

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

**IN RE: SPECIAL EXCEPTION APPLICATION SE 21-01
CATHY J. WEEMS, Applicant**

ORDER TO APPROVE

THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA, on July 6, 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 a cemetery in a Forestry/Rural Residential (F/RR) zoning district:

1. On July 6, 2021, the Board of County Commissioners conducted a public hearing on Application SE 21-01, 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 21-01.

2. At the public hearing on Application SE 21-01, the Board of County Commissioners was presented with and considered the Staff Report of the Planning and Zoning Department, dated June 10, 2021, regarding Application SE 21-01 ("Staff Report"), the recommendations of the Planning Commission regarding Application SE 21-01, 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 21-01, 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, and in Section 50-714, Levy County Code, have been met, provided that certain conditions apply.

Accordingly, it is hereby

ORDERED that Application SE 21-01 is hereby approved for the property described as the North 300 feet of East 300 feet of the Northwest ¼ of Section 4, Township 13 South, Range 17 East, Levy County, Florida, 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 Cathy J. Weems, or any of her successors or assigns.

Application SE 21-01 shall mean the request filed by Applicant with the County for a special exception for a cemetery in a Forestry/Rural Residential (F/RR) zoning district, including the completed application form and all additional documents submitted by the Applicant.

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.

Subject Property shall mean the property described as the North 300 feet of East 300 feet of the Northwest ¼ of Section 4, Township 13 South, Range 17 East, Levy County, Florida.

2. The Conditions of Approval contained in this Order are enforceable against the Applicant, any of the Applicant's parent entities, any of the Applicant's subsidiary entities that are involved in any way in the activities, uses, or operations approved by this Order, the owner of the Subject Property, any operator of the activities or operations approved by this Order, the holder of the special exception approval granted by this Order, or any of their successors or assigns, 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 cemetery in a Forestry/Rural Residential (F/RR) zoning district containing 2.06 acres, more or less (300' X 300'), as described in Application SE

21-01 and as depicted on the Boundary Survey Cemetery Parent Tract (Sheet 1 of 5) and Detail B Boundary Survey Cemetery Tract (Sheet 3 of 5), both prepared by Mills Engineering Company, Project Number 2018049, dated April 21, 2021, and contained in Application SE 21-01. This Order is also subject to any and all conditions or requirements contained in Section 50-714, Levy County Code, for cemeteries and visual barriers, and all other applicable provisions of the Levy County Code, regardless of whether such condition or requirement is expressly set forth in these Conditions of Approval.

4. 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.

5. All other state or federal permits applicable to this Order shall be obtained prior to commencement of the use of the Subject Property for a cemetery.

6. Prior to use of the Subject Property as a cemetery, as required by Section 50-714(3)b., Levy County Code, the Applicant shall provide perimeter screening or buffering between the proposed cemetery and adjacent properties. Such perimeter screening or buffering shall meet the requirements of Section 50-823, Levy County Code, and shall be maintained as long as the cemetery use continues on the Subject Property.

7. Prior to use of the Subject Property as a cemetery, the following documents shall be recorded in the public records of Levy County, Florida: this Order to Approve; a perpetual maintenance agreement for the cemetery; the Boundary Survey Cemetery Parent Tract (Sheet 1 of 5), Detail A Ingress-Egress Easement Entrance to Cemetery Tract (Sheet 2 of 5), and Descriptions, Legend and Notes Cemetery Tract (Sheet 5 of 5) all three Sheets prepared by Mills Engineering Company, Project Number 2018049, dated April 21, 2021 and contained in Application SE 21-01; and an access easement to the cemetery.

DONE AND ORDERED effective as of this 6th day of July, 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 AND
LEGAL SUFFICIENCY:**

Anne Bast Brown

Anne Bast Brown, County Attorney

Date Approved: 6-11-2021

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