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7 **ORDINANCE**
8 **NUMBER 2023-2**
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10 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**
11 **AMENDING THE ZONING MAP ATLAS BY REZONING**
12 **CERTAIN REAL PROPERTY CONSISTING OF**
13 **APPROXIMATELY 4.75 ACRES (PARCEL ID NUMBERS**
14 **1426400000, 142650000, and 1426600000) LOCATED ON**
15 **NE HWY 27 ALT, WILLISTON, FLORIDA, FROM SINGLE-**
16 **FAMILY RESIDENTIAL (R-1) TO MODERATELY**
17 **INTENSIVE COMMERCIAL (C-3); PROVIDING**
18 **DIRECTIONS TO THE COUNTY COORDINATOR;**
19 **PROVIDING A SEVERABILITY CLAUSE; PROVIDING A**
20 **REPEALING CLAUSE; PROVIDING FOR EXCLUSION**
21 **FROM CODIFICATION; PROVIDING DIRECTIONS TO THE**
22 **CLERK AND PROVIDING AN EFFECTIVE DATE.**
23

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

27 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the County
28 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map
29 that designates the future general distribution, location, and extent of the uses of land for
30 residential, commercial, industry, agriculture, recreation, conservation, education, public
31 facilities, and other categories of the public and private uses of land, with the goals of
32 protecting natural and historic resources, providing for the compatibility of adjacent land
33 uses, and discouraging the proliferation of urban sprawl; and
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35 **WHEREAS**, the County is required by Section 163.3202, Florida Statutes, to adopt
36 or amend and enforce land development regulations that are consistent with and
37 implement the Comprehensive Plan and that are combined and compiled into a single
38 land development code for the County; and
39

40 **WHEREAS**, the County Land Development Code (Chapter 50 of the County Code
41 of Ordinances) establishes zoning districts to implement the Comprehensive Plan and
42 land development regulations on specific classifications of land within the County; and
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44 **WHEREAS**, if adopted, this ordinance will amend the Zoning Map Atlas by
45 rezoning the property that is the subject of this ordinance; and

46
47 **WHEREAS**, upon petition of the property owner (Petition No. CZ 22-04), the
48 County Planning Commission which acts pursuant to the authority granted in Sec. 50-55
49 of the County Code and which acts as the Local Planning Agency pursuant to Section
50 163.3174, Florida Statutes, held a public hearing on December 5, 2022, and voted to
51 recommend approval of this rezoning; and

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

56
57 **WHEREAS**, the public hearing was held pursuant to the notice described above
58 at which hearing the parties in interest and all others had an opportunity to be heard; and

59
60 **WHEREAS**, after due consideration at the public hearing, the County Commission
61 finds that the rezoning of the subject property will be consistent with the County's
62 Comprehensive Plan when the amendment to the Future Land Use Map adopted by
63 Ordinance Number 2023-1 becomes effective as provided therein; and

64
65 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
66 of Levy County, Florida:

67
68 **SECTION 1.** The Zoning Map Atlas of Levy County is amended by rezoning the
69 following property from **Single-Family Residential (R-1)** to **Moderately Intensive**
70 **Commercial (C-3)**:

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72 **Parcel ID Number 1426400000 described as follows:**

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74 A part of the W ½ of NE ¼ of Section 9, Township 13 South, Range 19 East, Levy
75 County, Florida, and further described and bounded as follows:

76
77 To find the Point of Beginning for this conveyance, start at the Southeast corner of the
78 W ½ of NE ¼ of 9-13-19 and run N 0°06'26" W, for 675.55 feet to an iron pipe-the Point
79 of Beginning. From this Point of Beginning, first run N 88°42'12" W for 557.88 feet to an
80 iron pipe in the edge of the right of way of US Highway #27, thence run, with said right
81 of way, N 36°57'47" W for 200 feet to an iron pipe; thence S 88°41'50" E for 576.94 feet
82 to an iron pipe; thence S35°34'52" E for 173.89 feet to a concrete marker; thence S
83 0°06'26" E for 17.89 feet to the iron pipe which is the Point of Beginning. A/K/A Lot 7,
84 Williston Ridge, Unrecorded

