-way less than 100 feet, the buffering requirement shall  
16 also apply, except at driveways having a maximum width of 30 feet.

17  
18 **Sec. 50-734. Permanent sawmills.**

19 The following provisions apply to permanent sawmills:

20 (1) — Access via any residential district is prohibited.

21 (2) — A site plan shall be submitted as provided in section 50-775, with the following  
22 additional requirements indicating the methods to be used to:

23 a. — Control stormwater runoff.

24 b. — Prevent fire.

25 c. — Reduce dust and noise emissions.

26 (3) — The proposed location shall be at least 660 feet from any residential land use or  
27 residential zoning district.

28  
29 **Sec. 50-735. Permanent woodchippers.**

30 The following provisions apply to permanent woodchippers:

31 (1) — Access via any residential district is prohibited.

32 (2) — A site plan shall be submitted, subject to the provisions of section 50-775, with the  
33 following additional requirements indicating the methods to be used to:

34 a. — Control stormwater runoff.

35 b. — Prevent fire.

36 c. — Reduce dust and noise emissions.

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1 (3) ~~— The proposed location shall be at least 1,320 feet from any residential land use or~~  
2 ~~residential zoning district.~~

3 (4) ~~— No chipping equipment shall be operated between the hours of 7:00 p.m. and 7:00~~  
4 ~~a.m.~~

5  
6 **~~Sec. 50-736. Prisons and jails.~~**

7 ~~The following provisions apply to prisons and jails:~~

8 (1) ~~— A site plan shall be submitted as provided in section 50-775.~~

9 (2) ~~— Extra security measures will be provided where a proposed jail or prison abuts an~~  
10 ~~adjacent residential land use or residential zoning district.~~

11 (3) ~~— The minimum parcel size is 40 acres, and all structures will be centrally located.~~

12 (4) ~~— Lighting will be directed so as not to shine onto adjacent residential land uses or~~  
13 ~~residential zoning districts.~~

14 (5) ~~— Site plans will be submitted to the state department of corrections for review and~~  
15 ~~comment, except where such agency is the applicant.~~

16  
17 **~~Sec. 50-737. Rehabilitation centers.~~**

18 ~~The following provisions apply to rehabilitation centers:~~

19 (1) ~~— A site plan shall be submitted, subject to the provisions of section with the following~~  
20 ~~additional requirements indicating the methods to be used to:~~

21 a. ~~— Provide internal and external security.~~

22 b. ~~— Provide fire protection.~~

23 (2) ~~— Off-street parking shall be provided at the rate of 1.0 space per employee on the~~  
24 ~~maximum shift, plus 1.2 spaces per bed.~~

25 (3) ~~— Where contiguous to any residential district, a landscaped buffer shall be provided,~~  
26 ~~having a minimum width of 20 feet. The board of county commissioners may require~~  
27 ~~berms or opaque fencing where the proposed development will abut any existing~~  
28 ~~residence.~~

29  
30 **~~Sec. 50-738. Reptile farms, zoos, or similar facilities, or the keeping of dangerous~~**  
31 **~~exotic animals or dangerous native animals.~~**

32 ~~The following provisions apply to the facilities and operation of reptile farms, zoos, or~~  
33 ~~similar facilities, or the facilities and keeping of dangerous exotic animals or dangerous~~  
34 ~~native animals:~~

35 (1) ~~— A site plan shall be submitted, subject to the provisions of section 50-775 with the~~  
36 ~~additional requirements of indicating the methods used to confine the animals and the~~

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1 ~~methods used to contain on premises any animals that escape from confinement.~~

2 ~~(2) — Locations within a floodprone area are prohibited.~~

3 ~~(3) — A state approved method of disposing of animal wastes shall be provided.~~

4 ~~(4) — The site plan and supporting documentation will be submitted by the development~~  
5 ~~department to the state department of environmental protection and to the state fish and~~  
6 ~~wildlife conservation commission for review and comment.~~

7 ~~(5) — Locations within one quarter mile of any residential area are prohibited.~~

8  
9 **~~Sec. 50-739. Riding stables and academies.~~**

10 ~~The following provisions apply to riding stables and academies:~~

11 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

12 ~~(2) — Documentation shall be provided as to current or available insurance for liability.~~

13 ~~(3) — All buildings shall be provided with automatic sprinkler systems, and fire~~  
14 ~~extinguishers shall be located at all points of ingress and egress.~~

15 ~~(4) — A minimum of one off-street parking space shall be provided for each animal stall.~~

16 ~~(5) — Each proposed site shall contain a minimum of one acre per two horses.~~

17  
18 **~~Sec. 50-740. Sale of produce on premises.~~**

19 ~~The following provisions apply to sale of produce on premises:~~

20 ~~(1) — The applicant shall provide a sketch (site plan is not required) indicating that the~~  
21 ~~produce stand and/or display area is located in a manner which allows traffic to enter and~~  
22 ~~exit the premises without the need for backing movements onto the highway right-of-way.~~

23 ~~(2) — A minimum of five off-street parking spaces shall be provided, without~~  
24 ~~requirements for paving.~~

25 ~~(3) — All produce sold on premises must be raised on the premises.~~

26 ~~(4) — Nonproduce retail or wholesale sales are expressly prohibited.~~

27  
28 **~~Sec. 50-741. Sale of unfinished products outside structures.~~**

29 ~~The following provisions apply to sale of unfinished products outside structures:~~

30 ~~(1) — All products will be raised above ground level or stored on a solid asphalt or~~  
31 ~~concrete surface to reduce vermin populations.~~

32 ~~(2) — No products will be stored within 660 feet of any adjacent residential land use or~~  
33 ~~residential zoning district except in a completely enclosed structure. Additionally, all such~~  
34 ~~products shall be buffered from view from such adjacent residential uses or residential~~  
35 ~~zoning districts.~~

36 ~~(3) — Ingress and egress shall be via a paved collector or arterial road.~~

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1 ~~(4) — No ingress or egress shall be provided through a residential zoning district.~~

2 ~~(5) — A site plan shall be submitted as provided in section 50-775.~~

3  
4 **Sec. 50-742. Schools.**

5 The following provisions apply to schools:

6 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

7 ~~(2) — Direct access onto a collector or arterial road, as designated by the traffic~~  
8 ~~circulation element of the county comprehensive plan, shall be required.~~

9 ~~(3) — The minimum lot size shall be five acres, with a minimum highway frontage of 200~~  
10 ~~feet.~~

11 ~~(4) — All off-street parking areas shall be paved.~~

12 ~~(5) — Where a side yard abuts a residential zoning district, the required width shall be a~~  
13 ~~40-foot minimum.~~

14 ~~(6) — A minimum of 49 percent of the gross land area shall remain in permanent open~~  
15 ~~space (no structures or parking).~~

16 ~~(7) — Crosswalks and caution signals shall be provided on each street frontage.~~

17 ~~(8) — All driveways shall be paved.~~

18 ~~(9) — Ingress and egress points shall be:~~

19 a. ~~Limited to two curb cuts per highway.~~

20 b. ~~No closer than 200 feet from each other or any intersection.~~

21  
22 **Sec. 50-743. Automobile service or repair and service or repair stations.**

23 The following provisions apply to automobile service or repair and automobile service or  
24 repair stations:

25 ~~(1) — The service or repair station shall be located in a commercial zoning district or~~  
26 ~~within the boundaries of a rural commercial node or approved planned unit~~  
27 ~~development.~~

28 ~~(2) — The road providing access to the service or repair station shall be a paved county~~  
29 ~~or state road with a minimum functional classification of major collector as designated by~~  
30 ~~the traffic circulation element of the comprehensive plan or defined herein.~~

31 ~~(3) — Parking areas, entrance and exit drives shall be paved.~~

32 ~~(4) — All lighting shall be screened or shielded to protect adjacent residential uses.~~

33 ~~(5) — All oil drainage pits and hydraulic lifts shall be located within an enclosed structure~~  
34 ~~and shall be located no closer than 50 feet to any property line.~~

35 ~~(6) — A chemical fire extinguisher shall be provided at each fuel pump, plus one in the~~  
36 ~~principal building, with the size to be determined by the county fire marshal, or by the~~

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1 chief of the fire district having jurisdiction.

2 ~~(7) — No service or repair station shall have an entrance or exit for vehicles within 200~~  
3 ~~feet as measured along public street in which there exists a school, public playground,~~  
4 ~~church, chapel, convent, hospital or public library. Gasoline pumps shall be set back at~~  
5 ~~least 30 feet from any right-of-way line. No driveway shall be closer than 100 feet to any~~  
6 ~~intersection.~~

7 ~~(8) — For new construction, all pump islands shall be set back at least 30 feet from a~~  
8 ~~road right-of-way line.~~

9 ~~(9) — Where the service or repair station abuts a residential district, that boundary shall~~  
10 ~~be surrounded by a visual barrier as defined in section 50-823.~~

11  
12 **Sec. 50-744. Shopping centers.**

13 The following provisions apply to shopping centers:

14 (1) — A site plan shall be submitted as defined in section 50-775.

15 (2) — ~~The entire nonhighway perimeter, and any highway perimeter which fronts an~~  
16 ~~adjacent residential zoning district, shall be surrounded by a visual barrier as defined in~~  
17 ~~section 50-823.~~

18 (3) — A shopping center shall include no less than five acres of contiguous land.

19 (4) — ~~If more that 200,000 square feet of gross floor area are proposed, the project shall~~  
20 ~~be submitted as a planned unit development as provided in division 6 of this article.~~

21  
22 Projects of a size below this threshold shall have:

|                       | Maximum           | Minimum                                    |
|-----------------------|-------------------|--|
| Building Setback      | —                 | 50'  |
| Floor Area Ratio      | 25%               | —  |
| Irrigated Landscaping | —                 | 25% Gross Land Area (G.L.A.)               |
|                       | Internal          | 8% (G.L.A.)                                |
|                       | Perimeter         | 17% (G.L.A.) & 20' Wide                    |
| Parking Spaces        |                   | 1/200 S.F.G.F.A.*<br>162 S.F./Space, Paved |
| Compact Car Parking   | 25% of item d.    | 128 S.F./Space                             |
| Handicapped Parking   | —                 | 1/20 of item d.                            |
| Off-Street Loading    | 8,000 S.F.G.F.A.  | 1 Berth                                    |
|                       | 25,000 S.F.G.F.A. | 2 Berths                                   |

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|                 |                                |                            |
|-----------------|--------------------------------|----------------------------|
|                 | 50,000 S.F.G.F.A.              | 3 Berths<br>16' x 60' Each |
|                 | 100,000 S.F.G.F.A.             | 4 Berths                   |
|                 | Over 100,000 S.F.              | 5 Berths                   |
| Illumination    | 0.20 footcandles — at lot line |                            |
| Drainage        | —                              | Retention of 25-year       |
| Height          | 45'                            | —                          |
| Driveways       | 2/Frontage                     | Paved                      |
| Internal Aisles | —                              | Paved                      |

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\* S.F.G.F.A. = Square Feet Gross Floor Area.

**Sec. 50-745. Single-family residence.**

- (a) ~~When a single-family residence is being considered as a special exception use, a single-family residence must be preceded by, or approved simultaneously with, a permitted use.~~
- (b) ~~When a single-family residence is being considered as a special exception use, the board of county commissioners will ensure that the single-family residence is located the maximum possible distance away from any adjoining commercial land use or zone while allowing a reasonable use of the premises. If approval would create a conflict between land uses, the residential use will be denied.~~

**Sec. 50-746. Travel trailer parks.**

The following provisions apply to travel trailer parks:

- (1) ~~All driveways and aisles shall be paved, except those which serve less than 20 spaces.~~
- (2) ~~Pads and individual lots may remain unpaved.~~
- (3) ~~On-site water retention shall be adequate to retain the 25-year storm.~~
- (4) ~~Approval shall be conditional upon approval of the:~~
  - a. ~~Water system by the state department of environmental protection and F.A.C. ch. 17-22.~~
  - b. ~~Sewer system by the county health department and F.A.C. ch. 10D-26.~~
  - c. ~~Location, construction, equipment and operation by state department of health and F.S. ch. 513.~~
- (5) ~~Each travel trailer park shall be limited to one ingress point and one egress point, plus an emergency drive.~~

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1 ~~(6) — Each travel trailer park may include accessory commercial facilities, such as~~  
2 ~~laundromats and convenience stores, as a part of the project; however, such uses shall~~  
3 ~~be of a scale and location as to primarily serve the needs of the renters within the park.~~

4 ~~(7) — In any floodprone area, no travel trailer may be tied down, blocked up, added onto,~~  
5 ~~or otherwise made to be immobile.~~

6 ~~(8) — Both permanent and temporary storage on site are expressly prohibited in~~  
7 ~~floodprone areas.~~

8 ~~(9) — If an evacuation order is given, all travel trailers are required to be evacuated. The~~  
9 ~~applicant shall provide written assurances that this can and will be accomplished.~~

10 ~~(10) — Setbacks shall be established in schedule 2 of the district regulations, with no~~  
11 ~~improvements allowed within the required setback area.~~

12  
13 **Sec. 50-747. Automobile sales and service.**

14 ~~The following provisions apply to automobile sales and service:~~

15 ~~(1) — A site plan shall be submitted as provided in section 50-775.~~

16 ~~(2) — No portion of any vehicle shall be parked or displayed within twenty feet of the~~  
17 ~~edge of adjacent right-of-way, nor within five feet of any common property line.~~

18 ~~(3) — The minimum parcel size for an automobile sales and service use shall be four~~  
19 ~~acres when the automobile sales and service use is permitted by special exception.~~

20 ~~(4) — A maximum of two driveways shall be allowed; provided, the driveways are spaced~~  
21 ~~at least 200 feet apart on any single highway frontage, or the spacing of the driveways~~  
22 ~~meets or exceeds the spacing requirements of any applicable access management plan.~~  
23 ~~No entrance or exit shall be located any closer than 100 feet to the right-of-way line at~~  
24 ~~any intersection.~~

25 ~~(5) — Any side or rear yard which abuts a residential zoning district or agricultural zoning~~  
26 ~~district shall be buffered by a minimum 20-foot strip of landscaped, irrigated land.~~

27 ~~(6) — All lights shall be shielded and directed so as to not shine on adjacent~~  
28 ~~noncommercial properties.~~

29 ~~(7) — On state highways, documentation shall be provided from the state department of~~  
30 ~~transportation that the access and curb cuts are in accord with minimum state department~~  
31 ~~of transportation standards and/or the US19/98 Corridor Access Management Plan.~~

32 ~~(8) — All vehicle display areas shall be paved, with landscaped traffic islands and painted~~  
33 ~~parking spaces.~~

34 ~~(9) — Flashing lights and portable signs of any kind are prohibited, except as permitted~~  
35 ~~in article X of this chapter.~~

36  
  
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1 **Sec. 50-748. Veterinary clinics.**

2 The following provisions apply to veterinary clinics:

3 (1) ~~— A site plan shall be submitted as provided in section 50-775.~~

4 (2) ~~— This use will be allowed adjacent to an existing residential use or residential zoning~~  
5 ~~district if the following conditions are met:~~

6 a. ~~— The practice is limited to small animals.~~

7 b. ~~— All animals are confined to a completely enclosed building between the hours of~~  
8 ~~9:00 p.m. and 9:00 a.m.~~

9 (3) ~~— All animal runs, cages and holding areas will be cleaned and washed on a daily~~  
10 ~~basis, with a waste disposal system approved by the county health department.~~

11  
12 **Sec. 50-749. Wholesale sales.**

13 The following provisions apply to wholesale sales:

14 (1) ~~— See section 50-741, sale of unfinished products outside structures, if any outdoor~~  
15 ~~storage is proposed.~~

16 (2) ~~— If outdoor storage is not proposed, this use may be permitted as a matter of right~~  
17 ~~provided that a site plan shall be submitted to the development department documenting~~  
18 ~~compliance with all other land development regulations.~~

19  
20 **Sec. 50-750. Woodshop in enclosed structure.**

21 The provisions of section 50-721, furniture manufacturing, apply to a woodshop in an  
22 enclosed structure.

23  
24 **Sec. 50-751. Sanitary or refuse landfills.**

25 Sanitary or refuse landfills shall only be allowed subject to the following conditions:

26 (1) ~~— Unless approved by the county engineer, access to the site shall not be by means~~  
27 ~~of a local street as defined in the general plan. All weather roads and unloading areas~~  
28 ~~shall be provided at the sanitary landfill. No operations shall continue without an~~  
29 ~~authorized person in attendance. A durable fence shall surround the entire site with gates~~  
30 ~~locked when the landfill is not in operation.~~

31 (2) ~~— Refuse shall be spread evenly and compacted by repeated passes of landfill~~  
32 ~~equipment over the entire surface. The total depth of the fill shall not exceed six inches in~~  
33 ~~any one 24-hour period. The area of new fill shall be covered each day by a six-inch layer~~  
34 ~~of earth.~~

35 (3) ~~— The total depth of the fill shall not exceed ten feet. The final cover shall be of at~~  
36 ~~least two feet compacted soil to be placed within one week of completion of the fill.~~

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1 ~~(4) — No burning of refuse shall be permitted on the site. Scavenger operations shall not~~  
2 ~~be permitted to interfere with the operation of the landfill. Salvaged material must be~~  
3 ~~removed or covered by the end of each working day.~~

4 ~~(5) — Dust control measures shall be applied whenever it becomes necessary, including~~  
5 ~~the wetting of the entire.~~

6 ~~(6) — All landfills shall be subject to continuous inspections during a period of 12 months~~  
7 ~~after the completion of the fill. The owner of the landfill will be required to maintain~~  
8 ~~adequate compacted cover on the sanitary landfill during its operation for the 12-month~~  
9 ~~period following completion of the sanitary landfill.~~

10  
11 **~~Sec. 50-752. Support and operation facilities related to the extraction of water for~~**  
12 **~~bulk or retail sales.~~**

13 ~~The following provisions apply to support and operation facilities related to the extraction~~  
14 ~~of water for bulk or retail sales:~~

15 ~~(a) — *Definition.* In this chapter, the term "support and operation facility related to the~~  
16 ~~extraction of water for bulk or retail sales," or if used in this section the term "support and~~  
17 ~~operation facility," means any development or improvements of any kind to a lot or parcel~~  
18 ~~of property that are in support of, in furtherance of the operation of, or connected with the~~  
19 ~~extraction of water from such lot or parcel of property for bulk or retail sales.~~

20 ~~(b) — *Special exceptions for support and operation facilities related to the extraction of*~~  
21 ~~*water for bulk or retail sales; criteria, standards and conditions.* A support and operation~~  
22 ~~facility related to the extraction of water for bulk or retail sales shall require the approval~~  
23 ~~of a special exception application in accordance with the provisions of this section and all~~  
24 ~~applicable sections in division 5, article XIII, of this chapter 50, prior to commencement of~~  
25 ~~construction, development, or use of such facility. The specific criteria, standards and~~  
26 ~~conditions that shall be required to be met prior to approval of such support and operation~~  
27 ~~facility related to the extraction of water for bulk or retail sales are as follows:~~

28 ~~(1) — The proposed support and operation facility complies with all the required~~  
29 ~~regulations and standards of this chapter, including provisions of division 5 and of this~~  
30 ~~section specifically, and all other applicable regulations.~~

31 ~~(2) — The proposed support and operation facility is consistent with the comprehensive~~  
32 ~~plan and conforms with the general plans of the county as embodied in the~~  
33 ~~comprehensive plan.~~

34 ~~(3) — The proposed support and operations facility is serviced by paved roads adequate~~  
35 ~~to accommodate the traffic volume and load impacts and not adversely impact~~  
36 ~~surrounding uses. Specific requirements for access to roadways for a support and~~

Note: deletions shown stricken, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

1 operation facility shall comply with the following minimum requirements:

2 a. ~~— A support and operation facility shall locate within an area which has direct access~~  
3 ~~to a major collector or arterial road.~~

4 b. ~~— Ingress and egress must have direct access to a paved county or state maintained~~  
5 ~~road. The minimum road classification for access shall be a major collector.~~

6 c. ~~— Access and truck routes to the site through platted recorded and unrecorded~~  
7 ~~residential subdivisions are prohibited.~~

8 d. ~~— The board of county commissioners may limit the number of truck trips per day to~~  
9 ~~and from the property that is the subject of the special exception application.~~

10 e. ~~— *Hauling requirements.* The applicant shall ensure that neither public nor private~~  
11 ~~property will be damaged by the hauling of water from the site, and that hazardous traffic~~  
12 ~~conditions will not be created, all as evidenced by a traffic study performed by a~~  
13 ~~professional engineer licensed in the State of Florida, and provided by the applicant with~~  
14 ~~the application. Any application for a special exception for a support and operation facility~~  
15 ~~shall identify proposed hauling routes. All hauling vehicles shall have the trucking~~  
16 ~~company name (or truck owner's name if privately owned) prominently displayed on the~~  
17 ~~sides of the vehicle.~~

18 (4) ~~— Screening and buffering for the proposed support and operation facility, where~~  
19 ~~necessary, is of such type, dimension and character to improve compatibility of the~~  
20 ~~proposed support and operation facilities with uses and structures of adjacent and nearby~~  
21 ~~properties. Specific buffering standards shall be as follows:~~

22 a. ~~— *Length.* The buffer shall be of sufficient length so as to shield support and operation~~  
23 ~~facility activity from surrounding properties.~~

24 b. ~~— *Depth.* The buffer shall consist of a minimum of 40 feet. If the buffer consists~~  
25 ~~entirely of a vegetative buffer, it shall be a minimum of four rows of non-deciduous trees,~~  
26 ~~with such rows planted ten feet apart, and with the individual trees in each row to be~~  
27 ~~planted in such numbers and in a staggered formation as is necessary to create the~~  
28 ~~required opacity. The buffer shall begin at least ten feet from the property line. If a berm~~  
29 ~~is used in the buffer, the buffer shall meet the requirements for berms contained in this~~  
30 ~~subsection.~~

31 c. ~~— *Opacity.* The buffer shall meet a minimum of 85 percent opacity standard, to be~~  
32 ~~met within one year of the issuance of the special exception approval.~~

33 d. ~~— *Makeup.* The buffer shall consist of a vegetated screen, augmented by a berm if~~  
34 ~~required to obtain opacity. The following conditions apply to the vegetated screening:~~

35 i) ~~— A 40-foot vegetative screen (four rows at ten feet apart, starting a minimum of ten~~  
36 ~~feet from the property line) shall be the standard, except where a berm is necessary.~~

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- 1 Where a berm is necessary, the outer ten feet of the buffer must consist of the vegetative  
2 screen;
- 3 ii) Existing trees located within the vegetative screen area must remain.
- 4 iii) If sufficient vegetation does not exist, the vegetative screen area shall be planted  
5 primarily with evergreen or other nondeciduous trees native to the area and compatible  
6 with the area soils.
- 7 e. *Berms.* The following are requirements for berms where utilized to augment  
8 vegetative buffers:
- 9 i) The berm shall generally run parallel to the property line.
- 10 ii) The berm shall be built to the height necessary to shield the support and operation  
11 facility activity from the property line, but not to exceed ten feet above the natural surface  
12 of the ground, so that the support and operation facility cannot be viewed through the  
13 buffer from adjoining properties when viewed from the property line. The berm shall not  
14 be of uniform height for its length, but shall undulate at varying heights at or below the  
15 ten foot maximum set herein, while still providing the shielding from view of adjoining  
16 properties from the property line.
- 17 iii) The berm must be stabilized with the planting of vegetation. Sloping requirements  
18 to the exterior face of the berm shall not exceed 1:1, vertical to horizontal.
- 19 iv) Adequate control shall be provided to protect the adjacent properties from  
20 additional runoff caused by the earthen berm.
- 21 (5) The proposed support and operation facility will not result in such noise, odor, dust,  
22 vibration, off-site glare, substantial traffic or degradation of road infrastructure so as to  
23 adversely impact surrounding development or cause hazardous traffic conditions. The  
24 support and operation facility shall provide sufficient protection so that there shall be no  
25 audible noise and no visible glare or lighting beyond the boundary line of the subject  
26 property.
- 27 (6) No structures or operations of the support and operation facility shall be located  
28 within 75 feet of any property line.
- 29 (7) All structures located on the subject property shall be compatible in design and  
30 architectural features with the structures in the surrounding area.
- 31 (8) The minimum tract size for the proposed support and operation facility shall be ten  
32 acres.
- 33 (9) The proposed support and operation facility will not adversely impact the  
34 recreational enjoyment of state, federal or county parks by the public.
- 35 (10) The proposed support and operation facility is not located in a prohibited area, and  
36 meets all requirements contained in this section and all other applicable land development

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1 regulations.

