

## **OCTOBER 18, 2022 WORKSHOP - ZONING USES AND PROCESS**

In follow up to the adoption of a County Zoning Map, this first workshop is for discussion of a draft framework for an ordinance that will amend the Zoning article within the Land Development Code (Chapter 50 of the Levy County Code of Ordinances) by:

- creating a development review process;
- creating a zoning district use table;
- categorizing and updating regulations for temporary, accessory, specially regulated and special exception uses;
- addressing issues that property owners have brought to the attention of staff; and
- deleting zoning provisions that are conflicting, obsolete, rarely used and/or preempted by State or Federal law.

The goal is to create a more user-friendly, intuitive and workable regulatory framework for zoning in Levy County.

At this first workshop, Staff is seeking Commission input at a high level. Next staff proposes to place an item on your November 15<sup>th</sup> or December 6<sup>th</sup> meeting, where we review and get input on specific regulations for a couple Specially Regulated Uses and Special Exceptions. Then a second workshop in January (and additional if desired by the Commission) to review the ordinance.

**Section 1.** Revise Sec. 50-1. “Definitions”

**Section 2.** Move and revise language from Sec. 50-694 (uses in accident potential area) and Sec. 50-711 (height and hazard restrictions around airports) into Sec. 50-98. “Airport land use restrictions”

**Section 3.** Move wetlands, wellfield, floodplain conservation areas, bulkhead, rip rap and seawalls into Division 3. “Environmentally Sensitive Lands” within Article V. “Environmental and Resource Protection”

Sec. 50-186. Generally.

Sec. 50-187. Estuaries.

Sec. 50-188. Coastal marsh, mangrove and marine grass bed protection.

Sec. 50-189. Natural reservation protection.

Sec. 50-190. River protection.

Sec. 50-191. Specific and cumulative impact protection.

Sec. 50-192. Trees and open space.

Sec. 50-193. Wildlife assessment.

Sec. 50-194. Geologic hazards.

Sec. 50-195. (old 50-691) Wetlands.

Sec. 50-196. (old 50-692) Wellfield protection areas.

Sec. 50-197. (old 50-693) Floodplain conservation areas.

Sec. 50-198 (old 50-690) Bulkheads and (part of old 50-687) rip rap and seawalls

**Section 4.** Create a new Division 4. “Historic and archaeological resources” within Article V. “Environmental and Resource Protection”

Sec. 50-210. (old 50-689) – Historic and archaeological resources.

**Section 5.** Revise the description of intent for the Single-family Residential Urban (R-1 and R-2) Districts

**Section 6.** Delete “Schedule 1. Use Regulations” from Sec. 50-676 and update Subdivision 1 to cover “Zoning District Lot, Yard, Height and Other Supplemental Development Regulations”, NOT uses

Sec. 50-676. Generally.

Sec. 50-677. Lot, Setback and Height Regulations.

Sec. 50-678. Lot Cover Regulations.

Sec. 50-679. Lot regulations.

**Section 7.** Delete Subdivision 2. “Requirements for Specific Uses”

**Section 8.** Create Subdivision 2. “Development Review Process and General Development Standards”

Sec. 50-695. Technical Review Committee (Engineer, Road, P&Z and Health Depts); process

Sec. 50-696. (old 50-775) Site Plan.

Sec. 50-697. (old 50-817 & 818) Building Design standards.

Sec. 50-698. (old 50-820) Circulation system design standards.

Sec. 50-699. (old 50-821) Parking and loading design standards.

Sec. 50-700 (old 50-381 through 384) driveway connections, vehicle parking, traffic

Sec. 50-701 (old 50-819 & 683) Landscape design standards and general landscaping

Sec. 50-702 (old 50-823) Visual barriers.

**Section 9.** Create a new Subdivision 3. “Zoning District Use Table”

**Subdivision 3. - Zoning District Use Table**

**Sec. 50-710. – Generally; Use Table.**

This table establishes, for each zoning district, the permitted uses by right, specially regulated uses and uses that require a special exception. Each use must conform with all applicable requirements of this code. A use may be listed in this table as allowed in a zoning district, but if a particular lot or structure does not meet the minimum requirements of this code, the use will not be allowed on that lot or in that structure.