86 **And Parcel ID Numbers 142650000 and 142660000 described as follows:**

87
88 A part of the W ½ of NE ¼ of Section 9, Township 13 South, Range 19 East, Levy
89 County, Florida, and further described and bounded as follows:

90
91 To find the Point of Beginning for this conveyance, start at the Southeast corner of the
92 W ½ of NE ¼ of 9-13-19 and run N 0°06'26" W for 429 feet to a concrete marker which
93 is the Point of Beginning. From this Point of Beginning, run S 88°26'44" W for 356.02
94 feet to a concrete marker in the edge of the right of way line of US Highway #27;
95 thence, with said right of way line, N 36°57'47" W. for 336.45 feet to an iron pipe; thence
96 S 88°42'12" E for 557.88 feet to an iron pipe; thence S 0°06'26" E for 246.55 feet to the
97 concrete marker, the Point of Beginning. A/K/A Lots 8 and 9, Williston Ridge,
98 Unrecorded
99

100 The location of the property is shown on Exhibit A for visual reference. In the event of
101 conflict or inconsistency, the legal description above shall prevail over Exhibit A.
102
103

104 **SECTION 2.** The County Coordinator or designee is authorized and directed to
105 make the necessary changes to the Zoning Map Atlas to comply with this ordinance.
106

107 **SECTION 3.** If any word, phrase, clause, paragraph, section, or provision of this
108 ordinance or the application hereof to any person or circumstance is held invalid or
109 unconstitutional, such finding will not affect the other provisions or applications of this
110 ordinance that can be given effect without the invalid or unconstitutional provision or
111 application, and to this end the provisions of this ordinance are declared severable.
112

113 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are to the
114 extent of such conflict hereby repealed.
115

116 **SECTION 5.** This ordinance shall not be codified in the Code of Ordinances of
117 Levy County, Florida.
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119 **SECTION 6.** In accordance with Section 125.66, Florida Statutes, the Clerk to the
120 Board of County Commissioners is directed to file this ordinance with the Florida
121 Department of State within 10 days after adoption and upon such filing, this ordinance
122 shall become effective. However, the amendment to the Zoning Map Atlas shall not
123 become effective until the amendment to the Future Land Use Map of the Comprehensive
124 Plan adopted by Ordinance Number 2023-1 becomes effective as provided therein.
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PASSED AND ADOPTED this 17th day of January, 2023.