2 ~~(11) The proposed support and operation facility has obtained all applicable federal,~~  
3 ~~state or local permits, prior to submitting an application to the county for the special~~  
4 ~~exception.~~

5 ~~(12) The proposed support and operation facility will not be detrimental to the area~~  
6 ~~residents or businesses, or the public health, safety or welfare of the community as a~~  
7 ~~whole.~~

8 ~~(13) The site plan submitted with the application for special exception for a support and~~  
9 ~~operation facility shall meet all site plan submittal requirements of section 50-775 hereof,~~  
10 ~~and shall contain any other information reasonably required by the building official or~~  
11 ~~county engineer for the applicable county departments to conduct an adequate review.~~

12 ~~(14) The fee for an application for a special exception for a support and operation facility~~  
13 ~~shall be the same fee as for a special exception for a major mining operation, which is set~~  
14 ~~out in the fee schedule maintained by the county development department. The~~  
15 ~~application for special exception for a support and operation facility shall be accompanied~~  
16 ~~by the applicable fee. The application fee is non-refundable, whether the application is~~  
17 ~~ultimately approved or denied.~~

18 ~~(15) Notwithstanding any other provision in this section to the contrary, a special~~  
19 ~~exception approval for a support and operation facility shall be issued only in the name of~~  
20 ~~the applicant and may be transferred only when the interest of the applicant in the lands~~  
21 ~~that are the subject of the special exception are transferred. Prior to such transfer, the~~  
22 ~~applicant and the prospective transferee must apply to, and receive approval from, the~~  
23 ~~board of county commissioners for an amendment to the special exception application~~  
24 ~~submitted to the county development department. All financial liability and permit filing~~  
25 ~~obligations shall be transferred at the time the interest in said lands is conducted.~~

26 ~~(16) Hours of operation and days of operation of any support and operation facility shall~~  
27 ~~be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless~~  
28 ~~otherwise stated via conditions to the special exception based on site specific~~  
29 ~~considerations. Operation hours shall be regulated to protect the character of nearby~~  
30 ~~residential areas. In addition to all other elements of operation of a support and operation~~  
31 ~~facility, this limitation of hours and days of operation shall specifically apply to the arrival~~  
32 ~~and departure and operation of any truck traffic from the site. No truck traffic shall be~~  
33 ~~allowed to arrive or depart from the subject property and no trucks shall be allowed to~~  
34 ~~operate on the subject property outside of the allowed hours and days of operation. This~~  
35 ~~limitation on hours and days of operation shall not apply to operation of any pumps on~~  
36 ~~the subject property, provided that the operation of such pumps shall not produce any~~

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1 noise that is audible beyond the property line of the subject property.

2 ~~(c) — Prohibited areas for special exceptions for support and operation facilities.~~ In order  
3 to meet the criteria, standards, conditions, and requirements for approval of an application  
4 for a support and operation facilities special exception, in addition to the minimum criteria,  
5 standards, and conditions provided above, the following provisions shall apply:

6 ~~(1) — Prohibited areas for support and operation facilities.~~ The following are areas where  
7 support and operation facilities shall be prohibited:

8 a. — Within one-quarter mile of schools, hospitals, or county, state or federal parks.

9 b. — Within one-quarter mile of a platted and recorded subdivision with lot sizes of five  
10 acres or less that include constructed streets or developed parcels.

11 c. — Anywhere within a municipal service district (MSD), as such districts are defined  
12 and delineated by the Levy County Comprehensive Plan.

13  
14 **Sec. 50-753. Primitive camping.**

15 ~~(a) — As contained in schedule 1, use regulations, of section 50-676, the terms "primitive~~  
16 ~~camp" and "primitive camping" are controlled as follows where permitted:~~

17 ~~(1) — Primitive camps or primitive campgrounds shall not have permanent electricity,~~  
18 ~~sanitary wastewater, or plumbing for use at the individual camp sites. Electricity, sanitary~~  
19 ~~wastewater, or plumbing may be installed for use at campgrounds that provide primitive~~  
20 ~~camping sites, which must be designed and used only for communal use of campers and~~  
21 ~~employees and operators and users of such campground. Campers at individual camp~~  
22 ~~sites where the campground does not provide communal sanitary wastewater shall~~  
23 ~~provide a means to dispose of sanitary waste for transport to a state-approved sanitary~~  
24 ~~wastewater facility.~~

25 ~~(2) — If electricity, sanitary wastewater, or plumbing are to be installed at a campground~~  
26 ~~that provides primitive camp sites for communal use, then the campground must meet all~~  
27 ~~other applicable building and zoning requirements.~~

28 ~~(3) — In zoning districts where primitive camping is allowed, higher density will be~~  
29 ~~allowed in primitive camping areas; however, in the event a primitive camp site is later~~  
30 ~~converted to a permanent dwelling, density in that particular zoning district would apply.~~

31 ~~(4) — In zoning districts where primitive camping is allowed, a primitive camp can be~~  
32 ~~occupied for no longer than 14 consecutive days, unless the primitive camp is located in~~  
33 ~~a campground that provides sanitary wastewater and plumbing for communal use.~~

34 ~~(5) — Primitive camping will be allowed as a permitted use in any federal or state~~  
35 ~~designated hunting area, preserve or district regardless of the regulations of the zoning~~  
36 ~~district in which such hunting area, preserve or district is located.~~

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1 ~~(b) — No primitive camp shall be constructed or erected within 300 feet of a dwelling or~~  
2 ~~dwelling without the written consent of the owner of the dwelling within the 300-foot area.~~

3  
4 **~~Sec. 50-754. Camps.~~**

5 ~~The following provisions shall apply to camps or property utilized for camping:~~

6 ~~(1) — Electrical service, sanitary wastewater service, and plumbing shall be required for~~  
7 ~~a camp, unless campers provide self-contained electric, sanitary wastewater, and~~  
8 ~~plumbing facilities with their camping equipment. Such electrical service, sanitary~~  
9 ~~wastewater service, and plumbing shall meet all permit requirements and other statutes,~~  
10 ~~laws, ordinances, rules or regulations of the county, and of any state or federal~~  
11 ~~department or agency.~~

12 ~~(2) — For camps within hunt clubs, no more than ten camp sites per acre shall be~~  
13 ~~allowed.~~

14 ~~(3) — For camps within hunt clubs, individual camp sites, roadways and accessory~~  
15 ~~structures shall be located to meet the minimum building setback standards from the~~  
16 ~~exterior property lines of the hunt club.~~

17 ~~(4) — Camps created or erected prior to July 1, 2014, that do not meet the requirements~~  
18 ~~of this section shall be considered nonconforming structures and the use thereof shall be~~  
19 ~~considered a nonconforming use.~~

20  
21 **~~Sec. 50-755. Reserved.~~**

22 **~~Sec. 50-756. Reserved.~~**

23  
24 **~~Sec. 50-757. Mechanical automobile washing establishment.~~**

25 ~~In addition to meeting the minimum yard and lot coverage requirements, mechanical~~  
26 ~~automobile washing establishments shall be subject to the following regulations:~~

27 ~~(1) — Such establishments shall not be closer than 200 feet to an R district.~~

28 ~~(2) — Such establishments shall be located on a public street having a pavement width~~  
29 ~~of not less than 30 feet and shall provide ingress and egress so as to minimize traffic~~  
30 ~~congestion.~~

31 ~~(3) — Such establishments, in addition to meeting the standard off-street parking and~~  
32 ~~loading requirements, shall provide at least 15 off-street automobile waiting spaces on~~  
33 ~~the lot in the moving lane to the automobile washing building entrance so as to reduce~~  
34 ~~the number of waiting automobiles in the public street.~~

35  
36 **~~Sec. 50-758. Multifamily developments (small scale).~~**

Note: deletions shown stricken, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**



1 The following provisions apply to small scale multifamily developments (three or less  
2 acres):

3 (1) ~~Generally.~~ Small scale multifamily developments shall be permitted as a matter of  
4 right in all R (multifamily) zoning districts, provided that the requirements of this section  
5 are met.

6 (2) ~~Minimum area.~~ A small scale multifamily development shall include no more than  
7 three acres of contiguous land.

8 (3) ~~Open space.~~ A minimum of 20 percent of the total site area shall be reserved for  
9 public use. Open space will be accessible to all residents of the development, and will  
10 remain undisturbed except for means of access. Parking areas and vehicle access  
11 facilities shall not be considered in calculating open space.

12 (4) ~~Residential density.~~ Multifamily developments shall have densities no greater than  
13 ten dwelling units per gross acre.

14 (5) ~~Arrangement of buildings.~~ Adequate provision will be made for light, air, access  
15 and privacy in the arrangement of the buildings to each other. Each dwelling unit shall  
16 have a minimum of two exterior exposures. Laundry facilities, including washing  
17 machines and clothes dryers, shall be available on the premises.

18 (6) ~~Maximum length of rows.~~ The maximum length of any group of attached structures  
19 shall not exceed 150 feet. A building group may not be so arranged as to be inaccessible  
20 by emergency vehicles.

21 (7) ~~Distance between buildings.~~ The front or rear of any building shall be no closer to  
22 the front or rear of any other building than 40 feet. The side of any building shall be no  
23 closer to the side, front, or rear of any building than 30 feet.

24 (8) ~~Distance between buildings and driveways.~~ No driveway or parking lot shall be  
25 closer than 25 feet to the front of any building, nor ten feet to the side or rear of any  
26 building.

27 (9) ~~Off-street parking spaces.~~ There shall be provided on the site of such development  
28 an area devoted to the storage of automobiles. Two parking spaces shall be provided for  
29 each dwelling unit on the site. Parking spaces shall contain a minimum of 180 square feet  
30 per space.

31 (10) ~~Flooding.~~ A licensed engineer shall certify that the proposed development either is  
32 or is not located within some or all of a floodprone area, and that the construction and  
33 elevation requirements of article VI of this chapter have been met.

34  
35 **Sec. 50-759. Reserved.**  
36

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made on first reading at the 11-7-2023 BoCC Meeting

1 **Sec. 50-760. Group homes and foster care facilities.**

2 The following provisions shall apply to group homes and foster care facilities:

3 (1) ~~Definitions.~~ As used in this section, the following words and terms shall have the  
4 meanings respectively ascribed:

5 a. ~~Ambulatory:~~ Able to walk.

6 b. ~~Foster home:~~ A family-operated, state-licensed and supervised dwelling unit with  
7 no more than two foster parents and three other residents who are either family members  
8 of state clients.

9 c. ~~Group home:~~ A facility which is licensed by the state and which at:

10 1. ~~Level I contains up to four residents.~~

11 2. ~~Level II contains up to eight residents.~~

12 3. ~~Level III contains up to 12 residents.~~

13 4. ~~Level IV contains up to 20 residents.~~

14 d. ~~Intensity of care:~~ The degree of personal care and therapeutic care required, either  
15 low or high. The term "low" means both low personal care and low therapeutic care, and  
16 the term "high" includes all other combinations.

17 e. ~~Respite care:~~ Intensive and personal care, usually in the home of the patient, at a  
18 level of care between that found in a foster care facility and a group home. A permitted  
19 use as matter of right in all zoning districts.

20 (2) ~~Classification matrix.~~ Three classes of facility have been identified for the purpose  
21 of deciding what uses may be permitted in the various zoning districts. These are:

22 a. ~~Class 1: Low potential for community impact.~~

23 b. ~~Class 2: Moderate potential for community impact.~~

24 c. ~~Class 3: High potential for community impact.~~

25 Each type of institutional facility has been assigned a class in table 79-1. Table 79-2  
26 identifies, by district, where a particular class is permitted as a matter of right, as a special  
27 exception, or is prohibited.

28 (3) ~~Densities.~~ Within all residential districts, no more than one foster home shall be  
29 permitted per town block. There shall be no density cap in commercial districts.

31 TABLE 79-1

32 CLASSES ASSIGNED TO THE VARIOUS INSTITUTIONS IN LEVY COUNTY

| Facility Class |           |           |            |
|----------------|-----------|-----------|------------|
| Housing Type   | Intensity | Intensity |            |
|                | Low       | High      |            |
|                |           | Non-      | Ambulatory |

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|  |   |            |   |
|--|---|------------|---|
|  |   | Ambulatory |   |
| Foster Home                            | 4 | 4          | 4 |
| Group Home                             | 4 | 4          | 2 |
| Group II                               | 2 | 2          | 2 |
| Group III                              | 2 | 2          | 2 |
| Group IV                               | 3 | 3          | 3 |
| Residential Facility<br>(+ 20 Persons) | 3 | 3          | 3 |

1  
2  
3  
4  
5

TABLE 79-2  
ZONING DISTRICTS AND TYPES OF INSTITUTIONAL USES PERMITTED AS  
EITHER A MATTER OF RIGHT, AS A SPECIAL EXCEPTION, OR EXPRESSLY  
PROHIBITED

| Zoning District | Institutional Class |                                     |            |
|-----------------|---------------------|-------------------------------------|------------|
|                 | Permitted by Right  | Permitted as a<br>Special Exception | Prohibited |
| F/RR            | 4                   | 2                                   | 3          |
| A/RR            | 4                   | 2                                   | 3          |
| RR              | 4                   | 2                                   | 3          |
| RR-2            | 1, 2                | 3                                   | —          |
| R               | 1, 2                | 3                                   | —          |
| C-1             | 1, 2, 3             | —                                   | —          |
| C-2             | 1, 2, 3             | —                                   | —          |
| C-3             | 1, 2, 3             | —                                   | —          |
| I               | —                   | —                                   | —          |

6  
7  
8  
9  
10  
11

(4) ~~Parking.~~ For each foster home or group home, off-street parking shall be provided at the rate of one space per bed plus one space per employee on the maximum shift, if applicable, plus one space per nonclient, full-time resident. Parking space and aisle dimensions shall be as required in this chapter.

12 **Sec. 50-761. Home occupations.**

13 Permitted home occupations operated in any structure may be operated only if in compliance with all of the following conditions:

14 (1) ~~Where permitted.~~ Within a single dwelling unit, and only by the person maintaining

15

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1 a dwelling therein, not more than one additional person shall be employed in the home  
2 occupation.

3 (2) ~~Evidence of use.~~ Does not display or create outside the building any evidence of  
4 the home occupation, except that one unanimated, nonilluminated flat or window sign  
5 having an area of not more than six square feet shall be permitted on each street front of  
6 the lot on which the building is situated.

7 (3) ~~Extent of use.~~ Does not utilize more than 30 percent of the gross floor area of the  
8 dwelling unit, except foster family care.

9 (4) ~~Permitted uses.~~ Includes not more than one of the following uses provided that  
10 such uses are clearly incidental and secondary to the use of the dwelling unit for  
11 residential purposes:

12 a. ~~Medical and dental offices in accordance with provisions for off-street parking as~~  
13 ~~required in this article with not more than one nonresident assistant.~~

14 b. ~~Other professional offices, including lawyer, engineer, architect, etc.~~

15 c. ~~Custom dressmaking, seamstress, milliner, reupholsterer.~~

16 d. ~~Artist or musician.~~

17 e. ~~Foster family care (for not more than three children simultaneously).~~

18 f. ~~Tutoring for not more than three students at a time.~~

19  
20 **Sec. 50-762. Outdoor storage areas.**

21 ~~Outdoor storage areas in commercial zoning districts and industrial zoning districts, or~~  
22 ~~outdoor storage areas connected with commercial or industrial uses, shall not be located~~  
23 ~~within 200 feet from the nearest residential zoning district. Any storage or maintenance~~  
24 ~~of flammable or explosive liquids, solids, or gasses, and any deposit or storage of waste~~  
25 ~~of any kind, shall meet all applicable federal, state and local requirements.~~

26  
27 **Sec. 50-763. Temporary uses.**

28 ~~The zoning official has the discretionary authority to issue a special use permit for any~~  
29 ~~temporary use in any district when such temporary use is not otherwise provided for in~~  
30 ~~schedule 1, use regulations, of section 50-676. No temporary use may be allowed, and~~  
31 ~~no temporary use permit may be issued, for more than 30 days. Provided, however, that~~  
32 ~~asphalt plants and concrete batch plants required for construction of an approved or~~  
33 ~~permitted use may be granted a temporary use permit to extend through the completion~~  
34 ~~of construction of the approved or permitted use for which the asphalt plant or concrete~~  
35 ~~batch plant is required.~~

36  
  
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made on first reading at the 11-7-2023 BoCC Meeting

1 **Sec. 50-764. Reserved.**

2  
3 **Sec. 50-765. Essential public utility services.**

4 ~~The following provisions apply to essential public utility services:~~

5 ~~(1) — Where located within 200 feet of any residential district or any existing residence,~~  
6 ~~a visual screen ten feet high, or a vegetative evergreen buffer which will be at least ten~~  
7 ~~feet in height at maturity, shall be provided on the side of any structure other than a utility~~  
8 ~~pole.~~

9 ~~(2) — Where located within 100 feet of any highway right-of-way, screening as provided~~  
10 ~~in subsection (1) of this section shall be provided along the front lot line.~~

11 ~~(3) — Wherever possible, public utilities shall be routed or located so as to avoid existing~~  
12 ~~populated areas. Where such avoidance is impossible, the utilities should be located and~~  
13 ~~designed to minimize adverse aesthetic impacts.~~

14 ~~(4) — Regardless of size, all proposed developments shall ensure the availability of~~  
15 ~~suitable land for utility facilities necessary to support the proposed development.~~

16  
17 **Sec. 50-766. Medical marijuana treatment center dispensing facilities.**

18 ~~Medical marijuana treatment center dispensing facilities are banned from being located~~  
19 ~~within the boundaries of the county. Notwithstanding the foregoing, in the event a~~  
20 ~~municipality within the county desires not to ban medical marijuana treatment center~~  
21 ~~dispensing facilities within the boundaries of that municipality, such municipality shall not~~  
22 ~~be prohibited by this section from allowing medical marijuana treatment center dispensing~~  
23 ~~facilities within its municipal boundaries.~~

24  
25  
26 **SECTION 11.** A new Subdivision 2 titled “Zoning District Use Table” is created within  
27 Chapter 50, Article XIII, Division 3 of the Levy County Code to read as follows:  
28

29 **DIVISION 3. – DISTRICT REGULATIONS**  
30 **Subdivision 2. - Zoning District Use Table**  
31 **Sec. 50-700. – Generally; Use Table.**

32  
33 This table establishes, for each zoning district, permitted uses (allowed by right),  
34 conditional uses (allowed if approved by staff pursuant to subdivision 5 of this division)  
35 and uses by special exception (allowed if approved by the county commission pursuant  
36 to subdivision 6 of this division.)

