

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

**IN RE: SPECIAL EXCEPTION APPLICATION SE 21-02
 GEORGE and CHELSEA MCCORMICK, Applicants**

ORDER TO APPROVE

THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, on October 5, 2021, after due public notice, being empowered under Chapter 50, Article XIII, Division 5, Subdivision I, Levy County Code, to hear and decide requests for special exceptions, does hereby make the following statements and issues the following Order as to the above special exception for an outdoor commercial recreation use to allow for an arena, barrel racing, and other equine-related activities in an Agricultural/Rural Residential (A/RR) zoning district:

1. On October 5, 2021, the Board of County Commissioners conducted a public hearing on Application SE 21-02, at which public hearing, the Board heard and considered the presentations, if any, of the Applicant and other parties in opposition to, and in favor of, Application SE 21-02.

2. At the public hearing on Application SE 21-02, the Board of County Commissioners was presented with and considered the Staff Report of the Planning and Zoning Department regarding Application SE 21-02 (Staff Report), the recommendations of the Planning Commission regarding Application SE 21-02, and any testimony and evidence presented.

3. Based on the findings and analysis presented in the Staff Report, the recommendations of the Planning Commission, and the testimony and evidence presented at the public hearing on Application SE 21-02, the Board of County Commissioners has determined that the applicable requirements, criteria, or standards set forth in Chapter 50, Article XIII, Division 5, Subdivisions I and II, have been met, provided that certain conditions apply.

Accordingly, it is hereby

ORDERED that Application SE 21-02 is hereby approved for the property having Parcel ID No. 0541300500, and more particularly described as follows:

The S/W $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the South $\frac{3}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 14 South, Range 19 East, Levy County, Florida.

Which approval is made subject to the following conditions:

CONDITIONS OF APPROVAL

1. The following words, terms, or phrases, when used in this Order or Conditions of Approval, shall have the meanings ascribed to them in this Condition 1, except where the context clearly indicates a different meaning:

Applicant shall mean George and Chelsea McCormick.

Application SE 21-02 shall mean the request filed by Applicant with the County for a special exception for an outdoor commercial recreation use to allow for an arena, barrel racing, and other equine-related activities in an Agricultural/Rural Residential (A/RR) zoning district.

County shall mean Levy County, Florida.

Department shall mean the Levy County Planning and Zoning Department, or any successor County Department with the duties of administering and enforcing the zoning regulations of the County.

Event shall mean a local, regional, or national event involving barrel racing, hunter, jumping, or other equine related activities of a competitive nature and that generally involve attendance by spectators.

Subject Property shall mean the property described as the S/W $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the South $\frac{3}{4}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 14 South, Range 19 East, Levy County, Florida. Parcel ID No. 0541300500.

2. The Conditions of Approval contained in this Order are enforceable against the Applicant, any operator of the activities or operations approved by this Order, and the holder of the special exception approval granted by this Order, jointly and severally. In addition, any decision, approval, or determination made or required to be made by the

County or the Department pursuant to any Condition of Approval contained in this Order shall be final.

3. This Order is for a special exception for an outdoor commercial recreation use to allow for an arena, barrel racing, the holding of Events, and other equine-related activities in an Agricultural/Rural Residential (A/RR) zoning district, as further described in Application SE 21-02. This Order is also subject to any and all applicable conditions or requirements contained in the Levy County Code related to the contemplated outdoor commercial recreation use, regardless of whether such condition or requirement is expressly set forth in these Conditions of Approval.

4. This Order and the special exception granted pursuant to same is for the exclusive use and benefit of the Applicant. This Order shall not run with the Subject Property, nor shall it otherwise be transferable, including to the Applicant's heirs, successors, devisees, assigns, or other transferees. In the event the Subject Property is sold, transferred, or otherwise alienated and is no longer owned by the Applicant, this Order and the special exception granted pursuant to same shall automatically terminate and shall be void and of no further force or effect.

5. The Applicant shall comply with the County's noise ordinance, codified in Chapter 50, Article VIII, Division 2 of the Land Development Code, as may be amended from time to time, as to all activities conducted on the Subject Property.

6. All Events shall end no later than 10:00 p.m. and all attendees shall leave the Subject Property no later than 12:00 a.m.

7. All lighting on the Subject Property shall be appropriately shielded so as not to create a nuisance to residential neighbors.

8. The vehicular entrance to the Subject Property shall be moved to the location described in Exhibit "A" hereto. This shall be sole point of vehicular ingress and egress for all vehicles accessing the Subject Property for the outdoor commercial recreation use approved pursuant to this Order.

9. The Applicant shall pay all applicable County impact fees related to the outdoor commercial recreation use approved pursuant to this Order.

10. No more than 24 Events related to the special exception may be held on the Subject Property per calendar year. No more than two (2) national/regional Events may occur per calendar year. All Events shall take place on weekends (Friday – Sunday) and only one Event may be held per weekend (provided such Event may span multiple weekend days).

11. Issuance of this Order does not in any way create any rights on the part of the Applicant to obtain a permit from any state or federal agency and does not create liability on the part of the County for issuance of this Order if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in violation of state or federal law.

12. All other state or federal permits applicable to this Order shall be obtained prior to commencement of the use of the Subject Property for the outdoor commercial recreation use contemplated in this Order.

13. Prior to use of the Subject Property for the outdoor commercial recreation use contemplated herein, this Order shall be recorded in the public records of Levy County, Florida. The Applicant is responsible for any costs associated with recording.

DONE AND ORDERED effective as of this ____ day of _____, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

John Meeks, Chair

ATTEST: Danny J. Shipp, Clerk of
Circuit Court And Ex officio Clerk to
the Board of County Commissioners

Danny J. Shipp, Clerk

APPROVED AS TO FORM:

_____, Interim County Attorney

EXHIBIT A

Exhibit A

