

## ORDINANCE NO. 2025-21

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 5.53 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER T07-006) FROM COUNTY RURAL RESIDENTIAL MINIMUM FIVE ACRES WITH CONVENTIONAL HOUSING (RR5C) TO RURAL RESIDENTIAL MINIMUM ONE ACRE WITH CONVENTIONAL HOUSING (RR1C) ZONING DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF A MAP BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Angel Antonio Alvarado & Claribel Morales whose mailing address: 2955 Leba Ln., St. Cloud, FL 34772 (Tax Parcel Identification Number T07-006), is the owner of the property which is the subject of this Ordinance; and

**WHEREAS**, the real property, totaling 5.53 +/- acres in size, is located on the west side of CR 723, south of CR 758; and

**WHEREAS**, Angel Antonio Alvarado & Claribel Morales initiated voluntary annexation into the municipal limits of the City of Webster, Florida; and

**WHEREAS**, the City Manager of the City of Webster pursuant to the controlling provisions of Florida Statutes and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the RR5C (County) zoning assignment to the RR1C zoning assignment; and

**WHEREAS**, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the approval action set forth herein in accordance with the requirements and procedures mandated by Florida Statutes.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the City staff report as well as the recitals (whereas clauses) to this Ordinance.

(b). The subject property, which is 5.53 acres MOL in size, is located on the west side of CR 723, south of CR 758 (Tax Parcel Number T07-006). The legal description of the subject property is provided in Attachment A.

(c). The City of Webster has complied with all requirements and procedures of Florida Statutes in processing and advertising this Ordinance.

**SECTION 2. REZONING OF REAL PROPERTY/IMPLEMENTING ACTIONS.**

(a). Upon enactment of this Ordinance the following described property, as depicted in Attachment A of this Ordinance, and totaling is 5.53 acres MOL in size, shall be rezoned from RR5C (County) zoning district/classification to RR1C (City) zoning district/classification.

(b). The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Webster as may be appropriate to accomplish the action taken in this Ordinance.

**SECTION 3. INCORPORATION OF MAP.** The map attached to this Ordinance as Attachment B is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

**SECTION 4. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 6. NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Webster* or the *Land Development Code of the City of Webster*, provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Webster by the City Manager, or designee.

**SECTION 7. EFFECTIVE DATE** This Ordinance shall take effect immediately upon enactment provided, however, that the rezoning of property herein set forth shall not take effect until Ordinance Number 2025-20 relating to the Comprehensive amendment becomes effective.

PASSED AND ENACTED this 15th day of May, 2025.

CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA

\_\_\_\_\_  
Ana Vigoa, Mayor

**ATTEST:**

Approved as to form and  
legality:

\_\_\_\_\_  
Amy Flood  
City Clerk

\_\_\_\_\_  
William L. Colbert  
City Attorney

## Attachment A Legal Description

Begin at the Southwest corner of the Northwest 1/4 of the Northeast 1/4, of Section 7, Township 22 South, Range 23 East, Sumter County, Florida, from said point run North 783 feet, thence run East 1320 feet, thence run South 783 feet, thence run West 1320 feet to the Point of Beginning; LESS the road right-of-way, and

LESS AND EXCEPT the following three parcels:

That part of the Northwest 1/4 of the Northeast 1/4 of Section 7, Township 22 South, Range 23 East, Sumter County, Florida, being described as follows: COMMENCE at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 7, Township 22 South, Range 23 East; thence run South 00 degrees 00'03" West along the West line of said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 537.00 feet; thence continue South 00 degrees 00'00" West along the West line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 330.00 feet to the POINT OF BEGINNING; thence run South 89 degrees 35'27" East parallel with the North line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 660.00 feet; thence run South 00 degrees 00'03" West parallel with the West line of said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 462.61 feet to the South line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7; thence run North 89 degrees 42'17" West along the South line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 660.00 feet to the Southwest corner of the said Northwest 1/4 of the Northeast 1/4 of said Section 7; thence run North 00 degrees 00'03" East along the West line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 463.93 feet to the POINT OF BEGINNING.

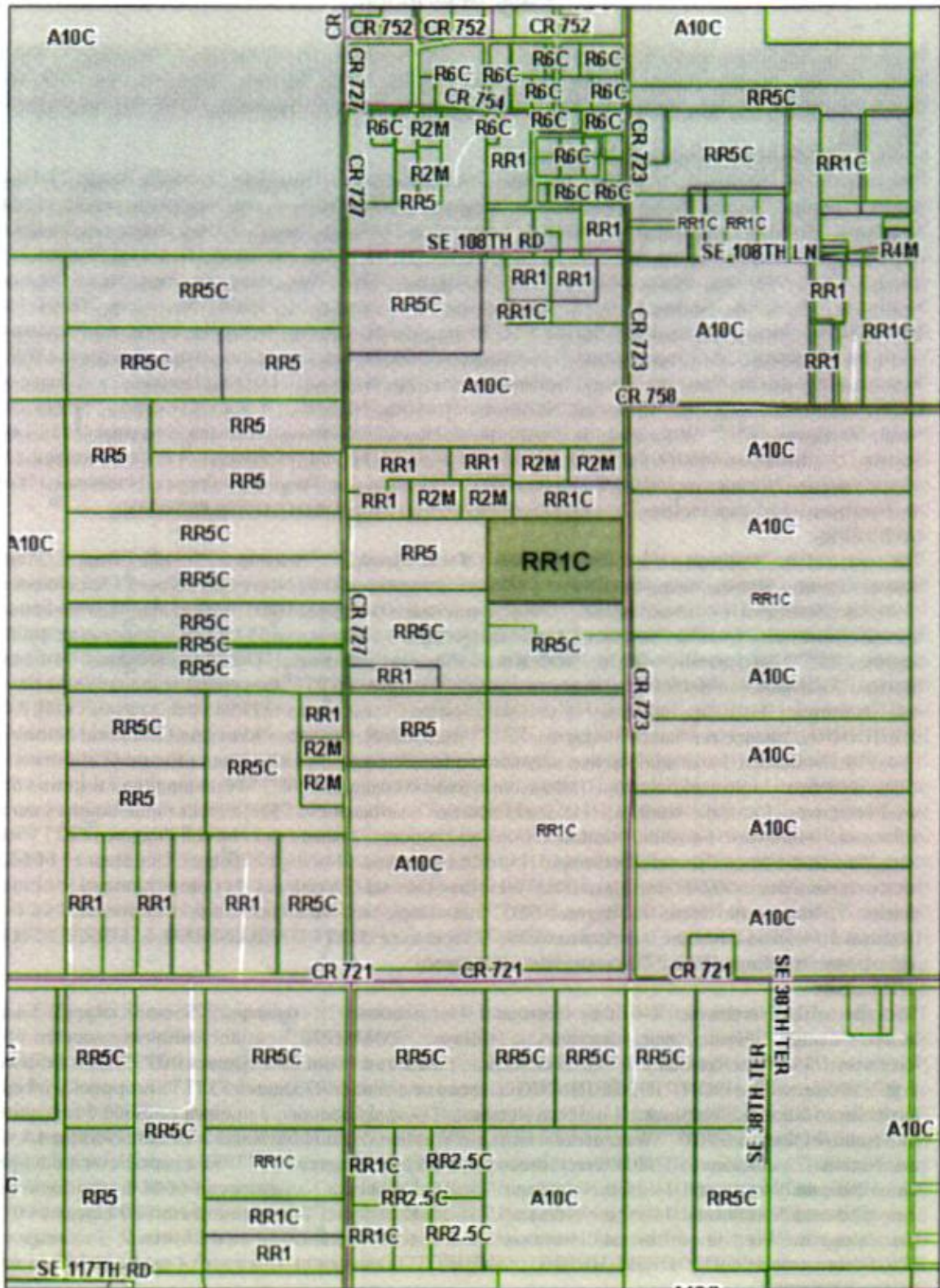
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AND LESS

That part of the Northwest 1/4 of the Northeast 1/4 of Section 7, Township 22 South, Range 23 East, Sumter County, Florida, being described as follows: COMMENCE at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 7; thence run South 00 Degrees 00'03" West a distance of 537.00 feet to the POINT OF BEGINNING; thence run South 89 Degrees 35'27" East parallel with the North line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 660.00 feet; thence run South 00 Degrees 00'03" West parallel with the West line of said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 330.00 feet; thence run North 89 Degrees 35'27" West parallel with the North line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7 a distance of 660.00 feet to the West line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7; thence run North 00 Degrees 00'03" East along the West line of the said Northwest 1/4 of the Northeast 1/4 of said Section 7, a distance of 330.00 feet to the POINT OF BEGINNING; SUBJECT TO the right of way for County Road 727 on the West side thereof.

