

**CITY COUNCIL AGENDA ITEM**

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**Quasi-Judicial**

**TOPIC: Ordinance 2024-725**

**AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA, AMENDING THE CITY OF WILLISTON LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 44-12, NON-CONFORMING LOTS, NON- CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING CHARACTERISTICS OF USE, AND NON-CONFORMING USE OF STRUCTURES AND PREMISES; AMENDING SECTION 60-172, PERMITTED PRINCIPLE USES AND STRUCTURES; AMENDING SECTION 60-179, MAXIMUM FLOOR AREA RATIO; AMENDING SECTION 60-180 MAXIMUM LOT COVERAGE BY ALL IMPERVIOUS SURFACES; AMENDING SECTION 60-182 MINIMUM OFF-STREET PARKING REQUIREMENTS DESCRIBED HEREIN; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**REQUESTED BY: Laura Jones, City Planner**

**BACKGROUND / DESCRIPTION:**

The proposed text amendment is initiated by an application received by L&B Investments, LLC. to update to the City of Williston's Code of Ordinances. This ordinance is to amend the uses in Agricultural zoning to make is more feasible to conduct business in current times.

This Ordinance specifically amends:

Section 44-12 to include annexed properties.

Section 60-172 agricultural zoning to update buffers.

Section 60-179 agricultural zoning to update maximum floor area ratio.

Section 60-180 agricultural zoning to update maximum lot coverage.

Section 60-182 agricultural zoning to update minimum off-street parking requirements.

This request makes sense for the entire City as the agricultural zoning requirements is antiquated and appeared to be more tailored for a different municipality. The changes will improve the code for all agricultural properties in the City limits.

Changes made below are in red:

**Sec. 44-12. Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming characteristics of use, nonconforming use of structures and premises.**

(a) *Generally.*

- (1) Within the districts established by these land development regulations or amendments that may later be adopted, there may exist (i) lots, (ii) uses of land, (iii) structures, (iv) characteristics of use, and (v) use of structures and premises which were lawful before the adoption or amendment of these land development regulations, *or, as to annexed property, which are lawful under the county's land development regulations* but which would be prohibited, regulated, or restricted under the terms of these land development regulations or future amendments.
- (2) It is the intent of these land development regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival. It is further the intent of these land development regulations that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) Nonconforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the date of adoption or amendment of these land development regulations, by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (4) To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the date of adoption or amendment of these land development regulations and upon which actual building construction has been carried on diligently (see section 44-10 for definition of "Construction, actual"). Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- (b) *Nonconforming lots of record.* In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record as of the date of adoption or amendment of these land development regulations, *or, as to annexed property, which were lawful under the county's land development regulations* notwithstanding limitations imposed by these land development regulations or the comprehensive plan. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width,

or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustment/code enforcement. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record as of the date of adoption or amendment of these land development regulations, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of these land development regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these land development regulations or the comprehensive plan, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in these land development regulations or the comprehensive plan.

- (c) *Nonconforming uses of land.* Where, on the date of adoption or amendment of these land development regulations, *or, as to annexed property, which were lawful under the county's land development regulations* lawful use of land exists which would not be permitted by the comprehensive plan or these land development regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, increase, intensification, alteration.* No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these land development regulations.
  - (2) *Movement.* No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these land development regulations.
  - (3) *Discontinuance.* If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by these land development regulations for the district in which such land is located.
  - (4) *Structure additions.* No structures shall be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.
- (d) *Nonconforming structures.* Where a structure existed lawfully at the date of adoption or amendment of these land development regulations *or, as to annexed property, which were lawful under the county's land development regulations* that could not be built under these land development regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement or alteration.* No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- (2) *Destruction.* Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of more than 50 percent of its replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.
- (3) *Movement.* Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

For information regarding nonconforming mobile homes see also section 60-44.

- (e) *Nonconforming characteristics of use.* If characteristic of use of residential density which lawfully existed on the date of adoption or amendment of these land development regulations *or, as to annexed property, which were lawful under the county's land development regulations* are made nonconforming by these land development regulations as adopted or amended, no change shall thereafter be made in such characteristic of use which increases nonconformity with these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity. If the characteristics of use such as signs, off-street parking or off-street loading, or other matters pertaining to the use of land, structures, and premises are made nonconforming by these land development regulations as adopted or amended, *or, as to annexed property, which were lawful under the county's land development regulations* no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
- (f) *Nonconforming use of structures and premises.* Where a lawful use of a structure, or of a structure and premises in combination, existed at the date of adoption or amendment of these land development regulations, *or, as to annexed property, which were lawful under the county's land development regulations* that would not be allowed in the district under the terms of the comprehensive plan or these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (1) *Enlargement, extension, alteration, etc.* No existing structure devoted to a use not permitted by these land development regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (2) *Extension of use.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use as of the adoption or amendment of these land development regulations, *or, as to annexed property, which were lawful under the county's land development regulations* Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such nonconforming use at the date of adoption or amendment of these land development regulations.
  - (3) *Change in tenancy or ownership.* There may be a change in tenancy, ownership, or

