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5 **ORDINANCE**
6 **NUMBER 2023-7**
7

8 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**
9 **AMENDING THE ZONING MAP ATLAS BY REZONING**
10 **CERTAIN REAL PROPERTY CONSISTING OF**
11 **APPROXIMATELY 11.94 ACRES (PARCEL ID 0133000400**
12 **AND A PORTION OF 0133200000) GENERALLY LOCATED**
13 **AT THE INTERSECTION OF SW 101ST TERRACE AND**
14 **STATE ROAD 24 IN THE UNINCORPORATED**
15 **ROSEWOOD/SUMNER RURAL COMMERCIAL NODE MAP**
16 **#2 AND #2A, FROM NEIGHBORHOOD COMMERCIAL (C-**
17 **2) TO MODERATELY INTENSIVE COMMERCIAL (C-3);**
18 **PROVIDING DIRECTIONS TO THE COUNTY**
19 **COORDINATOR; PROVIDING A SEVERABILITY CLAUSE;**
20 **PROVIDING A REPEALING CLAUSE; PROVIDING FOR**
21 **EXCLUSION FROM CODIFICATION; PROVIDING**
22 **DIRECTIONS TO THE CLERK AND PROVIDING AN**
23 **EFFECTIVE DATE.**
24

25 **WHEREAS**, Section 163.3167, Florida Statutes, requires Levy County to maintain
26 a Comprehensive Plan to guide the future development and growth of the County;
27

28 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the County
29 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map
30 that designates the future general distribution, location, and extent of the uses of land for
31 residential, commercial, industry, agriculture, recreation, conservation, education, public
32 facilities, and other categories of the public and private uses of land, with the goals of
33 protecting natural and historic resources, providing for the compatibility of adjacent land
34 uses, and discouraging the proliferation of urban sprawl;
35

36 **WHEREAS**, the County is required by Section 163.3202, Florida Statutes, to adopt
37 or amend and enforce land development regulations that are consistent with and
38 implement the Comprehensive Plan and that are combined and compiled into a single
39 land development code for the County;
40

41 **WHEREAS**, the County Land Development Code (Chapter 50 of the County Code
42 of Ordinances) establishes zoning districts to implement the Comprehensive Plan and
43 land development regulations within specific zoning districts within the County;
44

45 **WHEREAS**, if adopted, this ordinance will amend the Zoning Map Atlas by
46 rezoning the property that is the subject of this ordinance;

47
48 **WHEREAS**, upon petition of the property owner (Petition No. CZ 22-05), the
49 County Planning Commission which acts pursuant to the authority granted in Sec. 50-55
50 of the County Code and which acts as the Local Planning Agency pursuant to Section
51 163.3174, Florida Statutes, held a public hearing on December 5, 2022, and voted to
52 recommend approval of this rezoning;

53
54 **Whereas**, on January 3, 2023, the Board of County Commissioners conducted a
55 Public Hearing to consider Petition No. CZ 22-05 and after receiving and considering the
56 Application, the presentations and other materials (if any) from the Applicant/Property
57 Owner and other parties in favor of/opposition to the Petition, the County Planning Staff
58 report and the recommendation of the County Planning Commission, and the Board
59 directed the drafting of this Rezoning Ordinance;

60
61 **WHEREAS**, at least ten days' notice has been given once by publication in a
62 newspaper of general circulation notifying the public of this proposed ordinance and
63 public hearing to be held by the County Commission; and

64
65 **WHEREAS**, the public hearing on this Ordinance was held pursuant to the notice
66 described above at which hearing the parties in interest and all others had an opportunity
67 to be heard.

68
69 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
70 of Levy County, Florida:

71
72 **SECTION 1.** The Zoning Map Atlas of Levy County is amended by rezoning the
73 following property located in the Unincorporated Rosewood/Sumner Rural Commercial
74 Node Map #2 and #2a from **Neighborhood Commercial (C-2)** to **Moderately Intensive**
75 **Commercial (C-3)**: Parcel ID Number 01333000400 and a portion of Number 0133200000
76 described and depicted on **Exhibit "A"**.

77
78 **SECTION 2.** The County Coordinator or designee is authorized and directed to
79 make the necessary changes to the Zoning Map Atlas to comply with this ordinance.

80
81 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this
82 ordinance or the application hereof to any person or circumstance is held invalid or
83 unconstitutional, such finding will not affect the other provisions or applications of this

84 ordinance that can be given effect without the invalid or unconstitutional provision or
85 application, and to this end the provisions of this ordinance are declared severable.

86
87 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the
88 extent of such conflict hereby repealed.

89
90 **SECTION 5.** This ordinance shall not be codified in the Code of Ordinances of
91 Levy County, Florida.

92
93 **SECTION 6.** In accordance with Section 125.66, Florida Statutes, the Clerk to the
94 Board of County Commissioners is directed to file this ordinance with the Florida
95 Department of State within 10 days after adoption and upon such filing, this ordinance
96 shall become effective.

97
98 **PASSED AND ADOPTED** this 25th day of July, 2023.

