



LEVY COUNTY BOARD OF COUNTY COMMISSIONERS

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DATE: July 20, 2021

TO: Planning Commission

FROM: Stacey Hectus, Planning and Zoning Director

SUBJECT: **Petition LSTA 21-01**, Staff Report for County initiated application to amend Policy 1.2 Commercial of the Future Land Use Element to establish Residential Use in Commercial Future Land Use. Transmittal phase.

HISTORY:

In 2009, via Ordinance 2009-02, the County Commission at that time, voted to take residential uses out of commercial future land use in the Levy County Comprehensive Plan. The reason this was done was because the commercial future land use never had a residential density. The concern with not having the density was that in some of the larger commercial properties if a developer wanted to place residential there instead of commercial with no density there was no way to control how many residential units could be placed on those commercial lots.

The County has areas that have commercial future land use that we call “deep commercial” that goes back a block or two but only the front part developed commercially. The property owner never changed the properties to the rear that would not be developed as commercial. The lots got divided and sold off but the commercial future land use was never changed. That was fine previous to 2009 when residential use was allowed in commercial use. However, once the residential use was taken out it has really caused issues for those purchasing in those areas of the County.

RECENT EXAMPLE:

In January you reviewed an application for the Hyde Family. They purchased land in one of these neighborhoods I described above. Unbeknownst to them, when they came in to get a permit to put their home, they had purchased a lot with a Future Land Use of Commercial. In order for them to build a home on the property they had to do a land use change to residential and a rezoning to the appropriate residential.

As you drive through this area it is clear it leans more toward residential use than anything commercial in nature. We have approximately 3-4 areas like this in the County.

SOLUTION:

At the April 20, 2021 BOCC meeting, staff was tasked with putting together language for the comp plan to fix this issue and add residential use back into the Commercial Future Land Use. Below is the Commercial Land Use section of Policy 1.2 of the Future Land Use Element of the

Levy County Comprehensive Plan. The underlined section is the new language that, if approved by the Florida Department of Economic Opportunity, could solve this problem.

Commercial

This land use category allows for commercial land uses and the development of central business districts. Commercial land uses are described by levels of intensity of Commercial/Professional Office, Neighborhood/Retail Services, Community/Retail and Wholesale Business and Regional/Retail and Wholesale Business. The minimum lot size is one-fourth [1/4] acre and the maximum floor area ratio is 0.5. Lot coverage shall be based on and shall be required to meet all other local and state land development regulations. This land use is only permitted within Municipal Service Districts and Planned Unit Developments (P.U.D.s), however this designation shall be permitted within rural areas identified on the Future Land Use Map Series as follows: Gulf Hammock, Lebanon Station, Rosewood/Sumner, and the U.S. 19 Corridor between Fanning Springs and Chiefland.

In addition to the above-described commercial uses, one (1) residential dwelling unit may be permitted on a parcel of land that is designated commercial land use, provided that all of the following requirements are satisfied:

- (1) The parcel was designated commercial land use on December 31, 1989; and
- (2) The parcel is located within either a recorded residential plat or the boundaries of such parcel are identical to the boundaries of the parcel as it existed on December 31, 1989; and
- (3) There are no non-residential structures on the parcel; and
- (4) All applicable requirements of the County's land development regulations are met.

WHAT DOES THIS MEAN?

If a property owner comes in to pull a permit on a home, they would be permitted to do so for one home as long as they met the above referenced criteria. This does not fix commercial lots created after December 31, 1989. In those cases, we have a process where the property owner can change their land use and/or zoning to permit residential if all criteria in the County's land development regulations are met. The neighborhoods that have come to you in the past all fall within the created before December 31, 1989.

TIME LINE:

Because this is a text amendment to the Levy County Comprehensive Plan it is considered a Large-Scale Comprehensive Plan Amendment. If a recommendation of approval is granted, then this will go to the Board of County Commissioners. If transmittal is approved by the BOCC then it will go to DEO and other state review agencies for expedited review. There is a 45-day review period. Depending on what the state comments are/are not. We could 1.) address comments or 2.) if no comments move forward with adopting the Comprehensive Plan Text Amendment.

If the amendment is approved by the state and then subsequently adopted by the BOCC the Land Development Code sections will need to be amended by ordinance unless the timing works out to add it to the adoption of the Zoning Map.