# Attachment B



**CITY OF WEBSTER  
REZONING APPLICATION**

**PLANNING AND ZONING BOARD  
April 10, 2025**

**CITY OF WEBSTER CITY COUNCIL  
April 17, 2025  
May 15, 2025**

<b>CASE NUMBER:</b>	ZON25-000005
<b>LANDOWNER:</b>	Angel Antonio Alvarado & Claribel Morales
<b>REQUESTED ACTION:</b>	Rezone 5.53 acres MOL from County Rural Residential Minimum Five Acres with Conventional Housing (RR5C) to City of Webster Rural Residential Minimum One Acre with Conventional Housing (RR1C)
<b>PARCEL NUMBERS:</b>	T07-006
<b>LEGAL DESCRIPTION:</b>	Attachment A
<b>EXISTING ZONING:</b>	County Rural Residential Minimum Five Acres with Conventional Housing (RR5C)
<b>EXISTING USE:</b>	Vacant
<b>FUTURE LAND USE:</b>	County Agriculture, proposed to be City of Webster Agriculture (LU25-000006)
<b>PARCEL SIZE:</b>	5.53 acres MOL
<b>GENERAL LOCATION:</b>	Webster area – on the west side of CR 723, south of CR 758

**SURROUNDING FUTURE LAND USE AND ZONING**

The application site is located outside of the City of Webster municipal boundary but in the Joint Planning Area (JPA) of Webster. The surrounding parcels are zoned City of Webster Rural Residential Minimum One Acre with Conventional Housing, County Rural Residential Minimum One Acre with Conventional Housing, County Rural Residential Minimum One Acre with Optional Housing, County Residential Two Units per Acre with Optional Housing, County Rural

Residential Minimum Five Acres with Optional Housing, County Rural Residential Minimum Five Acres with Conventional Housing, and County General Agriculture Minimum Ten Acres with Conventional Housing (see Map 1 on Page 3).

#### **CASE SUMMARY**

The applicant is seeking to build a home on the subject parcel. Subject parcel is outside the Webster municipal boundary, in the Webster Joint Planning Area (JPA), and in Webster's Utility Service Area. The application site is currently zoned as County Rural Residential Minimum Five Acres with Conventional Housing.

#### **CASE ANALYSIS**

Section 13-313(3)(d), provides for the following review criteria for Land Development Code (LDC) and zoning map amendments:

- a) Change of conditions, or absence of changed conditions.  
*The subject parcel changed ownership in 2022. The new owner is now seeking to develop it and move to Sumter County.*
- b) Community need, or lack of community need.  
*The requested rezoning addresses a personal need and not a community need.*
- c) Benefits to the community.  
*The rezoning will allow consistency with the City's Comprehensive Plan and the implementing zoning district.*
- d) The rights of private property owners.  
*The rezoning should not impinge on the rights of adjacent property owners.*

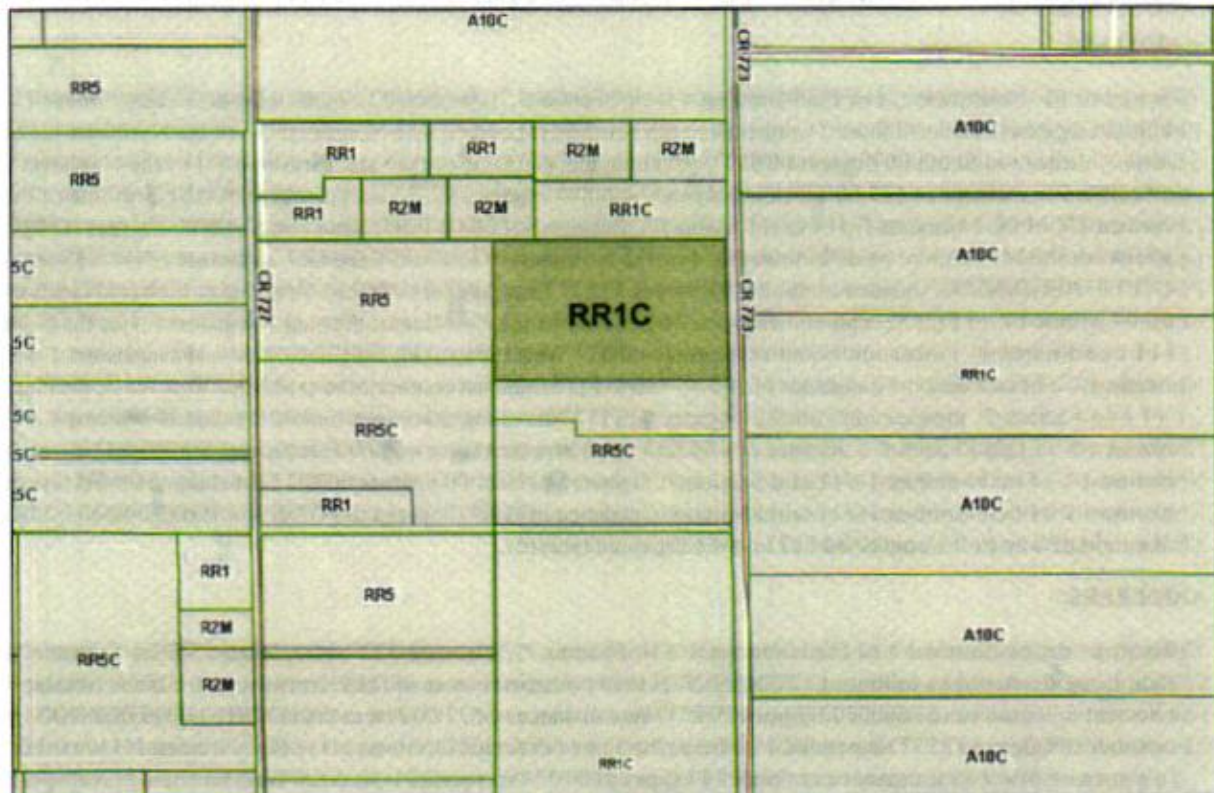
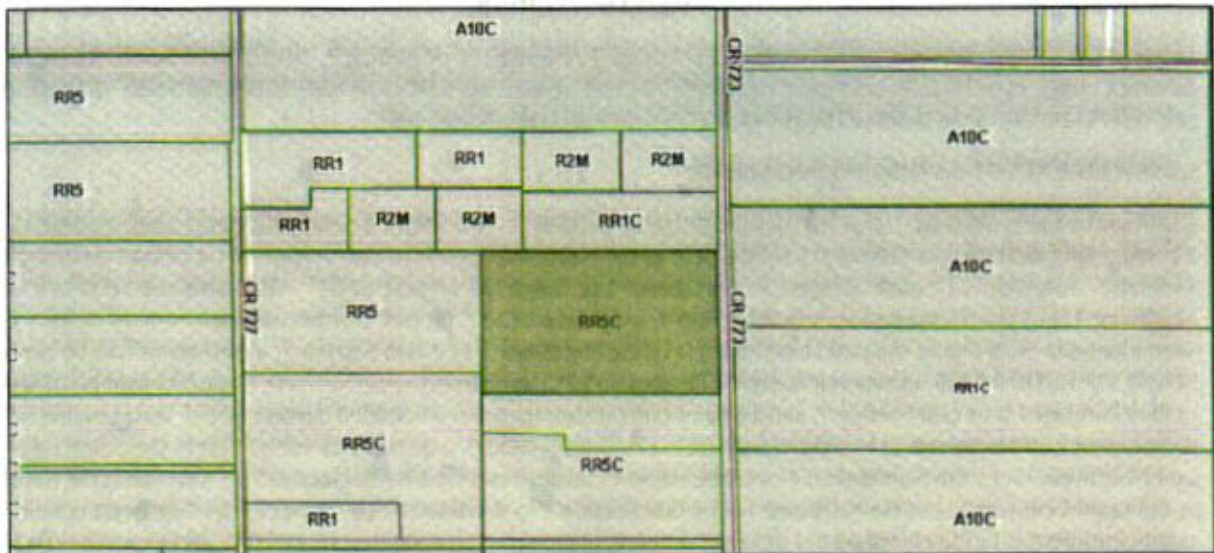
Staff reviewed land ownership and authorization through deeds, and the consent and designation of agent form submitted and signed by an authorized signer for the entity that owns the properties.


#### **PLANNING DIVISION STAFF CONCLUSION**

Staff deemed the application sufficient for review. Staff finds the application in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan. Staff recommends APPROVAL.