management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

- (4) *Change in use.* Any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the board of adjustment/code enforcement shall find after due public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the board of adjustment/code enforcement may require appropriate conditions and safeguards in accordance with the intent and purpose of these land development regulations.
  - (5) *Change to conforming use requires future conformity with district regulations.* Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.
  - (6) *Discontinuance.* If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
  - (7) *Structure additions.* No structures shall be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
  - (8) *Destruction.* Should a structure containing a nonconforming use be destroyed by any means to the extent of more than 50 percent of its replacement value at the time of destruction, its status as a nonconforming use is terminated and it shall not be reconstructed except in conformity with all provisions of these land development regulations and unless the use of land and structures thereafter conforms to the regulations for the district in which such land is located.
- (g) *Casual, temporary, or illegal use.* The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- Uses under special exception provisions not nonconforming uses.* Whereon the date of adoption of these land development regulations, or amendment thereto, or, as to annexed property, which were lawful under the county's land development regulations the lawful use of land exists which would be permitted as a special exception under the terms of these land development regulations, such use shall not be deemed a nonconforming use in such district but shall without further action be deemed a conforming use in such district. However, any enlargement or expansion of any such uses shall be subject to the procedures for securing special exceptions (see chapters 46, article V and VI).

(Ord. No. 434, § 2.3, 5-7-2002)



Section 2. That Section 60-172 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-172. Permitted principal uses and structures.**

Within an agricultural district shown on the "Zoning Map, City of Williston, Florida," the following use provisions regarding permitted principal uses and structures shall apply:

- (1) All agricultural activities (excepting intensive agriculture uses as defined in section 44-10 and not including livestock or poultry slaughterhouses), including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruits and berries, forestry conducted in accordance with the comprehensive plan, apiculture, and similar uses; provided that no structure used for housing of animals or any commercial feed lot operation shall be located within 300 feet of any lot line, and no structure used for housing domestic animals shall be located within 100 feet of any lot line.
- (2) The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided that no building used for these activities shall be located within 300 feet of any side or rear lot line *unless the building meets the buffer requirements of Section 60-341 (1), in which case the building shall – at a minimum -comply with the minimum yard requirements of Section 60-177.*
- (3) Single-family dwellings.
- (4) Mobile homes.
- (5) Plant nurseries and greenhouses.
- (6) Homes of six or fewer residents which otherwise meet the definition of a "community residential home" (see article II of this chapter).

(7) All permitted uses in the R-1 zoning district. (~~Ord. No. 434, § 4.5.2, 5-7-2002~~)

Section 3. That Section 60-179 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-179. Maximum floor area ratio.**

The maximum floor area ratio in the agricultural district shall be 35 percent. *However, for parcels that include commercial greenhouses or plant nurseries or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), maximum floor area ration shall be 80%.*

(~~Ord. No. 434, § 4.5.9, 5-7-2002~~)

Section 4. That Section 60-180 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-180. Maximum lot coverage by all impervious surfaces.**

The maximum lot coverage by all impervious surfaces in the agricultural district shall be ~~20~~ 50 percent.

*However, for parcels that include commercial greenhouses or plant nurseries or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), maximum lot coverage by all impervious surfaces shall be 80%*

~~(Ord. No. 434, § 4.5.10, 5-7-2002)~~

Section 5. That Section 60-182 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-182. Minimum off-street parking requirements.**

The minimum off-street parking requirements in the agricultural district shall be as follows:

- (1) Residential dwelling units: two spaces for each dwelling unit.
- (2) Elementary schools: two spaces for each classroom, plus one space for each staff.
- (3) Middle school: two spaces for each classroom or office room, plus one space for each staff member.
- (4) Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
- (5) Churches or other houses of worship: one space for each four permanent seats in the main room.
- (6) Public buildings and facilities (unless otherwise specified): one space for each 300 square feet of floor area.
- (7) Clubs and lodges including fraternal organizations: one space for each 300 square feet of floor area.
- (8) Adult and child care centers, preschools: one space for each 300 square feet of floor area devoted to adult or child care activities and one space for each employee.
- (9) Group living facilities, group housing projects, foster care: one space for each bed.
- (10) Hospitals: one space for each bed, plus one for each employee on the maximum shift.
- (11) Convalescent and nursing homes: one space for each two beds, plus one for each employee on the maximum shift.
- (12) Adult congregate living facilities (ACLF): one space for each bed.
- (13) Commercial and service establishments (unless otherwise specified), agricultural fairs and fairgrounds; livestock auction arena: one space for each 350 square feet of floor area where applicable. One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sale display or activity.

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- (14) Livestock or poultry slaughterhouse; sawmills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one space for each 500 square feet of floor area.
- (15) Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters; racetracks and speedways; golf and archery ranges; rifle, shotgun, and pistol ranges; commercial kennels; veterinary clinics; and animal shelters: Parking requirements will be approved through site plan approval process on a case-by-case basis.
- (16) Commercial greenhouse or plant nursery: one space for *each group of 20 employees (or portion thereof) plus one* ~~per sq. ft. of nonstorage floor area.~~ *space for each employee.*
- (17) For other special exceptions as specified herein: To be determined by findings in the particular case.