37  
38 Any use that is not listed as permitted, conditional or special exception and is not an

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1 accessory use (refer to subdivision 3 of this division) or a temporary use (refer to  
2 subdivision 4 of this division) is a prohibited use in that zoning district. When the zoning  
3 official interprets whether a particular proposed or existing use is permitted by right, is a  
4 conditional use, a use by special exception, a temporary use, an accessory use or a  
5 prohibited use in a particular zoning district, the zoning official may consider factors  
6 including but not limited to the following:

- 7
- 8 (1) Hours of operation (including hours for service and deliveries);
- 9 (2) Building and site arrangement relative to the neighboring permitted uses;
- 10 (3) Types of vehicles used and parking requirements;
- 11 (4) The number of vehicle trips generated; and
- 12 (5) Whether the activity is likely to be found independent of the other activities on the  
13 site.
- 14

15 Each use must conform with all applicable requirements of this code. A use may be listed  
16 in this table as allowed in a zoning district, but if a particular lot or structure does not meet  
17 the minimum requirements of this code, the use will not be allowed on that lot or in that  
18 structure unless it is recognized as a legal non-conformity.

19

20 All uses, except for single-family dwellings, are subject to site plan review by staff in  
21 accordance with sec. 50-775, and other requirements, such as environmental provisions,  
22 contained in this code.

Note: deletions shown ~~stricken~~, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

| <u>Use (reference to code section that contains SE or CU requirements)</u>   | <u>F/RR</u> | <u>A/RR</u> | <u>RR</u> | <u>R-1</u> | <u>R-2</u> | <u>RR-3C</u> | <u>C-1</u>                        | <u>C-2</u>                        | <u>C-3</u>                        | <u>C-4</u>                        | <u>I</u> | <u>RMU</u>                        | <u>PF</u> | <u>REC</u> | <u>NR-CON</u> |
|--|-------------|-------------|-----------|------------|------------|--------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|----------|-----------------------------------|-----------|------------|---------------|
| <u>In this table, P=Permitted Use; CU=Conditional Use; and SE=Use by Special Exception</u>   |             |             |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <b><u>Agriculture</u></b>  |             |             |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <u>Agricultural operation, bona fide</u>   | <u>P</u>    | <u>P</u>    | <u>P</u>  |            |            |              | <u>P</u>                          | <u>P</u>                          | <u>P</u>                          | <u>P</u>                          |          |                                   |           |            |               |
| <u>Agricultural operation, intensive (50-756)</u>  | <u>SE</u>   | <u>SE</u>   |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <b><u>Animals (not agriculture)</u></b>  |             |             |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <u>Veterinary offices with outdoor pens, kennels or runs - <sup>1</sup> if located adjacent to property zoned RR, R-1, R-2 or RR-3C (50-727)</u>                     |             | <u>P</u>    |           |            |            |              | <u>CU<sup>1</sup></u><br><u>P</u> | <u>CU<sup>1</sup></u><br><u>P</u> | <u>CU<sup>1</sup></u><br><u>P</u> | <u>CU<sup>1</sup></u><br><u>P</u> |          | <u>CU<sup>1</sup></u><br><u>P</u> |           |            |               |
| <b><u>Lodging</u></b>  |             |             |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <u>Bed and breakfast inn</u>   |             |             |           |            |            |              |                                   | <u>P</u>                          |                                   |                                   |          |                                   |           |            |               |
| <u>Recreational vehicle (RV) park/campground (50-758)</u>  |             |             |           |            |            |              |                                   |                                   | <u>SE</u>                         | <u>SE</u>                         |          |                                   |           |            |               |
| <u>Hotel or Motel</u>  |             |             |           |            |            |              |                                   |                                   |                                   | <u>P</u>                          |          |                                   |           |            |               |
| <b><u>Intensive Commercial and Industrial</u></b>  |             |             |           |            |            |              |                                   |                                   |                                   |                                   |          |                                   |           |            |               |
| <u>Manufacturing, assembly, processing, packaging, storage and distribution of products <b>without</b> emissions of odor, noise, dust, smoke, vibration or light</u> |             |             |           |            |            |              |                                   | <u>P</u>                          | <u>P</u>                          | <u>P</u>                          | <u>P</u> |                                   |           |            |               |
| <u>Warehouses, including offices and showrooms</u>   |             |             |           |            |            |              |                                   | <u>P</u>                          | <u>P</u>                          | <u>P</u>                          | <u>P</u> |                                   |           |            |               |

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|--|-------------|-------------|-----------|------------|------------|--------------|------------|------------|------------|------------|-----------|------------|-----------|------------|---------------|
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| <u>Wholesale distribution centers</u>  |             |             |           |            |            |              |            |            | <u>P</u>   | <u>P</u>   | <u>P</u>  |            |           |            |               |
| <u>Mining (50-759)</u>   | <u>SE</u>   | <u>SE</u>   | <u>SE</u> |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Construction contractors/trades offices with storage and equipment yard</u>             |             |             |           |            |            |              |            |            | <u>P</u>   | <u>P</u>   | <u>P</u>  |            |           |            |               |
| <u>Junkyard, scrapyard, recycling facility (50-730)</u>                                    |             |             |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            |           |            |               |
| <u>Permanent sawmill or woodchipper (50-728)</u>   | <u>CU</u>   | <u>CU</u>   |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            |           |            |               |
| <u>Self-storage, RV/boat storage facilities</u>  |             |             |           |            |            |              |            | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>  |            |           |            |               |
| <u>Automotive paint and body (50-721)</u>  |             |             |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            |           |            |               |
| <b>Public Services</b>   |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Educational facilities (50-757)</u>   |             |             |           |            |            |              | <u>SE</u>  | <u>SE</u>  | <u>SE</u>  | <u>SE</u>  |           | <u>SE</u>  | <u>SE</u> |            |               |
| <u>Adult or child care facility</u>  |             |             |           |            |            |              | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |           |            |           |            |               |
| <u>Hospital</u>  |             |             |           |            |            |              |            | <u>P</u>   | <u>P</u>   | <u>P</u>   |           |            | <u>P</u>  |            |               |
| <u>Assisted living facility or nursing home (50-734)</u>                                   |             |             |           |            |            |              |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  |           |            |           |            |               |

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| <u>Place of religious assembly, civic organization or membership club, indoor uses only (50-731)</u>                             | <u>CU</u>   | <u>CU</u>   | <u>CU</u> | <u>CU</u>  | <u>CU</u>  | <u>CU</u>            | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  |          |            |           |            |                      |
| <u>Place of religious assembly, civic organization or membership club, with outdoor uses (50-760)</u>                            | <u>SE</u>   | <u>SE</u>   | <u>SE</u> | <u>SE</u>  | <u>SE</u>  | <u>SE</u>            | <u>SE</u>  | <u>SE</u>  | <u>SE</u>  | <u>SE</u>  |          |            |           |            |                      |
| <u>Government offices and facilities</u>   | <u>P</u>    | <u>P</u>    | <u>P</u>  | <u>P</u>   | <u>P</u>   | <u>P</u>             | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u> | <u>P</u>   | <u>P</u>  | <u>P</u>   | <u>P</u>             |
| <u>Cemetery (50-724)</u>   | <u>CU</u>   | <u>CU</u>   |           |            |            |                      |            |            |            |            |          |            |           |            |                      |
| <b>Recreation</b>  |             |             |           |            |            |                      |            |            |            |            |          |            |           |            |                      |
| <u>Public recreation uses</u><br><u><sup>1</sup>restricted to passive, resource based recreation</u>                             | <u>P</u>    | <u>P</u>    | <u>P</u>  | <u>P</u>   | <u>P</u>   | <u>P</u>             |            |            |            |            |          |            | <u>P</u>  | <u>P</u>   | <u>P<sup>1</sup></u> |
| <u>Fishing camp or club</u>  | <u>P</u>    | <u>P</u>    |           |            |            |                      |            |            |            |            |          |            |           |            | <u>P</u>             |
| <u>Hunting camp or club</u>  | <u>P</u>    | <u>P</u>    |           |            |            |                      |            |            |            |            |          |            |           |            | <u>P</u>             |
| <b>Residential</b>   |             |             |           |            |            |                      |            |            |            |            |          |            |           |            |                      |
| <u>Dwelling, single-family <sup>1</sup>in RR-3C – only homes built to Florida Building Code, no mobile or manufactured homes</u> | <u>P</u>    | <u>P</u>    | <u>P</u>  | <u>P</u>   | <u>P</u>   | <u>P<sup>1</sup></u> | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |          |            |           |            |                      |
| <u>Community residential home (small)</u>  | <u>CU</u>   | <u>CU</u>   | <u>CU</u> | <u>CU</u>  | <u>CU</u>  | <u>CU</u>            | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  |          |            |           |            |                      |

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| <u>(50-729)</u>   |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Community residential home (large) (50-729)</u>  |             |             |           |            | <u>CU</u>  |              | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  |           |            |           |            |               |
| <u>Adult or child care home</u>   | <u>P</u>    | <u>P</u>    | <u>P</u>  | <u>P</u>   | <u>P</u>   | <u>P</u>     | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |           | <u>P</u>   |           |            |               |
| <b><u>Sales and services</u></b>  |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Restaurant (food and/or beverages) (if serves alcoholic beverages refer to Chapter 6)</u>                              |             |             |           |            |            |              |            | <u>P</u>   | <u>P</u>   | <u>P</u>   |           | <u>P</u>   |           |            |               |
| <u>Retail (15,000 sq ft or less)</u>  |             |             |           |            |            |              |            | <u>P</u>   | <u>P</u>   | <u>P</u>   |           | <u>P</u>   |           |            |               |
| <u>Sales or service of oil, gasoline, diesel, liquid petroleum, bottled gas or fuel storage and distribution (50-723)</u> |             |             |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> | <u>CU</u>  |           |            |               |
| <u>Food processing, such as butcher, custom processing and wrap services, cold storage - no live animals on premises</u>  | <u>P</u>    | <u>P</u>    |           |            |            |              |            | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>  | <u>P</u>   |           |            |               |
| <u>Funeral homes with chapel (no crematorium)</u>   |             |             |           |            |            |              | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |           |            |           |            |               |
| <u>Personal services, such as barber, hair salon, nail salon, tattoo, piercing, gym,</u>                                  |             |             |           |            |            |              | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |           | <u>P</u>   |           |            |               |

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| <u>massage therapist</u>   |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Automotive sales, service and/or repair (excluding paint and body) (50-722)</u>   |             |             |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            |           |            |               |
| <u>Manufactured and modular home sales and service (50-733)</u>  |             |             |           |            |            |              |            |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            |           |            |               |
| <u>Professional services offices, such as attorney, architect, medical, engineer, title, financial, insurance, management, real estate, veterinarian without outdoor pens, kennels or runs</u> |             |             |           |            |            |              | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |           | <u>P</u>   |           |            |               |
| <b><u>Transportation</u></b>   |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Bus or truck terminal, truck stop, trucking company (must be located on State or Federal Highway)</u>   |             |             |           |            |            |              |            |            |            | <u>P</u>   |           |            |           |            |               |
| <b><u>Utilities</u></b>  |             |             |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Communications towers and antenna (50-725)</u>  | <u>CU</u>   | <u>CU</u>   | <u>CU</u> |            |            |              |            | <u>CU</u>  | <u>CU</u>  | <u>CU</u>  | <u>CU</u> |            | <u>CU</u> | <u>CU</u>  |               |
| <u>Electric generating facilities (50-761)</u>   | <u>SE</u>   | <u>SE</u>   |           |            |            |              |            |            |            |            |           |            |           |            |               |
| <u>Essential public utility services note: county may have additional requirements for facilities on county</u>  | <u>P</u>    | <u>P</u>    | <u>P</u>  | <u>P</u>   | <u>P</u>   | <u>P</u>     | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>  | <u>P</u>   | <u>P</u>  | <u>P</u>   | <u>P</u>      |

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| <u>owned property or county right-of-way</u>  |  |             |           |            |            |              |            |            |            |            |          |            |           |            |               |
| <u>Solar facilities (50-726)</u>  | <u>CU</u>  | <u>CU</u>   |           |            |            |              |            |            |            |            |          |            |           |            |               |
| <p><u>Notes to Use Table:</u></p> <p>(a) <u>Pursuant to Article IV, Section 9 of the Florida Constitution, the keeping of captive wildlife is regulated exclusively by the Florida Fish and Wildlife Conservation Commission (FWC). Any captive wildlife kept in the county must meet all FWC requirements. For the purpose of county zoning district use regulations, the county looks only at the use of the animal (regardless of the type or species of animal). For example, the use of an animal as a personal pet is allowed in any zoning district. The use of an animal for commercial agricultural purposes is allowed in a bona-fide or intensive agricultural operation in the zoning districts that allow that use. In contrast, the use of an animal in a laboratory is prohibited because laboratories are prohibited.</u></p> |  |             |           |            |            |              |            |            |            |            |          |            |           |            |               |

1 **Secs. 50-701 - 704. Reserved.**  
2  
3

4 **SECTION 12.** A new Subdivision 3 titled "Accessory Uses" is created within Chapter 50,  
5 Article XIII, Division 3 of the Levy County Code to read as follows:  
6

7 **DIVISION 3. DISTRICT REGULATIONS**  
8 **Subdivision 3. Accessory Uses.**

9 **Sec. 50-705. Accessory Uses; generally.**

10 This section provides requirements and limitations for accessory uses. Any accessory  
11 use that is not listed below, or is not a clearly customary and incidental use to the  
12 principal use, is a prohibited use.

13 **Sec. 50-706. Accessory dwelling units.**

14 In all agricultural and residential zoning districts (refer to sec. 50-661), one single-  
15 family dwelling is allowed as an accessory use to the principal single-family dwelling  
16 without being included in density calculations, subject to all of the following  
17 requirements:

18 (1) Location. An accessory dwelling unit may be attached to or detached from the  
19 principal dwelling.

21 (2) Minimum lot size. The minimum lot size for a principal and accessory dwelling  
22 unit is one (1) acre, provided the total estimated daily flow for the principal and  
23 accessory dwelling units combined does not exceed the maximum flow limits  
24 established by the Florida Department of Environmental Protection or other  
25 applicable regulatory agency.

26 (3) Access. An accessory dwelling unit and any off-street parking spaces must be  
27 served by the same driveway/driveway connection as the principal dwelling.

29 (4) Standards. An accessory dwelling unit must comply with all standards  
30 applicable within the zoning district, including required setbacks and building  
31 height limits.

32 (5) Owner occupancy required. The property owner must permanently reside in  
33 and maintain homestead exemption for either the principal dwelling or the  
34 accessory dwelling unit. If the property owner fails to do so, only one of the  
35 dwelling units can be occupied.

36 a. Existing principal dwelling. Prior to the issuance of a building permit for the  
37 construction of an accessory dwelling unit on a lot with an existing

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1 principal dwelling, the owner/applicant must submit a signed affidavit (in  
2 the recordable form provided by the county) along with proof of homestead  
3 exemption for the principal dwelling; or

4 b. *New principal dwelling and new accessory dwelling unit.* Prior to the  
5 issuance of building permits for a new principal dwelling and an accessory  
6 dwelling unit that are being applied for at or near the same time, the  
7 owner/applicant must submit a signed affidavit (in the recordable form  
8 provided by the county) affirming that the property owner will permanently  
9 reside and obtain/maintain homestead exemption on the lot.

10 (6) *Building size.* The floor area of the accessory dwelling unit is limited to a  
11 maximum of fifty (50) percent of the floor area of the principal dwelling or one  
12 thousand two hundred (1,200) square feet, whichever is greater.

13 (7) *Water and wastewater services.* An accessory dwelling unit must be connected  
14 to: (1) the central water and central sewer system that serves the principal  
15 dwelling; or (2) where central water and central sewer service is not available,  
16 a shared well and septic with the principal dwelling and/or its own well and  
17 septic, provided all applicable requirements of the Florida Department of  
18 Environmental Protection or other applicable regulatory agency are met.

19 (8) *No conveyance.* Ownership of an accessory dwelling unit may not be  
20 transferred or conveyed and must remain under unified ownership with the  
21 principal dwelling.

22  
23 **Sec. 50-707. Docks.**

24  
25 Except for docks on the Withlacoochee River which must comply with sec. 50-166, et  
26 seq., docks are allowed as an accessory use provided:

27 (1) the property owner has self-certified that the dock is exempt from Department  
28 of Environmental Protection (DEP) permitting, has obtained a DEP General Permit;  
29 or has obtained a DEP Environmental Resource Permit;

30 (2) The dock and/or boathouse cannot be used as a business;

31 (3) The dock and its use cannot create a navigation hazard;

32 (4) Dredging is prohibited;

33 (5) The dock and/or boathouse cannot be designed or constructed to  
34 accommodate more than two boats;

35 (6) Non-water related structures, such as gazebos, sun decks and screen houses,  
36 are prohibited;

37 (7) On rivers and canals, the dock cannot extend waterward of the mean or  
38 ordinary high water line more than 500 feet or 25 percent of the width of the water  
39 body at that particular location, whichever is less. On any other body of water, the  
40 dock cannot extend out from the shoreline any further than a maximum depth of

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1 minus four feet at mean low water. Where the water depth is minus four feet at  
2 mean low water adjacent to an existing bulkhead, the dock cannot extend further  
3 than 25 feet from the bulkhead, subject to modifications accommodating shoreline  
4 vegetation overhang; and  
5 (8) The dock and/or boathouse must be setback 25 feet or more from side riparian  
6 lot lines.

7  
8 **Sec. 50-708. Home-based business.**

9  
10 As recognized in F.S. § 559.955, a home-based business that meets the following criteria  
11 may operate as an accessory use to an occupied dwelling:

- 12  
13 (1) The employees of the business who work at the dwelling must also reside in the  
14 dwelling, except that up to a total of two employees or independent contractors who  
15 do not reside at the dwelling may work at the business. The business may have  
16 additional remote employees that do not work at the dwelling.
- 17  
18 (2) Parking related to the business may not be greater in volume than would normally  
19 be expected at a similar residence where no business is conducted. Vehicles and  
20 trailers used in connection with the business must be parked in legal parking spaces  
21 that are not located within the public right-of-way, on or over a public sidewalk, or  
22 on any unimproved surfaces at the residence. The parking or storage of heavy  
23 equipment (which means commercial, industrial, or agricultural vehicles,  
24 equipment, or machinery) at the business must be shielded by a fence or buffer so  
25 it is not visible from the public right-of-way or neighboring property.
- 26  
27 (3) As viewed from the street, the use of the residential property must be consistent  
28 with the uses of the residential areas that surround the property. External  
29 modifications made to a dwelling to accommodate a home-based business must  
30 conform to the residential character and architectural aesthetics of the  
31 neighborhood. The home-based business may not conduct retail transactions at a  
32 structure other than the dwelling; however, incidental business uses and activities  
33 may be conducted at the residential property.
- 34  
35 (4) The business must not create any nuisance conditions, such as noise, vibration,  
36 heat, smoke, dust, glare, fumes, or noxious odors.
- 37  
38 (5) The business must comply with any relevant local, state, and federal regulations  
39 with respect to the use, storage, or disposal of any corrosive, combustible, or other  
40 hazardous or flammable materials or liquids.

41  
42 **Sec. 50-709. Storage of recreational vehicles or other vehicles and other outdoor**  
43 **storage.**

Note: deletions shown ~~stricken~~, additions shown underlined; **highlighted revisions were made on first reading at the 11-7-2023 BoCC Meeting**

1  
2 (a) In all agricultural and residential zoning districts and on property that is used for  
3 residential use within a non-residential zoning district:

4  
5 (1) Outdoor storage areas may not front on public right-of-way and may not be  
6 located in the front yard.

7 (2) The storage of up to two vehicles that are inoperable and/or lack a current  
8 tag or registration is permitted in the side yard and/or rear yard, but not  
9 within any required setback areas.

10 (3) This section applies only to storage areas and not to the parking of any  
11 vehicles that have a current tag/registration in the name of and are regularly  
12 driven by the owner or occupant of the dwelling.

13  
14 (b) In commercial zoning districts and industrial zoning districts, outdoor storage areas  
15 may not be located within 100 feet from the property line of any residentially zoned  
16 property.

17  
18 (c) All outdoor storage areas must be located behind an opaque fence that obscures the  
19 view from all adjoining properties and public right of way. All items stored outdoors must  
20 be maintained in a safe and secure manner, including but not limited to being supported  
21 or tied; tie downs and tarpaulins must be secured from rattling and flopping in windy  
22 weather; and storage shall not become a public nuisance by virtue of excessive  
23 accumulation, pest or vermin infestations, odor or other conditions that threaten the public  
24 health, safety and welfare.

25  
26 (d) Recreational vehicles that are being stored may not be occupied or connected to  
27 water or septic.

28  
29 **Sec. 50-710. Raising livestock or bees for personal use.**

30  
31 The raising or keeping of livestock or bees for personal (not business) use is allowed as  
32 an accessory use to a dwelling. Rabbits and poultry require no minimum acreage. Bees  
33 and all other livestock require a parcel of land that is 2.5 acres or more. Livestock or bees  
34 kept as 4-H or FFA projects by students living in the dwelling are not subject to the  
35 minimum acreage requirements above.

36  
37 **Sec. 50-711. Agritourism Activity.**

38  
39 Agritourism activity is allowed as an accessory use to a bona fide agricultural operation.  
40 Agritourism activity is defined in Section 570.86, Florida Statutes, to mean any agricultural  
41 related activity consistent with a bona-fide agricultural operation which allows members  
42 of the general public, for recreational, entertainment, or educational purposes, to view or  
43 enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training

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1 and exhibition, or harvest-your-own activities and attractions. An agritourism activity does  
2 not include the construction of new or additional structures or facilities intended primarily  
3 to house, shelter, transport, or otherwise accommodate members of the general public.  
4 An activity is an agritourism activity regardless of whether the participant paid to  
5 participate in the activity.

6  
7 **Sec. 50-712. Private Airstrip or Runway.**

8  
9 A private airstrip or runway is allowed as an accessory use to a dwelling or a bona fide  
10 agricultural operation; provided it is registered and/or licensed as required by the Florida  
11 Department of Transportation and/or Federal Aviation Administration.