**Notices Sent: 19**

MAP 1: SURROUNDING AREA WITH PROPOSED CHANGES



 Subject Property

## Attachment A

### Legal Description

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**Board of County Commissioners  
Sumter County, Florida**

**Development Services Department  
Planning Services**

7375 Powell Road, Suite 115 • Wildwood, FL 34785 • Phone (352) 689-4400 • FAX: (352) 689-4401  
Website: <http://sumtercountyfl.gov>



**City of Webster**

LW25-000006  
Case No. 2025-000005  
Date Rec'd 2/12/25  
Planner Jared Oberholster

Hearing Dates:  
PZB 4/10/25  
Council 1st 4/17/25  
Council Final 5/15/25

**LAND USE AMENDMENT AND/OR REZONING APPLICATION**

**Check Requested Application(s)**

☒ Rezoning

☒ Small Land Use Amendment (< 50 acres)

☐ Large Land Use Amendment (50 acres or more)

**Applicant Information**

Name of Property Owner(s) Angel Antonio Alvarado, Claribel Mora

Address 2955 Leba Ln St. Cloud FL 34772

Owner Phone 210-758-0359 Email alvo04@yahoo.com

Name of Agent \_\_\_\_\_

Address \_\_\_\_\_

Agent Phone \_\_\_\_\_ Email \_\_\_\_\_

**Property Information**

Legal Description of the property (provide below or attach)

See deed

Street Address \_\_\_\_\_

Parcel(s) # Tp 7-846 Current Use Vacant/Agriculture

Current Future Land Use Agriculture (County) Current Zoning RR9C (County)

Requested Future Land Use Rural Res (Webster) Requested Zoning RR1C (Webster)

Acreage Requested 5.53 ac

Reason for the Request (be specific)

Annexation

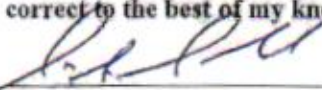
**Please Provide**

- Recorded deed or other proof of ownership
- Signed authorization if applicant is not the landowner
- Legal description of the area under application. (lengthy or complex legal descriptions may be required in digital/text format)
- Applicable Application Fee (fee schedule on Page 3)
  - Payment may be made by cash, check, or credit/debit card. Checks shall be made payable to BOCC Sumter County. A convenience fee will be added to the total for credit/debit card payment.
  - Application fees are considered non-refundable at the time of application. Exceptions may be considered on a case by case basis by the County Administrator.

All properties for which applications require public hearings before the planning and zoning board (PZB) shall be posted by the applicant with plaques furnished by the director. Such plaques shall identify the application, the requested action, and the date, time and place of hearing. Plaques shall be sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the authority's agenda. Such notices shall be posted at least seven (7) days prior to the first hearing at which the subject property will be considered, at locations specified by the director. (Webster Land Development Code Sec. 13-315(a)(2))

As the owner/lessee/tenant/agent, I understand any action on my application will be governed by the City of Webster's Comprehensive Plan and Land Development Code, and my payment of the non-refundable application fee will not guarantee approval.

Under penalties of perjury, I declare the above information that I have given to be true and correct to the best of my knowledge and belief.



Signature

Angel A. Alvarado

Print Name

2/12/2025

Date

Signature

Date

Print Name

The public hearing for the PZB will be scheduled once the application is found to be complete. The PZB hearing will be at 6:00 p.m. at Webster City Hall 85 E Central Ave., Webster, FL 33597. The property owner's appearance or authorized representative's appearance is required at the LPA hearing. Failure of the property owner's attendance or the authorized representative's attendance will cause the application to be handled in accordance with the policy adopted in the Webster Land Development Code. Hearings may be postponed

Prepared by and return to:  
Chris Hernandez, employee  
Concierge Title Services, LLC  
1201 W. Hwy 50, Suite B  
Clermont, FL 34711  
(352) 394-7408  
File No 2022-2231  
135, 800  
Parcel Identification No T07-006

Gloria R. Hayward, Sumter County Clerk of Court  
Inst: 202260051874 Date: 11/02/2022 Time: 11:04AM  
Page 1 of 3 B: 4367 P: 568 By: ML  
Doc Stamp-Dead: 945.00

[Space Above This Line For Recording Date]

## WARRANTY DEED

This indenture made the 21<sup>st</sup> day of September, 2022 between William H. Dunn, an unmarried widower, Individually and as Trustee of William H. Dunn and Jean A. Dunn Living Trust dated September 5, 2007, whose post office address is 11195 Ramsay Road, Thompsonville, MI 49683, Grantor, to Angel Antonio Alvarado and Claribel Morales, a married couple, whose post office address is County Road 723 Webster, FL 33597, Grantees:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S. \$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, the following described land, situate, lying and being in Sumter County, Florida, to-wit:

PLEASE SEE ATTACHED EXHIBIT 'A' AND MADE A PART HEREOF

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

TO HAVE AND TO HOLD the same in fee simple forever.

And Grantor hereby covenant with the Grantees that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Gloria R. Hayward, Sumter County Clerk of Court  
Inst: 202260051874 Date: 11/02/2022 Time: 11:04AM  
Page 2 of 3 B: 4367 P: 569 By: ML  
Doc Stamp-Deed: 945.00

In Witness Whereof, Grantor have hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

William H. Dunn and Jean A. Dunn  
Living Trust dated September 5, 2007

[Signature]  
Witness Signature  
Witness Name: Christina Dixon

[Signature]  
Witness Signature  
Witness Name: Cheri Nesbitt

By: [Signature]  
William H. Dunn, Individually and as  
Trustee Individually and as Trustee

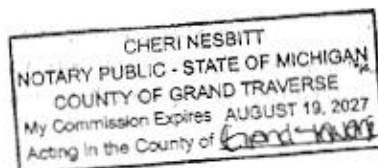
STATE OF MICHIGAN

COUNTY OF Grand Traverse

The foregoing instrument was acknowledged before me by means of (x) physical presence or ( ) online notarization this 21<sup>st</sup> day of September, 2022, by William H. Dunn, Individually and as Trustee of the William H. Dunn and Jean A. Dunn Living Trust dated September 5, 2007.

[Signature]  
Signature of Notary Public  
Print, Type/Stamp Name of Notary

Personally Known: \_\_\_\_\_ OR Produced Identification: X  
Type of Identification  
Produced: Driver's License



## Exhibit "A"

### Property Description

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Parcel ID#: T07-006

ORDINANCE NO. 2025-22

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA, ANNEXING BY VOLUNTARY PETITION CERTAIN REAL PROPERTY TAX IDENTIFICATION PARCEL NUMBER Q19-091 LOCATED CONTIGUOUS TO THE CITY OF WEBSTER IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*, TOGETHER WITH ASSOCIATED RIGHTS-OF-WAYS; REDEFINING THE BOUNDARIES OF THE CITY OF WEBSTER TO INCLUDE SAID PROPERTY; AMENDING THE BOUNDARIES OF THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.031, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS; DIRECTING THE CITY CLERK TO RECORD THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICE OF SUMTER COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR LEGAL DESCRIPTION AND A MAP AND PROVIDING FOR THE INCORPORATION OF THAT EXHIBIT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND THE TAKING OF ADMINISTRATIVE ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, ZMK Holdings, LLC, applied for annexation of property into the City of Webster and is hereby determined to be the fee simple title owner of the real property described below; and

**WHEREAS**, the said applicant petitioned the City of Webster, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Webster; and

**WHEREAS**, the applicant is the fee simple title owner of all of said property being described by Tax Identification Parcel Numbers as follows:

Tax Identification Parcel Number	Owner
Q19-091	ZMK Holdings, LLC

**WHEREAS**, the City Council, upon the recommendation of City staff and the City Attorney, has determined that all of the property which is proposed to be annexed into the City of Webster is within an unincorporated area of Sumter County, is reasonably compact and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

**WHEREAS**, the City Council of the City of Webster, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

**WHEREAS**, the City Council of the City of Webster, Florida hereby determines that it is to the advantage of the City of Webster and in the best interests of the citizens of the City of Webster to annex the aforescribed property; and

**WHEREAS**, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

**WHEREAS**, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

*Recording.*—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy

of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

**WHEREAS**, the map and the legal description attached hereto as Exhibit "A" shows, describes, and depicts the property and associated rights-of-ways which are hereby annexed into the City of Webster said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.**

(a). The recitals set forth above in the "whereas clauses" are hereby adopted as legislative findings of the City Council of the City of Webster.

(b). The property that is the subject of this Ordinance consists of the following parcel of land assigned the Tax Identification Parcel Number set forth above and being specifically described as set forth below, together with all abutting right-of-way if any such rights-of-ways are not currently located within the City Limits of the City, said property being situated in Sumter County, Florida, and said property is hereby annexed into and are hereby made a part of the City of Webster, Florida pursuant to the voluntary annexation provisions of Section 171.044, *Florida Statutes*:

**LEGAL DESCRIPTION**

All the above lands and real property being located in Sumter County, Florida. (See Exhibit "A").

(c). The property owner of the annexed property fully understands that all of the costs of routing and installing all utility services to the annexed property that may result

and be incurred and the obligation to pay any and all applicable fees in any way relating to connection to, and provision of services by, the City's utility systems shall be borne totally by the property owner.

(d). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, "[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State." This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties.

## **SECTION 2. EFFECT OF ANNEXATION.**

Upon this Ordinance becoming effective, the property owner of the said property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owner of the City of Webster, Florida as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City of Webster, Florida and the provisions of said Chapter 171, *Florida Statutes*.

## **SECTION 3. ADMINISTRATIVE ACTIONS.**

(a). Within 7 days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Sumter County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Clerk shall ensure that the property annexed by this Ordinance is incorporated into the *City of Webster Comprehensive Plan* and the Official Zoning Map of the City of Webster in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031 (3), *Florida Statutes*, the City Clerk shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

#### **SECTION 4. CONFLICTS.**

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION 5. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

#### **SECTION 6. CODIFICATION.**

The provisions of this Ordinance shall not be codified, but the annexed property shall be incorporated and included in all appropriate maps of the City Limits of the City of Webster by the City Clerk who is hereby directed to take any and all appropriate actions relative to the land use planning documents of the City pertaining to the property annexed pursuant to this Ordinance.

