

ORDINANCE
NUMBER 2014-02

DEPUTY CLERK MB

AN ORDINANCE OF LEVY COUNTY, FLORIDA, THAT THE
LEVY COUNTY CODE BE AMENDED BY AMENDING
CHAPTER 50 OF SUCH LEVY COUNTY CODE TO
PROVIDE CLARITY AND CONSISTENCY TO USES
ALLOWED AND ZONING DISTRICTS REGULATED BY
SUCH CHAPTER 50; PROVIDING FOR AMENDMENTS TO
SECTIONS 50-1, 50-644, 50-676, AND 50-763, OF SUCH
CHAPTER 50; PROVIDING FOR SEVERABILITY;
PROVIDING A REPEALING CLAUSE; AND PROVIDING
AN EFFECTIVE DATE.

RECITALS

WHEREAS, on June 5, 2001, the Board of County Commissioners of Levy
County, Florida ("the Board"), adopted Ordinance 01-03, which codified Levy County
ordinances into the Code of Ordinances of Levy County ("the Levy County Code"),
which Levy County Code has been amended from time to time; and

WHEREAS, the Board desires to amend Chapter 50 of the Levy County Code to
clarify certain regulations in such Chapter 50 regarding uses and references to zoning
districts to provide consistency within Chapter 50 regulations and to enhance the
general public safety, health, and welfare of the community; and

BE IT ORDAINED, by the Board of County Commissioners of Levy County,
Florida:

Section 1. Amendment of Code. Section 50-1, Levy County Code, is hereby
amended to amend the definition of the term *accessory use* from such Section 50-1 as
follows (deletions shown as ~~stricken through~~, additions shown as underlined), with the
remainder of such Section 50-1 to remain unchanged:

Accessory use or structure or appurtenant structure means a use or
structure located on the same parcel or lot as the principal structure and
the use of which is subordinate or customarily incidental to the principal

1 use of a building on the same lot and serving a purpose customarily
2 incidental to the use of the principal building structure. Accessory
3 structures shall include, but not be limited to, barns, pole barns, sheds,
4 storage buildings, and other similar structures. No accessory use may be
5 permitted unless and until a principal permitted use is active, and those
6 performance standards as set for the in subsection 50-266(3) have been
7 met. As used in this definition, "accessory use" means a use which is
8 functionally related to the principal use of the property, i.e., including but
9 not limited to barns, sheds, storage buildings, tenant housing, fuel storage
10 and pumps, machine shops, and similar uses which are essential to
11 and/or customarily a part of the principal use.

12
13 Accessory use means a use which is functionally related to the
14 principal use of the property, and shall include but not be limited to, uses
15 carried on in barns, pole barns, sheds, storage buildings, and other similar
16 structures, and other similar uses, which are essential to or customarily a
17 part of the principal use.

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19
20 **Section 2. Amendment of Code.** The Section 50-644, Levy County Code is
21 hereby amended to read as follows (deletions shown as ~~stricken through~~, additions
22 shown as underlined):

23 **Sec. 50-644. Interpretation.**

24 In interpreting and applying the provisions of this article, the
25 provisions shall be held to be the minimum requirements for the
26 protection, promotion and improvement of the public health, safety,
27 comfort, order, appearance, convenience, morals and general welfare of
28 the community. It is not intended by this article to interfere with or
29 abrogate or annual any easements, covenants or other agreements
30 between parties; provided, however, where this article imposes a greater
31 restriction upon the use of buildings or premises, or upon the height of
32 buildings, or requires larger open spaces than are imposed or required by
33 other ordinances, rules, regulations or by easements, covenants or
34 agreements, then the provisions of this article shall control. If, because of
35 error or omission in the zoning map, or lack of a zoning map district
36 specifically coinciding with the names of the zoning districts bounded on a
37 future land use map in the adopted future land use map series referenced
38 in section 50-662, any property in the county is not shown as being in a
39 zoning district described in this article, the classification of such property
40 shall be F/RR unless otherwise provided in this article, or otherwise
41 changed by amendment to the zoning map or by subsequent zoning
42 ordinances.

Section 3. Amendment of Code. The first sentence of Section 50-676, Levy County Code, and Schedule 2 of Section 50-676 and the language following such Schedule 2, and Schedule 2-1 of Section 50-676, are hereby amended to read as follows (deletions shown as ~~stricken through~~, additions shown as underlined), with the remainder of such Section 50-676 remaining unchanged:

Sec. 50-676. Generally.

The restrictions and controls intended to regulate development and uses of property in each district are set forth in the attached schedules 1, 2 and 2-1 which are supplemented by other sections of this article. Accessory uses or structures may be allowed prior to an active principal use within a principal structure or prior to the construction of a principal structure, provided such accessory use or structure is an accessory use or structure to a permitted use or structure allowed in the applicable district, and provided that any accessory structure meets all other applicable zoning and building codes. Notwithstanding the foregoing, no accessory use or structure may be allowed on a lot within a residential platted subdivision or a residential subdivision recorded as a Type II subdivision in the records of the clerk which residential subdivision contains at least one (1) lot consisting of five (5) acres or less, unless and until a principal use is active within a principal structure on such lot, which principal use is allowed in the district and which principal structure has met all applicable building codes, and unless and until those performance standards as set forth in article VI, chapter 50, as the same may be amended, have been met.