12  
13 **Secs. 50-713 to 50-717. Reserved.**

14  
15 **SECTION 13.** A new Subdivision 4 titled “Temporary Uses” is created within Chapter  
16 50, Article XIII, Division 3 of the Levy County Code to read as follows:

17  
18 **DIVISION 3. DISTRICT REGULATIONS.**

19 **Subdivision 4. Temporary Uses**

20  
21 **Sec. 50-718. - Temporary uses.**

22  
23 The temporary uses listed below are allowed. In addition, the zoning official is vested  
24 with the administrative authority to issue a written permit (which may include conditions)  
25 to allow other temporary uses for a period not to exceed 30 days in any 365 day period  
26 in any zoning district when such temporary use is not otherwise addressed in this code  
27 and the zoning official finds the use is of a temporary (not permanent) nature, is not  
28 inconsistent with the comprehensive plan and is not reasonably expected to be  
29 detrimental to surrounding properties, the environment or the general public health,  
30 safety and welfare. This permit may be immediately revoked by the zoning official upon  
31 finding that the temporary use is in violation of permit conditions or is being operated or  
32 conducted in a manner that is detrimental to surrounding properties, the environment or  
33 the general public health, safety and welfare. The zoning official shall send written  
34 notice of the revocation to the permit holder.

35  
36 Any temporary use that is not listed below or is not authorized by written permit issued  
37 by the zoning official is a prohibited use.

38 **(1) Recreational vehicle occupancy.** In all zoning districts, no recreational vehicle may  
39 be used for living, sleeping or housekeeping purposes, except as follows:

40 (a) one recreational vehicle (that is operable and has a current tag/registration in  
41 the name of the owner or occupant of the dwelling) is allowed to accommodate  
42 friends or relatives of the owner or occupant of the dwelling for up to one week (7

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1 consecutive calendar days) in each month, but may not be operated as a  
2 business; and

3 (b) the property owner may reside in a recreational vehicle on-site during the time  
4 a building permit is active for construction, renovation or set up of a dwelling on  
5 the property.

6  
7 (2) Temporary uses related to construction. Temporary uses directly related to and  
8 necessary to support/conduct construction may remain on the construction site during  
9 the time a permit for the construction is active.

10  
11 (3) Mobile service business. Mobile service businesses, such as an automotive  
12 detailing or wood chipping, that set up on the customer's property for a temporary  
13 period are allowed for the time necessary to complete the service for the customer.

14  
15 (4) Excavation and Fill Activity. All temporary activity (6 months or less within a 1  
16 year period) that involves using tools or machinery (blasting and processing are  
17 prohibited) for excavation (the removal of soil, rock, or other natural materials from the  
18 natural surface of the earth to form an open face, hole, or cavity) and/or fill (the work of  
19 adding soil, rock or other natural materials to the natural surface of the earth to modify  
20 the existing topography of the site) requires a permit prior to commencement or  
21 continuance of such activity, unless exempt.

22  
23 (a) Exempt activities:

24  
25 (i) Projects that have an active building permit or active development order  
26 issued by the county, which permit or order requires the proposed  
27 excavation or fill. Such as, but not limited to, a mining operation approved  
28 by special exception;

29  
30 (ii) Public works projects by federal, state or local government entities;

31  
32 (iii) Projects on a bona fide or intensive agricultural operation (defined in sec.  
33 50-1) which are incidental to the agricultural operations, do not involve the  
34 sale or transfer of material to a third party, and do not alter the historic  
35 drainage patterns to or from the surrounding properties;

36  
37 (iv) Utilities projects where the excavation is backfilled;

38  
39 (v) Stormwater management systems permitted by the State of Florida;

40  
41 (vi) Onsite sewage treatment and disposal systems permitted by the State of  
42 Florida; and

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1  
2 (vii) Graves in approved cemeteries.

3  
4 (b) General Requirements. The following are the general requirements for  
5 excavation and fill, unless other requirements are specified in the permit issued  
6 by the county:

7  
8 (i) Perimeter side slopes shall not exceed 1:3 for dry excavations.

9  
10 (ii) Perimeter side slopes for wet excavations shall not exceed 1:4 to a  
11 depth of 6 feet below the average water level in the excavation and not  
12 greater than 1:2 below the 6 feet depth.

13  
14 (iii) Excavations not intended to be backfilled shall meet the building  
15 setbacks for the subject parcel zoning or the following, whichever is  
16 greater: 100 feet from any county roadway classified as collector or  
17 greater or from any state or federal roadway, 50 feet from any county  
18 roadway classified as less than collector, 50 feet from any private or utility  
19 easement, 75 feet from any private well or onsite sewage treatment and  
20 disposal system.

21  
22 (iv) Excavations shall not exceed 25 feet in depth from the natural  
23 grade.

24  
25 (v) Geotechnical assessment shall be performed for proposed  
26 excavations where the NCRS soil survey indicates a seasonal high water  
27 table within 5 feet of the natural grade. The boring shall extend a  
28 minimum of 10 feet below the proposed excavation depth. At least one  
29 boring shall extend to the water table. A minimum of one boring per 10  
30 acres shall be performed. A sieve analysis shall be conducted and  
31 reported on a maximum 5-foot interval and where soil types are noted.

32  
33 (vi) Excavations intended to be dry shall have a bottom elevation a  
34 minimum of 2 feet above the seasonal high water table as determined by  
35 a geotechnical engineer or soil scientist trained to make such a  
36 determination.

37  
38 (vii) Fill material for load bearing purposes shall be free of roots, boards,  
39 organic matter and other debris that may decompose or otherwise  
40 adversely affect the loadbearing capacity. For non-load bearing purposes,  
41 fill material shall be clean material not containing trash, solid wastes or  
42 any form of debris that is subject to consolidation or uneven settling, or  
43 encourages the presence of insects, termites, or vermin in the opinion of

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1 the county engineer. Any material placed within county rights-of-way shall  
2 meet the requirements for load bearing purposes.

3  
4 (viii) Erosion and sedimentation controls shall be implemented along the  
5 perimeter of the activity to prevent offsite erosion and sedimentation.

6  
7 (ix) All disturbed areas shall be stabilized by planting with a temporary  
8 and permanent ground cover to prevent erosion and sedimentation. The  
9 creation of unstabilized disturbed area shall be minimized to the greatest  
10 extent feasible for the duration of the activity.

11  
12 (x) Stockpiles of material at the site shall be limited to a maximum  
13 height of 25 feet and must be located outside of the required setback  
14 areas.

15  
16 (xi) Excavation and fill activities are limited to daylight (sunrise to  
17 sunset) hours, Monday through Saturday.

18  
19 (xii) No excavated material may be hauled offsite unless authorized in  
20 the permit. If hauling is authorized, the following applies:

21 a. All hauling must follow the haul route approved in the permit.

22 b. All loads shall be covered to prevent the loss of material  
23 from the hauling vehicle as it travels along the roadway.

24 c. All hauling vehicles shall be clearly marked with the name of  
25 the owner or company operating the vehicle.

26 d. The permittee and hauler shall have joint and several liability  
27 and financial responsibility for any damages to public or private  
28 property, human, animal or plant life due to hauling to or from the  
29 site. The county may recover any costs to repair damages to  
30 county maintained or dedicated roads, bridges, and/or drainage  
31 infrastructure caused by the hauling associated with the permit.

32  
33 (c) Application. An application for an excavation and fill permit must be  
34 submitted on the form provided by the county. The following information must be  
35 provided in or with the application that must be submitted to the county  
36 development department:

37 (i) Name, address and contact information of the property owner.

38 (ii) Name, address and contact information of the person doing the  
39 work.

40 (iii) Payment of the fee specified in Appendix B.

41 (iv) The parcel number of the subject parcel.

42 (v) A location map showing the subject parcel location relative to the  
43 nearest municipality.

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1 (vi) A boundary survey of the subject parcel including a legal  
2 description.

3 (vii) A site plan for the proposed activity which clearly shows the  
4 following:

- 5 a. The shape and dimensions of the area of the proposed  
6 excavation or fill, including the acreage.
- 7 b. The location of all existing and proposed features of the site,  
8 buildings shall be dimensioned and distance to the property  
9 lines shall be shown.
- 10 c. All street and easements abutting the subject parcel and any  
11 interior easements.
- 12 d. Any water, depressions, or sinkholes on the subject parcel.
- 13 e. All stormwater management systems on or within 200 feet of the  
14 subject parcel.
- 15 f. The location of any buildings located within 200 feet of the  
16 subject parcel with approximate distances from the property  
17 line.
- 18 g. Topographic survey prepared by a certified surveyor of the area  
19 of site being excavated or filled, plus an additional 100 feet  
20 outside of the affected area or as needed to clearly show the  
21 historic drainage patterns in, through, and/or out of the affected  
22 area. The survey shall clearly indicate the position of the survey  
23 within the overall property if the whole parcel is not being  
24 affected. This survey shall include the location and character of  
25 any special flood hazard areas or environmentally sensitive  
26 lands (as mapped in the county's comprehensive plan) located  
27 on or within 100 feet of the parcel.
- 28 h. Grading plan showing how the proposed activity will tie into the  
29 existing topography once completed which clearly indicates how  
30 the historic drainage patterns will be maintained. Typical  
31 section of the perimeter grading shall be provided which clearly  
32 shows the proposed slopes and relationship to the nearest  
33 property boundary if located within 100 feet of the boundary.
- 34 i. Erosion and sedimentation plan showing the best management  
35 practices to prevent damage to areas outside the proposed  
36 activity and the methods and timing to stabilize the disturbed  
37 area once completed.
- 38 j. Haul route shall be shown on a map which clearly indicates the  
39 route that haul vehicles will take to and from the site, if  
40 excavated material will be hauled offsite. Map shall include a  
41 north arrow, scale and road names.
- 42 k. A narrative of the proposed activity which includes the purpose  
43 for the work, schedule including start of activity, duration and

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1                    phasing (if applicable), proposed days and hours of operation, a  
2                    tabulation of the volumes to be excavated and/or filled, the  
3                    depth of the proposed excavation and/or fill and the slopes  
4                    associated with the activity, the source and type of any fill  
5                    material being utilized in the project, and the deposition of any  
6                    materials leaving the site.

- 7                    I. A list of all permits required by state and federal agencies to  
8                    undertake the proposed activity.

9  
10                  (c) *Completeness determination; approval or denial.* Upon receipt of a permit  
11 application, county staff will review the application for completeness. The applicant will  
12 be notified if any additional information is required in order to process the application.  
13 Upon finding the application to be complete, the application will be reviewed by county  
14 staff for compliance with this section. If compliant, the county development director or  
15 designee, will issue a permit or written denial (with a brief statement of the reasons  
16 therefor). No excavation and fill permit may be approved for an operation that, in the  
17 opinion of the county staff, presents a threat to the public health, safety or general  
18 welfare of adjacent properties or the community.

19  
20                  (d) *Amendments.* Amendments to an approved and active excavation and fill  
21 permit shall follow the same process as an initial application.

22  
23                  (e) *Applications deemed withdrawn.* In the event an applicant requests to pause  
24 its application at any time in the process, the applicant shall have a maximum of six  
25 months from the date of the application was submitted to the county to request its  
26 application be fully processed. In the event the applicant does not contact the county to  
27 proceed with the application during this six month period, the application is deemed  
28 withdrawn and the applicant will be required to submit a new application and fee.

29  
30                  (f) *Revocation.* Any violation of the permit is grounds for revocation by the  
31 county or any other action at law or in equity to enforce the provisions of the permit or  
32 code. Regardless of revocation or compliance with any permit condition, the permittee  
33 shall be responsible for repair, reclamation, or perform any other activity that the county  
34 deems necessary in the interest of the public health, safety or welfare.

35  
36                  (g) *Permit Conditions.* The following apply to any permit issued for excavation  
37 and fill. Additional conditions may be imposed as deemed necessary by the county  
38 based on the specific activity.

- 39                    (i) A copy of all permits required by other governmental agencies and  
40                    supporting application materials or letters of exemption shall be provided  
41                    to the county prior to commencement of the work.

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1           (ii) The permittee shall post the county excavation and fill permit at the  
2 entrance to the activity site at a location clearly visible to the public and  
3 maintain it until the activity is completed.

4           (iii) County staff shall be allowed reasonable access to inspect the work  
5 for the duration of the permit and time required to close out the permit.

6           (iv) The permit shall automatically expire one year from the date of  
7 issuance.

8           (v) The permittee shall close out the permit at the end of the project as  
9 follows:

10           a. Notify the county of the request to close out the project in  
11 writing and before the expiration date of the permit which includes a  
12 certification that the project has been completed in accordance with  
13 the approved permit application.

14           b. Provide a topographic survey of the completed work if  
15 deemed necessary by the county or other agencies which permitted  
16 the project.

17           c. County will then, within a reasonable time, inspect the site to  
18 examine the work for consistency with the approved permit. If the  
19 work is found to be in compliance, the county will issue a written  
20 statement of compliance. If the work is found not in compliance,  
21 the county will issue a written notice of deficiencies. The permittee  
22 shall remedy the deficiencies and request reinspection of the work.

23  
24 **Sec. 50-719. Reserved.**

25  
26 **SECTION 14.** A new Subdivision 5. titled "Conditional Uses" is created within Chapter  
27 50, Article XIII, Division 3 to read as follows:

28 **DIVISION 3. DISTRICT REGULATIONS.**

29 **Subdivision 5. Conditional Uses.**

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

31 The uses allowed as a conditional use in the zoning district use table are listed  
32 individually below and are subject to the review criteria, limitations and process outlined  
33 herein, including application to the county, review by county staff, and issuance of a  
34 final written approval or denial by the county zoning official.

35  
36 (1) *Review Criteria.* The zoning official may approve an application for a conditional use  
37 upon finding that the proposed use meets the following criteria.

38  
39           (a) The use is consistent with the county comprehensive plan and is identified  
40 as a conditional use in the zoning district use table in this code.

41           (b) The use is conditioned upon meeting the specific requirements in this

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1                    subdivision 5; and  
2            (c) The use is conditioned on compliance with all applicable general zoning and  
3            other requirements in this code, including site plan review.  
4

5 (2) Limitations.  
6

7            (a) A conditional use approval is valid only for the specific use described in the  
8            final written approval issued by the zoning official. A conditional use  
9            approval shall expire and become null and void unless the conditional use  
10           is commenced within one year from the effective date of the written  
11           approval. Alternatively, the zoning official may proscribe such other  
12           timeframe as the zoning official deems appropriate for the particular use.  
13           Once the conditional use lawfully commences, the approval shall run with  
14           the land, is not transferable to a different site, and will remain in effect until  
15           the use is voluntarily ceased or the approval is revoked due to non-  
16           compliance.

17           (b) Upon denial of an application for a conditional use, the zoning official may  
18           not consider an application for that use on all or any part of the same  
19           property for a period of six months after the denial. However, this limitation  
20           may be waived by a majority vote of the county commission when they  
21           deem it necessary to prevent injustice.  
22

23 (3) Process.  
24

25           (a) First Step Meeting with Staff. Prior to submitting an application for a  
26           conditional use (or an amendment to an existing conditional use), the applicant or  
27           its agent, shall first meet with County technical staff (e.g., planning, roads,  
28           engineering) to discuss the proposed use and the process.  
29

30           (b) Written application. A request for a conditional use (or an amendment to an  
31           existing conditional use) shall be made on the application form provided by the  
32           county and accompanied by the applicable fee in appendix b to this code. The  
33           application shall include, but is not limited to, the following:  
34

- 35            1. A site plan that conforms to secs. 50-775 and 776 (as applicable).
- 36            2. A legal description of the property.
- 37            3. A narrative description of the project in sufficient detail to provide an  
38            understanding of the nature of the development proposal and a statement  
39            that the conditional use meets or will meet all the requirements, criteria, and  
40            standards for approval set forth in this code.
- 41            4. Any other information required by the zoning official or by other  
42            provisions of this code which the zoning official determines necessary in  
43            order to process the application.

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1  
2 (c) *Completeness determination; staff approval or denial.* Upon receipt, the zoning  
3 official or designee will review the application for completeness. If additional data  
4 or information is required, the zoning official or designee will advise the applicant  
5 and allow a reasonable time for the applicant to provide the additional data or  
6 information. Upon finding the application is complete, the zoning official will review  
7 the application for compliance and will issue a written approval or denial (with brief  
8 statement of reasons therefor) in the section of the application reserved for that  
9 purpose.

10  
11 (4) *Application deemed withdrawn.* In the event an applicant requests to pause its  
12 application at any stage in the process, the applicant shall have a maximum of six months  
13 from date the application was submitted to the county to request its application be fully  
14 processed. In the event the applicant does not contact the zoning official to proceed with  
15 the application during this six month period, the application is deemed withdrawn and the  
16 applicant will be required to submit a new application and fee.

17  
18 (5) *Amendments.* Amendments to approved and active conditional uses follow the same  
19 process as an initial application.

20  
21 (6) *Inspection; Revocation.* County officials may, at any time, inspect a property that has  
22 a conditional use to determine compliance with the approval. Upon a finding of  
23 noncompliance, the enforcing official shall provide written notice of the noncompliance by  
24 certified return receipt mail to the property owner. The property owner shall have 30 days  
25 to achieve compliance or request an extension for good cause shown. If compliance is  
26 not accomplished within the 30-day period or any extension granted, the zoning official  
27 may revoke the conditional use. The zoning official shall send written notice of the  
28 revocation to the property owner. The decision of the zoning official is final action of the  
29 county, subject to appeal to a court of appropriate jurisdiction. Alternatively, the county  
30 may take any other action at law or in equity to enforce the provisions of a conditional use  
31 approval.

32  
33 **Sec. 50-721. Automotive paint and body.**

34  
35 (1) All operations must be conducted within climate controlled, fully enclosed  
36 structure(s) that meet OSHA ventilation standards and any such structure must be  
37 located 300 feet or more from the property line of any property that contains a  
38 dwelling.

39 (2) Primary access must be provided on a paved county, state or federal road with a  
40 minimum functional classification of major collector as designated by the traffic  
41 circulation element of the comprehensive plan or defined in this code.

42 (3) Entrance and exit driveways and parking spaces shall be constructed of  
43 impervious surface. A maximum of two driveways are allowed and the location

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1 and spacing of the driveways must meet or exceed the requirements of the county  
2 road department or state department of transportation.

- 3 (4) All vehicles, parts or other outdoor storage must be located in the side and/or rear  
4 yard and surrounded by an opaque fence, constructed of chain link with aluminum  
5 slats, wood or masonry, that is a minimum of 6 feet and a maximum of 10 feet  
6 higher than the crown of the road. The gate shall be closed at all times except  
7 when accessing the yard.

8  
9 **Sec. 50-722. Automotive sales, service and/or repair (excluding paint and body)**

- 10  
11 (1) The minimum parcel size is 2 acres.  
12 (2) Primary access must be provided on a paved county, state or federal road with a  
13 minimum functional classification of major collector as designated by the traffic  
14 circulation element of the comprehensive plan or defined in this code.  
15 (3) Entrance and exit driveways and parking spaces shall be constructed of  
16 impervious surface. A maximum of two driveways are allowed and the location  
17 and spacing of the driveways must meet or exceed the requirements of the county  
18 road department or state department of transportation.  
19 (4) All oil drainage pits and hydraulic lifts must be located within an enclosed structure  
20 that is located 50 feet or more from any property line.  
21 (5) If adjacent to any property that contains a dwelling, a visual barrier (refer sec. 50-  
22 776) must be provided along that property line and all lighting shall be screened or  
23 shielded to protect adjacent residential uses.  
24 (6) All vehicles (excluding operable vehicles for sale), parts or other outdoor storage  
25 must be located in the rear yard and surrounded by a visual barrier (refer sec. 50-  
26 776). The gate shall be closed at all times except when accessing the yard.  
27 (7) All operable vehicles for sale may be located in the front, side or rear yard; but not  
28 within any setback area.

29  
30  
31 **Sec. 50-723. Sales and/or service of oil, gasoline, diesel, liquid petroleum, bottled**  
32 **gas or fuel storage and distribution.**

- 33  
34 (1) Each retail fuel station shall be located on a paved county, state or federal road  
35 with a minimum functional classification of major collector as designated by the  
36 traffic circulation element of the comprehensive plan or defined in this code.  
37 (2) Entrance and exit driveways and parking spaces shall be paved. A maximum of  
38 two driveways are allowed and the location and spacing of the driveways must  
39 meet or exceed the requirements of the county road department or state  
40 department of transportation.  
41 (3) All fuel storage tanks and fuel pumps must be set back at least 30 feet from any  
42 property or right-of-way line.

43  
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1 **Sec. 50-724 Cemetery.**

- 2 (1) Unless exempt pursuant to F.S. § 497.260, a cemetery must be licensed in good  
3 standing with the state.
- 4 (2) Each cemetery shall be surveyed and the survey shall reflect a minimum area of  
5 1 acre for the cemetery, the location of each burial plot, and minimum setbacks  
6 of 30 feet from all property lines. This survey will be recorded in the public  
7 records of Levy County.
- 8 (3) Except for family cemeteries, each cemetery must provide sufficient parking for  
9 the number of burial plots, perimeter screening, and access control in the form of  
10 a fence and gate(s).
- 11 (4) Cemeteries are prohibited in recorded subdivisions or Type II subdivisions filed  
12 with the clerk of the court.

13 **Sec. 50-725. Communications towers and antenna**

14 The following provisions apply to all communications towers and antenna, regardless of  
15 height; except for towers and antenna used for governmental purposes and located on  
16 governmental property; telecommunications antenna used by amateur radio operators  
17 licensed by the federal Communications Commission, including citizens band (CB),  
18 UHF Aircraft, and VHF Marine; telecommunications antenna used by investor-owned  
19 electric utilities, municipally-owned electric utilities or rural electric cooperatives for the  
20 provision of the essential service of electricity; or similar radio operators antenna, which  
21 is exempt, or local regulation preempted by, federal or state law.