#### **SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon passage and adoption.

**PASSED AND ENACTED** this 15<sup>th</sup> day of May, 2025.

**CITY COUNCIL OF THE CITY OF  
WEBSTER, FLORIDA**

\_\_\_\_\_  
Anagalys Vigoa, Mayor

***ATTEST:***

**APPROVED AS TO FORM AND  
LEGALITY:**

\_\_\_\_\_  
Amy Flood, City Clerk

\_\_\_\_\_  
William L. Colbert, City Attorney

Attachment A

Parcel Id Q19-091

Legal Description

THE N 1037.40 OF THE S 3/4 OF THE SW 1/4 LESS W 672.76 LESS N 477.4

Acres

2.66





**ORDINANCE NO. 2025-23**

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF WEBSTER COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY, APPROXIMATELY 2.66 ACRES (TAX PARCEL IDENTIFICATION NUMBER Q19-091), AND DESCRIBED IN THIS ORDINANCE FROM THE INDUSTRIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE INDUSTRIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ZMK Holdings, LLC mailing address: 7895 W CR 476, Bushnell, FL 33513 (Tax Parcel Identification Number Q19-091), is the owner of the property which is the subject of this Ordinance; and

**WHEREAS**, the real property, totaling 2.66 +/- acres in size, is located on CR 714 east of SR 471; and

**WHEREAS**, ZMK Holdings, LLC initiated voluntary annexation into the municipal limits of the City of Webster, Florida; and

**WHEREAS**, the City Manager of the City of Webster pursuant to the controlling provisions of Florida Statutes and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the County Industrial future land use designation to the Industrial future land use designation;

**WHEREAS**, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the approval action set forth herein

in accordance with the requirements and procedures mandated by Florida Statutes.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed amendment to the *City of Webster Comprehensive Plan* pertaining to the subject property.

(b). The City of Webster has complied with all requirements and procedures of Florida Statutes in processing and advertising this Ordinance.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Webster* and the proposed *Comprehensive Plan* amendment does not trigger any urban sprawl indicators and adoption of this amendment will discourage the proliferation of urban sprawl within the City of Webster.

(d). Public services are available to the real property which is the subject of this Ordinance.

(e). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

**SECTION 2. AMENDMENT TO FUTURE LAND USE MAP.**

(a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Webster* and the City's Future Land Use Map are hereby amended by

changing the land use designation from the County Industrial land use designation to the Industrial land use designation regarding the real property which is the subject of this Ordinance as set forth herein (Attachment 1).

(b). The property which is the subject of this *Comprehensive Plan* amendment is as described as provided in Attachment 2.

**SECTION 3. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 5. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.**

It is the intention of the City Council of the City of Webster, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Webster Comprehensive Plan and/or the Code of Ordinances of the City of Webster, Florida in terms of amending the Future Land Use Map of the City.

**SECTION 6. EFFECTIVE DATE** The small scale *Comprehensive Plan* amendment set forth herein shall not become effective, in accordance with Section 163.3187, *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or

the Administration Council, respectively, issues a final order determining that the subject small scale amendment is in compliance with controlling Florida Statutes.

**PASSED AND ENACTED this 15th day of May, 2025.**

**CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA**

\_\_\_\_\_  
**Ana Vigoa, Mayor**

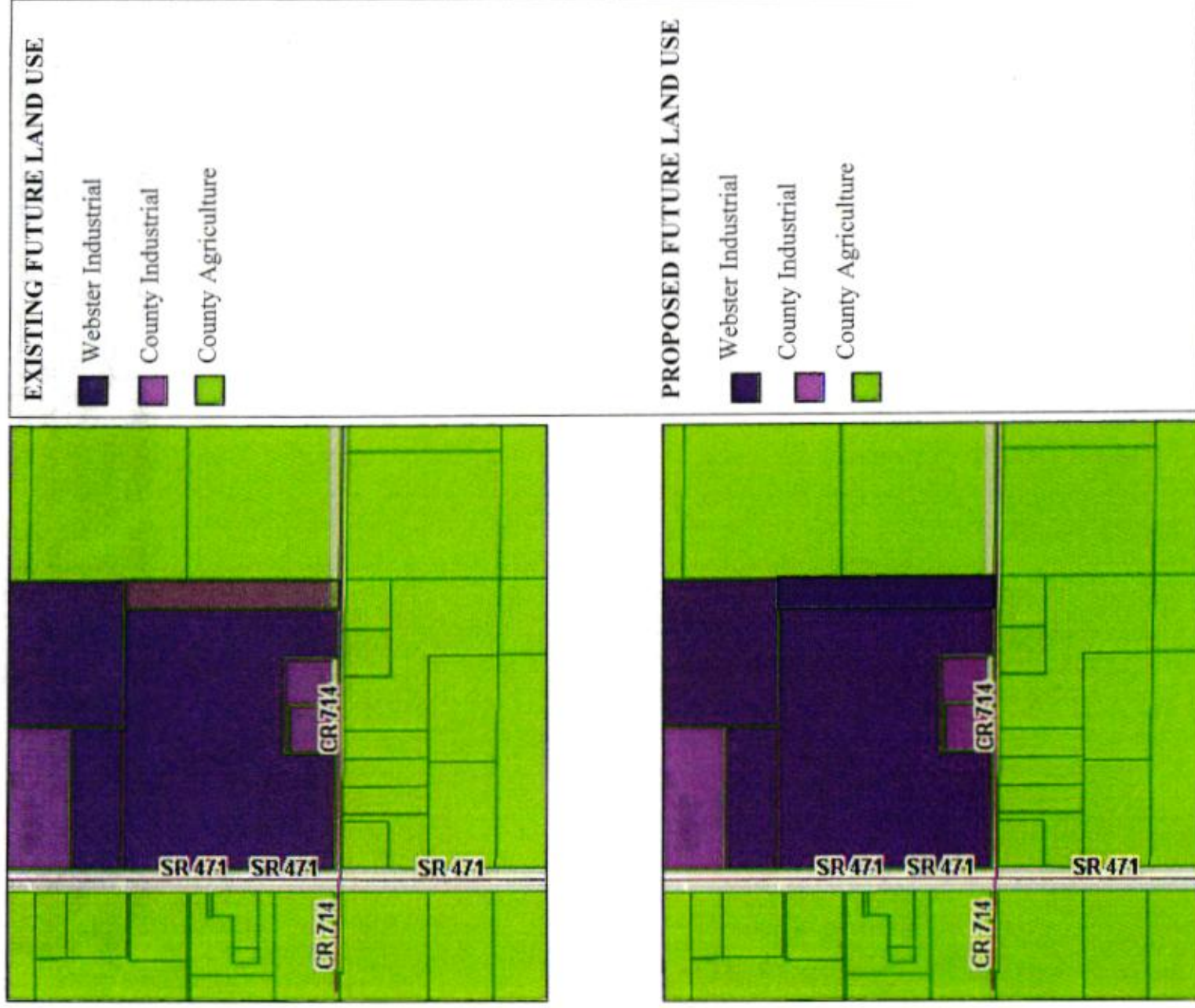
**ATTEST:**

**Approved as to form and  
legality:**

\_\_\_\_\_  
**Amy Flood  
City Clerk**

\_\_\_\_\_  
**William L. Colbert  
City Attorney**

# ATTACHMENT 1 Future Land Use Map



ATTACHMENT 2  
Legal Description

THE EASTERLY 125.00 FEET OF THE FOLLOWING DESCRIBED LANDS: THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS THE NORTHERLY 1037.40 FEET THEREOF; ALSO LESS ROAD RIGHT OF WAY.

**CITY OF WEBSTER**  
**SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**

**PLANNING AND ZONING BOARD**  
**April 10, 2025**

**CITY OF WEBSTER CITY COUNCIL**  
**April 17, 2025**  
**May 15, 2025**

<b>CASE NUMBER:</b>	LU25-000008
<b>LANDOWNER:</b>	ZMK Holdings, LLC
<b>REQUESTED ACTION:</b>	Small-scale comprehensive plan amendment to change the future land use from County Industrial to City of Webster Industrial on 2.66 acres MOL following annexation
<b>PARCEL NUMBERS:</b>	Q19-091
<b>LEGAL DESCRIPTION:</b>	Attachment A
<b>EXISTING ZONING:</b>	County Industrial (ID)
<b>EXISTING USE:</b>	Agricultural
<b>FUTURE LAND USE:</b>	County Industrial, proposed to be City of Webster Industrial
<b>PARCEL SIZE:</b>	2.66 acres MOL
<b>GENERAL LOCATION:</b>	Webster area – on CR 714 east of SR 471 (Map 1)

**GENERAL DESCRIPTION AND BACKGROUND**

The applicant is requesting a Small-Scale Future Land Use Amendment on 2.66 acres MOL to change the Future Land Use assignment of parcel Q19-091 from County Industrial to City of Webster Industrial, allowing them to relocate their manufacturing business from Bushnell to the subject parcel as well as the parcel immediately north of it (parcel Q19-060). The application site is located within the Webster Joint Planning Area and located on CR 714, east of SR 471. The

surrounding parcels have a future land use of City of Webster Industrial, County Industrial, and County Agriculture (see Map 2 on Page 5).