**The Planning and Zoning Commission recommended approval to City Council on February 27, 2024.**

**LEGAL REVIEW: Completed**

**FISCAL IMPACTS: None**

**RECOMMENDED ACTION: Recommend approval of Ordinance 2024-725 to City Council.**

**ATTACHMENTS: Application  
Ordinance 2024-725**

**ACTION: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED**



**ORDINANCE  
NO. 2024-725**

**AN ORDINANCE OF THE CITY OF WILLISTON, FLORIDA, AMENDING THE CITY OF WILLISTON LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 44-12, NON-CONFORMING LOTS, NON- CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING CHARACTERISTICS OF USE, AND NON-CONFORMING USE OF STRUCTURES AND PREMISES; AMENDING SECTION 60-172, PERMITTED PRINCIPLE USES AND STRUCTURES; AMENDING SECTION 60-179, MAXIMUM FLOOR AREA RATIO; AMENDING SECTION 60-180 MAXIMUM LOT COVERAGE BY ALL IMPERVIOUS SURFACES; AMENDING SECTION 60-182 MINIMUM OFF-STREET PARKING REQUIREMENTS DESCRIBED HEREIN; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.021, Florida Statutes, as amended, empowers the City Council of the City of Williston, Florida, hereinafter referred to as the City Council, to prepare, adopt and enforce land development regulations; AND

**WHEREAS**, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Council to prepare and adopt regulations concerning the use of land and water to implement a comprehensive plan; AND

**WHEREAS**, the City Council of the City of Williston, Florida, did on May 7, 2002, validly approve and adopt the City of Williston Land Development Regulations; AND

**WHEREAS**, L&B Investment Group LLC, a Florida limited liability company, has applied to amend various provisions of the Land Development Regulations; AND

**WHEREAS**, the Planning and Zoning Commission of the City of Williston, designated as the Local Planning Agency, did hold the required public hearing, with public notice having been provided, on said application for amendments, as described below; AND

**WHEREAS**, the Planning and Zoning Commission of the City of Williston reviewed and considered all comments received during said public hearings as described below and recommended approval of the above referenced text amendment to the City Council; AND

**WHEREAS**, the City Council did hold the required public hearings, under the provisions of the amendment procedures established in Chapters 163 and 166, Florida Statutes, on said application for amendments, as described below, and at said public hearing, the City Council reviewed and considered all comments received during the public hearing, including the recommendation of the Planning and Zoning Commission, serving also as the Local Planning Agency; AND

**WHEREAS**, the City Council has determined and found said amendments, as described below, to be consistent with the Future Land Use Element objectives and

policies, and those of other affected elements of the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLISTON, FLORIDA, AS FOLLOWS:**

Section 1. That Section 44-12 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 44-12. Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming characteristics of use, nonconforming use of structures and premises.**

*(a) Generally.*

- (1) Within the districts established by these land development regulations or amendments that may later be adopted, there may exist (i) lots, (ii) uses of land, (iii) structures, (iv) characteristics of use, and (v) use of structures and premises which were lawful before the adoption or amendment of these land development regulations, or, as to annexed property, which are lawful under the county's land development regulations but which would be prohibited, regulated, or restricted under the terms of these land development regulations or future amendments.
- (2) It is the intent of these land development regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival. It is further the intent of these land development regulations that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) Nonconforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the date of adoption or amendment of these land development regulations, by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (4) To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the date of adoption or amendment of these land development regulations and upon which actual building construction has been carried on diligently (see section 44-10 for definition of "Construction, actual"). Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- (b) *Nonconforming lots of record.* In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record as of the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations notwithstanding limitations imposed by these land development regulations or the comprehensive plan. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustment/code enforcement. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record as of the date of adoption or amendment of these land development regulations, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of these land development regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these land development regulations or the comprehensive plan, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in these land development regulations or the comprehensive plan.
- (c) *Nonconforming uses of land.* Where, on the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations lawful use of land exists which would not be permitted by the comprehensive plan or these land development regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, increase, intensification, alteration.* No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these land development regulations.
  - (2) *Movement.* No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these land development regulations.
  - (3) *Discontinuance.* If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by these land development regulations for the district in which such land is located.
  - (4) *Structure additions.* No structures shall be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.

- (d) *Nonconforming structures.* Where a structure existed lawfully at the date of adoption or amendment of these land development regulations or, as to annexed property, which were lawful under the county's land development regulations that could not be built under these land development regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement or alteration.* No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - (2) *Destruction.* Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of more than 50 percent of its replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.
  - (3) *Movement.* Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

For information regarding nonconforming mobile homes see also section 60-44.

- (e) *Nonconforming characteristics of use.* If characteristic of use of residential density which lawfully existed on the date of adoption or amendment of these land development regulations or, as to annexed property, which were lawful under the county's land development regulations are made nonconforming by these land development regulations as adopted or amended, no change shall thereafter be made in such characteristic of use which increases nonconformity with these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity. If the characteristics of use such as signs, off-street parking or off-street loading, or other matters pertaining to the use of land, structures, and premises are made nonconforming by these land development regulations as adopted or amended, or, as to annexed property, which were lawful under the county's land development regulations no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
- (f) *Nonconforming use of structures and premises.* Where a lawful use of a structure, or of a structure and premises in combination, existed at the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations that would not be allowed in the district under the terms of the comprehensive plan or these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, extension, alteration, etc.* No existing structure devoted to a

use not permitted by these land development regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- (2) *Extension of use.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use as of the adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such nonconforming use at the date of adoption or amendment of these land development regulations.
- (3) *Change in tenancy or ownership.* There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
- (4) *Change in use.* Any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the board of adjustment/code enforcement shall find after due public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the board of adjustment/code enforcement may require appropriate conditions and safeguards in accordance with the intent and purpose of these land development regulations.
- (5) *Change to conforming use requires future conformity with district regulations.* Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.
- (6) *Discontinuance.* If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
- (7) *Structure additions.* No structures shall be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
- (8) *Destruction.* Should a structure containing a nonconforming use be destroyed by any means to the extent of more than 50 percent of its

replacement value at the time of destruction, its status as a nonconforming use is terminated and it shall not be reconstructed except in conformity with all provisions of these land development regulations and unless the use of land and structures thereafter conforms to the regulations for the district in which such land is located.

