

PROGRESS ENERGY FLORIDA

LEVY NUCLEAR PLANT UNITS 1 AND 2

SITE CERTIFICATION APPLICATION

VOLUME 5 OF 9

Instructions

Please insert the attached pages behind page 10.3-4 in the above volume behind the tab marked “10.3 Zoning”.

LEVY COUNTY ZONING DESCRIPTIONS

LEVY COUNTY DEVELOPMENT DEPARTMENT

622 E. HATHAWAY AVE.
POST OFFICE BOX 672
BRONSON, FLORIDA 32621

September 3, 2008

Progress Energy Service Company, LLC
Attn: R. Alexander Glenn and Suzanne Ennis
299 First Avenue North
Suite PEF - 151
St. Petersburg, Florida 33701

RE: Special Exception No. 2-08

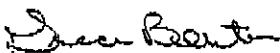
To Whom It May Concern,

The Levy County Board of County Commissioners met in regular session on Tuesday, September 2, 2008 and reviewed your application for a "Special Exception Use Permit" to allow the construction and operation of two nuclear reactor powered electrical generating plants that would generate a total of 3,000 megawatts of electricity (i.e. 3 billion watts). Said parcel is approximately 2 miles North of the Town of Inglis, ½ mile East of 19/98 and located in all or portions of, Sections 7, 17, 18, 19, 20, 29 and 30, all lying in Township 16 South, Range 17 East, Levy County, Florida. Total Project Area: 3,105 acres more or less (based on survey). Current Land Use Designation: Public Use. Current Zoning District: F/RR.

It was the decision of the board to approve the special exception as requested with the attached conditions.

If I can be of any further assistance, please feel free to contact me.

Sincerely,



Grace Benton
Zoning Codes Specialist

Board of County Commissioners Conditions for SE 2-08

1. The Special Exception Use Permit is for the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on the Site Plan Exhibit B.
2. No permanent entrance to the project site shall be constructed from Highway 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the transmission lines and the water supply lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction of the power plant (s), transmission lines, substation or water supply and return lines.
3. Construction activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties not owned by the applicant. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.
4. Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. The applicant, owner or their assigns, shall promptly provide proof of compliance with any applicable ordinances, laws, or regulations relating to these operational characteristics in the event the County receives a complaint.
5. All wetland mitigation resulting from wetland impacts to properties in Levy County shall be made to property located in Levy County. The applicant, shall, whenever possible, conduct all wetland mitigation within the boundary of the site (3,105 acres).
6. Final development approval by the County shall be contingent upon the applicant obtaining all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.
7. All development shall be contained within the designated development areas as shown on Exhibit A, with the exception of fencing, industrial rail spur, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses, water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures shall be contained within the designated development areas as shown on Exhibit A and shall be setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.
8. Note 1 written thereon Map Exhibit A, and Notes 1 through 16 written thereon Map Exhibit B of the supporting documents submitted with the application shall be considered conditions of the approval of SE 2-08.
9. All conditions set forth by the Board of County Commissioners shall be binding on the applicant, owner, or their assigns.

**CODE OF ORDINANCES
of
LEVY COUNTY, FLORIDA**

**Codified through
Ordinance No. 2008-08, enacted April 8, 2008.
(Supplement No. 11)**

Preliminaries

**CODE OF ORDINANCES
OF
LEVY COUNTY, FLORIDA**

Published by Order of the Board of County Commissioners

Adopted: June 5, 2001

Published by Municipal Code Corporation
Tallahassee, Florida 2000

OFFICIALS

of

LEVY COUNTY, FLORIDA

AT THE TIME OF THIS CODIFICATION

Don Foley

Tony Parker

Lilly Rooks

Danny Stevens

Sammy Yearty, Chairman

Board of County Commissioners

Greg Beauchamp

County Attorney

Chapter 50 LAND DEVELOPMENT CODE*

***Cross references:** Environment, ch. 34; roads and bridges, ch. 66; waterways, ch. 94.

State law references: Comprehensive Planning and Local Government Development Regulation Act, F.S. § 163.3161 et seq.; land development codes, F.S. § 163.3194(2).

