



# LEVY COUNTY BOARD OF COUNTY COMMISSIONERS

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Planning and Zoning Department  
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## MEMO

**Date:** November 29, 2022

**To:** Levy County Board of County Commissioners

**From:** Stacey Hectus, Levy County Planning and Zoning Department

A handwritten signature in black ink, appearing to be "SH", enclosed within a circular scribble.

**Re:** Revocation of the West Florida Off-Road Park Special Exception SE 5-03, as amended by SEA 1-04, SEA 1-06 and SEA 21-01 West Florida Off-Road, Parcel ID 0284300000

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Late September 2022, it was brought to staff's attention that the perimeter fencing at West Florida Off-Road Park had not been completed on the above parcel. With an impending event advertised for November 12<sup>th</sup> Dave Banton with Code Enforcement, emailed the operators, to explain that as of November 2<sup>nd</sup> they had not met the terms of their Special Exception because the perimeter fencing had not been completed in the year given via the Special Exception Amendment. On November 8<sup>th</sup> he also posted a notice on the property. The owner and operators proceeded to hold the event on November 12<sup>th</sup> in violation of the Special Exception. The operators then contacted Dave Banton on November 14<sup>th</sup> and wanted to know what to do. Dave explained the violation and put them in contact with the Planning and Zoning Office and I explained that we will take this to the BoCC and they can decide what to do since there has now been a violation.

As the BoCC will recall, on November 2, 2021 the Levy County BoCC approved this Special Exception and as condition #11 gave them 1 year to complete their permitted fencing. This has not been completed. Both owner and operator were sent Certified, Return Receipt letters and an email was sent to the operators notifying them of this meeting. Included in the letter was a copy of their approved and recorded Special Exception.

It is important to note that Special Exceptions are uses that require public hearings with careful consideration based on County Code requirements and the crafting of conditions by staff, the Planning Commission and the BoCC. These conditions are specific to the location and the use requested and the purpose of the conditions is to make an otherwise incompatible use, compatible and not injurious to the surrounding neighborhood or the public health, safety and welfare. These conditions of approval are then set forth in an Order issued by the Board. Section 50-797 of County Code states that "Any unauthorized deviation from the approved application, plans, drawings, exhibits, specifications or

conditions of a special exception shall be grounds for revocation of the special exception or any action at law or in equity to enforce the provisions of the special exception or of this Code.” The BoCC has the authority to revoke this Special Exception since the terms have not been met. This would mean that all the activities authorized by the Special Exception would no longer be permitted on the property. I explained that the owner and operator both have the opportunity to address the BoCC.