- 22
- 23 (1) Co-location on an existing tower or antenna is required, unless the applicant  
24 demonstrates that co-location is not feasible from a technical or engineering  
25 perspective, or that space is not available on any existing tower or antenna.
- 26 (2) All towers or antenna shall be designed and constructed so that in the event of  
27 collapse or failure the tower or antenna structure will fall completely within the  
28 parcel. Certification of this requirement signed by a structural engineer currently  
29 licensed in Florida shall be provided by the applicant to the zoning official.
- 30 (3) Tower owners are responsible for inspections of the tower or antenna at least  
31 once every 5 years to ensure structural integrity. Such inspections shall be  
32 conducted by a structural engineer currently licensed in Florida. The results of  
33 the inspection shall be retained by the owner and made available for county  
34 review upon request. Any tower or antenna found to be structurally unsound or  
35 otherwise found to constitute a danger to persons or property shall be repaired  
36 or removed within 90 days.
- 37 (4) No signals, lights or illumination shall be permitted on any tower or antenna  
38 unless required by the Federal Aviation Administration or other regulatory  
39 agency.

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1 (5) Setbacks for accessory buildings and structures shall comply with the  
2 requirements for the zoning district in which the tower is located. The equipment  
3 used to operate any tower, antenna or other facility shall be stored in:

4 (a) An existing building on the site;

5 (b) A new equipment building, cabinet or shelter that is screened by a  
6 fence or wall of not less than six feet in height from finished grade, or by  
7 landscaping that conceals the cabinet or shelter; or

8 (c) An underground vault. No equipment may be stored or parked on the  
9 site, unless used in direct support of the communications facility, or unless  
10 repairs to the facility are currently being made.

11 (6) No signs or advertising are permitted on towers or antenna; except that all such  
12 facilities shall be identified by use of a metal plate or other conspicuous marking  
13 giving the name, address, telephone number and contact person for the tower  
14 owner and lessee/operator (if different from the owner.)

15 (7) A tower or antenna is considered abandoned when not used for transmission or  
16 retransmission for nine consecutive months. Upon determination that a tower or  
17 antenna has been abandoned, the county coordinator or designee shall provide  
18 written notice of the determination, by certified mail, to the property owner. Upon  
19 receipt of the written notice of abandonment, the owner shall have 90 calendar  
20 days to:

21 (a) Reactivate the use of the tower or antenna;

22 (b) Transfer the tower or antenna to another owner who makes actual use of  
23 the facility; or

24 (c) Remove the tower or antenna and all associated equipment. If the tower is  
25 not removed within 90 calendar days of the receipt of notice of  
26 abandonment, the county may dismantle and remove the tower and  
27 recover the costs from the property owner.

28 At the earlier of: 1 year from the date of abandonment without reactivation, or  
29 upon completion of dismantling and removal, any permit or other approval issued  
30 for the tower or antenna shall automatically terminate.

31 **Sec. 50-726. Solar facilities.**

32 Solar facilities that are permitted pursuant to F.S. § 163.3205 must meet the following  
33 buffer and landscaping requirements:

34 (a) Buffers shall be provided of such type (opaque fencing or walls, evergreen  
35 vegetation, and/or berms), dimension and character to improve compatibility with  
36 adjacent uses. Generally, a buffer shall be of sufficient length and depth so as to shield

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1 collection and generating structures and equipment when viewed from all property lines  
2 and shall be a minimum of 6 feet and a maximum of 10 feet in height at maturity.

3 (b) All vegetation shall be Florida-friendly, drought resistant and compatible with the  
4 area soils.

5 (c) Berms must run generally parallel to and no closer than 50 feet from the property  
6 line, must be of a uniform height above the natural surface of the ground, must be  
7 stabilized with the planting of vegetation, the slope of the exterior face of the berm shall  
8 not exceed 1:3, and adequate stormwater control shall be provided to protect adjacent  
9 properties from runoff caused by the berm.

10  
11 **Sec. 50-727. Veterinarian office with outdoor pens/kennels/runs.**

12  
13 (1) If located adjacent to an existing residential use or property zoned RR, R-1, R-2 or  
14 RR-3C, the practice is limited to small animals and all animals must be kept within  
15 a fully enclosed building between the hours of 9:00 p.m. through 7:00 a.m.

16  
17 (2) All animal runs, cages and holding areas must be cleaned on a routine basis.  
18 Methods of waste disposal and odor abatement shall be identified during the  
19 review process and must meet the standards of the county health department or  
20 other applicable regulatory agency.

21  
22 **Sec. 50-728. Permanent sawmills and permanent woodchippers**

23  
24 (1) Primary access must be provided on a paved county, state or federal road with a  
25 minimum functional classification of major collector as designated by the traffic  
26 circulation element of the comprehensive plan or defined in this code.

27  
28 (2) The site plan must adequately address stormwater runoff controls, fire  
29 prevention/control, and reduction of dust and noise emissions.

30  
31 (3) The sawmill or chipper must be located at least 1200 feet from any dwelling.

32  
33 (4) Generally, no sawing or chipping equipment may be operated between the hours  
34 of 7:00 p.m. and 7:00 a.m. If additional hours of operation are requested, all such  
35 operations shall describe and provide methods of sound mitigation that will be used  
36 to ensure that noise levels at the property line do not exceed the county noise  
37 ordinance.

38  
39 (5) Stockpiling of sawdust, wood chips or shavings is prohibited.

40  
41 (6) In F/RR, a minimum lot size of 20 acres is required. In A/RR, a minimum lot size  
42 of 10 acres is required.

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1 **Sec. 50-729. Community residential homes**

2  
3 The following regulations are intended to comply with Chapter 419, F.S., and  
4 definitions for the terms used in this section can be found in Section 419.001(1), F.S.

5  
6 (1) For a community residential home (small), as required by Section 419.001(2), F.S.,  
7 before licensure, the sponsoring agency must provide the zoning official with the  
8 most recently published data compiled from the licensing entities that identifies all  
9 community residential homes within the jurisdictional limits of the county in order  
10 to show that there is not a community residential home (small) within a radius of  
11 1,000 feet and that there is not a community residential home (large) within a radius  
12 of 1,200 feet of the proposed home. At the time of occupancy of the community  
13 residential home (small), the sponsoring agency must notify the zoning official that  
14 the home is licensed by the licensing entity.

15  
16 (2) For a community residential home (large) when the sponsoring agency has  
17 selected a site in an area zoned for multifamily, the sponsoring agency shall notify  
18 the zoning official in writing of the specific address of the site, the residential  
19 licensing category, the number of residents, and the community support  
20 requirements of the program. Such notice shall also contain a statement from the  
21 licensing entity indicating the licensing status of the proposed community  
22 residential home (large) and shall specify how the home meets applicable licensing  
23 criteria for the safe care and supervision of the clients in the home. The sponsoring  
24 agency shall also provide the county with the most recently published data  
25 compiled from the licensing entities that identifies all community residential homes  
26 within the jurisdictional limits of the county.

27  
28 The zoning official shall review the notification of the sponsoring agency in  
29 accordance with county code. Pursuant to such review, the zoning official may:

30  
31 (a) Determine that the siting of the community residential home (large) is in  
32 accordance with county code and approve the siting. If the siting is approved,  
33 the sponsoring agency may establish the home at the site selected.

34  
35 (b) Deny the siting of the home, if the zoning official determines that the siting of  
36 the home at the site selected:

- 37  
38 i. Does not conform to existing zoning regulations applicable to other  
39 multifamily uses in the zoning district; or  
40 ii. Does not meet applicable licensing criteria established and determined by  
41 the licensing entity, including requirements that the home be located to  
42 assure the safe care and supervision of all clients in the home; or  
43 iii. Would result in such a concentration of community residential homes in the

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1 area in proximity to the site selected, or would result in a combination of  
2 such homes with other residences in the community, such that the nature  
3 and character of the area would be substantially altered. A home that is  
4 located within a radius of 1,200 feet of another existing community  
5 residential home in a multifamily zone shall be an overconcentration of such  
6 homes that substantially alters the nature and character of the area. A home  
7 that is located within a radius of 500 feet of an area of single-family zoning  
8 substantially alters the nature and character of the area.

9  
10 (c) If the zoning official fails to respond within 60 calendar days, the sponsoring  
11 agency may establish the home at the site selected.

12  
13 (3) Community residential homes (small) and (large) which are located within a  
14 planned residential community are not subject to the proximity requirements of this  
15 section and may be contiguous to each other. A planned residential community  
16 must comply with all requirements of the county code. However, the county may  
17 not impose proximity limitations between homes within a planned residential  
18 community if such limitations are based solely on the types of residents anticipated  
19 to be living in the community.

20  
21 (4) A dwelling unit that is a community residential home (small) or (large) established  
22 pursuant to this section shall be subject to the code requirements applicable to  
23 other dwelling units in the zoning district in which it is established.

#### 24 25 **Sec. 50-730. Junkyard, scrap yard and recycling facility**

26  
27 (1) The minimum parcel size is 5 acres and the maximum parcel size is 20 acres.

28  
29 (2) This use is prohibited on any parcel that is abutting property zoned RR, R-1, R-2,  
30 RR-3C, or RMU.

31  
32 (3) This use is prohibited within an FDEP Basin Management Action Plan (BMAP)  
33 area.

34  
35 (4) The entire perimeter must be surrounded by a visual barrier (refer sec. 50-776.)

36  
37 (5) Stacking of vehicles or materials, crushed or uncrushed, cannot exceed the height  
38 of any required visual barrier.

39  
40 (6) All access shall be directly onto a paved state or county roadway with a minimum  
41 classification of collector road.

42  
43 (7) The burning, burying or smelting of metals or other materials is prohibited.

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1  
2 (8) Facilities for the collection and recycling of used antifreeze, coolant, grease, oil,  
3 gasoline or diesel fuel must be provided on-premises. These facilities shall consist,  
4 at a minimum, of a structure with a roof and primary and secondary containment  
5 systems for the used fluids that are constructed in accordance with all applicable  
6 requirements.

7  
8 (9) Documentation of monthly (or more frequent) professional extermination  
9 treatments to control rodents, mosquitoes and other vectors must be retained on  
10 site.

11  
12 (10) Bulk storage of flammable or explosive liquids, solids or gasses is prohibited. As  
13 used herein, "bulk storage" means more than 500 gallons of flammable or  
14 explosive liquid, more than 500 pounds of flammable or explosive solids, or more  
15 than 100 cubic feet of flammable or explosive gasses. The storage of flammable  
16 or explosive liquids, solids, or gasses in less than "bulk storage" quantities shall  
17 meet all applicable federal, state and local requirements.

18  
19 (11) No materials or waste may be deposited or stored in any manner that leaches into  
20 the ground or is transferred off site by stormwater runoff.

21  
22 (12) Any material or waste which has the potential to cause fumes or dust, or which  
23 could constitute a fire hazard, or which is edible by or attractive to rodents or  
24 insects, must be stored outdoors in sealed containers constructed and approved  
25 for storing such material or waste.

26  
27 **Sec. 50-731. Place of Religious Assembly, Civic Organization or Membership Club,**  
28 **indoor uses only.**

29  
30 (1) The minimum lot area is 1 acre.

31  
32 (2) Buffering and screening shall be provided as appropriate for the abutting land  
33 uses based on sec.50-776.

34  
35 (3) All parking must occur on-site.

36 (4) The lot must have direct access on a county road or a state road.

37  
38 **Sec. 50-732. Reserved.**

39  
40 **Sec. 50-733. Manufactured and modular home sales and service.**

41  
42 (1) The minimum parcel size is 2 acres.

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1  
2 (2) Primary access must be provided on a paved county, state or federal road with a  
3 minimum functional classification of major collector as designated by the traffic  
4 circulation element of the comprehensive plan or defined in this code.

5  
6 (3) Entrance and exit driveways and parking spaces shall be constructed of  
7 impervious surface. A maximum of two driveways are allowed and the location  
8 and spacing of the driveways must meet or exceed the requirements of the county  
9 road department or state department of transportation.

10  
11 (4) If adjacent to any property that contains a dwelling, a visual barrier (refer to sec.  
12 50-776) must be provided along that property line and all lighting shall be screened  
13 or shielded to protect adjacent residential uses.

14  
15 (6) Homes for sale may be located in the front, side or rear yard; but not within any  
16 setback area. All other outdoor storage must be located in the rear yard and  
17 surrounded by an opaque visual barrier (refer to sec. 50-776). The gate must be  
18 closed at all times except when accessing the yard.

19  
20 **Sec. 50-734. Assisted living facilities and nursing homes.**

21  
22 (1) The minimum parcel size is ten acres.

23  
24 (2) The facility must be connected to municipal water and sewer service.

25  
26 (3) All structures must be a minimum of 1,200 feet from any dwelling.

27  
28 (4) The facility must maintain an active state license under Chapter 400, Part II for  
29 nursing homes or Chapter 429, Part I for assisted living facilities.

30  
31 (5) The following density calculations shall apply:

32 (a) For assisted living facilities that are constructed as single-family, duplex or  
33 multi-family dwellings, 2.5 assisted living facility units shall be the equivalent of 1  
34 dwelling unit.

35 (b) For assisted living facilities that are operated as congregate living facilities and  
36 for nursing homes, every 4 beds shall be the equivalent of 1 dwelling unit.

37  
38 **Sec. 50-735. through 754. Reserved.**

39  
40 **SECTION 15.** A new Subdivision 6. titled “Uses by Special Exception” is created within  
41 Chapter 50, Article XIII, Division 3 to read as follows:

42  
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1 **DIVISION 3. DISTRICT REGULATIONS.**  
2 **Subdivision 6. Uses by Special Exception**

3  
4 **Sec. 50-755. Generally; Review criteria; limitations and process.**

5  
6 The uses that are allowed by special exception as identified in the zoning district use table  
7 are listed below, are subject to the review criteria, limitations and process outlined herein,  
8 including application to the county, review by county staff, public notice and public  
9 hearings before the planning commission and the board of county commissioners who  
10 shall issue a final written decision of approval or denial.

11  
12 (a) *Review Criteria.* The planning commission may recommend approval and the board  
13 may approve an application for special exception upon finding that the proposed use  
14 meets the below listed criteria. The planning commission may recommend and the board  
15 may impose additional conditions, limitations and safeguards as it deems necessary to  
16 protect the public health, safety and welfare.

- 17  
18 (1) That the use is consistent with the comprehensive plan and is identified as  
19 a special exception in the zoning district use table.  
20  
21 (2) That the use is designed, located and proposed to be operated in a manner  
22 that it will not be injurious to the public health, safety, and welfare.  
23  
24 (3) That the property is suitable for the use proposed by virtue of its location,  
25 shape, topography, and by virtue of its compatibility with adjacent  
26 development, and with the character of its zoning district.  
27  
28 (4) That adequate buffering, landscaping and screening are provided to create  
29 visual and sound barriers from adjacent property.  
30  
31 (5) That adequate off-street parking and loading are provided and ingress and  
32 egress is designed to cause minimum interference with or congestion of  
33 vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic  
34 on adjacent waterways.  
35  
36 (6) The use is conditioned upon conformance with all applicable zoning district  
37 and general regulations in this code, including site plan review.  
38  
39 (7) The use meets or use is conditioned upon meeting the specific  
40 requirements in this subdivision 6.

41  
42 (b) *Limitations.*  
43

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- 1           (1) A special exception is valid only for the specific use described in the final  
2           written order issued by the board. Any violation of the written order is  
3           grounds for revocation of the special exception or any action at law or in  
4           equity to enforce the provisions of the special exception.  
5  
6           (2) A special exception shall expire and become null and void unless the use  
7           is commenced within one year from the effective date of the written order.  
8           Alternatively, the board may provide such other timeframes as the board  
9           deems appropriate for the particular use. If any timeframe is not met, the  
10           special exception approval is rendered null and void. Once the special  
11           exception use lawfully commences, the approval shall run with the land, is  
12           not transferable to a different site, and will remain in effect until the use is  
13           ceased or the approval is revoked due to non-compliance.  
14  
15           (3) Upon denial of an application for a special exception use, the board may  
16           not consider an application for that use on all or any part of the same  
17           property for a period of six months after the denial. However, this limitation  
18           may be waived by a majority vote of the board when they deem it necessary  
19           to prevent injustice.  
20  
21           (4) Any special exception, or amendment to special exception, that authorized  
22           development that was not constructed within 10 years of the date it was  
23           approved by the board and/or did not commence use within 10 years of the  
24           date it was approved by the board, is null and void and said special  
25           exception or amendment to special exception is hereby repealed.

26  
27 (c) Process.  
28

29           (1) *First Step Meeting with Staff.* Prior to submitting an application for a special  
30           exception (or an amendment to an existing special exception), the applicant or its  
31           agent, shall first meet with county technical staff (e.g., planning, roads,  
32           engineering) to discuss the proposed use and the process.  
33

34           (2) *Written petition.* A request for a special exception (or an amendment to an  
35           existing special exception) shall be made on the application form provided by the  
36           county and accompanied by the applicable fee in appendix b to this code. The  
37           petition shall include, but is not limited to, the following:  
38

39                   (a) A site plan that conforms to secs. 50-775 and 776 (as applicable).

40                   (b) A legal description of the property.

41                   (c) A narrative description of the project in sufficient detail to provide an  
42                   understanding of the nature of the development proposal and a statement  
43                   describing how the special exception meets all the requirements, criteria,

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1 and standards for approval set forth in this code.

2 (d) Any other information required by the zoning official or by other  
3 provisions of this code which the zoning official determines is necessary in  
4 order to process the application.

5  
6 (3) *Completeness determination; staff report and recommendation.* Upon receipt,  
7 the zoning official or designee will review the petition for completeness. If additional  
8 data or information is required, the zoning official or designee will advise the  
9 applicant and allow a reasonable time for the applicant to provide the additional  
10 data or information. Upon finding that a petition is complete, the zoning official will  
11 review the petition for compliance, prepare a staff report with recommendation(s)  
12 and notice the petition as required by law for public hearings before the planning  
13 commission and the county commission.

14  
15 (4) *Public notice and public hearings.* Notice of public hearings shall be given  
16 in accordance with secs. 50-2 and 50-3. The zoning official and the applicant (in  
17 person, by agent or by attorney) shall appear at the hearings. At the completion of  
18 its public hearing, the planning commission will make a recommendation regarding  
19 the special exception petition to the board. The board will then hold a public  
20 hearing on the special exception petition. At the completion of its public hearing,  
21 the board may continue the matter or may direct the county attorney to draft a  
22 written order of approval or denial (with brief statement of reasons therefor) of the  
23 petition. Once the county attorney has prepared the written order, it must be  
24 noticed and placed on a board agenda for final action.

25  
26 (d) *Petitions deemed withdrawn.* In the event an applicant requests to pause its  
27 petition at any stage in the process, the applicant shall have a maximum of six months  
28 from the date the petition was submitted to the county to have its petition finally heard by  
29 the county commission. In the event the applicant does not contact the zoning official to  
30 proceed with the petition during this six month period, the petition is deemed to be  
31 withdrawn and the applicant will be required to submit a new special exception application  
32 and fee.

33  
34 (e) *Amendments*

35 (1) *Minor amendments.* An amendment to an existing special exception shall be  
36 considered minor where it will not cause an expansion to the existing use, or  
37 additional impacts to surrounding properties, natural resources, or public  
38 infrastructure. A minor amendment does not require a planning commission  
39 public hearing and instead may proceed to the board for one hearing with a  
40 written order.

41 (2) *Major amendments.* A major amendment to an existing special exception is any  
42 change that is not deemed to be a minor amendment. A major amendment to

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1 an existing special exception shall be reviewed using the same process as an  
2 initial application.

3  
4 (f) *Inspection; Revocation.* County officials may, at any time, inspect a property that has  
5 a special exception to determine compliance with the approval. Upon a finding of  
6 noncompliance, the enforcing official shall provide written notice of the noncompliance by  
7 certified return receipt mail to the property owner. The property owner shall have 30 days  
8 to achieve compliance or request an extension for good cause shown. If compliance is  
9 not accomplished within the 30-day period or extension time granted, the county  
10 commission will hold a revocation hearing. The decision of the county commission is final  
11 action, subject to appeal to a court of appropriate jurisdiction. Alternatively, the county  
12 may take any other action at law or in equity to enforce the provisions of the special  
13 exception approval.

14  
15 **Sec. 50-756. Agricultural operation, intensive.**

16  
17 In accordance with F.S. § 823.14, the county will review intensive agricultural operations  
18 through the special exception process in order to determine whether all such activity is  
19 regulated through implemented best management practices or interim measures  
20 developed by the Department of Environmental Protection, the Department of Agriculture  
21 and Consumer Services, or Water Management Districts and adopted under chapter 120  
22 as part of a statewide or regional program. Any activity that is not regulated by state best  
23 management practices or interim measures will be regulated by conditions and limitations  
24 imposed in the special exception based on the activities of that particular operation.

25  
26 **Sec. 50-757. Educational facilities.**

27  
28 As educational facilities consist of public and private elementary, middle or high  
29 schools, colleges, vocational and technical schools, and each such facility is unique and  
30 the complexities are varying, the development requirements, conditions and limitations  
31 for each facility will be specified during the special exception review process.

32  
33 **Sec. 50-758. Recreational Vehicle (RV) Park/Campground**

34  
35 **(1) General Standards.**

36  
37 (a) Must be located within a municipal service district as mapped in the county  
38 comprehensive plan.

39  
40 (b) Must be served by municipal water and sewer as evidenced by a binding  
41 agreement with the municipality that will provide the water and sewer services. The  
42 county will not issue a certificate of completion or certificate of occupancy until the  
43 RV park is connected to water and sewer service.

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1 (c) The minimum parcel size is 5 acres.

2  
3 (d) Sites (a site is defined as the entire area for a designated campsite,  
4 regardless of whether there are any vertical improvements) may be improved  
5 (electric, water and/or sewer hookups) or primitive (with no hookups). Sites may  
6 be provided for recreational vehicles (e.g., motor homes, truck campers, travel  
7 trailers), tents, yurts and/or cabins. Cabins are limited to four hundred (400)  
8 square feet or less, including outdoor porches, and must be constructed in  
9 compliance with the Florida Building Code and Florida Fire Protection Code.