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I. Intent and purpose.

II. Applicability.

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VI. Change in use.

DIVISION 3. DISTRICT REGULATIONS*

***Editor's note:** Ordinance No. 2007-03, adopted July 17, 2007, amended division 3 to read as herein set out. Formerly, such division pertained to similar subject matter. See Code Comparative Table for specific renumbered sections and amendments.

Subdivision 1. Schedules of District Uses and Lot, Yard, and Height Restrictions; Other Supplemental Development Regulations**Sec. 50-676. Generally.**

The restrictions and controls intended to regulate development in each district are set forth in the attached schedules 1, 2 and 2-1 which are supplemented by other sections of this article.

SCHEDULE 1. USE REGULATIONS**TABLE INSET:**

District	Permitted Uses	Accessory Uses	Prohibited Uses	Special Exceptions
	Single-family residences. Mobile homes. Forestry, general farming, and the raising of livestock, pigs and poultry. Nurseries, greenhouses and truck farming. Churches and other houses of worship. Public building and uses, except prisons and jails, schools, civic, hospitals and other public uses. Public parks. Dwelling, mobile home.	Home occupations. Sale of produce and	All commercial	Commercial boat landings. Gas stations. Major mining, excavation and fill activities or operations. Landfills. Cemeteries. Dog kennels. Prisons or jails. Food processing plant. Broadcasting

F/RR Forestry/Rural Residential District	Rough camping. Permanent sawmills. Permanent woodchippers. Planned unit development (PUD) in accordance with the procedures and approvals required by sections 50-901 through 50-908 hereof. Essential public utility services. Aquaculture. Private club, enclosed clubhouse and lodges. 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 including walking and biking trails, picnic areas, bridle paths, equestrian facilities, archery ranges, greenways, primitive campgrounds, game preserves, hunt clubs and other similar	livestock which is raised on the premises. Private boat landings, docks, swimming pools and similar uses. Buildings for agricultural workers. Other uses customarily accessory to the permitted use. Fuel oil and bottle gas storage, as related to agriculture uses. Temporary circus, amusements. Temporary asphalt plant or concrete batch plant. Private airstrip. Temporary yard sales.	uses, except as listed as permitted uses, accessory uses or special exception uses in this district. All industrial uses, except as listed as permitted uses, accessory uses or special exception uses in this district. Mobile homes as accessory use. Interconnection of two mobile homes not designed for such use. Parking more than one commercial vehicle not functionally related to the principal use. Nightclub/bottle club.	towers. Communication towers greater than 350' in height, the measurement of which includes all appurtenances and attachments. Outdoor commercial recreation including racetracks of any kind, mudbogging and motorcross/dirt bike facilities, gun/rifle shooting ranges, special event camping, sports arenas/stadiums and other similar uses excluding uses identified in commercial zoning districts. 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 through 403.518.
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	resource based uses.			
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TABLE INSET:

District	Permitted Uses	Accessory Uses	Prohibited Uses	Special Exceptions
	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. Communication towers, not including broadcasting towers, less than or equal to 350' in height, the measurement of which includes all appurtenances and attachments.			

Sec. 50-715. Electric generating facilities.

(a) *Definition.* As used in this section, the term "electric generating facilities" means any project subject to the Florida Electrical Power Plant Siting Act, F.S. §§ 403.501 through 403.518.

(b) No construction or expansion of any electric generating facilities shall be permitted without first obtaining the approval of a special exception in accordance with the provisions of this section.

(c) *Minimum criteria, standards and conditions.* In addition to any criteria, standards, conditions, and requirements contained elsewhere in this division 5 of article XIII of this chapter 50, an application for a special exception for electric generating facilities shall meet the following criteria, standards, conditions, and requirements:

(1) The proposed electric generating facilities comply with all the required regulations and standards of this chapter, including provisions of division 5, article XIII and of this section specifically, and all other applicable regulations.