Any use that is not listed in the use table for a zoning district and is not a temporary use (refer to Subdivision 5) or accessory use (refer to Subdivision 4) is considered a prohibited use in that zoning district. When the zoning official interprets whether a particular proposed or existing use is permitted by right, a specially regulated use, a use by special exception, or a temporary or accessory use in a particular zoning district, the zoning official may consider factors including, but not limited to, the following:

- (1) Hours of operation (including hours for service and deliveries);
- (2) Building and site arrangement relative to the neighboring permitted uses;
- (3) Types of vehicles used and parking requirements;
- (4) The number of vehicle trips generated; and
- (5) Whether the activity is likely to be found independent of the other activities on the site.

**ZONING DISTRICT USE TABLE**

**P = Permitted Use by Right**

**SR = Specially Regulated Use (requires administrative review by staff)**

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	<u>F/RR</u>	<u>A/RR</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>RR-3C</u>	<u>R-3</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>
<b>Agriculture</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>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			
<u>Agricultural operation, intensive</u>	<u>SE</u>	<u>SE</u>														
<b>Animals (not agriculture/livestock)</b>																
<u>Dog kennel, animal boarding, animal rescue, animal breeding</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>							<u>SR</u>	<u>SR</u>		<u>?</u>			
<u>Canine club, private dog park, doggie daycare (no overnight stays of animals)</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>							<u>P</u>	<u>P</u>					
<u>Reptile farms, zoos, or similar facilities, or keeping dangerous exotic ((non-native?)) animals or dangerous native animals ((FWCC Class I and Class II captive wildlife?))</u>		<u>SE</u>														
<u>Keeping of non-dangerous ((Class III?)) captive wildlife</u>	<u>SE</u> <u>or</u> <u>SR?</u>	<u>SE</u> <u>or</u> <u>SR?</u>														
<u>Veterinarian offices with outdoor kennels or runs (¹ SR if located</u>	<u>SR</u>	<u>SR</u>						<u>SR¹</u> <u>P</u>	<u>SR¹</u> <u>P</u>	<u>SR¹</u> <u>P</u>	<u>SR¹</u> <u>P</u>		<u>SR¹</u> <u>P</u>			

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<u>adjacent to property zoned RR, R-1, R-2, RR-3C or R-3)</u>																
<b><u>Educational facilities</u></b>																
<u>Public and private schools, colleges, vocational and technical schools ((with minimum acreage and road requirements?))</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>Child care facility (not "family" and per 402.302, F.S., more than 5 unrelated children)</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>					
<u>Family day care home (up to 10 children and must be in occupied residence) and Large family child care home (up to 12 children and must be in occupied residence) see 402.302, 402.313 and 402.3131, F.S.)</u>																
<u>Youth membership organization, indoor recreation facility</u>															<u>P</u>	
<b><u>Lodging</u></b>																
<u>Bed and breakfast inn, vacation rental (see 509.242 and 509.032, F.S. cannot prohibit or regulate frequency)</u>		<u>SR</u>		<u>SR</u>	<u>SR</u>											

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Recreational vehicle park (see Ch. 513, F.S.)										SR	SR					
Natural resource/open space recreational vehicle park (see Comp Plan Policy 3.7)	SE	SE														
Hotels and Motels (defined in 509.242, F.S.)											P					
<b>Intensive Commercial and Industrial Uses</b>																
Manufacturing, assembly, processing, packaging, and storage and distribution of products, <sup>1</sup> without emissions or <sup>2</sup> with emissions of odor, noise, dust, smoke, vibration or light										p <sup>1</sup> SE or SR? <sup>2</sup>	p <sup>1</sup> SE or SR? <sup>2</sup>	p <sup>1</sup> SE or SR? <sup>2</sup>				
Asphalt plants												SE				
Warehouses and wholesale distribution centers, including offices and showrooms										P	P	P				
Major mining, excavation and fill activities or operations	SE	SE														