- (g) *Casual, temporary, or illegal use.* The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- (h) *Uses under special exception provisions not nonconforming uses.* Whereon the date of adoption of these land development regulations, or amendment thereto, or, as to annexed property, which were lawful under the county's land development regulations the lawful use of land exists which would be permitted as a special exception under the terms of these land development regulations, such use shall not be deemed a nonconforming use in such district but shall without further action be deemed a conforming use in such district. However, any enlargement or expansion of any such uses shall be subject to the procedures for securing special exceptions (see chapters 46, article V and VI).

~~{Ord. No. 434, § 2.3, 5-7-2002}~~

Section 2. That Section 60-172 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-172. Permitted principal uses and structures.**

Within an agricultural district shown on the "Zoning Map, City of Williston, Florida," the following use provisions regarding permitted principal uses and structures shall apply:

- (1) All agricultural activities (excepting intensive agriculture uses as defined in section 44-10 and not including livestock or poultry slaughterhouses), including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruits and berries, forestry conducted in accordance with the comprehensive plan, apiculture, and similar uses; provided that no structure used for housing of animals or any commercial feed lot operation shall be located within 300 feet of any lot line, and no structure used for housing domestic animals shall be located within 100 feet of any lot line.
- (2) The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided that no building used for these activities shall be located within 300 feet of any side or rear lot line. However, if the building meets the buffer requirements of Section 60-341 (1), the building shall – at a minimum – comply with the minimum yard requirements of Section 60-177.
- (3) Single-family dwellings.
- (4) Mobile homes.



- (5) Plant nurseries and greenhouses.
- (6) Homes of six or fewer residents which otherwise meet the definition of a "community residential home" (see article II of this chapter).
- (7) All permitted uses in the R-1

zoning district. ~~(Ord. No. 434, § 4.5.2, 5-7-2002)~~

Section 3. That Section 60-179 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-179. Maximum floor area ratio.**

The maximum floor area ratio in the agricultural district shall be 35 percent. However, for parcels that include commercial greenhouses or plant nurseries or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), maximum floor area ratio shall be 80%.

~~(Ord. No. 434, § 4.5.9, 5-7-2002)~~

Section 4. That Section 60-180 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows

**Sec. 60-180. Maximum lot coverage by all impervious surfaces.**

The maximum lot coverage by all impervious surfaces in the agricultural district shall be ~~20-50~~ percent. However, for parcels that include commercial greenhouses or plant nurseries or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), maximum lot coverage by all impervious surfaces shall be 80%.

~~(Ord. No. 434, § 4.5.10, 5-7-2002)~~

Section 5. That Section 60-182 of the Land Development Regulations of the City of Williston, is hereby amended to read as follows:

**Sec. 60-182. Minimum off-street parking requirements.**

The minimum off-street parking requirements in the agricultural district shall be as follows:

- (1) Residential dwelling units: two spaces for each dwelling unit.
- (2) Elementary schools: two spaces for each classroom, plus one space for each staff.
- (3) Middle school: two spaces for each classroom or office room, plus one space for each staff member.
- (4) Senior high school: four spaces for each classroom or office room, plus two

spaces for each three seats in any auditorium or gymnasium.

- (5) Churches or other houses of worship: one space for each four permanent seats in the main room.
- (6) Public buildings and facilities (unless otherwise specified): one space for each 300 square feet of floor area.
- (7) Clubs and lodges including fraternal organizations: one space for each 300 square feet of floor area.
- (8) Adult and child care centers, preschools: one space for each 300 square feet of floor area devoted to adult or child care activities and one space for each employee.
- (9) Group living facilities, group housing projects, foster care: one space for each bed.
- (10) Hospitals: one space for each bed, plus one for each employee on the maximum shift.
- (11) Convalescent and nursing homes: one space for each two beds, plus one for each employee on the maximum shift.
- (12) Adult congregate living facilities (ACLF): one space for each bed.
- (13) Commercial and service establishments (unless otherwise specified), agricultural fairs and fairgrounds; livestock auction arena: one space for each 350 square feet of floor area where applicable. One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sale display or activity.
- (14) Livestock or poultry slaughterhouse; sawmills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one space for each 500 square feet of floor area.
- (15) Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters; racetracks and speedways; golf and archery ranges; rifle, shotgun, and pistol ranges; commercial kennels; veterinary clinics; and animal shelters: Parking requirements will be approved through site plan approval process on a case-by-case basis.
- (16) Commercial greenhouse or plant nursery: one space for each group of 20 employees (or portion thereof) plus one per sq. ft. of nonstorage floor area—space for each employee.
- (17) For other special exceptions as specified herein: To be determined by findings in the particular case

See also article II of this chapter. (Ord. No. 434, § 4.5.12, 5-7-2002)