(2) The proposed electric generating facilities are serviced by roads of adequate capacity to accommodate the traffic volume and load impacts and not adversely impact surrounding uses; or the applicant enters into an agreement with the county to make the necessary improvements to the impacted roads.

(3) The minimum tract size for electric generating facilities shall be 2,500 acres.

(4) The maximum lot coverage for electric generating facilities shall be reviewed and approved by the board of county commissioners but impervious surface generally shall not exceed a maximum of 20 percent.

(5) The height of any structure proposed with electric generating facilities shall be reviewed and approved by the board of county commissioners, but generally shall not exceed a maximum height of 300 feet.

(6) Notwithstanding any other provisions of this Code, the electric generating facilities' operational area (power islands) shall be surrounded by security fencing as required by state or federal agencies for security purposes.

(7) Screening and buffering of electric generating facilities shall be of such type, dimension and character to improve compatibility of the proposed electric generating facilities with land uses and structures of adjacent or nearby properties.

(8) The electric generating facilities are consistent with the comprehensive plan and conform with the general plans of the county as embodied in the comprehensive plan.

(9) Potential impacts from water use to springs, rivers, tributaries, or water quality shall be addressed in the Power Plant Site Certification Process under F.S. ch. 403.

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

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

(12) The proposed electric generating facilities shall not be detrimental to the area

residents or businesses, or the public health, safety or welfare of the community as a whole.

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

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

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

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

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

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

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

c. *Opacity.* The buffer shall shield adjoining properties when viewed from the property line. The buffer must shield the operation at the time electric generation begins. Shielding shall meet an 80 percent opacity standard. Cooling towers and other similar items that cannot functionally exist below the buffer need not be shielded. The clearing and stripping of vegetation from the property where an electric generating facilities special exception approval has been obtained shall not require the pre-establishment of a buffer.

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

i) A 100-foot wide vegetative screen is standard, except where a berm is necessary. Where a berm is necessary, the outer 50 feet of the buffer must consist of the vegetative screen.

ii) Existing trees located within the vegetative screen area must remain unless not native to the area.

iii) If sufficient vegetation does not exist, the vegetative screen area shall be planted primarily with evergreen or other non-deciduous trees native to the area and compatible with the area soils.

iv) The vegetative screen shall be a minimum of 10 feet in height at maturity.

v) An access road for agricultural or other low-impact uses may be integrated into the buffer.

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

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

ii) The berm shall be built to the height necessary (not to exceed ten feet above the natural surface of the ground) to shield generating structures or equipment from the property line (excluding cooling towers and other similar items that cannot functionally exist below the buffer) so that it cannot be viewed through the buffer from adjoining properties when viewed from the property line. The berm shall generally be of uniform height for its length, but may undulate at varying heights at or below the ten-foot maximum set herein, while still providing the shielding from view of adjoining properties from the property line.

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

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

(3) *Access requirements.* All electric generating facilities shall comply with the following access requirements:

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

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

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

(4) *Setback requirements.* All electric generating facilities' operational area shall meet the following setback requirements:

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

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

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

odor.

(5) *Electric generating facilities impact assessment report.* All applications for proposed electric generating facilities shall present an electric generating facilities' impact assessment report prepared by a professional environmental consulting, planning, geology or engineering firm addressing subsections a. through c. below. The assessment report shall identify impacts to reflect all individual and cumulative impacts resulting from construction and development, including any phasing of the proposed electric generating facilities' operations or activities.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 2007-05, § 6, 9-18-2007)

Editor's note: Ord. No. 2007-03, § 22, adopted July 17, 2007, repealed § 50-715, which pertained to clubs and derived from 1991 LDR ch. 79, § 6.01(G)(5). Subsequently, Ord. No. 2007-05, § 6, adopted September 18, 2007, added § 50-715 to read as herein set out.

DIVISION 5. STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS, VARIANCES, AND APPEALS

Subdivision I. Special Exceptions In General

Sec. 50-796. Generally.