**SCHEDULE 2
LOT, YARD AND HEIGHT REGULATIONS**

<i>District</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width (Feet)</i>	<i>Minimum Lot Depth (Feet)</i>	<i>Minimum Yards (Feet)</i>			<i>Maximum Height (Feet)</i>
				<i>Front</i>	<i>Side</i>	<i>Rear</i>	
F/RR Agricultural, Forestry	20 acres***	300	350	50	10	75	50

1	A/RR Agricultural, Farming	10 acres***	200	300	50	10	50	25
2								
3	RR-1 Single-Family Residential	1 acre	150	200	50	10	50	25
4								
5								
6	RR-2 Single-Family Residential	½ acre	100	150	40	10	50	25
7								
8								
9	RR-3C Single-Family Residential (Conventional)	-----Per Plat-----						
10								
11								
12	RR-3M Single-Family Residential (Mobile)	-----Per Plat-----						
13								
14								
15	R Multifamily Residential	¼ acre**	75	90	25	0	25	30
16								
17	C-1 Commercial Offices	½ acre*	100	200	50	10	25	50
18								
19	C-2 Neighborhood Commercial*	½ acre*	100	200	50	10	25	50
20								
21								
22	C-3 Moderately Intensive Commercial	1 acre	100	200	50	10	25	50
23								
24								
25	C-4 Highway Commercial	2 acres	200	400	50	10	40	50
26								
27	I Industrial	1 acre	200	200	20	10	40	40
28								

* Must have central water systems.

** Must have central water and sewer system maximum ten dwelling units per gross acre.

*** Density bonuses are available for PUDs.

Note: Septic tanks will be permitted only in those soils having percolation test rates with a maximum of ten minutes per inch and a water table level at least four feet below the ground surface. For lots platted before 1972, the minimum setback from any part of the septic system to surface water is 50 feet; and for lots platted after 1972, the setback is 75 feet.

Note: If any properties are situated on U.S. 19, U.S. Alt. 27 or U.S. 129, a front line setback of 175 feet from

highway centerline will be required for the purpose and intent of providing for future traffic needs, including the possibility of frontage roads.

Note: For commercial and all other districts, applicants have the option of voluntarily submitting a sketch plan and obtaining final site plan approval pursuant to division 6, section 50-907, which allows variations from these minimum standards.

In floodprone areas, height shall be relative to the base flood elevation. In other areas, height shall be relative to average grade at the foundation.

~~All areas designated on the future land use map series as rural residential (RR) have a zoning district designation of R-1. A change of zoning is required to obtain R-2 zoning.~~

It is the responsibility of the landowner to establish the true boundaries of the property, to enable the development department to confirm compliance with the setback requirements. On smaller parcels, this may be accomplished by the use of string or wire between corners, or by the staking out of the building foundation by a licensed surveyor. Regardless of the size of the parcel, when there remains questions as to the compliance of setbacks, the building official or building inspector may require a licensed professional surveyor to locate the foundation on a survey map and provide it to the office of the building official, the survey to be at the landowner's expense.

SCHEDULE 2-1 LOT COVER REGULATIONS

	<i>Lot Size Below (Percent)</i>			
<i>District</i>	<i>1 Acre</i>	<i>1—5 Acres</i>	<i>5—10 Acres</i>	<i>Over 10 Acres</i>
F/RR	25	20	10	5
A/RR	25	20	10	25
RR-1	25	20	15	10
RR-2	30	20	15	10

RR-3C	20	15	10	5
RR-3M	20	15	10	5
R	50	40	30	20

Note 1: If a conflict should arise between the required lot coverage and the requirements of other agencies (Suwannee River Water Management District, Southwest Florida Water Management District, etc.), the water management district rules would apply.

Note 2: These lot cover regulations apply only to impervious surface and created water surface area is not to be included as impervious in calculating lot cover.

Section 4. Amendment of Code. Section 50-763, Levy County Code, is

hereby amended to read as follows (deletions shown as ~~stricken through~~, additions

shown as underlined):

Sec. 50-763. Temporary uses.

The zoning official has the discretionary authority to issue a special use permit for any temporary use in any district when such temporary use is not otherwise provided for in Schedule 1. Use Regulations. of section 50-676~~this article~~. No temporary use may be allowed, and no temporary use permit may be issued, for more than 30 days. Provided, however, that asphalt plants and concrete batch plants required for construction of an approved or permitted use may be granted a temporary use permit to extend through the completion of construction of the approved or permitted use for which the asphalt plant or concrete batch plant is required.

Section 5. Severability. It is declared to be the intent of the Board that if any

section, subsection, sentence, clause, phrase, portion or provision of this ordinance is

for any reason declared or held invalid or unconstitutional by any court of competent

jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision

1 shall be deemed a separate, distinct and independent provision, and the remainder of
2 this ordinance shall be not affected by such declaration or holding.

3 Section 6. Repealing Clause. All ordinances or parts of ordinances and all
4 resolutions or parts of resolutions of Levy County in conflict herewith are hereby
5 repealed to the extent of such conflict.


6 Section 7. Effective Date. This ordinance shall take effect upon its filing in the
7 Office of the Secretary of State, State of Florida.

8 PASSED AND DULY ADOPTED this 22nd day of April, 2014.

9 BOARD OF COUNTY COMMISSIONERS
10 OF LEVY COUNTY, FLORIDA
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13 
14 Ryan Bell, Chair

15 ATTEST:
16 Danny J. Shipp, Clerk of the Circuit
17 Court and Ex Officio Clerk to the
18 Board of County Commissioners

19 
20 Danny J. Shipp
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22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY:
24

25 
26 Anne Bast Brown, County Attorney
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