10  
11 (e) The maximum density of all sites combined may not exceed 8 per acre.  
12 Density shall be calculated as gross density and include all land area exclusive of  
13 major bodies of water starting at the high-water mark within the parcel. A  
14 maximum of 10 percent of the total number of sites may be utilized for cabins.  
15 Primitive sites shall be located, designed, and intended to afford the users an  
16 opportunity to camp in a quiet, uncongested and natural setting, therefore the  
17 density of the area designated for primitive sites shall not exceed 4 spaces per  
18 acre.

19  
20 (f) All principal and accessory structures and sites shall be setback a minimum  
21 of 50 feet from any property line.

22  
23 (g) There shall be a visual barrier or landscaped buffer around the perimeter  
24 at least twenty-five (25) feet in width. Landscaping in this buffer shall conform to  
25 the requirements of Section 50-776.

26  
27 (h) Guests are restricted to stays that do not exceed 90 consecutive days or  
28 180 calendar days during any one-year period. The storage of unoccupied rv  
29 units within the rv park is prohibited.

30  
31 (i) At a minimum, on-site water retention shall be adequate to retain the 25-  
32 year storm unless applicant provides a letter of exemption from the applicable  
33 water management district or FDEP.

34  
35 (j) No rv unit may be tied down, blocked up or otherwise made to be  
36 immobile. Permanent screen rooms, carports or utility sheds are prohibited on  
37 sites. Parking of rv units in areas not designated for such use is prohibited.  
38 Permanent and temporary storage on-site are expressly prohibited in floodprone  
39 areas.

40  
41 (k) If an evacuation order is given, all rv units must be removed from the  
42 property.

43  
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1 (2) Access and Traffic Circulation.

2  
3 (a) The rv park is limited to one ingress point and one egress point (both of which  
4 must be on a paved arterial or collector roadway) and one emergency drive.

5  
6 (b)The rv park must provide paved vehicular access from a paved road to each  
7 site, except for primitive campsites.

8  
9 (c) All internal roadways within the rv park shall have a minimum right-of-way of  
10 30 feet, shall be paved to county specifications, and shall be marked or signed.

11  
12 (d) RV park entrance paving shall be at least 36 feet wide.

13  
14 (e) No entrance to or exit from an rv park is permitted through a residential  
15 neighborhood or subdivision.

16  
17 (f) Pedestrian and bicycle paths must be paved a minimum of 6 feet in width.

18  
19 (3) *Permitted accessory uses.* The accessory uses listed below are allowed provided  
20 their use is restricted to guests staying at the rv park, they are located and accessed  
21 internally to the rv park, and they do not have separate signage external to the rv park.  
22 In addition, other accessory uses may be specified in the special exception order.

23  
24 (a) Recreation amenities such as pools, tennis and shuffleboard courts, recreation  
25 rooms, equestrian facilities, nature and walking trails, playgrounds, tot lots, docks,  
26 and similar facilities;

27  
28 (b) Gate houses or similar facilities designed to provide security to the park;

29  
30 (c) Maintenance facilities;

31  
32 (d) Administrative office space necessary for operation of the park;

33  
34 (e) Commercial or retail use, including convenience food and beverage items and  
35 rv/camping supplies. However, the structure for a commercial or retail use may  
36 not be constructed until a minimum of seventy-five (75) percent of the rv sites have  
37 been constructed or installed; and

38  
39 (f) One permanent residence for the park owner, manager or security guard.

40  
41 (4) *Open space standards.* At least 20% of the gross site area of the rv park must be  
42 set aside as open space (which may include the recreation amenities allowed  
43 above.)

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1  
2 (a) Open space shall not include streets, parking lots, sites, buildings, public rights-  
3 of-way, or water and sewer treatment facilities.

4  
5 (b) Up to 50% of the required open space may include on-site stormwater retention  
6 areas.

7  
8 (c) Open space used as buffer areas or left undeveloped shall retain, to the  
9 maximum extent practicable, existing native vegetation.

10  
11 **Sec. 50-759. Mining.**

12 (1) Definitions.

13 Mining or Mining operations means all aspects of the excavation or extraction of natural  
14 resources from or deposited on a tract or parcel of land, including the area of excavation,  
15 fill and processing areas. Mining does not include excavation, grading and/or fill: (a) on  
16 a bona fide or intensive agricultural operation (defined in sec. 50-1) which activities are  
17 incidental to the agricultural operations; or (b) for on-site construction; provided such  
18 agricultural or construction activities do not involve the sale or transfer of material to a  
19 third party and do not alter the historic drainage patterns to or from the surrounding  
20 properties.

21 Natural resources means all natural subsurface deposits of commercial value,  
22 including but not limited to phosphate, sand, clay, stone and minerals; provided,  
23 however, that water is specifically excluded from this definition.

24 Reclamation means the reasonable rehabilitation of land where mining has occurred.

25 Substantial deviation means any proposed change to a mining operation that creates  
26 a reasonable likelihood of additional individual and cumulative impacts not previously  
27 reviewed and approved by the county. This includes, but is not limited to, an  
28 expansion or new area being mined, excavated or filled, or a change in the character  
29 or nature of the mining operation that is reasonably expected to affect traffic or other  
30 off-site impacts.

31 Vested mining operation means a mining operation that: (a) began operations before  
32 January 22, 1975 (the effective date of county zoning ordinance 75-1) and has been in  
33 continuous operation; or (b) holds a valid, unexpired special exception issued by the  
34 county on or after January 22, 1975 and has been in continuous operation, or has been  
35 dormant but has continuously maintained valid permits (or permit exemptions) from all  
36 applicable state regulatory agencies. Any substantial deviation to a vested mining  
37 operation requires a special exception in accordance with this section.

38  
39 (2) Minimum criteria, standards and conditions.  
40

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1 (a) Access; hauling. Each mining operation must be serviced by roads of adequate  
2 capacity and strength to accommodate the traffic volume and/or impacts of the  
3 mining operation. The following are minimum access and hauling requirements:  
4

- 5 i) Ingress and egress must be directly from a paved road classified as a major  
6 collector or greater.  
7 ii) Access and truck routes to and from the site are prohibited through recorded  
8 subdivisions or Type II subdivisions filed with the clerk of the court.  
9 iii) The applicant shall ensure that neither public nor private property is  
10 damaged by the hauling of material, and that hazardous traffic conditions  
11 will not be created.  
12 iv) Ingress and egress from the driveway connection point into the mining  
13 property a minimum distance of 250 feet is required to be paved or  
14 constructed of other durable and appropriate material that reduces the  
15 tracking of dust, soil and/or rock onto the public roadway. Geometry of the  
16 connection shall be in accordance with Florida Department of  
17 Transportation specifications or as required by the county based on  
18 characteristics of the connecting roadway and the proposed mining  
19 operation.  
20 v) Advanced warning signs shall be installed on the connecting roadway to  
21 alert users to the ingress and egress points. At a minimum, the advanced  
22 warning shall be "Truck Entering Highway" sign. Flashing lights or other  
23 devices may be required by the county based on the conditions at the  
24 connection. A stop sign shall be provided on all egress points.  
25 vi) Internal access routes from the mining operation to the public roadway  
26 shall be identified and shall have the least adverse impact on surrounding  
27 uses.  
28 vii) Any anticipated adverse impacts on the roadways or safety from the  
29 mining operation must be addressed at the expense of the applicant.  
30 viii) The receipt of a permit from the county shall include an irrevocable license  
31 to enter the mining operation to complete any inspections deemed  
32 necessary to assurance compliance and/or to complete any necessary  
33 reclamation in the event that the mining operation fails to do so.  
34

35 (b) Setback requirements. No mining operations may occur within 100 feet of any  
36 boundary of the property.  
37

38 (c) Buffering. Each mining operation must provide adequate buffering of such type,  
39 dimension and character to improve compatibility of the proposed mining operation  
40 with uses and structures on adjacent properties. The minimum requirements for  
41 buffering are as follows:  
42

- 43 i. Length. The buffer shall be of sufficient length so as to shield mining

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1 activity from incompatible land uses.

2  
3 ii. *Opacity.* The buffer shall provide a minimum opacity of 80% when viewed  
4 from the property line into the property toward the mining operations from  
5 ground level to a height of 10 feet minimum in order to shield mining activity  
6 from adjacent uses. Components of the mining operation such as towers,  
7 stockpiles, and other similar items that exceed 10 feet in height are not  
8 required to be shielded. The required opacity shall be provided prior to the  
9 start of mining operations using any combination of the following methods:

10 1. Vegetative screen comprised of native vegetation when sufficient to  
11 provide the required opacity during all seasons.

12 2. Vegetative screen comprised of planted vegetation consisting of  
13 evergreen or other non-deciduous trees native to the area and  
14 compatible with area soils.

15 3. A berm, provided it is used in conjunction with a minimum 50-foot  
16 vegetative area located between the berm and the property lines.  
17 The berm must be of sufficient height (not exceeding ten feet above  
18 natural surface of the ground) to provide the required opacity. The  
19 berm shall be stabilized with the planting of suitable vegetation. The  
20 slopes of the berm shall not exceed 1:3. The berm shall not impair  
21 the existing natural flow of stormwater runoff from adjacent properties  
22 into the site.

23 4. A perimeter fence 6-foot to 10-foot in height which provides the  
24 required opacity.

25 5. Alternative methods approved by the board.

26  
27 (d) *Environmental impacts.* The mining operations shall not adversely impact  
28 surface waters, including springs, rivers, tributaries in quantity or quality; aquifers  
29 in quantity or quality; existing dumpsites, landfills, effluent disposal areas or public  
30 water supply wellheads.

31  
32 (e) *Nuisance or hazardous conditions.* The mining operations may not create  
33 noise, odor, dust, vibration, off-site glare, or other conditions so as to adversely  
34 impact adjacent property or cause hazardous conditions.

35  
36 (f) *Slope requirements.* Sides of reclaimed limestone, shell and dolomite mines  
37 must provide a shore line slope consistent with the latest regulations of the  
38 department of environmental protection bureau of mine reclamation. Sand, clay or  
39 dirt borrow pits shall be left with side slopes not steeper than one foot vertical for  
40 each three foot horizontal measurement, or the slope requirement provision of the  
41 state agency issuing the environmental resource permit. Excavations which extend  
42 below the water table shall be left with side slopes not steeper than one foot vertical  
43 for each four foot horizontal measurement to a depth at least six feet below the

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1 average water level and no greater than one foot vertical for each two feet  
2 horizontal measurement six feet below the average water level.

3  
4 (g) Hours of Operation. General operations at the site shall be restricted to daylight  
5 hours (sunrise to sunset) Monday through Saturday, unless further restrictions are  
6 imposed by the board to minimize impacts on surrounding uses. Maintenance  
7 work or emergency operations may be undertaken at such hours as necessary to  
8 address immediate safety or welfare issues.

9  
10 (h) Reclamation plan. A reclamation plan shall be prepared which meets the  
11 requirements of state agencies. The plan shall include timeframes for  
12 implementation and the anticipated future use of the site.

13  
14 (3) Prohibited areas. Mining operations are prohibited in the following areas:

15  
16 (a) Non-blasting mine: Within a 500-foot radius of abandoned dumpsites, landfills  
17 or effluent disposal areas as identified by the Florida Department of  
18 Environmental Protection; within a 1,000-foot radius of a public water supply  
19 wellhead with a capacity of 100,000 gallons or greater per day, or the identified  
20 well withdrawal area, if larger; or within 300 feet of any lot that is five acres or  
21 less and is zoned RR, R-1, R-2, RR3-C or RMU.

22  
23 (b) Blasting mine: Within a 1,000-foot radius of abandoned dumpsites, landfills or  
24 effluent disposal areas as identified by the Florida Department of Environmental  
25 Protection; Within a 1 mile radius of a public water supply wellhead with a  
26 capacity of 100,000 gallons or greater per day, or the identified well withdrawal  
27 area, if larger; or within 1320 feet of any lot that is five acres or less and is zoned  
28 RR, R-1, R-2, RR3-C or RMU.

29  
30 (a) Any mine: Within two miles of the Manatee Springs or Fanning Springs State  
31 Park boundaries; Within the Priority Focus Area of any Basin Management  
32 Action Plan as defined by the Florida Department of Environmental Protection;  
33 or within 1320 feet of schools; hospitals; county, state or federal parks,  
34 conservation and/or natural resource areas.

35  
36 (4) Mining impact assessment report. All proposed mining operations shall provide a  
37 mining impact assessment report prepared by a licensed engineer registered in the State  
38 of Florida or other qualified expert. The report shall identify all individual impacts resulting  
39 from the mining operation and all cumulative impacts from similar activities within one-  
40 quarter mile of the site. The report shall address the following:

41  
42 (a) Compatibility. This section of the report shall address the impact of all activities  
43 proposed at the site on the surrounding area within one-quarter mile of the site

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1 including uses, environmental, cultural and historical resources. This assessment  
2 shall include blasting, vibration, sound, and dust at a minimum. The report shall  
3 identify all design and buffering improvements proposed to mitigate the impacts to  
4 the surrounding area identified in the report.

5  
6 (b) *Transportation system.* This section of the report shall address the impact of  
7 the proposed activities on the roadway system serving the mining operation. A  
8 traffic analysis shall be provided that identifies the existing background traffic,  
9 proposed traffic generation throughout the life of the mining operation, the existing  
10 and projected level of service of the roadway system, the structural strength of the  
11 existing roadway and the required strength to support the projected traffic, the sight  
12 distances at the connecting road, and recommendation as to whether accessory  
13 lanes are needed at the connection point. An impact analysis on the existing  
14 roadway system shall be provided which includes recommendation for any  
15 upgrade deemed necessary to prevent damage, method of repair to damage  
16 caused by and/or mitigation of impacts to the roadway system. This analysis shall  
17 include a cost estimate to accomplish the remediation, repair, or mitigation.

18  
19 (c) *Water Use.* This section of the report shall address the impact that the mining  
20 activity will have on the groundwater and surfacewaters including jurisdictional  
21 wetlands within 200 feet of the mining area. Proposed mines within two miles of a  
22 listed spring shall identify potential impacts on the spring due to the proposed  
23 mining operation. All uses of water within the site shall be identified and quantified.  
24 This shall include the effects of changes in use and topography along with any  
25 other changes that might affect the groundwater and/or surfacewaters in and within  
26 200 feet of the site boundary or within 1,320 feet if blasting is proposed. The  
27 aquifers under the site shall be identified along with the expected high water level  
28 as identified by onsite geotechnical investigation. The report shall indicate how  
29 groundwater quality will be protected.

30  
31 (d) *Stormwater Management.* This section of the report shall address the impact  
32 of the proposed mining activity on stormwater runoff into and from the site.

33  
34 (e) *Grading.* This section of the report shall provide information related to the  
35 proposed excavation and fill activities. This shall include a topographic survey of  
36 the property and extend a minimum of 100 feet outside of the property, proposed  
37 grades after completion of mining and reclamation, typical sections showing  
38 perimeter and interior slopes, erosion and sedimentation controls, phasing of  
39 activities at the site including initial construction, mining blocks, and reclamation at  
40 a minimum. Any flood prone areas within the site shall be identified and  
41 reasonable assurance provided that the capacity of the flood zone will not be  
42 diminished.

43  
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1 (f) Operation. This section of the report shall provide information related to the day  
2 to day operations proposed at the site. This shall include expected activities on  
3 the site, hours of operation, internal access routes, staging areas for traffic,  
4 methods of excavation, methods of processing fill material, types of materials  
5 onsite, storage methods, methods to control dust, noise, light and vibration to  
6 levels, and the life of the mining operation at a minimum. Additional information  
7 may be needed based on the activities proposed.

8  
9 (g) Reclamation. This section of the report shall provide information on how the  
10 mining area will be reclaimed after the mining activity is completed. This shall  
11 include time frame for the completion of the reclamation, the anticipated future use  
12 of the site and any other information. A cost estimate shall be provide for the  
13 approved reclamation plan.

14  
15 (5) Permits. The proposed mining operation shall obtain all required federal, state, and  
16 local permits prior to commencement of mining activities on the site. A copy of all permits  
17 shall be submitted to the county along with the supporting application material. The  
18 county may require amendments to the special exception based on information and  
19 conditions contained in the other agency permits and supporting application material. All  
20 required permits shall be maintained during the life of the mining operation and all  
21 operations shall be in compliance with the permits.

22  
23 (6) Liability for mining operations; financial surety required. The applicant and/or operator  
24 of mining operation shall have absolute liability and financial responsibility for any  
25 damages to public or private property, human, animal, or plant life, or any mineral or  
26 water-bearing geologic formations incurred due to the mining operations, failure of any  
27 site improvements such as but not limited to dams, spillways, outlet structures, settling or  
28 thickening ponds. The following bonds or other surety in a form approved by county shall  
29 be provided prior to beginning mining operations. If the mining operations are phased,  
30 the bonds, or other surety, may be provided in increments that cover the active phases.

31  
32 (a) Reclamation Bond. \$2000.00 per acre of land designated to be mined or  
33 150% of the reclamation cost estimate (refer to (4)(g) above), whichever is  
34 greater.

35 (b) Environmental Bond. If the mining operations use storage areas to contain  
36 processing water such as slime, settling or thickening ponds, \$1000.00 per  
37 acre-foot of storage area shall remain in effect as long as the storage areas  
38 are being used and remain unconsolidated.

39  
40 **Note: deleted traffic bond**

41  
42 Release from financial security may be accomplished by written request to the county  
43 which includes a topography survey of the affected area of the site. Upon receipt of the

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1 request, the county shall make a final inspection to ascertain if the required conditions  
2 have been met. The release shall be granted within 30 days of a determination that all  
3 conditions have been met.

4  
5 **Sec. 50-760. Place of Religious Assembly, Civic Organization or Membership Club**  
6 **with outdoor uses.**

- 7  
8 (1) The minimum lot area is 1 acre when located within a Municipal Service District  
9 (MSD) and 3 acres when located outside of an MSD.  
10 (2) Buffering and screening shall be provided as appropriate for the adjoining land  
11 uses based on the requirements in sec. 50-776.  
12 (3) All parking shall be located on-site.  
13 (4) The lot must have direct access on a paved county or state road.  
14 (5) Where athletic fields or other outdoor uses that include lighting and installation  
15 and/or use of an audio system are adjacent to property zoned RR, R-1, R-2, or  
16 RR-3C or any property developed with existing dwellings, the board may impose  
17 such site specific conditions as they deem necessary to address compatibility  
18 and limit off-site impacts. Outdoor uses are limited to the hours of 8am to 8pm,  
19 unless otherwise specified in the special exception.

20  
21 **Sec. 50-761. Electric Generating Facilities.**

22 (1) As used in this section, "electric generating facilities" means any project subject  
23 to the Florida Electrical Power Plant Siting Act, F.S. §§ 403.501 through 403.518.

24 (2) Electric generating facilities shall meet the following criteria, standards,  
25 conditions, and requirements:

26 (a) The facilities must be consistent with the comprehensive plan and must  
27 comply with all requirements of this chapter.

28 (b) The minimum parcel size is 2,500 acres.

29 (c) The maximum lot coverage shall be determined by the board of county  
30 commissioners but impervious surface generally shall not exceed a maximum of  
31 20 percent.

32 (d) The maximum height of any structures shall be determined by the board of  
33 county commissioners, but generally shall not exceed a maximum height of 300  
34 feet.

35 (e) The operational area (power islands) shall be surrounded by security  
36 fencing as required by state or federal agencies for security purposes.

37 (g) Potential impacts from water use to springs, rivers, tributaries, or water  
38 quality shall be addressed in the Power Plant Site Certification Process under

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1 F.S. ch. 403.

2 (h) The facilities shall not create any public nuisance (e.g., noise, odor, dust,  
3 vibration, or off-site glare), substantial traffic or degradation of road infrastructure  
4 or hazardous traffic conditions.

5 (i) Where the subject property is located in or contains environmentally  
6 sensitive areas as designated by the land development regulations or the  
7 comprehensive plan, the applicant shall provide a permit or letter of exemption  
8 from the appropriate State of Florida Water Management District and the Florida  
9 Department of Environmental Protection and any other permitting agency with  
10 competent jurisdiction.

11 (j) Generating structures or equipment are prohibited in the following areas  
12 measured from the structure or equipment. The term "generating structures or  
13 equipment" includes installations directly involved in generating electricity, such  
14 as reactors, boilers, turbines, cooling towers and similar facilities.

15 a. Within one mile of schools and hospitals; within one-quarter mile of  
16 county, state or federal parks or within 660 feet if buffering methods are  
17 approved by the board in accordance with the buffering standards below.

18 b. Within one mile of a pre-existing platted and recorded subdivision  
19 with lot sizes of five acres or less that include constructed streets and  
20 developed parcels; or within 1,320 feet if buffering methods are approved  
21 by the board in accordance with the buffering standards below.

22 (k) Screening and buffering shall be of such type, dimension and character to  
23 improve compatibility of the proposed facilities with land uses and structures on  
24 adjacent properties. The minimum requirements for buffering are as follows:

25 a. A buffer of sufficient length so as to shield generating structures or  
26 equipment from incompatible land uses when viewed from the property  
27 lines.

28 b. A buffer with a minimum depth of 100 feet measured perpendicular  
29 from the property line.

30 c. The buffer shall shield adjoining properties when viewed from the  
31 property line. The buffer must shield the operation at the time electric  
32 generation begins. Shielding shall meet an 80 percent opacity standard.  
33 Cooling towers and other similar items that cannot functionally exist below  
34 the buffer need not be shielded.

35 d. The buffer shall consist of a vegetated screen, augmented by a  
36 berm, if required, to obtain opacity. The following conditions apply to the

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1 vegetated screening:

2 i) A 100-foot wide vegetative screen is standard, except where  
3 a berm is necessary. Where a berm is necessary, the outer 50 feet  
4 of the buffer must consist of the vegetative screen.