## **LAND USE SUITABILITY**

### Urban Sprawl

The proposed amendment displays none of the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9(a) and meets four (4) of the sprawl test criteria in Florida Statutes Chapter 163.3177.9(b) (Attachment B). Thereby the proposal does not constitute sprawl.

### Environmental Resources

None of the property is within the flood zone.

### Historic Resources

This location does not appear on the Master Site File of Historic Resources.

### Population and Housing

The proposed amendment should not adversely impact the availability of housing in the area.

## **CONCURRENCY ANALYSIS**

### Potable Water & Sewer

The site will be served by the City of Webster upon development.

### Stormwater Drainage

All development must conform to Southwest Florida Water Management District Regulations for stormwater systems.

### Solid Waste

Solid Waste services will be provided by the City of Webster upon development.

## **CONSISTENCY WITH POLICIES OF THE COMPREHENSIVE PLAN**

The proposed amendment is consistent with the following policies of the Unified Comprehensive Plan:

### **Policy 1.2.10 Industrial**

The "Industrial" future land use category is applied to lands suitable for light and heavy manufacturing, processing, outdoor storage, warehousing, and transportation of goods.

Secondary uses may include: commercial uses that directly support the industrial land use or provide services to the employees; commercial uses that require outdoor storage, large volumes of truck activity, or other potential to create negative off-site impacts, service industries, utilities, wholesale and internet businesses that do not cater to on-site customers, offices related to the

industrial use, and other land uses requiring outdoor storage and/or having the potential to generate negative impacts on adjacent properties.

*The proposed amendment is consistent with the surrounding agriculture future land uses.*

#### **Future Land Use Objective 1.3 Future Land Use Pattern**

The future land use pattern shall discourage the proliferation of urban sprawl while promoting orderly compact growth. The County and Cities shall utilize a variety of planning tools to balance efficient economic development and urban growth while maintaining rural and agricultural character.

*The use of Joint Planning Areas (JPAs) are a planning tool to ensure annexations of unincorporated areas are coordinated and consistent with planned future service areas, providing for an energy efficient land use pattern and combating urban sprawl. The property is located within the Webster JPA and thus maintains the rural and agricultural character outside the area.*

#### **Policy 1.3.8 Compatibility for Rezoning and Amendments**

Proposed rezonings and future land use amendment shall be compatible with adjacent land uses and community character. Compatibility shall be achieved through the following measures:

- a. Rezoning and future land use amendments shall consider potential maximum impacts of potential land uses; and

*The requested future land use assignment is consistent with the surrounding parcels where industrial activities are located.*

- b. The use of clustering, PUD, or other innovating development techniques shall be considered to assure the compatible transition between differing land uses and zoning districts.

*The requested future land use assignment will not allow for clustering, PUD, or other innovating development techniques.*

#### **PROPOSED AMENDMENT TO THE TEXT OF THE COMPREHENSIVE PLAN**

The proposed amendment does not affect the text of the Comprehensive Plan.

#### **PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN**

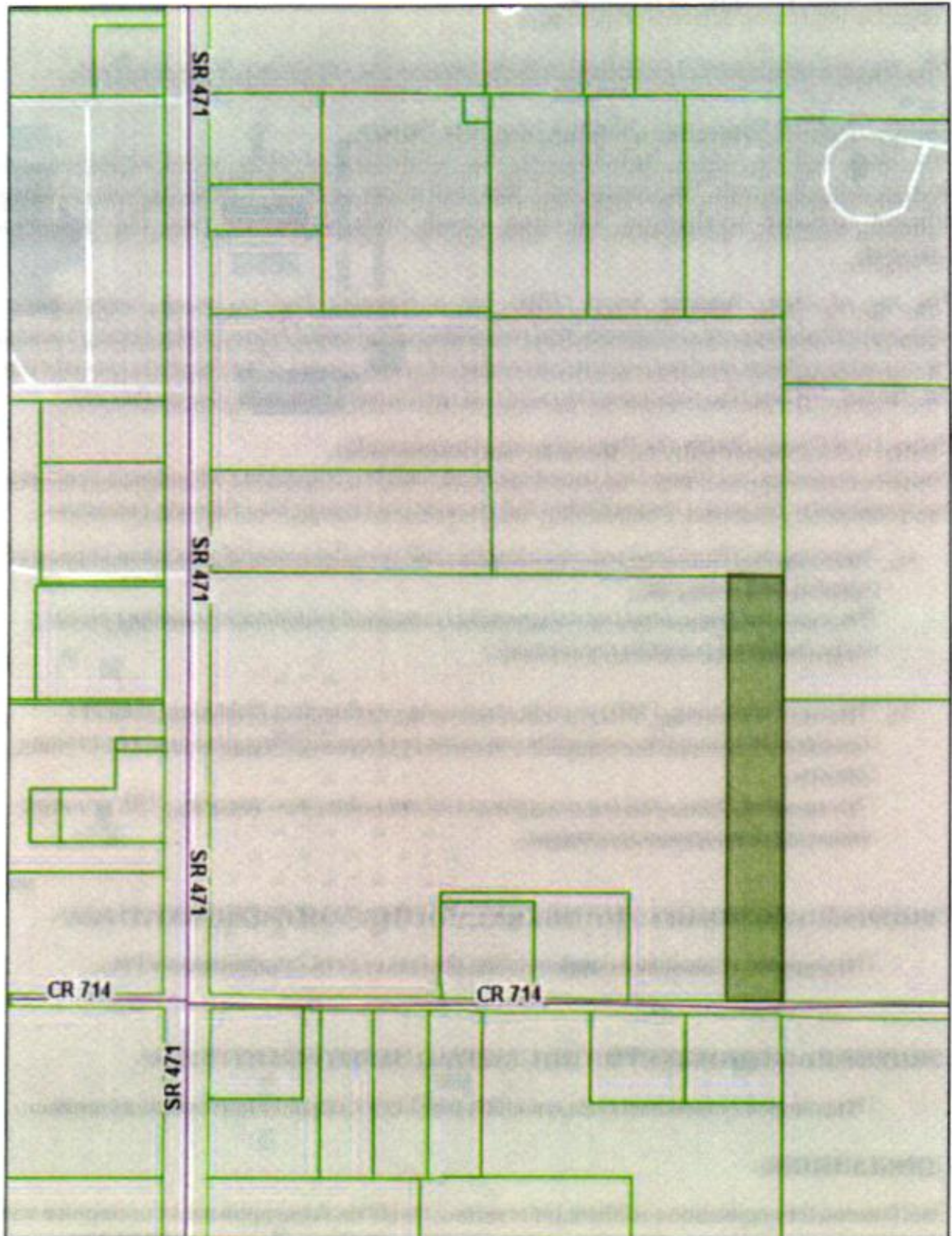
The proposed amendment does not affect the City's Capital Improvements program.

#### **CONCLUSIONS**

Staff deemed the application sufficient for review. Staff finds the application in compliance with the minimum requirements of the Comprehensive Plan. Staff recommends APPROVAL.

**Notices Sent: 13**

MAP 1: GENERAL LOCATION



**ORDINANCE NO. 2025-24**

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 2.66 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER Q19-091) FROM COUNTY INDUSTRIAL (ID) TO INDUSTRIAL (ID) ZONING DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF A MAP BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ZMK Holdings, LLC mailing address: 7895 W CR 476, Bushnell, FL 33513 (Tax Parcel Identification Number Q19-091), is the owner of the property which is the subject of this Ordinance; and

**WHEREAS**, the real property, totaling 2.66 +/- acres in size, is located on CR 714 east of SR 471; and

**WHEREAS**, ZMK Holdings, LLC initiated voluntary annexation into the municipal limits of the City of Webster, Florida; and

**WHEREAS**, the City Manager of the City of Webster pursuant to the controlling provisions of Florida Statutes and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the ID (County) zoning assignment to the ID zoning assignment; and

**WHEREAS**, the City Council of the City of Webster, Florida has taken, as implemented by City staff, all actions relating to the approval action set forth herein in accordance with the requirements and procedures mandated by Florida Statutes.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

(a). The City Council of the City of Webster hereby adopts and incorporates into this Ordinance the City staff report as well as the recitals (whereas clauses) to this Ordinance.

(b). The subject property, which is 2.66 acres MOL in size, is located on CR 714 east of SR 471 (Tax Parcel Number Q19-091). The legal description of the subject property is provided in Attachment A.

(c). The City of Webster has complied with all requirements and procedures of Florida Statutes in processing and advertising this Ordinance.

**SECTION 2. REZONING OF REAL PROPERTY/IMPLEMENTING ACTIONS.**

(a). Upon enactment of this Ordinance the following described property, as depicted in Attachment A of this Ordinance, and totaling is 2.66 acres MOL in size, shall be rezoned from ID (County) zoning district/classification to ID (City) zoning district/classification.

