



PREPARED  
JUNE 10,  
2021  
FOR THE LEVY  
COUNTY BOARD  
OF COUNTY  
COMMISSIONERS

SPECIAL EXCEPTION APPLICATION SE 21-01  
Weems Private Family Cemetery

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**LEVY COUNTY PLANNING AND ZONING DEPARTMENT  
STAFF REPORT**

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CATHY WEEMS SPECIAL EXCEPTION

To: Levy County Planning Commission  
From: Stacey Hectus, Planning and Zoning Director

**Applicant/Owner:** Cathy Weems  
3851 NE County Road 343  
Bronson, FL 32621

**Legal Description:** Section 4, Township 13S, Range 17E, Levy County.

**Parcel ID Number:** 0360700000 (140 acres)

**Commission Dist.:** District 2, Commissioner Rock Meeks

**Total Project Area:** 300' x 300', approx. two acres more or less of total 140 acres

**Current Land Use Designation:** Forestry/Rural Residential "F/RR"

**Current Zoning Designation:** Forestry/Rural Residential "F/RR"

**Existing Use of Property:** Vacant in the area where the cemetery is going

**Proposed Use:** Private Family Cemetery

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**Staff Review Based on Submitted Application:**

The cemetery area, is 300' x 300' being approximately two acres, (portion of Parcel No. 0360700000) is located on a sparsely wooded parcel that lies in the North 300 feet of East 300 feet of the Northwest ¼ of Sections 4, Township 13 South, Range 17 East, Levy County, Florida.

The proposed cemetery is not located within a Special Flood Hazard Area (SFHA).

The adjacent parcels to the North is vacant/timberland, single-family, mobile home and pasture land. The parcels to the West is vacant/pastureland and single-family. The parcels to the East are vacant/pasture, mobile home, single-family and Goethe State Forest directly to the South.

The site plan indicated there will be a total of 40 off-street parking spaces and 50 plots planned in groups of 4 each. Each plot will be 5' x 10'. The site plan indicates there will be a wire fence around the perimeter with multiple gates for ingress/egress and to secure the site. However, this does not meet the minimum qualifications of Section 50-823 – Visual Barriers, as required by Section 50-714 (3) b. See conditions below to see requirements.

Mrs. Weems, as the family representative, has provided a notarized letter of commitment for the perpetual maintenance of the cemetery.

No structures are known to exist within 300' of the boundary of the cemetery.

APPROXIMATE LOCATION OF WEEMS FAMILY CEMETERY



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**Code Section Review of Application:**

The following are the code sections related to special exceptions. Staff has provided comments following each applicable code section marked in **bold**.

**DIVISION 5. STANDARDS AND REQUIREMENTS FOR SPECIAL EXCEPTIONS**

**Subdivision I. Special Exceptions in General**

**Sec. 50-796. Generally.**

Special exceptions, as enumerated in Schedule 1. Use Regulations, of section 50-676 hereof, or as contained in the Levy County Comprehensive Plan shall be permitted only upon authorization by the board of county commissioners subsequent to review by the planning commission. In granting any special exception, the board of county commissioners may require appropriate conditions and safeguards, made a part of the terms on which the special exception is granted, which if not complied with shall be deemed a violation of this article. The board of county commissioners may grant an application for special exception, provided that such application for special exception and the uses proposed therein shall be found by the board of county commissioners to comply with the

following requirements or criteria and any other applicable requirements, criteria or standards set forth in this article.

1. That the use is a special exception as set forth in Schedule 1. Use Regulations, of Section 50-676 hereof or as set forth in the Levy County Comprehensive Plan.

***The use is a special exception as set forth in Schedule 1. Use Regulations, of Section 50-676 hereof.***

2. That the use is so designated, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

***The use is located in an area that the public safety, welfare and convenience would be protected. The applicant did not provide any details or information related to the burial techniques that would be employed. The State Department of Health, through Florida Administrative Code (FAC) would enforce standards that are intended to protect the public health.***

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

***Although no reports, studies or other documentation was provided to address this code section, staff finds by virtue of its location and size, it should not cause substantial injury to the value of other property in the neighborhood where it is to be located.***

4. That the property that is the subject of the special exception is suitable for the type of use proposed by virtue of its location, shape, topography, and by virtue of its compatibility with adjacent development, with uses allowed in adjacent land use and zoning districts, and with the character of the zoning district where it is located.

***Staff finds the subject property to be suitable for the type of use proposed by virtue of its location and topography (i.e. the cemetery area would not be located within an area of the 100-year flood), and would be compatible with the adjacent development and with uses allowed in adjacent land use and zoning districts (FRR).***

5. That adequate buffering, landscaping and screening are provided as required in this article, or as necessary to provide a visual and sound barrier between adjacent property and the property that is the subject of the special exception.

***The mapping submitted with the application indicated a four-foot wire fence around the boundary of the proposed cemetery. This meets or exceeds our code requirements since there is a very large, mature tree buffer on the perimeter.***

6. That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with or congestions of vehicular or pedestrian traffic on abutting streets or of boat or vessel traffic on adjacent waterways.

*Staff finds that adequate off-street parking was provided on the submitted site plan. The site plan indicated there would be 40 off-street parking spaces which would be sufficient for the 50 proposed cemetery plots.*

7. That the use conforms with all applicable regulations governing the district where located, as may otherwise be determined for large-scale developments.

*Not applicable.*

8. That the use is consistent with the provisions of the Levy County Comprehensive Plan and the Land Development Code, and that the application and use comply with the applicable provisions of subdivision II of this division 5 and with any specific requirements for the use contained in subdivision II of division 3 hereof.

*Staff finds the proposed use is consistent with the Land Development Code and the Levy County Comprehensive Plan.*

### **Staff Recommendations:**

The Planning Commission, at their June 7, 2021 meeting, recommended approval of this requested “Special Exception Use” as it is consistent with the Comprehensive Land Use Plan and Land Development Code, staff recommends the following conditions be attached to the approval of the Special Exception Use Permit:

#### **Conditions of Approval for SE 21-01**

1. The proposed Special Exception Use Permit is for a private family cemetery containing two acres more or less (300’ x 300’), and must be located on the parent parcel as depicted on the site plan/boundary survey.
2. A copy of the letter of approval of the Special Exception Use Permit, ordinance or resolution; the perpetual maintenance agreement; and the boundary survey, including the access easement, shall be recorded in the public records of Levy County, Florida prior to the use of the property for a family cemetery.
3. Including the Orders of Approval/Denial as attached.