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

_____, Chairman

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 and legal sufficiency

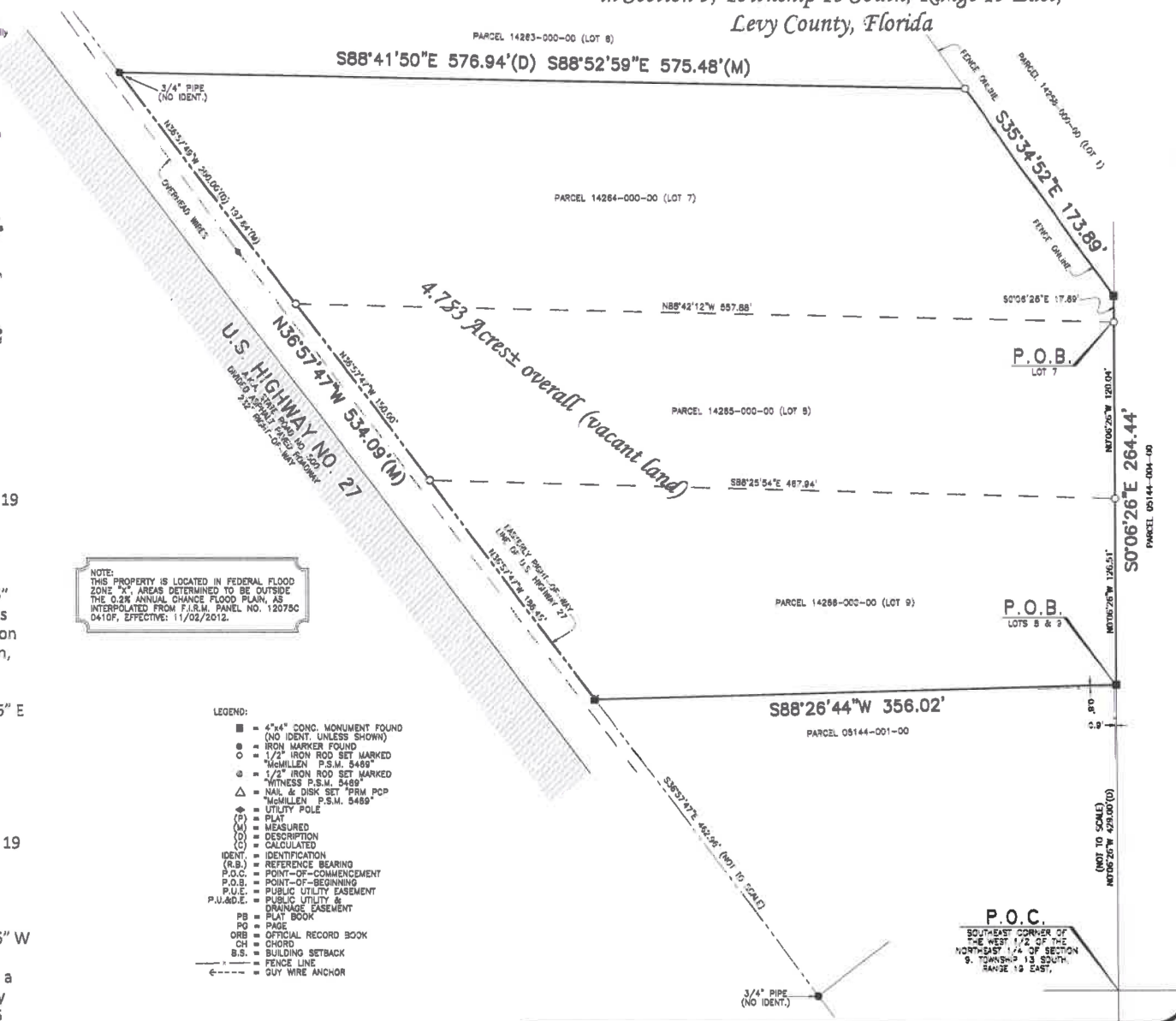
Nicolle M. Shalley, County Attorney

EXHIBIT "A"

Map of Boundary Survey

Lots 7-9, Williston Ridge Small Farms (unrecorded) lying in Section 9, Township 13 South, Range 19 East, Levy County, Florida

- Notes:
- Bearings herein are based on an assumed value of South 88°26'44" West, for the South line of Subject Property, said bearing is identical with the deed of record.
 - Features and improvements, (i.e. foundations, utilities, septic tanks, etc.) not visible beneath the surface of the ground, have not been located unless specifically depicted or noted hereon. If a septic tank is shown upon the map, it was located by probing the ground only and not by excavation. Additional wells and septic tanks may exist which are unknown to the surveyor.
 - Fences, overhead wires, and symbols shown hereon may be exaggerated for pictorial purposes only and are not to scale.
 - Property lines should not be reconstructed based on distances to improvements.
 - Additions or deletions to Survey Maps by other than the signing surveyor is prohibited without written consent of the signing surveyor.
 - This survey does not reflect or determine ownership.
 - This survey is certified to the date of the data acquisition in the field (shown hereon as survey date), ONLY.
 - No instruments of record reflecting easements, rights-of-way, and/or ownership were furnished to the surveyor except as shown. No search of the public records has been done by the surveyor for any encumbrances for subject property or adjoining properties.
 - The building setbacks shown hereon were taken from the record plat or information furnished to the surveyor only. Therefore, if no building setbacks are shown hereon, this does not imply that there are none on subject property. It is suggested by the surveyor that all building setbacks (whether shown or not) are verified at the proper building department with the current zoning of the subject property.
 - Subject Property shown hereon may be a division of a parent tract based on information provided by the client. If so, this survey does not guarantee a building permit and it is suggested that all divisions are verified at the proper building department with the current zoning of the subject property.
 - Information from the Federal Emergency Management Agency (F.E.M.A.) Flood Insurance Rate Map shown hereon was current as of the effective or revised date of said map. Map revisions and amendments are periodically made by letter and may not be reflected on said map.