Section 6. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 7. Authority. This ordinance is adopted pursuant to the authority

granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

Section 8. Effective Date. This Ordinance shall become effective immediately Passed on second reading, this \_\_\_\_ day of \_\_, 2024.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Williston, Florida, after properly dispensing with the final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

CITY OF WILLISTON

\_\_\_\_\_  
LATRICIA WRIGHT  
CITY CLERK

\_\_\_\_\_  
DEBRA JONES  
PRESIDENT, CITY COUNCIL

\_\_\_\_\_  
CHARLES GOODMAN  
MAYOR

\_\_\_\_\_  
KIERSTEN N. BALLOU  
CITY ATTORNEY

**JUSTIFICATION FOR AMENDMENTS TO CITY OF WILLISTON  
LAND DEVELOPMENT REGULATIONS**

The following provides the justification for the Application for Land Development Regulations Amendment we have submitted on behalf of the property owner, L&B Investment Group LLC, a Florida limited liability company:

	<b>LDR Section</b>	<b>Justification</b>
1.	44-12 Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming characteristics of use, nonconforming use of structures and premises.	Several of our structures do not conform to the setback and other requirements of the Williston LDRs even though they were lawful when they were constructed in the County. There is no provision in the Williston LDRs for how to treat structures that were lawful under the County's Land Development Regulations when they were built but would not be permitted under the Williston LDRs after annexation. (There is also no provision concerning previously permitted uses.) This amendment adds annexed property to the list of nonconforming lots, uses, structures, characteristics and use of structures and premises. Similar provisions are found in other codes such as those of Kissimmee and Fort Lauderdale.
2.	60-172 Permitted principal uses and structures.	Section 60-172(2) provides that, in an Agricultural District, no building used for processing, storage and sale of agricultural products may be located within 300 feet of any side or rear lot line. All of the buildings on the Williston Middle School are located within that distance. Thus, we propose to delete the distance and instead require them to comply with the minimum yard requirements of Section 60-177.
3.	60-179 Maximum floor area ratio.	This provision currently provides for a maximum floor area ratio of 35%. We anticipate constructing additional greenhouses that could result in an 80% floor area ratio. Other jurisdictions have a higher maximum FAR than does Williston. For example, Madison County and Wakulla County permits a 50% FAR in agricultural areas and Marion County has no maximum limit on the FAR in its agricultural zoning districts (probably because most agricultural uses are not prone to high FAR uses). These would not be sufficient for our proposed use, however, given the area that we anticipate the greenhouses would cover. Thus, we have added a provision (based somewhat on the existing language in Section 60-172(2)), permitting agricultural uses with greenhouses and processing facilities to have a maximum FAR of 80%.

	<b>LDR Section</b>	<b>Justification</b>
4.	60-180 Maximum lot coverage by all impervious surfaces.	<p>Section 60-180 currently limits impervious surfaces in agricultural zoning districts to 20%. Our property probably exceeds this now and will certainly exceed it by the time that additional impervious surfaces (greenhouses) are added. Other jurisdictions permit a higher impervious surface amount than does Williston. Polk County allows this identical impervious surface percentage, and other counties provide for higher than the current Williston LDRs (e.g., Putnam and Madison County, both of which permit 35% impervious surface coverage. Again, however, given the area of our anticipated greenhouses, we need to increase this impervious surface percentage to 80%. Thus, we are proposing a provision, like we are proposing concerning Sections 60-179, permitting greenhouses and agricultural process facilities to have an impervious percentage of 80%.</p>
5.	60-182 Minimum off-street parking requirements.	<p>Subsection 60-182 currently provides that each commercial greenhouse or plant nursery shall have one space per square foot of non-storage floor area. This is an incredibly high parking requirement and appears to have no relationship to the use of a facility like the one proposed for this property. We propose to change it so that it requires: (a) one parking space for each group of 20 employees (or portion thereof); plus (b) one parking space for each employee. Thus, if we had 52 employees, we would need a total of 55 spaces calculated as (a) three spaces (for the three groups of 20 employees); plus (b) 52 spaces (one for each employee). Other Williston LDR provisions (including subsections 60-182(2), (3), (8), (10), and (11)) also base parking requirements in the agricultural district, in part, upon numbers of employees. Other provisions of the LDRs do the same for other zoning districts; see Section 60-342(8), (14), (15), (16), (17) for the CBD designation and 60-462(4), (5), (7) for the P District.</p>

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# City of Williston

## Application for Land Development Regulations Amendment

Please remit to: **Planning and Zoning Department**  
 City of Williston  
 50NW Main St  
 Williston, FL 32696

For more information please call 352-528-3060.

### **PART A. BASIC INFORMATION -PLEASE READ BEFORE COMPLETING**

An application for amendment to the Land Development Regulations is a formal request by an applicant for a permanent change to the regulations or rules governing zoning or land development.

An amendment is **not** a variance to the zoning regulations, which is a specific waiver of rules. An amendment is a permanent change.

The basic process of an amendment is as follows:

1. Hearing held by Planning and Zoning Commission
2. Evaluation and recommendation from the Planning and Zoning Commission
3. City Council considers amendment and makes final decision

Once an application for a land development regulation amendment has been submitted and the **application fee of \$1,500.00** (\$2,500 if the amendment is changing permitted uses for a zoning category) has been paid, the Planning and Zoning Staff will begin processing the application. An applicant should expect a hearing to be held to consider their application within four to six weeks.