(b). The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Webster as may be appropriate to accomplish the action taken in this Ordinance.

**SECTION 3. INCORPORATION OF MAP.** The map attached to this Ordinance as Attachment B is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

**SECTION 4. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 6. NON-CODIFICATION.** This Ordinance shall not be codified in the *City Code of the City of Webster* or the *Land Development Code of the City of Webster*, provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Webster by the City Manager, or designee.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon enactment provided, however, that the rezoning of property herein set forth shall not take effect until Ordinance Number 2025-23 relating to the Comprehensive amendment becomes effective.

PASSED AND ENACTED this 15th day of May, 2025.

CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA

\_\_\_\_\_  
Ana Vigoa, Mayor

ATTEST:

Approved as to form and  
legality: \_\_\_\_\_

\_\_\_\_\_  
Amy Flood  
City Clerk

\_\_\_\_\_  
William L. Colbert  
City Attorney

**Attachment A**  
**Legal Description**

THE EASTERLY 125.00 FEET OF THE FOLLOWING DESCRIBED LANDS: THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS THE NORTHERLY 1037.40 FEET THEREOF; ALSO, LESS ROAD RIGHT OF WAY.

The map displays a complex arrangement of land parcels, each designated with a specific zoning code. Key features include:

- Streets:** SR 471 runs vertically on the left side. SR 471 runs horizontally across the middle. CR 714 runs horizontally at the bottom. I-55 runs vertically on the far right.
- Zoning Districts:**
  - RR1, RR1C, RR5C:** Residential Single-Family districts, primarily located in the upper and right portions of the map.
  - ID, ID (City):** Industrial districts, covering large central and lower-right areas.
  - R2M, R2C, R4C:** Residential Medium-Density districts, found along the left edge and at the bottom.
  - CN, CH, P, A10C:** Other specialized zoning districts, including a large 'P' (Public) district in the lower center and an 'A10C' (Airport) district on the right.
- Other Labels:** 'ID' is also used as a general label for large industrial areas. 'RR1C' appears in several smaller parcels.

**CITY OF WEBSTER  
REZONING APPLICATION**

**PLANNING AND ZONING BOARD  
April 10, 2025**

**CITY OF WEBSTER CITY COUNCIL  
April 17, 2025  
May 15, 2025**

<b>CASE NUMBER:</b>	ZON25-000007
<b>LANDOWNER:</b>	ZMK Holdings, LLC
<b>REQUESTED ACTION:</b>	Rezone 2.66 acres MOL from County Industrial (ID) to City of Webster Industrial (ID)
<b>PARCEL NUMBERS:</b>	Q19-091
<b>LEGAL DESCRIPTION:</b>	Attachment A
<b>EXISTING ZONING:</b>	County Industrial (ID)
<b>EXISTING USE:</b>	Agricultural
<b>FUTURE LAND USE:</b>	County Industrial, proposed to be City of Webster Industrial (LU25-000008)
<b>PARCEL SIZE:</b>	5.53 acres MOL
<b>GENERAL LOCATION:</b>	Webster area – on CR 714 east of SR 471

**SURROUNDING FUTURE LAND USE AND ZONING**

The application site is located outside of the City of Webster municipal boundary but in the Joint Planning Area (JPA) of Webster. The surrounding parcels are zoned City of Webster Industrial, City of Webster Planned Industrial, County Residential Two Units per Acre with Mobile Home Housing, County Rural Residential Minimum Five Acres with Conventional Housing, and County General Agriculture Minimum Ten Acres with Conventional Housing (see Map 1 on Page 3).

## **CASE SUMMARY**

The applicant is seeking to move their business from Bushnell to Webster. Subject parcel is outside the Webster municipal boundary, in the Webster Joint Planning Area (JPA), and in Webster's Utility Service Area. The application site is currently zoned as County Industrial.

## **CASE ANALYSIS**

Section 13-313(3)(d), provides for the following review criteria for Land Development Code (LDC) and zoning map amendments:

- a) Change of conditions, or absence of changed conditions.  
*The subject parcel changed ownership in January 2025. The new property owners are seeking to move their business from Bushnell to Webster.*
- b) Community need, or lack of community need.  
*The requested rezoning addresses a personal need and not a community need.*
- c) Benefits to the community.  
*The rezoning will allow consistency with the City's Comprehensive Plan and the implementing zoning district.*
- d) The rights of private property owners.  
*The rezoning should not impinge on the rights of adjacent property owners.*

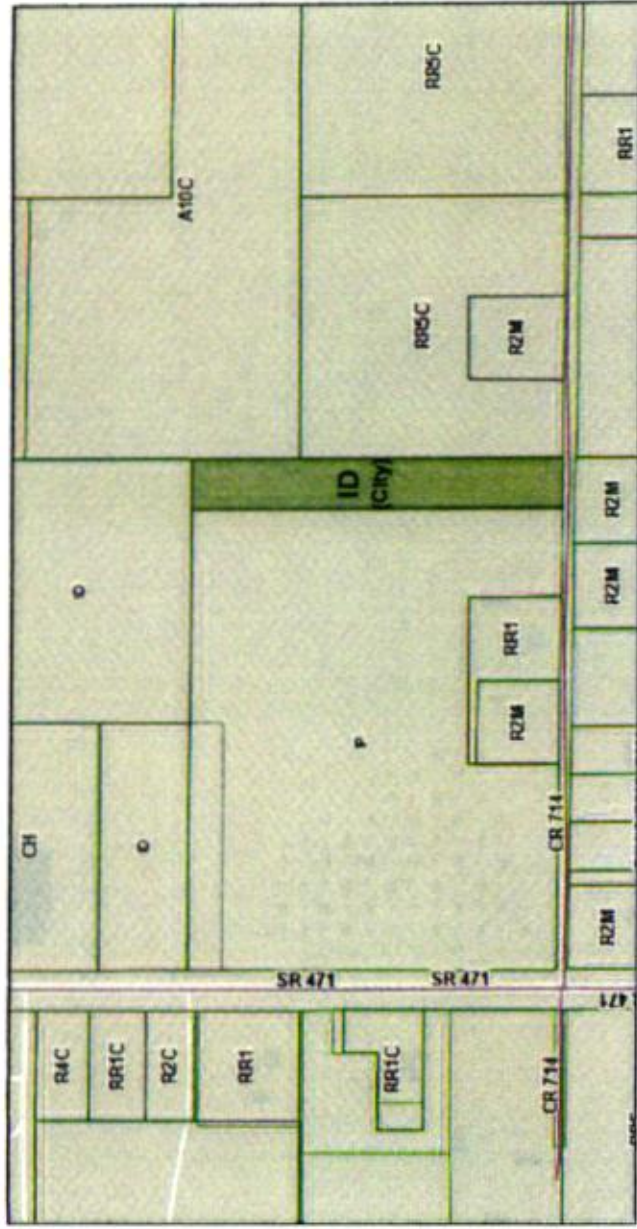
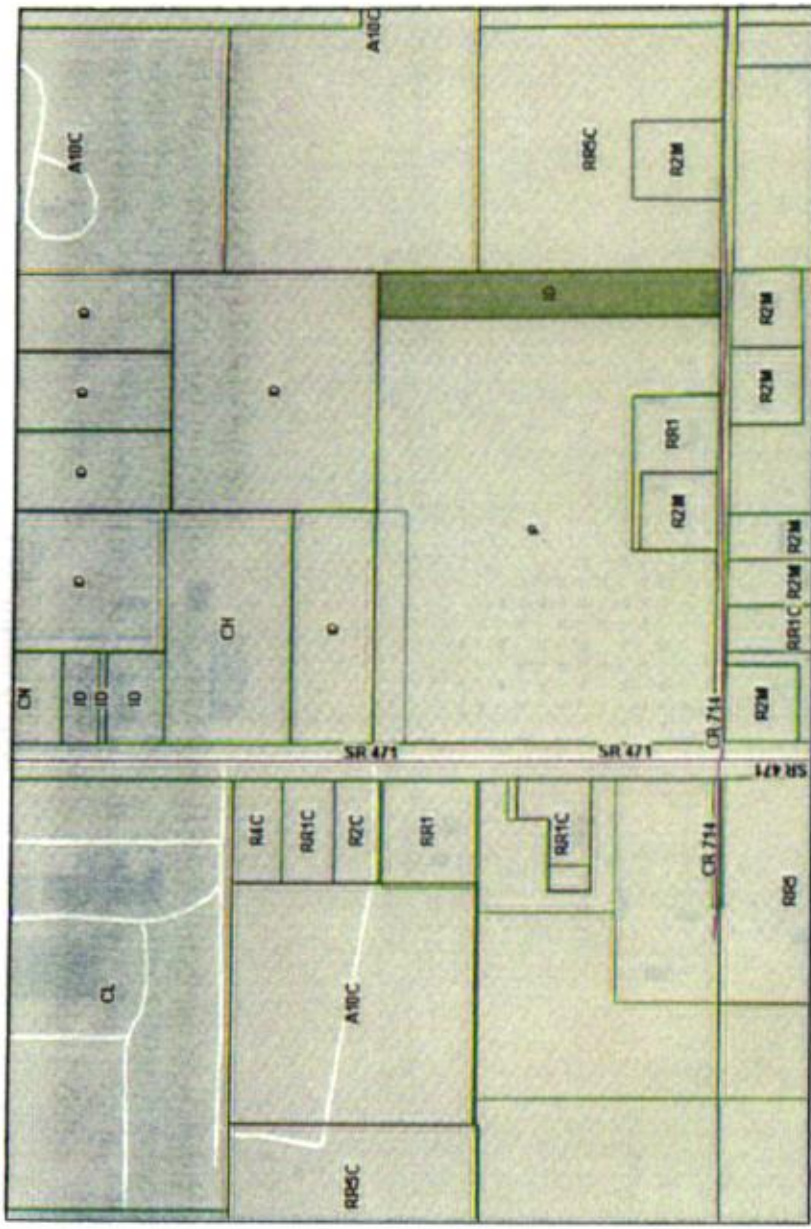
Staff reviewed land ownership and authorization through deeds, and the consent and designation of agent form submitted and signed by an authorized signer for the entity that owns the properties.