Description: (O.R.B. 1309, page 252)
 A part of the W 1/2 of NE 1/4 of Section 9, Township 13 South, Range 19 East, Levy County, Florida, and further described and bounded as follows:

To find the Point of Beginning for this conveyance, start at the Southeast corner of the W 1/2 of NE 1/4 of 9-13-19 and run N 0°06'26" W, for 675.55 feet to an iron pipe-the Point of Beginning. From this Point of Beginning, first run N 88°42'12" W for 557.88 feet to an iron pipe in the edge of the right of way of US Highway #27, thence run, with said right of way, N 36°57'47" W for 200 feet to an iron pipe; thence S 88°41'50" E for 576.94 feet to an iron pipe; thence S 35°34'52" E for 173.89 feet to a concrete marker; thence S 0°06'26" E for 17.89 feet to the iron pipe which is the Point of Beginning.

A/K/A Lot 7, Williston Ridge, unrecorded

AND

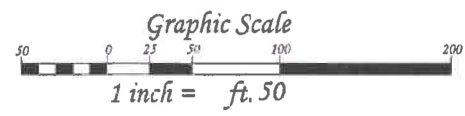
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To find the Point of Beginning for this conveyance, start at the Southeast corner of the W 1/2 of NE 1/4 of 9-13-19 and run N 0°06'26" W for 429 feet to a concrete marker which is the Point of Beginning. From this Point of Beginning, run S 88°26'44" W for 356.02 feet to a concrete marker in the edge of the right of way line of US Highway #27; thence, with said right of way line, N 36°57'47" W, for 336.45 feet to an iron pipe; thence S 88°42'12" E for 557.88 feet to an iron pipe; thence S 0°06'26" E for 246.55 feet to the concrete marker, the Point of Beginning.

A/K/A Lots 8 and 9, Williston Ridge, unrecorded

NOTE: THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAN, AS INTERPOLATED FROM F.I.R.M. PANEL NO. 12075C 0410P, EFFECTIVE: 11/02/2012.

- LEGEND:
- = 4"x4" CONC. MONUMENT FOUND (NO IDENT. UNLESS SHOWN)
 - = IRON MARKER FOUND
 - = 1/2" IRON ROD SET MARKED "McMILLEN P.S.M. 5489"
 - ⊙ = 1/2" IRON ROD SET MARKED "WITNESS P.S.M. 5489"
 - △ = NAIL & DISK SET "PRM POP" "McMILLEN P.S.M. 5489"
 - ⊕ = UTILITY POLE
 - Ⓜ = PLAT
 - (M) = MEASURED
 - (C) = CALCULATED
 - (R.B.) = IDENTIFICATION
 - (R.B.) = REFERENCE BEARING
 - P.O.C. = POINT-OF-COMMENCEMENT
 - P.O.B. = POINT-OF-BEGINNING
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - P.U.&E. = PUBLIC UTILITY & DRAINAGE EASEMENT
 - P.B. = PLAT BOOK
 - P.G. = PAGE
 - ORB = OFFICIAL RECORD BOOK
 - CH = CHORD
 - B.S. = BUILDING SETBACK
 - = FENCE LINE
 - = GUY WIRE ANCHOR



Prepared By: McMILLEN SURVEYING, INC. 444 N.W. Main Street Williston, Florida, 32688 Office: 352-528-8277	For more information please visit our website www.mcsurveying.com or email us at info@mcsurveying.com	Florida Professional Surveyor and Mapper License No. 35-469 Florida Professional Surveyor and Mapper License No. 35-469 Not Publicly Offered in Florida ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER	PREPARED FOR: JOSEPH RAWDELL	Scale: 1" = 80' Proj. No. 2022-828A Drawn: S.M.M. Ch'wn: S.M.M. Dwg. Name: 2022-828A Survey Date: 10/10/22 Field Book: 198
	This survey meets the Standards of Practice set forth by the Florida Board of Surveyors & Mappers, pursuant to Chapter 53-17, Florida Administrative Code.	Digitally signed by Joseph Rawdell DN: cn=Joseph Rawdell, o=McMillen Surveying, Inc., email=jrawdell@mcmsurveying.com, c=US	Professional Surveyor & Mapper steve@mcsurveying.com	Pages: 79