The applicant will be notified of any public hearings or special meetings held in regards to their application.

The applicant, through this form, should make it clear to the general public the following information:

1. The need and justification for the change
2. The relationship of the proposed amendment to the purposes and objectives of the City of Williston Comprehensive Plan

The City reserves the right to request any other information that may be pertinent to the amendment request.

#### *Staff Use Only*

Application Number	LDR__-____
Date Received	



**PART B. APPLICANT AND OWNER INFORMATION** (please complete legibly)

Date (date application is signed)	November <u>28<sup>th</sup></u> , 2023
Applicant Name	L&B Investment Group LLC
Applicant Contact (Phone No./ Email)	508 SE 11 <sup>th</sup> Ave. Gainesville, FL 32601  Email: kori@floridaicemachines.com
Is this a Zoning Map amendment? (Y/N)	No
Contact Information (Phone No./ Email)	W. James Gooding III Gooding & Batsel, PLLC 1531 SE 36th Ave. Ocala, FL 34471
Brief description of amendment being requested (attach additional sheets if necessary)	See attached Memorandum
Section(s) of City of Williston Land Development Code to be considered	44-12, 60-172, 60-179, 60-180
By signing below, the applicant acknowledges that the information provided to the City on this application is true and correct to the best of their knowledge, and that they have read PART A of this Form.	
Signature of Applicant	L&B Investment Group, a Florida limited liability company  By: <u>Jatavious Lamb</u> as <u>Authorized Representative</u>

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**PART C. PROPOSED AMENDMENT** – (Provide the exact amendment to the Land Development Regulations being proposed. Preferably, use a strike through and underline format of existing code (where strike through represents code being deleted and underline represents language being added). If necessary, attach additional sheets.

**Sec. 44-12. Nonconforming lots, nonconforming uses of land, nonconforming structures, nonconforming characteristics of use, nonconforming use of structures and premises.**

(a) *Generally.*

- (1) Within the districts established by these land development regulations or amendments that may later be adopted, there may exist (i) lots, (ii) uses of land, (iii) structures, (iv) characteristics of use, and (v) use of structures and premises which were lawful before the adoption or amendment of these land development or, as to annexed property, which were lawful under the county's land development regulations, but which would be prohibited, regulated, or restricted under the terms of these land development regulations or future amendments.
- (2) It is the intent of these land development regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival. It is further the intent of these land development regulations that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) Nonconforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the date of adoption or amendment of these land development regulations, by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (4) To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the date of adoption or amendment of these land development regulations and upon which actual building construction has been carried on diligently (see section 44-10 for definition of "Construction, actual"). Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- (b) *Nonconforming lots of record.* In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record as of the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations. notwithstanding limitations imposed by these land development regulations or the comprehensive plan. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be

obtained only through action of the board of adjustment/code enforcement. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record as of the date of adoption or amendment of these land development regulations, and if all or part of the lots do not meet the requirements established for lot width and for area, the lands involved shall be considered to be an undivided parcel for the purposes of these land development regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these land development regulations or the comprehensive plan, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in these land development regulations or the comprehensive plan.

- (c) *Nonconforming uses of land.* Where, on the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations, lawful use of land exists which would not be permitted by the comprehensive plan or these land development regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, increase, intensification, alteration.* No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these land development regulations.
  - (2) *Movement.* No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these land development regulations.
  - (3) *Discontinuance.* If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by these land development regulations for the district in which such land is located.
  - (4) *Structure additions.* No structures shall be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.
- (d) *Nonconforming structures.* Where a structure existed lawfully at the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations, that could not be built under these land development regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement or alteration.* No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  - (2) *Destruction.* Should such nonconforming structure or nonconforming portion of such structure be destroyed by any means to an extent of more than 50 percent of its replacement value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.
  - (3) *Movement.* Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

For information regarding nonconforming mobile homes see also section 60-44.

- (e) *Nonconforming characteristics of use.* If characteristic of use of residential density which lawfully existed on the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulation are made nonconforming by these land development regulations as adopted or amended, or, as to annexed

property, are made nonconforming by its annexation, no change shall thereafter be made in such characteristic of use which increases nonconformity with these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity. If the characteristics of use such as signs, off-street parking or off-street loading, or other matters pertaining to the use of land, structures, and premises are made nonconforming by these land development regulations as adopted or amended, or, as to annexed property, which were lawful under the county's land development regulations. no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

- (f) *Nonconforming use of structures and premises.* Where a lawful use of a structure, or of a structure and premises in combination, existed at the date of adoption or amendment of these land development regulations, or, as to annexed property, which were lawful under the county's land development regulations, that would not be allowed in the district under the terms of the comprehensive plan or these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) *Enlargement, extension, alteration, etc.* No existing structure devoted to a use not permitted by these land development regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (2) *Extension of use.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use as of the adoption or amendment of these land development regulations or, as to annexed property, which were lawful under the county's land development regulations. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such nonconforming use at the date of adoption or amendment of these land development regulations.
  - (3) *Change in tenancy or ownership.* There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
  - (4) *Change in use.* Any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the board of adjustment/code enforcement shall find after due public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the board of adjustment/code enforcement may require appropriate conditions and safeguards in accordance with the intent and purpose of these land development regulations.
  - (5) *Change to conforming use requires future conformity with district regulations.* Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.