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<u>Construction contractors/trades offices with storage and equipment yard</u>										<u>P</u>	<u>P</u>	<u>P</u>				
<u>Junkyard, scrap yard, recycling facility</u> <u>Note: use is prohibited on lot that is located adjacent to property zoned RR, R-1, R-2, RR-3C or R-3</u>										<u>SR</u>	<u>SR</u>	<u>SR</u>				
<u>Permanent sawmill, woodchipper</u>	<u>SR</u>	<u>SR</u>								<u>SR</u>	<u>P</u>	<u>P</u>				
<u>Composting facility</u>	<u>SR</u>	<u>SR</u>														
<u>Dairy Truck Wash</u> <u>*requires access via paved County Road or State Road/Hwy</u>		<u>SR</u>									<u>SR</u>					
<u>Self-storage, RV and/or boat storage facilities</u>										<u>P</u>	<u>P</u>	<u>P</u>				
<u>Research laboratories (indoor, not outdoor)</u>												<u>P</u>				
<u>Automotive paint and body</u>										<u>SR</u>	<u>SR</u>	<u>SR</u>				
<u>Public services</u>																
<u>Hospital</u>									<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>		



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<u>Congregate living (halfway home, rehabilitation home, nursing home, assisted living facility and community residential homes with 7 or more residents, see ch. 419, F.S.)</u>							<u>SR</u>		<u>SR</u>	<u>SR</u>	<u>SR</u>					
<u>Place of religious assembly or civic organization</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			
<u>Government offices and work facilities ((allow in all districts or rezone to PF?))</u>																
<u>Public parks, public playgrounds and other public recreation 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>Cemetery, public or private ((minimum acreage? SR or SE? see Ch. 497, F.S.))</u>																
<b>Recreation</b>																
<u>Commercial boat landings, sport fisheries, and marinas</u>															<u>SE</u>	
<u>Outdoor intensive recreation (such as golf course, shooting or archery range) (Riding stables? Motorized sports?)</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>												<u>SE</u>	

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<u>Outdoor passive recreation, such as hiking and bridle trails, tent campground</u>																
<u>Hunting and Fishing Camps or Clubs</u>																
<u>Rural Event Center or Arena (not agritourism)</u>	<u>SE</u>	<u>SE</u>														
<b>Residential</b>																
<u>Single-family dwelling, includes site built, modular and mobile homes</u>  <u>((*currently mobile homes are permitted in all districts EXCEPT RR-3C Rainbow Lakes Estates - revise?))</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>*?</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
<u>Multiple-family dwelling, medium density (up to 5 units/acre)</u>					<u>SR</u>		<u>SR</u>									
<u>Multiple-family dwelling, high density (up to 12 units/acre)</u>							<u>SR</u>									
<u>Mobile home park</u> <u>*requires connection to central water and wastewater facilities</u>				<u>SR</u>	<u>SR</u>		<u>SR</u>									

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<u>Community Residential Home, 6 or fewer residents, in compliance with spacing requirements in Sec. 419.001(2), F.S.</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>Retail sales and services (special regulations for drive-throughs?)</u>																
<u>Restaurant</u>									<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			
<u>Nightclub, bar, tavern, lounge or Bottle club defined in Sec. 561.01, F.S., and see Ch. 6</u>									<u>SR</u>	<u>SR</u>	<u>SR</u>					
<u>Large-scale retail (enclosed structure over 5,000 square feet)</u>										<u>SR</u>	<u>SR</u>					
<u>Small-scale retail (enclosed structure of 5,000 or less square feet)</u>									<u>SR</u>	<u>SR</u>	<u>SR</u>		<u>SR</u>			
<u>Shopping center</u>										<u>SR</u>	<u>SR</u>					
<u>Retail sales or service of oil, gasoline, diesel, liquid petroleum, bottled gas or fuel storage and distribution</u>										<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>			
<u>Food processing, such as butcher shops, custom processing and wrap services, cold storage ((No outdoor storage or outdoor processing))</u>	<u>P or SR?</u>	<u>P or SR?</u>							<u>P or SR?</u>	<u>P or SR?</u>	<u>P or SR?</u>		<u>P or SR?</u>			