Special exceptions, as enumerated in Schedule 1. Use Regulations, of section 50-676 hereof, or as contained in the Levy County Comprehensive Plan shall be permitted only upon authorization by the board of county commissioners subsequent to review by the planning commission. In granting any special exception, the board of county commissioners may require appropriate conditions and safeguards, made a part of the terms on which the special exception is granted, which if not complied with shall be deemed a violation of this article. The board of county commissioners may grant an application for special exception, provided that such application for special exception and the uses proposed therein shall be found by the board of county commissioners to comply with the following requirements or criteria and any other applicable requirements, criteria or standards set forth in this article.

- (1) That the use is a special exception as set forth in Schedule 1. Use Regulations, of section 50-676 hereof or as set forth in the Levy County Comprehensive Plan.
- (2) That the use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) That the property that is the subject of the special exception is suitable for the type of use proposed by virtue of its location, shape, topography, and by virtue of its compatibility with adjacent development, with uses allowed in adjacent land use and zoning districts, and with the character of the zoning district where it is located.
- (5) That adequate buffering, landscaping and screening are provided as required in this article, or as necessary to provide a visual and sound barrier between adjacent property and the property that is the subject of the special exception.
- (6) That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with or congestions of vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways.
- (7) That the use conforms with all applicable regulations governing the district where located, as may otherwise be determined for large-scale developments.
- (8) That the use is consistent with the provisions of the Levy County Comprehensive Plan and the Land Development Code, and that the application and use comply with the applicable provisions of subdivision II of this division 5 and with any specific requirements for the use contained in subdivision II of division 3 hereof.

(1991 LDR ch. 79, § 6.01(A); Ord. No. 05-01, § 6, 5-17-2005; Ord. No. 2007-03, § 24, 7-17-2007)

Sec. 50-797. Limitations.

- (a) Each special exception is valid only for the specific purposes for which it is granted as indicated in the approved application, plans, drawings or exhibits. 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.

(b) Unless a special exception is approved with a condition imposing a specific duration or automatic revocation upon a specific event, and provided that the provisions and conditions of a special exception have not been violated, a special exception shall run with the land and shall not be transferable to a different site.

(c) A special exception does not relieve an applicant, property owner, or user of the special exception property from liability for harm or injury to human health or welfare, plant or animal life, or property caused by its construction or operation. Nor does a special exception allow an applicant, property owner, or user of the special exception property to cause pollution in violation of any county, state, or federal code, ordinance, policies, laws, statutes, rules or regulations.

(d) In the event an application for a special exception has been denied, the board of county commissioners shall not thereafter consider an application for the identical use concerning all or any part of the same property for a period of six months after such denial, except that this limitation may be waived by a majority vote of the board of county commissioners when the board deems such waiver necessary to prevent injustice or to facilitate the proper development of the county. The six-month limitation imposed by the preceding sentence shall not apply to applications for modification to a previously approved special exception.

(1991 LDR ch. 79, § 6.01(D); Ord. No. 05-01, § 6, 5-17-2005)

Sec. 50-798. Application procedures.

(a) *Written petition.* An application for a special exception shall be obtained from and filed with the zoning official and shall be accompanied by the applicable fee to be established by resolution of the board of county commissioners. The zoning official shall review an application for sufficiency, which includes completeness of the application. If additional data or information is required, the zoning official shall advise the applicant and shall allow a reasonable time for the applicant to provide the additional data or information. Upon a finding by the zoning official that an application is complete, the application shall be scheduled for public hearings before the planning commission at the next planning commission meeting at which such application may reasonably be heard and before the board of county commissioners at a board of county commissioner's meeting in the month following the month of the planning commission meeting. Should an error in an application be discovered prior to a scheduled hearing, the zoning official shall have the discretion to require the applicant to reapply or submit revised or additional information. Special exception applications shall include but not be limited to the following, as applicable:

- (1) Site plans of an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas and required yards and other spaces.
- (2) Plans showing proposed locations for utilities hookups.
- (3) Plans for screening and buffers, with references to type, dimensions and character.
- (4) Proposed landscaping.
- (5) Proposed signs and lighting, including type, dimensions and character.
- (6) A legal description of the entire property encompassing the special exception.
- (7) A narrative description of the total project in sufficient detail to provide an understanding of the nature of the development proposal and a statement describing

how the special exception meets all the requirements, criteria, and standards for approval set forth in this division 5.