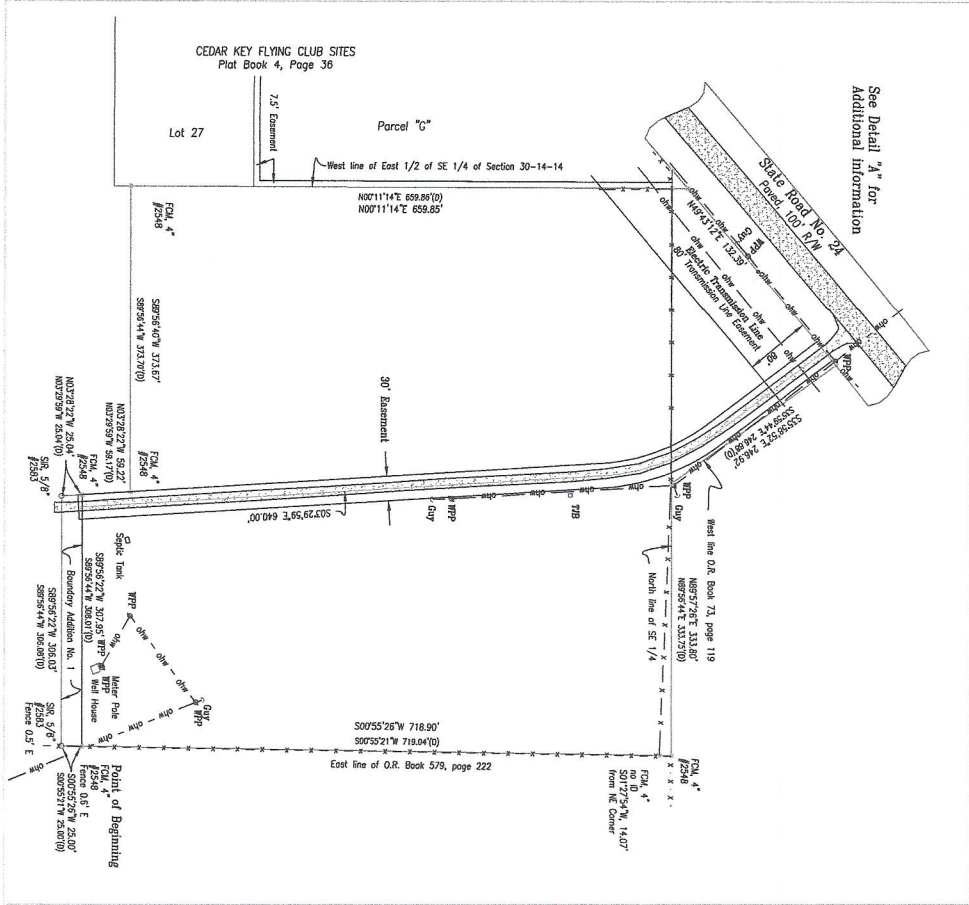
99
100 **BOARD OF COUNTY COMMISSIONERS**
101 **OF LEVY COUNTY, FLORIDA**

102
103
104 _____
105 Matt Brooks, Chairman

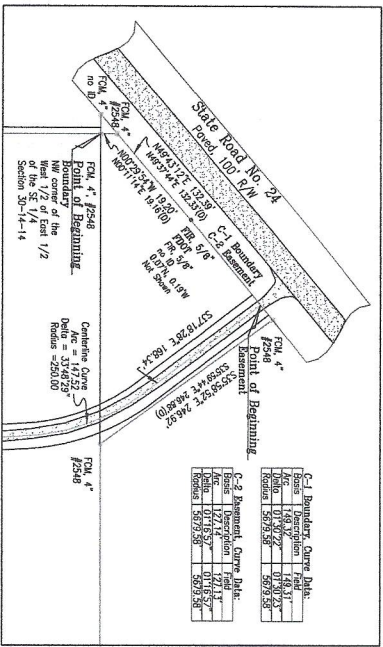
106 **ATTEST:**
107 Danny J. Shipp, Clerk of Circuit
108 Court and Ex-Officio Clerk to the
109 Board of County Commissioners

110
111 _____
112 Danny J. Shipp, Clerk

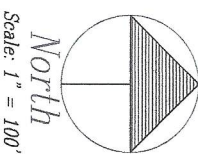
113
114 _____
115 Nicolle M. Shalley, County Attorney



See Detail "A" for Additional Information



DETAIL "A" Road Frontage



LEGEND:

- FOL indicates Found Concrete Monument
- FOL indicates Found Iron Rod
- indicates Power Pole
- indicates Guy Anchor
- (D) indicates Foundation Description
- GUY indicates Guy Anchor
- ID indicates Identification Number
- No. indicates Number
- # indicates Overhead Wires
- W/W indicates Right-of-Way
- W/W indicates Right-of-Way
- W/W indicates Right-of-Way
- W/W indicates Right-of-Way
- W/W indicates Right-of-Way

Boundary Survey for
Amanda Shankland
in Section 30, Township 14 South, Range 14 East
Levy County, Florida

DESCRIPTION:

Part of Section 30, Township 14 South, Range 14 East, Levy County, Florida, more particularly described as follows: Beginning at the Northwest Corner of the West 1/2 of the East 1/2 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 191.6 feet to the south right-of-way (R/W) line of State Road 24, thence M49°37'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5879.58 feet and a central angle of 0°30'23"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S58°58'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N69°56'44"E, along the said north line, 333.75 feet to the east line of the hands described in O.R. Book 579, Page 222, Levy County Records; thence S00°56'21"W, along the said east line, 719.04 feet; thence S89°56'44"W, a distance of 308.01 feet; thence N03°29'58"W, a distance of 59.19 feet; thence S89°56'44"W, a distance of 379.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 659.86 feet to the Point of Beginning.