## **PLANNING DIVISION STAFF CONCLUSION**

Staff deemed the application sufficient for review. Staff finds the application in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan. Staff recommends APPROVAL.

**Notices Sent: 13**

MAP 1: SURROUNDING AREA WITH PROPOSED CHANGES



Subject Property

## **Attachment A**

### **Legal Description**

THE EASTERLY 125.00 FEET OF THE FOLLOWING DESCRIBED LANDS: THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 19, TOWNSHIP 21 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS THE NORTHERLY 1037.40 FEET THEREOF; ALSO LESS ROAD RIGHT OF WAY.

**#120629 Case #LU-25-000008;Case #ZON25-000007**

<b>Submitted</b>	<b>Received via</b>	<b>Requester</b>
April 3, 2025 at 09:50	Mail	sidekix <sidekix@aol.com>

<b>Type</b>	<b>Priority</b>	<b>Group</b>	<b>Assignee</b>	<b>Status category</b>	<b>Ticket status</b>
-	Normal	Planning	Jared Oberholtzer	Open	Open

<b>About</b>	<b>Planning options</b>	<b>Property Address or Parcel #</b>
Planning & Zoning	Rezoning	Not Yet Known

**sidekix** April 3, 2025 at 09:50

Sent from my Verizon, Samsung Galaxy smartphone

I, Suzanne Ishee and my husband, Glenn Ishee, do not support the zoning changes due to the following reasons: 1. The use for the land is not clarified. 2. The right away should come off of HW 471...not CR 714. 3. This land is not in Webster and should not be transferred to Webster. 4. The ZMK Holdings owners are not rooted in this county originally and appear to have a strong connection to the Villages developers. 5. The date of the initial meeting has been changed at the last minute to a Sunday night, a time when most citizens are attending church. 6. There is no transparency.

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**Jared Oberholtzer** April 3, 2025 at 10:00

Good morning,

Just to clarify two points:

The date has *not* been changed to a Sunday night. It remains next Thursday, April 10. I will be presenting the case myself.

Additionally regarding transparency, please feel free to send any questions. I will happily provide answers as able and get you any other records requests per F.S. 119.

**sidekix** April 3, 2025 at 10:20

Thank you for clarifying the date. I misread that and offer my apologies. However, all my points still stand. There are already stakes on the land in question. My questions are centered around what is the purpose for this land? This is obviously not step one. The future is already planned out...what is it for and why is it necessary? Why is the rightaway not coming off of 471? I am asking directly if the developers from the Villages are involved directly or indirectly. Citizens need straightforward answers and upfront answers...not vague and evasive answers. Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

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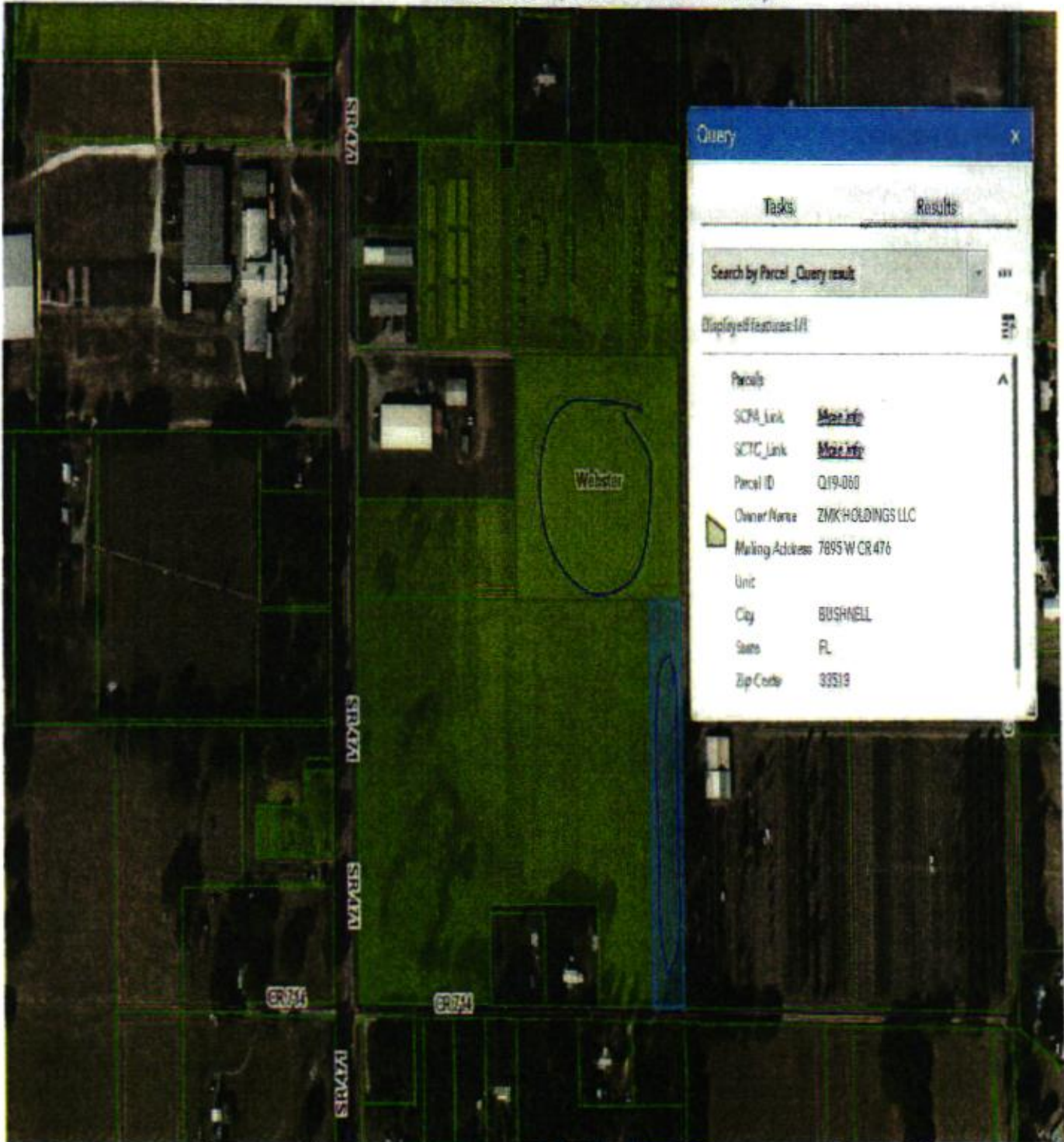
**Jared Oberholtzer** April 3, 2025 at 10:39

Thanks for getting back to me! I'd be happy to answer your additional questions and concerns.

Firstly, this all has nothing to do with The Villages. I'd like to make that very clear.

The Keens are relocating their business Bushnell Truss from Bushnell to the Webster area. I believe Bushnell Truss has been around since the '80's. Additionally, I'm not sure what you mean by "the future is already planned out." Their relocation is a very recent development, and this annexation/rezoning is step one.

They own two parcels now in Webster. I have drawn blue circles in their parcels below.



All of the green parcels are already within the city limits of Webster. The reason for the annexation and City rezoning of the blue parcel (still in the unincorporated County) is because the parcel is located within the Webster Joint Planning Area. The JPA agreement has been in place between the city and the county since September 2009. Various development triggers the agreement and thus requires annexation.

Both of their parcels are already zoned Industrial. However, the south (blue) parcel is in the county, so this is essentially just a straight swap from County zoning/future land use to the City of Webster zoning/future land use.

As far as the right-of-way coming off 471, there are other privately owned parcels standing in the way of that.

I'd be happy to discuss any of this on the phone with you all too. Our phone number is 352-689-4400. Just press 2 for Planning, and you'll get me.