(8) A list of names and addresses of property owners within 300 feet of the subject property (excluding rights-of-way) with corresponding address labels. This information shall be based on the latest available property records of the property appraiser's office. The applicant shall also provide a map clearly showing the subject property and all of the other properties within 300 feet.

(9) Any other information required by the zoning official or by other provisions of this Code which the zoning official determines is necessary in order to process the application.

(b) *Public hearings.* The zoning official shall review a special exception application, investigate the conditions pertaining to the application, and submit a report to the planning commission prior to its public hearing on the special exception application. The zoning official shall also submit a report to the board of county commissioners prior to its public hearing on the special exception application. The zoning official and the parties in interest shall appear at the hearings in person, by agent, or by attorney. Following a public hearing before the planning commission, the planning commission may make recommendations regarding a special exception application to the board of county commissioners regarding granting, denial, or granting with conditions of the special exception application. Following a public hearing before the board of county commissioners, the board may grant or deny a special exception application, or may grant approval subject to compliance with certain conditions, restrictions or requirements as the board may deem necessary to protect the interest of the public health, safety, morals and welfare, and to assure compliance with the land development code and the Levy County Comprehensive Plan. In the event an applicant elects not to proceed to a board of county commissioners hearing on its special exception application in the month following the planning commission hearing, the applicant shall have a maximum of six months from the date of the planning commission hearing to contact the zoning official to request a public hearing to be scheduled before the board of county commissioners, at which time the zoning official shall schedule the public hearing before the board of county commissioners at the next possible regular meeting date, or a special meeting date, for which notice requirements can be met, and in no event longer than 30 days after notification from the applicant of the desire to schedule the hearing. In the event the applicant does not contact the zoning official within six months after the planning commission meeting, the application shall be deemed to be withdrawn and the applicant shall be required to submit a new special exception application, with the special exception application fee in order to proceed with the application. The review of any special exception application submitted due to the lapse of six months from the planning commission hearing on the first application without the applicant requesting a board of county commissioners' hearing shall be conducted pursuant to the codes, ordinances, rules and regulations in effect as of the date of submission of the second application.

(c) *Notices of public hearings.* Once the zoning official has set the date, time and place for any public hearing on a special exception application before the planning commission or the board of county commissioners, public notice for such hearing shall be published in a newspaper of general circulation in the county prior to the date of the hearing. In addition, the owners of property situated within 300 feet of the subject property shall be mailed written notice of the hearing prior to the date of the hearing by regular first class mail, addressed to the applicable property owner at the address shown on the last available records of the property appraiser. Any such notice by mail shall be considered effective when placed in the United States mail, postage prepaid; failure of an addressee to receive such notice shall not invalidate any proceedings. Both the published notice and the mailed notices shall contain a description of the request, a brief description of the subject property, and the time, date and place of the hearing, and shall invite all interested persons to appear and be heard. In addition, a sign shall be posted conspicuously on the subject property, and shall contain the time, date and place of the public hearing. Failure to comply strictly with these notice requirements shall not invalidate the

proceedings.

(Ord. No. 05-01, § 7, 5-17-2005)

Editor's note: Ord. No. 05-01, § 7, adopted May 17, 2005, repealed the former § 50-798, and enacted a new section as set out herein. The former section 50-798 pertained to modification of recommendations and derived from 1991 LDR ch. 79, § 6.01(E).

Sec. 50-799. Reserved.

Editor's note: Ord. No. 05-01, § 8, adopted May 17, 2005, repealed § 50-799 in its entirety. Formerly, such section pertained to findings of fact and derived from 1991 LDR ch. 79, § 6.01(F).

Secs. 50-800--50-815. Reserved.

Subdivision II. Special Exception Review Standards

Sec. 50-816. Compliance.