CONTAINING: 11.76 acres and being subject to a 30 foot wide ingress and egress easement being more particularly described as follows:
Commence at the Northwest Corner of the West 1/2 of the East 1/2 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 191.6 feet to the south right-of-way (R/W) line of State Road 24, thence M49°37'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5879.58 feet and a central angle of 0°30'23"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S58°58'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N69°56'44"E, along the said north line, 333.75 feet to the east line of the hands described in O.R. Book 579, Page 222, Levy County Records; thence S00°56'21"W, along the said east line, 719.04 feet; thence S89°56'44"W, a distance of 308.01 feet; thence N03°29'58"W, a distance of 59.19 feet; thence S89°56'44"W, a distance of 379.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 659.86 feet to the Point of Beginning.

TOGETHER WITH the following described tract, (Boundary Addition No. 1)

Part of Section 30, Township 14 South, Range 14 East, Levy County, Florida, more particularly described as follows:
Commence at the Northwest Corner of the West 1/2 of the East 1/2 of said Section 30, as marked by a 4" x 4" concrete monument #2548, thence N00°11'14"E, a distance of 191.6 feet to the south right-of-way (R/W) line of State Road 24; thence M49°37'44"E, along the said R/W line, 132.33 feet to the beginning of a curve concave to the southeast, having a radius of 5879.58 feet and a central angle of 0°30'23"; thence northeasterly along the arc of said curve and the said R/W line, 149.32 feet; thence S58°58'44"E, along the west line of the land described in O.R. Book 73, Page 116, Levy County Records, a distance of 246.68 feet to the north line of the SE 1/4 of said Section 30; thence N69°56'44"E, along the said north line, 333.75 feet to the east line of the hands described in O.R. Book 579, Page 222, Levy County Records; thence S00°56'21"W, along the said east line, 719.04 feet; thence S89°56'44"W, a distance of 308.01 feet; thence N03°29'58"W, a distance of 59.19 feet; thence S89°56'44"W, a distance of 379.70 feet to the west line of the East 1/2 of the SE 1/4 of said Section 30; thence N00°11'14"E, along the said west line, 659.86 feet to the Point of Beginning.

The total described parcel of land containing 11.94 acres, more or less.

NOTES:

- 1) Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
- 2) Additions or deletions to this survey map by other than the signing party or parties is prohibited without the written consent of the signing party.
- 3) Subsurface utilities and/or improvements were not located for this survey except as shown.
- 4) Bearings and distances shown hereon are field measured unless otherwise noted.
- 5) This survey has been performed without the benefit of a title search or report. A search of the Public Records was not performed by this office.
- 6) Subject to Conditions, Restrictions, Reservations, Limitations and Easements of record, if any, together with zoning and other governmental regulations.
- 7) There may be additional existing improvements on this property that have not been located here shown.
- 8) Perches have only been field verified where indicated and are shown as straight lines between those points.
- 9) Bearings shown hereon have been based on an assumed bearing of N00°11'14"E, along the West line of the East 1/2 of the West 1/2 based on found monumentation shown on this survey.
- 10) The Descriptions shown hereon have been based on a previous Boundary Survey prepared for Andrew and Marcia Fleming by Michael Purdie, Land Surveying, except for the Boundary Addition No. 1 description, prepared by this office.

CERTIFICATION:

This is to certify that this map is a true and correct representation of a survey made under my responsible direction and supervision and is accurate to the best of my knowledge and belief. This survey meets the standards of practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 55-17, Florida Administrative Code, pursuant to Section 474.024, Florida Statutes.

Professional Surveyor and Mapper: _____ Date: _____
Harold Lee Mills, P.L.S. No. 2879
Certificate of Authorization No. 2593

REVISION 1, Add to boundary and east drawing text.
Field Book 292, Page 47, Work completed November 30, 2022
Field Book 290, Pages 25-27, Work completed June 7, 2022

BOUNDARY SURVEY

for: Amanda Shankland
Levy County, Florida

MILLS ENGINEERING COMPANY
ENGINEERING - LAND SURVEYING
POST OFFICE BOX 951
BROOKSON, FLORIDA 32621
PHONE: (352) 485-2872 FAX: (352) 485-2872
DATE: August 11, 2022 PROJECT NO.: 2022098
DRAWN BY: HLM SHEET 1 OF 1