5 ii) Existing trees located within the vegetative screen area must  
6 remain unless not native to the area.

7 iii) If sufficient vegetation does not exist, the vegetative screen  
8 area shall be planted primarily with evergreen or other non-  
9 deciduous trees native to the area and compatible with the area  
10 soils.

11 iv) The vegetative screen shall be a minimum of 10 feet in  
12 height at maturity.

13 e. The following are requirements for berms where utilized to augment  
14 vegetative buffers:

15 i) The berm shall generally run parallel to, and no closer than  
16 50 feet from the property line, but may be modified where there are  
17 impeding physical features, such as wetlands or other such  
18 features.

19 ii) The berm shall be built to the height necessary (not to  
20 exceed ten feet above the natural surface of the ground) to shield  
21 generating structures or equipment from the property line  
22 (excluding cooling towers and other similar items that cannot  
23 functionally exist below the buffer) so that it cannot be viewed  
24 through the buffer from adjoining properties when viewed from the  
25 property line. The berm shall generally be of uniform height for its  
26 length, but may undulate at varying heights at or below the ten-foot  
27 maximum set herein, while still providing the shielding from view of  
28 adjoining properties from the property line.

29 iii) The berm must be stabilized with the planting of vegetation.  
30 Sloping requirements to the exterior face of the berm shall not  
31 exceed 1:2, vertical to horizontal.

32 iv) Adequate stormwater control shall be provided to protect the  
33 adjacent properties from additional runoff caused by the earthen  
34 berm.

35 (l) All electric generating facilities shall comply with the following access  
36 requirements:

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1 a. The facilities must have direct access to a major collector or arterial  
2 road with adequate capacity to accommodate the traffic volume and load  
3 impacts and not adversely impact surrounding uses; or the applicant must  
4 enter into an agreement with the county or the FDOT to make the  
5 necessary improvements to the impacted roads.

6 b. Access and truck routes to the site through streets in platted  
7 recorded and unrecorded residential subdivisions are prohibited.

8 c. The applicant or owner shall, at their expense, install turn lanes,  
9 median cuts overpasses and/or traffic control devices deemed necessary  
10 (i) for state highways, by the Florida Department of Transportation, based  
11 on standard warrant procedures used by DOT to determine the need for  
12 such improvements; (ii) for county roads, by Levy County, based on the  
13 DOT publication entitled "Design Standards for Design, Construction and  
14 Maintenance and Utilities Operations on the State Highway System" and  
15 the ITE Manual 7th Edition. The cost of any required road improvements  
16 shall be credited against corresponding county impact fees under chapter  
17 47 of this Code.

18 (m) All operational areas (except for security fences, berms, guard houses,  
19 transmission lines, access roads, rail lines, water pipelines and conveyances,  
20 water wells, monitoring wells and similar accessory uses that do not produce  
21 excessive light, noise, dust or odor) shall meet the following setback  
22 requirements:

23 a. No use or structure shall be within 100 feet of any property  
24 boundary or public road right-of-way boundary.

25 b. No use or structure shall be closer than 330 feet to a pre-existing  
26 adjoining residentially developed lot, regardless of the location of the  
27 residence on the lot or parcel.

28 (3) *Electric generating facilities impact assessment report.* Each application shall  
29 include an impact assessment report prepared by a professional environmental  
30 consulting, planning, geology or engineering firm addressing subsections a. through c.  
31 below. The assessment report shall identify all individual and cumulative impacts  
32 resulting from construction and development, including any phasing of the proposed  
33 electric generating facilities' operations or activities.

34 a. *Compatibility.* This portion of the report shall address the impact of electric  
35 generating activities, (if applicable), vibration, noise and sound, generated from  
36 the project site and transmitted to the surrounding area; the surrounding  
37 character of the area and development in proximity to the proposed facilities (i.e.,  
38 residential and non-residential structures and accessory uses) and

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1 environmental, cultural and historical resources. The applicant for the special  
2 exception shall identify design and buffering improvements proposed to mitigate  
3 impacts to the surrounding area identified in the report and ensure protection of  
4 identified environmental, cultural and historical resources.

5 b. *Transportation system.* This portion of the report shall include the  
6 anticipated impact on the roads serving the proposed facilities. This is to be  
7 assessed in a submitted traffic analysis that identifies existing and projected level  
8 of service, projected trip generation, structural stability of the county roads  
9 impacted and distribution of traffic. The traffic analysis shall take into  
10 consideration peak hour traffic generated at shift changes, and shall base the  
11 analysis on build-out projections for phased projects. The applicant shall identify  
12 all improvements proposed to mitigate impacts to the transportation network.

13 c. *Water pumping activities.* Any electric generating facilities that include  
14 water-pumping activities shall not adversely impact water quality, run-off to  
15 adjacent properties, or existing legal uses as regulated by the appropriate water  
16 management district. The applicant shall provide water use approval under the  
17 Power Plant Siting Act in F.S. ch. 403, prior to the issuance of the final  
18 construction approval document for the facilities.

19  
20 **Secs 50-762 through 50-770. Reserved.**

21  
22 **SECTION 16.** Sec. 50-775 within Chapter 50, Article XIII, Division 4, is amended as set  
23 forth below. Except as amended herein, the remainder of Division 4 remains in full force  
24 and effect.

25  
26 **DIVISION 4. PERMITS AND NONCONFORMITIES.**

27  
28 **Sec. 50-775. – Site plans; general design standards.**

29  
30 (a) Every non-residential use or development (regardless of the zoning district in  
31 which it is located) is subject to site plan review in accordance with this section  
32 and other requirements, such as environmental provisions contained in this code.  
33 ~~Whenever a site plan is required to be submitted in accordance with any provision~~  
34 ~~of this chapter, and the proposed development is not being submitted as a~~  
35 ~~planned unit development as provided in division 6 of this article, the following~~  
36 ~~shall be the minimum requirements for such site plan:~~

37 (1) Project identification.

38 a. Title of project or development.

39 b. Name of engineer, architect and developer.

40 c. North point, scale, date and legal description of proposed site.

41 (2) Existing conditions.

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1 a. Boundaries of the property involved, all existing easements, existing  
2 buildings, section lines, property lines, existing street paving and rights-  
3 of-way, topography, environmental features, including wetlands,  
4 floodplains, protected or endangered species, existing surface water  
5 areas, existing water mains, sanitary and storm sewers, culverts and  
6 other underground structures in and adjacent to the property.

7 b. A one inch equals 200 feet aerial photograph of sufficient quality to  
8 delineate existing vegetation, or a tree survey prepared by a licensed  
9 surveyor or engineer.

10 (3) Proposed development plans that incorporate the general design standards  
11 in (b) below.

12 a. Location and dimensions of proposed uses, setbacks, screening and  
13 buffering, landscaping, signs, lighting, structure heights, streets,  
14 ingress/egress or other access points, parking and loading areas, refuse  
15 and other service areas, docks, surface water areas, fire hydrants,  
16 sanitary and storm sewers, culverts, water mains and other underground  
17 structures.

18 b. Size of proposed lots or parcels.

19 c. Proposed signs, including type, dimensions and character.

20 d. Proposed lighting, depicted and described in a photometric plan.

21 (4) Tabulation of proposed development plans.

22 a. Tabulations of total number of gross acres in the site and the  
23 acreages and percentages thereof proposed to be devoted to the uses  
24 including: uses (residential, commercial, industrial or other  
25 nonresidential), streets, parking and loading areas, recreation areas,  
26 retention areas and open and enclosed storage areas.

27 b. Tabulations of total number of dwelling units by dwelling type within  
28 the project.

29 c. Proposed development schedule and phasing.

30 d. Square footage of floor area by type of structure.

31 The zoning official, development department director or the board of county  
32 commissioners, or other provisions of this Code, may require additional information to  
33 be included in any site plan submitted pursuant to this section.

34 The zoning official will coordinate review of the site plan by the various county  
35 departments. The property owner shall address any comments/revisions made by county

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1 staff during the site plan review process. Upon receiving site plan approval and a  
2 certificate of zoning compliance from the zoning official, the property owner may apply for  
3 building permit(s) and plan review by the development department.

4  
5 (b) Compliance with the following general design standards, where applicable, must be  
6 noted or depicted on the site plan:

7  
8 (1) Buildings.

9 (a) All buildings in the layout and design shall be an integral part of the  
10 development and shall have convenient access to and from adjacent uses  
11 and blocks.

12 (b) Individual buildings shall be related to each other in design, masses,  
13 materials, placement and connections to provide a visually and physically  
14 integrated development.

15 (c) All buildings shall be arranged so as to avoid undue exposure to  
16 concentrated loading or parking facilities wherever possible, and shall be so  
17 oriented as to preserve visual and audible privacy between adjacent  
18 buildings.

19 (d) All buildings shall be arranged so as to be accessible to emergency  
20 vehicles.

21  
22 (2) Landscape.

23 (a) Landscape treatment for plazas, roads, paths, service and parking  
24 areas shall be designed as an integral part of a coordinated landscape  
25 design for the entire project area.

26 (b) Primary landscape treatment shall consist of shrubs, ground cover  
27 and street trees, and shall combine with appropriate walks and street  
28 surfaces to provide an attractive development pattern. Landscape materials  
29 selected should be appropriate to local growing conditions.

30 (c) Whenever appropriate, existing trees shall be conserved and  
31 integrated into the landscape design plan.

32 (d) All streets bordering the project area shall be planted at appropriate  
33 intervals with street trees.

34 (e) Vegetation shall be Florida-friendly, drought resistant and compatible  
35 with the area soils.

36  
37 (3) Circulation system.

38 (a) There shall be an adequate, safe and convenient arrangement of  
39 pedestrian circulation facilities, roadways, driveways, off-street parking and  
40 loading space.

41 (b) Roads, pedestrian walks and open space shall be properly related to  
42 existing and proposed buildings and appropriately landscaped.

43 (c) Buildings and vehicular circulation open spaces shall be arranged so

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1 that pedestrians moving between buildings are not unnecessarily exposed  
2 to vehicular traffic.

3 (d) Landscaped, paved and comfortably graded pedestrian walks shall  
4 be provided along the lines of the most intense use, particularly from  
5 building entrances to streets, parking areas and adjacent buildings.

6 (e) Materials and design of paving, lighting, fixtures, retaining walls,  
7 fences, curb benches, etc., shall be of good appearance, easily maintained  
8 and indicative of their function.

9  
10 (4) *Parking and loading.*

11 (a) Parking facilities shall be landscaped and screened from public view  
12 to eliminate the unsightliness and monotony of parked cars.

13 (b) Pedestrian connections between parking areas and buildings shall  
14 be via special pedestrian walkways and/or elevators.

15 (c) Parking facilities shall be designed with careful regard to orderly  
16 arrangement, topography, landscaping, ease of access, and shall be  
17 developed as an integral part of an overall site design.

18 (d) Any abovegrade loading facility should be screened from public view  
19 to the extent necessary to eliminate unsightliness.

20 (e) The following are guidelines for parking spaces: Generally, 1 parking  
21 space should be provided per 200 square feet of gross floor area of the  
22 structure, with each parking space being 162 square feet in size. Parking  
23 spaces for persons who have disabilities shall be provided as required by  
24 State and Federal law.

25  
26 (5) *Visual barriers.* Where required, a visual barrier shall be a minimum of six  
27 feet high and shall consist of one or any combination of the following:

28  
29 (a) An opaque fence constructed of professional grade fence materials  
30 (e.g., vinyl, wood, masonry or chain link) a maximum of ten feet high.

31 (b) An irrigated berm, a maximum of ten feet high, stabilized with the  
32 planting of vegetation.

33 (c) Non-deciduous, living vegetation, spaced in a manner, which, at the  
34 time of planting and thereafter, will constitute an unbroken screen.

35  
36 (6) *Lighting.* All lighting shall be directed and shielded so as not cause light  
37 pollution or shine directly into or onto adjacent properties.

38  
39 (7) *Access/Right-of-way.*

40  
41 (a) The proposed street layout shall provide for the continuation of  
42 projection of existing streets in the surrounding areas unless such  
43 extension is undesirable for specific reasons of topography or design.

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1 (b) Streets shall be logically related to the topography to produce  
2 acceptable grades.

3 (c) Minor streets shall be designed to discourage through traffic.  
4 However, provision for street connection and access to or from adjacent  
5 areas will generally be required.

6 (d) Where a development abuts or contains an existing or proposed  
7 collector or other high-service road, frontage roads, rear service alleys,  
8 reverse frontage lots or other such treatment, as required, will be provided  
9 for protection of abutting properties, to reduce the number of intersections  
10 with major streets and separate local and through traffic.

11 (e) Streets shall intersect as nearly as possible at right angles. No  
12 street shall intersect another at an angle of less than 60 degrees.

13 (f) Multiple intersections, involving junction of more than two streets,  
14 shall be avoided. Where this proves impossible, such intersections shall  
15 be designed with extreme care for both pedestrian and vehicular safety.

16 (g) Streets entering opposite sides of another street shall either be  
17 directly opposite one another or with a minimum offset of 125 feet  
18 between centerlines.

19 (h) Where the development abuts or contains an existing street of  
20 inadequate right-of-way width, additional right-of-way may be required.

21 (i) Cul-de-sac streets with no provision for extension shall not exceed  
22 1,200 feet in length. Cul-de-sac rights-of-way shall have a minimum  
23 diameter of 100 feet.

24 (k) Unless future extension is clearly impractical or undesirable beyond  
25 a turnaround, rights-of-way of the same width as the street shall be carried  
26 to the property line in such a way as to permit future extension of the  
27 street into the adjoining street.

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

31 (1) When a development lies along one side of a section line and no  
32 road or dedicated right-of-way exists along the opposite side of the  
33 section line, the developer may:

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

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

4 (2) When a development lies along one side of a section line and  
5 there exists a previously dedicated unimproved right-of-way, the  
6 developer may:

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

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

13 (3) When a development lies along a section line and there exists a  
14 roadway constructed along the opposite side of the section line, the  
15 developer may:

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

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

21 (m) The street system shall connect directly to a street which is maintained by  
22 the state, county or other governmental agency.

23 (n) Any new road tying into a state-maintained road, arterial road, major  
24 collector road or any other road as deemed necessary by the county road  
25 department must have paved acceleration and deceleration lanes constructed in  
26 accordance with the specifications required by the state department of  
27 transportation.

28  
29 **SECTION 17.** A new Sec. 50-777 is created within Chapter 50, Article XIII, Division 4, to  
30 read as follows:

31  
32 **Sec. 50-777. – Other Agency Permits.** Whenever development or use permits are  
33 required by any other county, state or federal regulatory agency (such as the Florida  
34 Department of Transportation, a Water Management District, the Department of Health  
35 or the Department of Environmental Protection), those permits must be obtained prior to  
36 the commencement of any development or use on the property. Copies of such permits  
37 must be promptly provided upon request of county staff.  
38

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1 **Note to codifier: Secs. 50-778 through 780 remain reserved.**  
2

3 **SECTION 18.** Portions of Chapter 50, Article XIII, Division 5, are deleted and/or amended  
4 as set forth below. Except as amended herein, the remainder of Division 5 remains in full  
5 force and effect.  
6

7 **DIVISION 5. STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS,  
8 CONDITIONAL USE PERMITS, VARIANCES AND APPEALS.**  
9

10 **Subdivision I. Special Exceptions In General**

11 **Sec. 50-796. Generally.**

12 Special exceptions, as enumerated in Schedule 1. Use Regulations, of section 50-676  
13 hereof, or as contained in the Levy County Comprehensive Plan shall be permitted only  
14 upon authorization by the board of county commissioners subsequent to review by the  
15 planning commission. In granting any special exception, the board of county  
16 commissioners may require appropriate conditions and safeguards, made a part of the  
17 terms on which the special exception is granted, which if not complied with shall be  
18 deemed a violation of this article. The board of county commissioners may grant an  
19 application for special exception, provided that such application for special exception and  
20 the uses proposed therein shall be found by the board of county commissioners to comply  
21 with the following requirements or criteria and any other applicable requirements, criteria  
22 or standards set forth in this article.

23 (1) — That the use is a special exception as set forth in Schedule 1. Use Regulations, of  
24 section 50-676 hereof or as set forth in the Levy County Comprehensive Plan.

25 (2) — That the use is so designated, located and proposed to be operated that the public  
26 health, safety, welfare and convenience will be protected.

27 (3) — That the use will not cause substantial injury to the value of other property in the  
28 neighborhood where it is to be located.

29 (4) — That the property that is the subject of the special exception is suitable for the type  
30 of use proposed by virtue of its location, shape, topography, and by virtue of its  
31 compatibility with adjacent development, with uses allowed in adjacent land use and  
32 zoning districts, and with the character of the zoning district where it is located.

33 (5) — That adequate buffering, landscaping and screening are provided as required in  
34 this article, or as necessary to provide a visual and sound barrier between adjacent  
35 property and the property that is the subject of the special exception.

36 (6) — That adequate off-street parking and loading are provided and ingress and egress  
37 are so designed as to cause minimum interference with or congestions of vehicular or  
38 pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways.

39 (7) — That the use conforms with all applicable regulations governing the district where  
40 located, as may otherwise be determined for large-scale developments.

41 (8) — That the use is consistent with the provisions of the Levy County Comprehensive  
42 Plan and the Land Development Code, and that the application and use comply with the  
43 applicable provisions of subdivision II of this division 5 and with any specific requirements

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1 for the use contained in subdivision II of division 3 hereof.

2  
3 **Sec. 50-797. Limitations.**

4 (a) ~~Each special exception is valid only for the specific purposes for which it is granted~~  
5 ~~as indicated in the approved application, plans, drawings or exhibits. Any unauthorized~~  
6 ~~deviation from the approved application, plans, drawings, exhibits, specifications or~~  
7 ~~conditions of a special exception shall be grounds for revocation of the special exception~~  
8 ~~or any action at law or in equity to enforce the provisions of the special exception or of~~  
9 ~~this Code.~~

10 (b) ~~Unless a special exception is approved with a condition imposing a specific~~  
11 ~~duration or automatic revocation upon a specific event, and provided that the provisions~~  
12 ~~and conditions of a special exception have not been violated, a special exception shall~~  
13 ~~run with the land and shall not be transferable to a different site.~~

14 (c) ~~A special exception does not relieve an applicant, property owner, or user of the~~  
15 ~~special exception property from liability for harm or injury to human health or welfare, plant~~  
16 ~~or animal life, or property caused by its construction or operation. Nor does a special~~  
17 ~~exception allow an applicant, property owner, or user of the special exception property to~~  
18 ~~cause pollution in violation of any county, state, or federal code, ordinance, policies, laws,~~  
19 ~~statutes, rules or regulations.~~

20 (d) ~~In the event an application for a special exception has been denied, the board of~~  
21 ~~county commissioners shall not thereafter consider an application for the identical use~~  
22 ~~concerning all or any part of the same property for a period of six months after such denial,~~  
23 ~~except that this limitation may be waived by a majority vote of the board of county~~  
24 ~~commissioners when the board deems such waiver necessary to prevent injustice or to~~  
25 ~~facilitate the proper development of the county. The six-month limitation imposed by the~~  
26 ~~preceding sentence shall not apply to applications for modification to a previously~~  
27 ~~approved special exception.~~

28  
29 **Sec. 50-798. Application procedures.**

30 (a) ~~*Written petition.* An application for a special exception shall be obtained from and~~  
31 ~~filed with the zoning official and shall be accompanied by the applicable fee to be~~  
32 ~~established by resolution of the board of county commissioners. The zoning official shall~~  
33 ~~review an application for sufficiency, which includes completeness of the application. If~~  
34 ~~additional data or information is required, the zoning official shall advise the applicant and~~  
35 ~~shall allow a reasonable time for the applicant to provide the additional data or~~  
36 ~~information. Upon a finding by the zoning official that an application is complete, the~~  
37 ~~application shall be scheduled for public hearings before the planning commission at the~~  
38 ~~next planning commission meeting at which such application may reasonably be heard~~  
39 ~~and before the board of county commissioners at a board of county commissioner's~~  
40 ~~meeting in the month following the month of the planning commission meeting. Should~~  
41 ~~an error in an application be discovered prior to a scheduled hearing, the zoning official~~  
42 ~~shall have the discretion to require the applicant to reapply or submit revised or additional~~  
43 ~~information. Special exception applications shall include but not be limited to the following,~~

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1 as applicable:

2 ~~(1) Site plans of an appropriate scale showing proposed placement of structures on~~  
3 ~~the property, provisions for ingress and egress, off-street parking and off-street loading~~  
4 ~~areas, refuse and service areas and required yards and other spaces.~~

5 ~~(2) Plans showing proposed locations for utilities hookups.~~

6 ~~(3) Plans for screening and buffers, with references to type, dimensions and character.~~

7 ~~(4) Proposed landscaping.~~

8 ~~(5) Proposed signs and lighting, including type, dimensions and character.~~

9 ~~(6) A legal description of the entire property encompassing the special exception.~~

10 ~~(7) A narrative description of the total project in sufficient detail to provide an~~  
11 ~~understanding of the nature of the development proposal and a statement describing how~~  
12 ~~the special exception meets all the requirements, criteria, and standards for approval set~~  
13 ~~forth in this division 5.~~

14 ~~(8) A list of names and addresses of property owners within 300 feet of the subject~~  
15 ~~property (excluding rights-of-way) with corresponding address labels. This information~~  
16 ~~shall be based on the latest available property records of the property appraiser's office.~~  
17 ~~The applicant shall also provide a map clearly showing the subject property and all of the~~  
18 ~~other properties within 300 feet.~~

19 ~~(9) Any other information required by the zoning official or by other provisions of this~~  
20 ~~Code which the zoning official determines is necessary in order to process the application.~~