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<u>Funeral homes with chapel and/or crematorium</u>										<u>P</u>	<u>P</u>					
<u>Personal services, such as barbershop, hair salon, nail salon, tattoo, piercing, massage therapist, gyms</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			
<u>Pharmacy</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			
<u>Mobile home, automotive, equipment (such as tractors, trailers) and boat sales, supplies and service, excluding paint and body</u>										<u>SR</u>	<u>SR</u>	<u>SR</u>				
<u>Bulk fertilizer storage, sales and services</u>		<u>SR</u>								<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>			
<u>Car wash</u> <u>*requires connection to central water and wastewater facilities</u>									<u>SR</u>	<u>SR</u>	<u>SR</u>					
<u>Professional services such as accountant, attorney, architect, medical, engineering, title, financial, insurance, management, real estate, funeral home (office only, no chapel or crematorium), veterinarian without kennels or runs</u>								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			

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<b>Transportation</b>																
<u>Airport/airstrip, private and public</u>	<u>SE</u>	<u>SE</u>												<u>SE</u>		
<u>Truck Terminal, truck stop, trucking company</u>											<u>P</u>	<u>P</u>				
<b>Utilities</b>																
<u>Broadcasting and communication towers (including all appurtenances and attachments)</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>						<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>		<u>SR</u>	<u>SR</u>	
<u>Personal wireless service facilities (see Federal Telecom Act of 1996)</u>																
<u>Electric generating facilities (subject to vs. NOT subject to the Florida Electrical Power Plant Siting Act, Sec. 403.501—403.518 ?)</u>	<u>P or SR?</u>	<u>P or SR?</u>														
<u>Essential public utility services, such as water, wastewater, electric, gas, telecommunications ((co-locates only?))</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>P</u>
<u>Solar facility (see Sec. 163.3205, F.S., limitations on local regulation)</u>	<u>SR</u>	<u>SR</u>														

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<u>Solid waste management facility (also transfer station, rural collection center?)</u>											<u>SE</u>	<u>SE</u>		<u>P</u>		

**Section 10.** Create a new Subdivision 4. “Accessory Uses”

Sec. 50-711. (old 755 & 762) Accessory Uses; generally.

Sec. 50-712. Accessory dwelling units.

Sec. 50-713. Agritourism activity

Sec. 50-714. (part of old 50-687) Docks (except docks on the Withlacoochee River and within an aquatic preserve, those are covered in Environmental section)

Sec. 50-715. Home Occupations

Sec. 50-716. (old 50-688) RV (unoccupied) and other vehicle and outdoor storage

Sec. 50-717. Raising livestock and crops for personal use

Sec. 50-718. Farmworker housing

Sec. 50-719. (old 50-686) Fences and walls

**Section 11.** Create a new Subdivision 5. “Temporary Uses”

Sec. 50-720. (old 50-763) Temporary uses; generally. (less than 60 days, e.g. food truck, portable sawmill)

Sec. 50-721. (old 50-688) RV occupancy (14 days for guest or during active building permit)

Sec. 50-722. Special Events

Sec. 50-723. FFA/4-H project livestock

**Section 12. Create a new Subdivision 6. “Specially Regulated Uses”**

Sec. 50-725. Specially regulated uses; process; administrative (staff) review.

Sec. 50-726. (old 50-733) Automotive paint and body.

Sec. 50-727. (old 50-743 and 747) Mobile home, automotive, equipment and boat sales, service and/or repair (excluding paint and body work)

Sec. 50-728. (old 50-757) Car wash.

Sec. 50-729. (old 50-722). Retail sales or service of oil, gasoline, diesel, liquid petroleum, bottled gas or fuel storage and distribution

Sec. 50-730. (old 50-714) Cemeteries.