- (6) *Discontinuance.* If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than 12 consecutive months, any subsequent use shall conform to the regulations for the district in which the use is located.
- (7) *Structure additions.* No structures shall be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
- (8) *Destruction.* Should a structure containing a nonconforming use be destroyed by any means to the extent of more than 50 percent of its replacement value at the time of destruction, its status as a nonconforming use is terminated and it shall not be reconstructed except in conformity with all provisions of these land development regulations and unless the use of land and structures thereafter conforms to the regulations for the district in which such land is located.
- (g) *Casual, temporary, or illegal use.* The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- (h) *Uses under special exception provisions not nonconforming uses.* Whereon the date of adoption of these land development regulations, or amendment thereto, or, as to annexed property, which were lawful under the county's land development regulation, the lawful use of land exists which would be permitted as a special exception under the terms of these land development regulations, such use shall not be deemed a nonconforming use in such district, but shall without further action be deemed a conforming use in such district. However, any enlargement or expansion of any such uses shall be subject to the procedures for securing special exceptions (see chapters 46, article V and VI).

**PART D. RESPONSE TO FINDING CRITERIA (Section 46-223 (b))**

The Planning and Zoning Commission will consider the following criteria when evaluating the amendment request. Please answer each as thoroughly as possible, keeping in mind that not all evaluation criteria will be applicable to all amendments. If a specific criterion is not applicable, please indicated so in the response box. Attach additional sheets if needed.

<p>(1) Conformity with the comprehensive plan and the effects upon the comprehensive plan.</p>	
<p>(2) The existing land use pattern.</p>	
<p>(3) The creation of an isolated district unrelated to adjacent and nearby districts.</p>	



**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(4) The impact of the proposed change upon population density pattern and the load on public facilities such as schools, utilities, streets, etc.</p>	
<p>(5) The existing district boundaries in relation to existing conditions on the property proposed for change.</p>	
<p>(6) Changed or changing conditions which justify the recommended action on the proposed amendment</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(7) The impact of the proposed change upon living conditions in the neighborhood.</p>	
<p>(8) The impact of the proposed change upon traffic with particular regard to congestion or other public safety matters</p>	
<p>(9) The impact of the proposed change upon drainage.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(10) The impact of the proposed change upon light and air to adjacent areas.</p>	
<p>(11) The impact of the proposed change upon property values in the adjacent area.</p>	
<p>(12) The impact of the proposed change upon the improvement or development of adjacent property in accordance with existing regulations.</p>	
<p>(13) The granting of special privilege to an individual owner as contrasted with the needs of the overall public welfare.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(14) Substantial reasons why, if any, the property cannot be used in accordance with existing zoning.</p>	
<p>(15) The impact of the proposed change with regard to the scale of needs of the neighborhood or the city.</p>	
<p>(16) The availability of alternate adequate sites in the city in districts already permitting such use.</p>	

Please mail completed form to:                      Planning and Zoning Department  
City of Williston  
50 NW Main St  
Williston, FL 32696

Or Email completed form to:                      [cityplanning@willistonfl.org](mailto:cityplanning@willistonfl.org)

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FORM PZ1011

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**PART C. PROPOSED AMENDMENT** – (Provide the exact amendment to the Land Development Regulations being proposed. Preferably, use a strike through and underline format of existing code (where strike through represents code being deleted and underline represents language being added). If necessary, attach additional sheets.

**Sec. 60-172. Permitted principal uses and structures.**

Within an agricultural district shown on the "Zoning Map, City of Williston, Florida," the following use provisions regarding permitted principal uses and structures shall apply:

- (1) [Unchanged]
- (2) The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided that no building used for these activities shall be located within 300 feet of any side or rear lot line unless the building meets the buffer requirements of Section 60-341(1), in which case the building may comply with the minimum yard requirements of Section 60-177.
- (3) [Unchanged]
- (4) [Unchanged]
- (5) [Unchanged]
- (6) [Unchanged]
- (7) [Unchanged]

**PART D. RESPONSE TO FINDING CRITERIA (Section 46-223 (b))**

The Planning and Zoning Commission will consider the following criteria when evaluating the amendment request. Please answer each as thoroughly as possible, keeping in mind that not all evaluation criteria will be applicable to all amendments. If a specific criterion is not applicable, please indicated so in the response box. Attach additional sheets if needed.

<p>(1) Conformity with the comprehensive plan and the effects upon the comprehensive plan.</p>	
<p>(2) The existing land use pattern.</p>	
<p>(3) The creation of an isolated district unrelated to adjacent and nearby districts.</p>	



**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(4) The impact of the proposed change upon population density pattern and the load on public facilities such as schools, utilities, streets, etc.</p>	
<p>(5) The existing district boundaries in relation to existing conditions on the property proposed for change.</p>	
<p>(6) Changed or changing conditions which justify the recommended action on the proposed amendment</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(7) The impact of the proposed change upon living conditions in the neighborhood.</p>	
<p>(8) The impact of the proposed change upon traffic with particular regard to congestion or other public safety matters</p>	
<p>(9) The impact of the proposed change upon drainage.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(10) The impact of the proposed change upon light and air to adjacent areas.</p>	
<p>(11) The impact of the proposed change upon property values in the adjacent area.</p>	
<p>(12) The impact of the proposed change upon the improvement or development of adjacent property in accordance with existing regulations.</p>	
<p>(13) The granting of special privilege to an individual owner as contrasted with the needs of the overall public welfare.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(14) Substantial reasons why, if any, the property cannot be used in accordance with existing zoning.</p>	
<p>(15) The impact of the proposed change with regard to the scale of needs of the neighborhood or the city.</p>	
<p>(16) The availability of alternate adequate sites in the city in districts already permitting such use.</p>	