21 ~~(b) *Public hearings.* The zoning official shall review a special exception application,~~  
22 ~~investigate the conditions pertaining to the application, and submit a report to the planning~~  
23 ~~commission prior to its public hearing on the special exception application. The zoning~~  
24 ~~official shall also submit a report to the board of county commissioners prior to its public~~  
25 ~~hearing on the special exception application. The zoning official and the parties in interest~~  
26 ~~shall appear at the hearings in person, by agent, or by attorney. Following a public hearing~~  
27 ~~before the planning commission, the planning commission may make recommendations~~  
28 ~~regarding a special exception application to the board of county commissioners regarding~~  
29 ~~granting, denial, or granting with conditions of the special exception application. Following~~  
30 ~~a public hearing before the board of county commissioners, the board may grant or deny~~  
31 ~~a special exception application, or may grant approval subject to compliance with certain~~  
32 ~~conditions, restrictions or requirements as the board may deem necessary to protect the~~  
33 ~~interest of the public health, safety, morals and welfare, and to assure compliance with~~  
34 ~~the land development code and the Levy County Comprehensive Plan. In the event an~~  
35 ~~applicant elects not to proceed to a board of county commissioners hearing on its special~~  
36 ~~exception application in the month following the planning commission hearing, the~~  
37 ~~applicant shall have a maximum of six months from the date of the planning commission~~  
38 ~~hearing to contact the zoning official to request a public hearing to be scheduled before~~  
39 ~~the board of county commissioners, at which time the zoning official shall schedule the~~  
40 ~~public hearing before the board of county commissioners at the next possible regular~~  
41 ~~meeting date, or a special meeting date, for which notice requirements can be met, and~~  
42 ~~in no event longer than 30 days after notification from the applicant of the desire to~~  
43 ~~schedule the hearing. In the event the applicant does not contact the zoning official within~~

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1 ~~six months after the planning commission meeting, the application shall be deemed to be~~  
2 ~~withdrawn and the applicant shall be required to submit a new special exception~~  
3 ~~application, with the special exception application fee in order to proceed with the~~  
4 ~~application. The review of any special exception application submitted due to the lapse of~~  
5 ~~six months from the planning commission hearing on the first application without the~~  
6 ~~applicant requesting a board of county commissioners' hearing shall be conducted~~  
7 ~~pursuant to the codes, ordinances, rules and regulations in effect as of the date of~~  
8 ~~submission of the second application.~~

9 ~~(c) — *Notices of public hearings.* Once the zoning official has set the date, time and place~~  
10 ~~for any public hearing on a special exception application before the planning commission~~  
11 ~~or the board of county commissioners, public notice for such hearing shall be published~~  
12 ~~in a newspaper of general circulation in the county prior to the date of the hearing. In~~  
13 ~~addition, the owners of property situated within 300 feet of the subject property shall be~~  
14 ~~mailed written notice of the hearing prior to the date of the hearing by regular first class~~  
15 ~~mail, addressed to the applicable property owner at the address shown on the last~~  
16 ~~available records of the property appraiser. Any such notice by mail shall be considered~~  
17 ~~effective when placed in the United States mail, postage prepaid; failure of an addressee~~  
18 ~~to receive such notice shall not invalidate any proceedings. Both the published notice and~~  
19 ~~the mailed notices shall contain a description of the request, a brief description of the~~  
20 ~~subject property, and the time, date and place of the hearing, and shall invite all interested~~  
21 ~~persons to appear and be heard. In addition, a sign shall be posted conspicuously on the~~  
22 ~~subject property, and shall contain the time, date and place of the public hearing. Failure~~  
23 ~~to comply strictly with these notice requirements shall not invalidate the proceedings.~~  
24

## 25 **Subdivision II. Special Exception Review Standards**

### 26 **Sec. 50-816. Compliance.**

27 ~~An application for a special exception shall be approved only if it meets all of the~~  
28 ~~requirements, criteria and standards contained in subdivision I and subdivision II of this~~  
29 ~~division 5 as well as any other requirements for the requested use contained in~~  
30 ~~subdivision II of division 3 or elsewhere in this chapter. Any requirements, criteria,~~  
31 ~~standards, or conditions are not exclusive of any other requirements, criteria, standards,~~  
32 ~~or conditions which may be established by the board of county commissioners due to~~  
33 ~~particular circumstances which are unique to the property or to the application for which~~  
34 ~~the special exception is being requested. Because a special exception is not normally~~  
35 ~~permitted in a particular zoning district, the burden is upon the applicant to document that~~  
36 ~~special exception meets all of the applicable requirements, criteria and standards and~~  
37 ~~that the granting of the special exception will not create a hardship upon adjacent~~  
38 ~~properties as they are currently being used or as they may be used in the future in~~  
39 ~~accordance with the uses allowed in their respective land use map designations and~~  
40 ~~zoning districts.~~  
41

### 42 **Sec. 50-817. General standards.**

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- 1 ~~(a) — The special exception use shall be consistent with the regulations of this article.~~  
2 ~~(b) — The special exception use shall be consistent with the comprehensive plan for the~~  
3 ~~county.~~  
4 ~~(c) — The special exception use shall be provided for an effective and unified treatment~~  
5 ~~of the development possibilities on the project site making appropriate provision for the~~  
6 ~~preservation of scenic features and amenities of site and the surrounding areas.~~  
7 ~~(d) — The special exception use shall be planned and developed to harmonize with any~~  
8 ~~existing or projected development in the area surrounding the project site.~~

9  
10 **Sec. 50-818. Design standards.**

- 11 ~~(a) — All buildings in the layout and design shall be an integral part of the development~~  
12 ~~and shall have convenient access to and from adjacent uses and blocks.~~  
13 ~~(b) — Individual buildings shall be related to each other in design, masses, materials,~~  
14 ~~placement and connections to provide a visually and physically integrated~~  
15 ~~development.~~  
16 ~~(c) — Treatment of the sides and rear of all buildings within the planned development~~  
17 ~~group shall be comparable in amenity and appearance to the treatment given to~~  
18 ~~street frontage of these same buildings.~~  
19 ~~(d) — The design of buildings and the parking facilities shall take advantage of the~~  
20 ~~topography of the project site, where appropriate, to provide separate levels of~~  
21 ~~access.~~  
22 ~~(e) — All building walls shall be so oriented as to ensure adequate light and air exposure~~  
23 ~~to the rooms within.~~  
24 ~~(f) — All buildings shall be arranged so as to avoid undue exposure to concentrated~~  
25 ~~loading or parking facilities wherever possible, and shall be so oriented as to~~  
26 ~~preserve visual and audible privacy between adjacent buildings.~~  
27 ~~(g) — All buildings shall be arranged so as to be accessible to emergency vehicles.~~

28  
29 **Sec. 50-819. Landscape design standards.**

- 30 ~~(a) — Landscape treatment for plazas, roads, paths, service and parking areas shall be~~  
31 ~~designed as an integral part of a coordinated landscape design for the entire~~  
32 ~~project area.~~  
33 ~~(b) — Primary landscape treatment shall consist of shrubs, ground cover and street~~  
34 ~~trees, and shall combine with appropriate walks and street surfaces to provide an~~  
35 ~~attractive development pattern. Landscape materials selected should be~~  
36 ~~appropriate to local growing conditions.~~  
37 ~~(c) — Whenever appropriate, existing trees shall be conserved and integrated into the~~  
38 ~~landscape design plan.~~  
39 ~~(d) — All streets bordering the project area shall be planted at appropriate intervals with~~  
40 ~~street trees.~~

41  
42 **Sec. 50-820. Circulation system design standards.**

- 43 ~~(a) — There shall be an adequate, safe and convenient arrangement of pedestrian~~

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- 1 circulation facilities, roadways, driveways, off-street parking and loading space.  
2 (b) ~~Roads, pedestrian walks and open space shall be designed as integral parts of an~~  
3 ~~overall site design. Roads, pedestrian walks and open space shall be properly~~  
4 ~~related to existing and proposed buildings and appropriately landscaped.~~  
5 (c) ~~Buildings and vehicular circulation open spaces shall be arranged so that~~  
6 ~~pedestrians moving between buildings are not unnecessarily exposed to vehicular~~  
7 ~~traffic.~~  
8 (d) ~~Landscaped, paved and comfortably graded pedestrian walks shall be provided~~  
9 ~~along the lines of the most intense use, particularly from building entrances to~~  
10 ~~streets, parking areas and adjacent buildings.~~  
11 (e) ~~Materials and design of paving, lighting, fixtures, retaining walls, fences, curb~~  
12 ~~benches, etc., shall be of good appearance, easily maintained and indicative of~~  
13 ~~their function.~~  
14

15 **~~Sec. 50-821. Parking and loading design standards.~~**

- 16 (a) ~~Parking facilities shall be landscaped and screened from public view to the extent~~  
17 ~~necessary to eliminate unsightliness and monotony of parked cars.~~  
18 (b) ~~Pedestrian connections between parking areas and buildings shall be via special~~  
19 ~~pedestrian walkways and/or elevators.~~  
20 (c) ~~Parking facilities shall be designed with careful regard to orderly arrangement,~~  
21 ~~topography, landscaping, ease of access, and shall be developed as an integral~~  
22 ~~part of an overall site design.~~  
23 (d) ~~Any abovegrade loading facility should be screened from public view to the extent~~  
24 ~~necessary to eliminate unsightliness.~~  
25

26 **~~Sec. 50-822. Reserved.~~**

27  
28 **~~Sec. 50-823. Visual barriers.~~**

29 ~~Where required, a visual barrier a minimum of six feet high shall be constructed,~~  
30 ~~consisting of any one or any combination of the following:~~

- 31  
32 ~~—— (1) A fence along any road frontage of the subject property, which shall consist~~  
33 ~~of an opaque decorative wood or masonry fence no higher than ten feet.~~  
34 ~~The fence around the remainder of the perimeter of the subject property~~  
35 ~~shall consist of an opaque fence that may consist of masonry or wood~~  
36 ~~construction, or of a chain link with sufficient aluminum slats to render it~~  
37 ~~opaque.~~  
38 ~~—— (2) An irrigated berm.~~  
39 ~~—— (3) Non-deciduous, living vegetation, spaced in a manner, which, at the time of~~  
40 ~~planting and thereafter, will constitute an unbroken screen.~~  
41 ~~—— (4) Masonry fencing, of decorative brick or concrete block and stucco, designed~~  
42 ~~with a landscape theme that provides an unbroken screen and~~  
43 ~~complements the character of the neighborhood.~~

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### Subdivision III. Conditional Use Permits

#### Sec. 50-841 Conditional use permit.

- (a) ~~Generally.~~ This section recognizes that it is impossible to identify every conceivable land use which might be permitted in each zoning district, and, that a means of permitting individual (i.e., not planned unit development) uses as conditional may provide a desirable alternative to amending the zoning ordinance.
- (b) ~~Objective.~~ To provide a mechanism for allowing specific uses not listed as a matter of right or by special exception but which by their nature are compatible with the existing zoning district.
- (c) ~~General requirements; Criteria.~~ In order to be approved by the board of county commissioners, an application for a conditional use permit must meet the following criteria:
- ~~(1) Intensity of land.~~ The intensity of land use and density provided in the proposed use must be equal to or lower than that permitted within the zoning district, which shall include, but not be limited to, provision for equal or lower lot coverage and other indications of intensity of use, and equal or fewer residential units.
  - ~~(2) Minimum standards.~~ All development standards of the proposed use must meet or exceed the minimum standards for the zoning district.
  - ~~(3) Adjacent land uses.~~ The proposed use must be compatible with all adjacent land uses.
  - ~~(4) Comprehensive plan.~~ The proposed use must be compatible with the policies adopted as a part of the comprehensive plan.
  - ~~(5) Consistent with district.~~ The proposed use must be consistent with the intent of the zoning district.
  - ~~(6) Beneficial impact.~~ The proposed use will have a beneficial community impact.
  - ~~(7) Other requirements.~~ The proposed use and the application meet all other requirements contained in this section.
- (d) ~~Application and approval process.~~
- ~~(1) The applicant shall make application and pay a fee for the application at the county development department.~~
  - ~~(2) Each application shall be accompanied by a detailed site plan, at a scale of one inch equals ten feet (or more subject to the zoning official's approval), showing the relationship of the proposed use to:~~
    - ~~a. The parcel on which it is to be located.~~
    - ~~b. Adjacent land uses.~~
    - ~~c. Ingress and egress.~~
  - ~~(3) Each application shall be submitted by the first day of the month preceding the next regular monthly planning commission meeting.~~
  - ~~(4) After county staff review and preparation of a staff report, the planning~~

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~~commission shall review the conditional use permit application at its next meeting at which such application may reasonably be heard. The planning commission shall provide its recommendation to the board of county commissioners regarding approval, denial, or approval with conditions, of the proposed use and the conditional use permit application.~~

~~(5) The board of county commissioners shall review the conditional use permit application at its next meeting at which such application may reasonably be heard. The board of county commissioners shall approve, deny, approve with conditions, or table the application for further information or other reasonable cause.~~

~~(6) If the conditional use permit application is approved, the development department shall issue a use-specific conditional use permit.~~

~~(7) If denied, the applicant may not reapply for the same proposed use for a period of six months.~~

~~(e) Prohibitions.~~

~~(1) No conditional use may be terminated and another use initiated without applying for either a certificate of zoning compliance or a conditional use permit, as may be appropriate.~~

~~(2) No expansion of a conditional use may be initiated or permitted except by following these procedures.~~

Secs. 50-796 through 50-840. Reserved.

**Note to codifier:** Existing Subdivision IV. Variances should be renumbered to Subdivision I and existing Subdivision V. Appeals should be renumbered to Subdivision II, but otherwise those Subdivisions are not amended.

**SECTION 19.** Fees associated with the foregoing code revisions are added to or amended within Appendix B of the Code as follows:

**Chapter 50. Land Development Code  
Appendix B. Schedule of Fees, Rates and Charges**

**Sec. 1. Development department.**

| <b>APPENDIX B—SCHEDULE OF FEES, RATES AND CHARGES<br/>DEVELOPMENT DEPARTMENT</b> |  |
|--|--|
| <b>14. Minor <del>e</del><u>Excavation or fill permit</u></b>                    | <b><del>\$125.00</del> <u>600.00</u></b> |

1 **Sec. 2. Planning and zoning department.**

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| <b>APPENDIX B—SCHEDULE OF FEES, RATES AND CHARGES<br/>PLANNING AND ZONING DEPARTMENT</b>   |   |
|--|---|
| Note regarding refunds: Once an application is filed with the County and the associated fees, rates or charges are paid to the County, no refunds will be issued to the applicant, unless a refund is specifically provided for in this Appendix or unless the permit was issued in error by the County. |   |
| Note regarding additional costs: The fees do not include additional costs to be paid by applicant for the services of engineers, legal counsel, or other professional consultants that are retained by the County in connection with review of any application or permit.                                |   |
| <b>1. Development of Regional Impact (DRI)</b>   |   |
| Review of initial application  | \$7,500.00  |
| Review of substantial deviation (DRI)  | \$7,500.00  |
| Notice of Proposed Change (DRI) or other Amendment (non-Substantial Deviation of a DRI)  | \$3,000.00  |
| <b>2. Comprehensive Plan amendments</b>  |   |
| Large-scale land use map amendment (50+ acres)   | \$1,250.00  |
| Small-scale land use map amendment   | \$600.00  |
| Text amendment to Comprehensive Plan   | <del>\$1,750.00</del> <u>2,000.00</u>   |
| <b>3. Zoning amendments</b>  |   |
| Zoning map amendment   | \$600.00  |
| Text amendment to Land Development Code  | <del>\$600.00</del> <u>2,000.00</u>   |
| <b>4. Special Exception</b>  |   |
| a) <del>Major m</del> <u>Mining or Electric Generating Facilities</u>  | <del>\$2,000.00</del> <u>1,600.00</u> , plus costs of public notice when mining operation includes blasting or 50 or more truck trips per day |
| b) <del>Concentrated commercial farming</del> <u>Agricultural Operation, Intensive</u>   | \$1,750.00  |
| c) <del>Private cemetery</del>   | \$500.00  |
| d) <del>For profit cemetery</del>  | Same fees as Subdivision/<br>Platting   |
| e) <del>Towers, communication or broadcasting (350' or greater above ground level)</del>   | \$1,100.00  |
| f) <del>Landfills</del>  | <del>\$1,250.00, plus \$5.00 per</del>  |

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|   |  |
|---|--|
|   | acre   |
| g) Mobile home parks  | \$1,100.00, plus <del>\$5.00</del> per lot   |
| h) Prisons, jails and correction facilities   | \$1,100.00, plus <del>\$5.00</del> per acre  |
| i) Shopping centers   | \$1,100.00, plus <del>\$5.00</del> per acre  |
| <u>j</u> ) Travel trailer/RV park/campground  | \$1,100.00, plus \$5.00 per space  |
| k) Commercial boat landings, sport fisheries and marinas                                    | \$1,100.00, \$5.00 per acre  |
| <del>l) Large-scale developments, such as multi-family residential and shopping malls</del> | <del>\$1,250.00, plus \$5.00 per acre</del>  |
| m) Asphalt or cement plants   | \$1,100.00   |
| <del>N</del> <u>d</u> ) All other special exceptions  | \$600.00   |
| <b>5. Conditional Use Permit</b>  | \$600.00   |
| <b>6. Special permits for noise (50-354)</b>  | \$600.00   |
| <b>7. Variance</b>  | \$350.00   |
| <b>8. Hardship variance (medical)</b>   | \$150.00   |
| <b>9. Subdivision/platting</b>  |  |
| Preliminary Plat  | \$500.00   |
| Construction Plans Review   | \$125.00, plus \$5.00 per lot for residential or \$5.00 per acre for non-residential |
| Final Plat  | \$400.00   |
| Plat Amendment, Resubmittal Review  | \$100.00, plus \$3.00 per lot for residential or \$3.00 per acre for non-residential |
| <del>Lineal heir homestead density exemption</del>  | <del>\$125.00</del>  |
| Plat vacation   | \$225.00   |
| <b>10. Planned Unit Development</b>   |  |
| Residential   | \$2,000.00   |
| Non-residential or mixed-use  | \$3,000.00   |
| Amendment to any PUD  | \$1,500.00   |
| <b>11. Appeal of administrative decision to Board of Adjustment</b>                         | \$750.00   |
| <b>12-10. Fees to postpone or cancel a hearing—In the</b>                                   | Actual costs   |

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|  |   |
|--|---|
| event the applicant requests a postponement or cancellation of a scheduled hearing that has been noticed, the applicant shall pay all costs associated with re-noticing the hearing. |   |
| <b>13 11. Zoning compliance review</b>   |   |
| a) <del>Single-Family Residential Primary Structure, Accessory Dwelling Unit and Signs</del>   | <del>\$100.00</del> <u>150.00</u>                             |
| b) <del>Addition to Structure Single-Family Residence</del>  | \$100.00  |
| c) <del>Residential Accessory Building</del>   | \$25.00   |
| d) <del>Multi-Family Residential Developments</del>  | <del>\$100.00, plus \$5.00 per acre and \$5.00 per unit</del> |
| e) <del>Commercial</del>   | <del>\$100.00 plus \$5.00 per acre</del>                      |
| f) <del>Additions to Commercial Structures</del>   | \$50.00   |
| gc) <del>Commercial Accessory Structure (not ADU)</del>  | \$50.00   |
| h) <del>Towers, communication or broadcast 350' or greater above ground level</del>  | \$250.00  |
| i) <del>Temporary Asphalt Plants (per 6 months of operation)</del>   | \$25.00   |
| jd) <del>New or Transfer of Alcohol Beverage Package Sales License</del>   | \$25.00   |
| ke) <del>Equitable Estoppel Certificate</del>  | \$300.00  |
| <b>14 12. Unity of Title</b>   |   |
| a) Application for Unity of Title  | \$75.00   |
| b) Application for Release of Unity of Title   | \$150.00  |

1  
2 **SECTION 20.** The provisions of Sections 1 through 19 of this ordinance shall become  
3 and be made a part of the Levy County Code, and the sections of this ordinance may be  
4 renumbered or relettered and the word “ordinance” may be changed to “section,” “article,”  
5 “regulation,” or other appropriate word or phrase in order to accomplish the codification.

6  
7 **SECTION 21.** It is declared to be the intent of the Board that if any section, subsection,  
8 sentence, clause, phrase, portion or provision of this Ordinance is for any reason declared  
9 or held invalid or unconstitutional by any court of competent jurisdiction, such section,  
10 subsection, sentence, clause, phrase, portion or provision shall be deemed a separate,  
11 distinct and independent provision, and the remainder of this Ordinance shall not be  
12 affected by such declaration or holding.

13

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1 **SECTION 22.** All ordinances or parts of ordinances and all resolutions or parts of  
2 resolutions of Levy County in conflict herewith are hereby repealed to the extent of such  
3 conflict

4  
5 **SECTION 23.** In accordance with Section 125.66, Florida Statutes, the Clerk to the  
6 Board of County Commissioners is directed to file this ordinance with the Florida  
7 Department of State within 10 days after adoption at the Second Public Hearing and upon  
8 such filing, this ordinance shall become effective.

9  
10  
11 APPROVED ON FIRST READING on November 7, 2023.

12 ADOPTED AT SECOND READING on \_\_\_\_\_, 2023.

13  
14 BOARD OF COUNTY COMMISSIONERS  
15 OF LEVY COUNTY, FLORIDA

16  
17 \_\_\_\_\_  
18 Matt Brooks, Chairman

19  
20 ATTEST: Danny J. Shipp, Clerk of  
21 the Circuit Court and Ex-Officio Clerk  
22 to the Board of County Commissioners

23  
24 \_\_\_\_\_  
25 Danny J. Shipp

26 Approved as to form and legal sufficiency

27  
28 \_\_\_\_\_  
29 Nicolle M. Shalley, County Attorney

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