Sec. 50-731. (old 50-713) Communication and broadcasting towers; personal wireless service facilities

Sec. 50-732. (old 50-715). Electric generating facilities or electric transmission facilities that are and are not certified through the Florida Electrical Power Plant Siting Act (Sections 403.501 through 403.518, Florida Statutes) or the Florida Electric Transmission Line Siting Act; and Solar Facilities

Sec. 50-733. (old 50-765) Essential public utility services.

Sec. 50-734. (old 50-718) Dog kennel; animal boarding; animal rescue; animal breeding.

Sec. 50-735. Canine club, private dog park, doggie daycare (no overnight stays)

Sec. 50-736. (old 50-748) Veterinarian offices with outdoor kennels or runs



Sec. 50-737. (old 50-734 & 735) Permanent sawmills, woodchippers.

Sec. 50-738. (old 50-724 and 737) Congregate living (halfway homes, rehabilitation homes, nursing homes, assisted living facility, and community residential homes with 7 or more residents, see ch. 419, F.S.)

Sec. 50-739. (old 50-730 & 746) Mobile home parks.

Sec. 50-740. (old 50-728 and 758) Multifamily dwellings

Sec. 50-741. Bed and breakfast inn, vacation rental

Sec. 50-742. (old 50-729). Manufacturing, assembly, processing, packaging, storage, distribution of products **with** emissions of odor, noise, dust, smoke, vibration or light.

Sec. 50-743. (old 50-727) Junkyard; scrap yard; recycling facility.

Sec. 50-744. Composting Facility.

Sec. 50-745 (old 50-754) Hunting and Fishing Camps or Clubs.

Sec. 50-746. Dairy Truck Wash

Sec. 50-747. Outdoor passive recreation – hiking, bridle trails, (old 753) Primitive campground.

Sec. 50-748. Nightclub, bar, tavern, lounge, bottleclub

Sec. 50-749. (old 50-742) Schools. ((private vs. charter vs. public))

Sec. 50-750. Child care facility (402.302, F.S)

Sec. 50-751. Large scale retail and small scale retail.

Sec. 50-752. (old 50-744) Shopping centers

Sec. 50-753. Places of Religious Assembly and civic organizations.

Sec. 50-754. Recreational Vehicle Park.

Sec. 50-755. Food Processing (butchering, custom processing and wrap services, cold storage.

Sec. 50-756. Bulk fertilizer storage, sales and services.

**Section 13.** Create a new Subdivision 7. “Uses by Special Exception”

Sec. 50-760. Special Exception uses; process; Planning Commission and Board of County Commission review.

Sec. 50-761. (old 50-711) Airports; airstrip.

Sec. 50-762. (old 50-716) Commercial boat landings, sport fisheries and marinas.

Sec. 50-763. (old 50-717) Agriculture, intensive.

Sec. 50-764. Asphalt and concrete plants

Sec. 50-765. Rural Event Center or Arena (that is not an “agritourism” activity)

Sec. 50-766. Solid Waste Management Facilities (Chapter 403, Part IV, F.S.) Transfer Stations? Rural Collection Centers?

Sec. 50-767. (old 50-719) Mining and excavation of minerals, resources, or natural resources, and site reclamation. (Resource extraction - Ch 378, Part III, F.S.) and (old 684) stripping of top soil

Sec. 50-768 (Old 50-738). Reptile farms, zoos, or similar facilities, or the keeping of dangerous exotic animals or dangerous native animals ((FWCC Class I and Class II captive wildlife?))

Sec. 50-769. Keeping of non-dangerous ((FWCC Class III?)) captive wildlife

Sec. 50-770. Outdoor intensive recreation – golf course, shooting or archery range (old 50-739). Riding stables and academies? Motorized sports?

Sec. 50-771. Natural Resource/Open Space Recreational Vehicle Park (see Comp Plan Policy 3.7)

**Section 14.** Delete Sec.50-775. “Site plans”

**Section 15.** Delete language regarding Special Exceptions and Conditional Use Permits and renumber Variances and Appeals

Subdivision I. (old subdivision IV) Variances

Subdivision II. (old subdivision V) Appeals

**Section 16.** Move language concerning regulation of alcohol from Chapter 50 “Land Development Code” to Chapter 6 “Alcoholic Beverages”