An application for a special exception shall be approved only if it meets all of the requirements, criteria and standards contained in subdivision I and subdivision II of this division 5 as well as any other requirements for the requested use contained in subdivision II of division 3 or elsewhere in this chapter. Any requirements, criteria, standards, or conditions are not exclusive of any other requirements, criteria, standards, or conditions which may be established by the board of county commissioners due to particular circumstances which are unique to the property or to the application for which the special exception is being requested. Because a special exception is not normally permitted in a particular zoning district, the burden is upon the applicant to document that special exception meets all of the applicable requirements, criteria and standards and that the granting of the special exception will not create a hardship upon adjacent properties as they are currently being used or as they may be used in the future in accordance with the uses allowed in their respective land use map designations and zoning districts.

(1991 LDR ch. 79, § 6.01(B); Ord. No. 2007-03, § 24, 7-17-2007)

Sec. 50-817. General standards.

- (a) The special exception use shall be consistent with the regulations of this article.
- (b) The special exception use shall be consistent with the comprehensive plan for the county.
- (c) The special exception use shall be provided for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of site and the surrounding areas.
- (d) The special exception use shall be planned and developed to harmonize with any existing or projected development in the area surrounding the project site.

(1991 LDR ch. 79, § 6.01(B)(1))

Sec. 50-818. Design standards.

- (a) All buildings in the layout and design shall be an integral part of the development and shall have convenient access to and from adjacent uses and blocks.
- (b) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.
- (c) Treatment of the sides and rear of all buildings within the planned development group shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.
- (d) The design of buildings and the parking facilities shall take advantage of the topography of the project site, where appropriate, to provide separate levels of access.
- (e) All building walls shall be so oriented as to ensure adequate light and air exposure to the rooms within.
- (f) All buildings shall be arranged so as to avoid undue exposure to concentrated loading or parking facilities wherever possible, and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (g) All buildings shall be arranged so as to be accessible to emergency vehicles.

(1991 LDR ch. 79, § 6.01(B)(2))

Sec. 50-819. Landscape design standards.

- (a) Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area.
- (b) Primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- (c) Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- (d) All streets bordering the project area shall be planted at appropriate intervals with street trees.

(1991 LDR ch. 79, § 6.01(B)(3))

Sec. 50-820. Circulation system design standards.

- (a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
- (b) Roads, pedestrian walks and open space shall be designed as integral parts of an overall site design. Roads, pedestrian walks and open space shall be properly related to existing and proposed buildings and appropriately landscaped.
- (c) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
- (d) Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- (e) Materials and design of paving, lighting, fixtures, retaining walls, fences, curb benches, etc., shall be of good appearance, easily maintained and indicative of their function.

(1991 LDR ch. 79, § 6.01(B)(4))

Sec. 50-821. Parking and loading design standards.

- (a) Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.
- (b) Pedestrian connections between parking areas and buildings shall be via special pedestrian walkways and/or elevators.
- (c) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.
- (d) Any abovegrade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

(1991 LDR ch. 79, § 6.01(B)(5))

Cross references: Traffic and vehicles, ch. 90.

Sec. 50-822. Reserved.

Sec. 50-823. Visual barriers.

Where required, a visual barrier a minimum of six feet high shall be constructed, consisting of any one or any combination of the following:

- (1) A fence along any road frontage of the subject property, which shall consist of an opaque decorative wood or masonry fence no higher than ten feet. The fence around the remainder of the perimeter of the subject property shall consist of an opaque fence that may consist of masonry or wood construction, or of a chain link with sufficient aluminum slats to render it opaque.
- (2) An irrigated berm.
- (3) Non-deciduous, living vegetation, spaced in a manner, which, at the time of planting and thereafter, will constitute an unbroken screen.
- (4) Masonry fencing, of decorative brick or concrete block and stucco, designed with a landscape theme that provides an unbroken screen and complements the character of the neighborhood.

(1991 LDR ch. 79, § 6.01(B)(7); Ord. No. 2007-06, § 10, 11-20-2007)

Secs. 50-824--50-840. Reserved.