Please mail completed form to:

Planning and Zoning Department  
 City of Williston  
 50 NW Main St  
 Williston, FL 32696

Or Email completed form to:

cityplan@willistonfl.org

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FORM PZ1011

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**PART C. PROPOSED AMENDMENT** – (Provide the exact amendment to the Land Development Regulations being proposed. Preferably, use a strike through and underline format of existing code (where strike through represents code being deleted and underline represents language being added). If necessary, attach additional sheets.

**Sec. 60-179. Maximum floor area ratio.**

The maximum floor area ratio in the agricultural district shall be 35 percent. However, for parcels that include commercial greenhouses or plant nurseries, or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), the maximum floor area ratio shall be 80%.

**PART D. RESPONSE TO FINDING CRITERIA (Section 46-223 (b))**

The Planning and Zoning Commission will consider the following criteria when evaluating the amendment request. Please answer each as thoroughly as possible, keeping in mind that not all evaluation criteria will be applicable to all amendments. If a specific criterion is not applicable, please indicated so in the response box. Attach additional sheets if needed.

<p>(1) Conformity with the comprehensive plan and the effects upon the comprehensive plan.</p>	
<p>(2) The existing land use pattern.</p>	
<p>(3) The creation of an isolated district unrelated to adjacent and nearby districts.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(4) The impact of the proposed change upon population density pattern and the load on public facilities such as schools, utilities, streets, etc.</p>	
<p>(5) The existing district boundaries in relation to existing conditions on the property proposed for change.</p>	
<p>(6) Changed or changing conditions which justify the recommended action on the proposed amendment</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(7) The impact of the proposed change upon living conditions in the neighborhood.</p>	
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**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(10) The impact of the proposed change upon light and air to adjacent areas.</p>	
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<p>(13) The granting of special privilege to an individual owner as contrasted with the needs of the overall public welfare.</p>	

**PART D. RESPONSE TO FINDING CRITERIA CONTINUED**

<p>(14) Substantial reasons why, if any, the property cannot be used in accordance with existing zoning.</p>	
<p>(15) The impact of the proposed change with regard to the scale of needs of the neighborhood or the city.</p>	
<p>(16) The availability of alternate adequate sites in the city in districts already permitting such use.</p>	

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**PART C. PROPOSED AMENDMENT** – (Provide the exact amendment to the Land Development Regulations being proposed. Preferably, use a strike through and underline format of existing code (where strike through represents code being deleted and underline represents language being added). If necessary, attach additional sheets.

**Sec. 60-180. Maximum lot coverage by all impervious surfaces.**

The maximum lot coverage by all impervious surfaces in the agricultural district shall be ~~20-50~~ percent. However, for parcels that include commercial greenhouses or plant nurseries, or facilities used for the processing, storage and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughter houses), the maximum lot coverage by all impervious surfaces shall be 80%.

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**Sec. 60-182. Minimum off-street parking requirements.**

The minimum off-street parking requirements in the agricultural district shall be as follows:

- (1) Residential dwelling units: two spaces for each dwelling unit.
- (2) Elementary schools: two spaces for each classroom, plus one space for each staff.
- (3) Middle school: two spaces for each classroom or office room, plus one space for each staff member.
- (4) Senior high school: four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium.
- (5) Churches or other houses of worship: one space for each four permanent seats in the main room.
- (6) Public buildings and facilities (unless otherwise specified): one space for each 300 square feet of floor area.
- (7) Clubs and lodges including fraternal organizations: one space for each 300 square feet of floor area.
- (8) Adult and child care centers, preschools: one space for each 300 square feet of floor area devoted to adult or child care activities and one space for each employee.
- (9) Group living facilities, group housing projects, foster care: one space for each bed.
- (10) Hospitals: one space for each bed, plus one for each employee on the maximum shift.
- (11) Convalescent and nursing homes: one space for each two beds, plus one for each employee on the maximum shift.
- (12) Adult congregate living facilities (ACLF): one space for each bed.
- (13) Commercial and service establishments (unless otherwise specified), agricultural fairs and fairgrounds; livestock auction arena: one space for each 350 square feet of floor area where applicable. One space for each 1,000 square feet of lot or ground area outside buildings used for any type of sale display or activity.
- (14) Livestock or poultry slaughterhouse; sawmills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one space for each 500 square feet of floor area.
- (15) Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters; racetracks and speedways; golf and archery ranges; rifle, shotgun, and pistol ranges; commercial kennels; veterinary clinics; and animal shelters: Parking requirements will be approved through site plan approval process on a case-by-case basis.

(16) Commercial greenhouse or plant nursery: one space for each group of 20 employees (or portion thereof) plus one ~~one and 5/100 (1.05)~~ space for each employee per sq. ft. of nonstorage floor area.

(17) For other special exceptions as specified herein: To be determined by findings in the particular case.

See also article II of this chapter.

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