Jared Oberholtzer  
Planner  
Development Services  
Board of Sumter County Commissioners  
Tel: 352-689-4400  
Fax: 352-689-4401  
[www.sumtercountyfl.gov](http://www.sumtercountyfl.gov)

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Support Software by **Zendesk**

## ORDINANCE NO. 2025-25

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE SCHEDULE OF RATES FOR WATER AND WASTEWATER IMPACT FEES COLLECTED BY THE CITY OF WEBSTER BY INCREASING THE SAID WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INSTRUCTIONS RELATIVE TO CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Webster ("City") has complied with all requirements and procedures of Florida law in processing this Ordinance; and

**WHEREAS**, the City Council of the City of Webster ("City Council") has the power and authority to enact this Ordinance under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 163, *Florida Statutes*, and Chapter 166, *Florida Statutes*, and other controlling law of the State of Florida; and

**WHEREAS**, the City enjoys all governmental, corporate and proprietary powers necessary to enact ordinances in order to protect the health, safety and welfare of the City's citizens and residents; and

**WHEREAS**, the City of Webster water public utility facilities and wastewater public utility facilities provide water and wastewater service to residents and businesses located in the in the Webster Utilities Service District, including the City of Webster; and

**WHEREAS**, the City of Webster study, received a study dated February 9, 2022, issued by the Florida Rural Water Association of Tallahassee entitled "Water & Wastewater Impact Fee Study Report - City of Webster, Sumter Co., PWS: 6600330, Fac. ID: FLAI 88697" (the "Study"), with regard to imposing the City's water public utility

facilities impact fees and wastewater public utility facilities impact fees; and which recommends a rate design adjustment and future rate adjustments; the aforementioned Study is incorporated herein by reference; and

**WHEREAS**, based on the Study, by Ordinance No. 2022-03 adopted by the City Council on March 24, 2022, fixed the rate for water and wastewater impact fees at a rate that was one-half ( $\frac{1}{2}$ ) of the rate that was recommended to be adopted by the Study; and

**WHEREAS**, the City Council finds it necessary and advisable to amend the schedule of the City's water and wastewater impact fees to the rate originally recommended in the Study; and

**WHEREAS**, the Florida Impact Fee Act, Section 163.31801, Florida Statutes, and the provisions of Chapter 2021-63, Laws of Florida, expressly do not apply to water and wastewater "connection fees;" and

**WHEREAS**, water and wastewater impact fees charged to new customers of the City's Utility System are "connection fees" that are specifically exempt from the provisions of the Florida Impact Fee Act and Chapter 2021-63, Laws of Florida; and

**WHEREAS**, the City Council of the City of Webster determines that the enactment of this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Webster; and

**WHEREAS**, the City Council of the City finds that all public hearing and notice requirements imposed by general law for the consideration and adoption of this Ordinance have been met.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA:

**SECTION 1. LEGISLATIVE FINDINGS.**

(a) The City staff report and City Council agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.

(b) The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) The above recitals are hereby incorporated as the factual basis for the adoption of this Ordinance.

**SECTION 2. NEW SCHEDULE OF WATER AND WASTEWATER IMPACT FEES.**

**ARTICLE V. – WATER UTILITY PUBLIC FACILITIES AND WASTEWATER UTILITY PUBLIC FACILITIES IMPACT FEES, Section 38.154, subsection (c) of the Code of Ordinances of the City of Webster** shall be amended to read as follows: *[underlining*

*\_\_\_\_\_ indicates words or numbers being added; strikethroughs (---) indicate words or numbers being deleted; and \*\*\* indicates that certain provisions (or portions of a section) are intentionally not included in the amending language]*

**Sec. 38-154. Imposition of water utility public facilities impact fees and wastewater utility public facilities impact fees; impact fees fees/rates.**

\*\*\*\*\*

(c) Water utility public facilities impact fees and wastewater utility public facilities impact fees shall be imposed and collected by the city at the following rates with the water utility public facilities impact fees and wastewater utility public facilities impact fees being applied in accordance with the definitions of uses set forth in this article and with any combination of development classification being calculated separately by each development classification and then added together for determination of a total fee:

(1) *Water utility public facilities impact fees: ~~\$1,500.00~~ \$3,000.00 per ERC using the replacement value basis to capture the true and sustainable*

cost of ~~the~~ running its water utility public facilities/water utility and 250 GPD constituting an ERC.

- (2) *Wastewater utility public facilities impact fees: ~~\$3,000.00~~ \$4,760.00* per ERC using the replacement value basis to capture the true and sustainable cost of running its wastewater utility public facilities/wastewater utility and 250 GPD constituting an ERC.
- (3) *Annual Adjustment of water utility public facilities impact fees and wastewater utility public facilities impact fees: The water utility public facilities impact fees and wastewater utility public facilities impact fees shall be adjusted annually on May 1 of each calendar year, beginning May 1, 2026, in accordance with Florida Public Service Commission current Price Index.*

### **SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to implement the provisions of this Ordinance in such manner as may be deemed appropriate.

### **SECTION 4. SAVINGS.**

The prior actions of the City of Webster relating to the provision of utility services, the charging for such services as well as the imposition of rates for utility systems and the collection of utility systems charges, in addition to any and all related matters, are hereby ratified and affirmed.

### **SECTION 5. CONFLICTS.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

### **SECTION 6. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or

unconstitutional.

**SECTION 7. CODIFICATION.**

The provisions of this Ordinance shall not become and be made a part of the *Code of Ordinances of the City of Webster, Florida* and the Code codifier of the City Code is hereby authorized and directed to take all necessary and appropriate actions to ensure that the provisions of this Ordinance are appropriately codified.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon enactment by the City Council and all rates set forth herein shall be applicable to the next billing cycle for each customer following the effective date of this Ordinance.

**PASSED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA**

\_\_\_\_\_  
Anagalys Vigoa, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
LEGALITY:**

\_\_\_\_\_  
Amy Flood, City Clerk

\_\_\_\_\_  
William L. Colbert, City Attorney

## ORDINANCE NO. 2025-26

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA RELATING AND PERTAINING TO PARKING AND SOLICITATION ALONG OR ON RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIRED AND PROHIBITED ACTS; PROVIDING FOR REGULATIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR INSTRUCTIONS RELATIVE TO CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Webster ("City Council") has the power and authority to enact this Ordinance under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 163, *Florida Statutes*, and Chapter 166, *Florida Statutes*, and other controlling law of the State of Florida; and

**WHEREAS**, the City enjoys all governmental, corporate and proprietary powers necessary to enact ordinances in order to protect the health, safety and welfare of the City's citizens and residents; and

**WHEREAS**, the City wishes to address safety concerns and introduce regulations regarding the use of rights-of-way by motorists and solicitors on designated arterial and collector roads within the City; and

**WHEREAS**, the City sees the need to adopt rules in connection with rights-of-way thereby establishing clear guidelines for determining priority in traffic and property scenarios involving right-of-way with such rules providing specific instructions on observing right-of-way and intending to reduce confusion and enhance the safety of citizens; and

**WHEREAS**, the City intends to first emphasize education and awareness of right-of-way rules and regulations, and then proceed to enforcement wherein violations of this Ordinance will be punishable by a fine; and

**WHEREAS**, because the right-of-way also extends beyond traffic regulations into property law, understanding the concept of right-of-way ensures safety and order on roads and properties; and

**WHEREAS**, the City of Webster wishes to address parking and/or soliciting in the right-of-way and driving on the right-of-way, as such activities create safety issues with mowing, blocking utilities and/or breaking utility lines in the right-of-way and, in addition, vehicles parked on a public right-of-way can constitute a safety hazard by virtue of the obstruction to the free flow of traffic and can give rise to other traffic hazards; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Webster; and

**WHEREAS**, the City Council finds that all public hearing and notice requirements imposed by general law for the consideration and adoption of this Ordinance have been met.

**NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS.**

A. The City Council agenda memorandum and City staff report, if any, relating to this matter are hereby adopted as if fully set forth herein.

B. The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

C. The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Webster and incorporated into this Ordinance as if set forth *in haec verba*.

D. It is the purpose of this Ordinance that for the protection of public safety, the City will regulate the use of the rights-of-way on all roads, streets, and highways within the City.

## **SECTION 2. PURPOSE AND INTENT.**

A. This Ordinance is enacted to ensure that traffic hazards are minimized within the City with the goal of reducing accidents, injuries, damages and insurance rates paid by the citizens of the City of Oviedo.

B. The City Council finds and determines that any commercial use of the public rights-of-way is incompatible with the intended use of the right-of-way, which is primarily for motor vehicle traffic, and is dangerous and otherwise poses a hazard to both motorists and non-motorists by distracting motorists and by causing motorists to stop and stand in ways that interrupt normal traffic movements, often on the City's most heavily traveled thoroughfares. These hazards are also created by persons who use the public right-of-way for parking, to solicit charitable donations, or distribute printed materials and other items not of a commercial nature. These safety concerns can be minimized by restricting the solicitation of charitable donations and distribution of printed materials to sidewalks and other non-traffic areas intended for pedestrian use and by restricting parking to only those areas that are designated for parking by the City.

### **SECTION 3. SHORT TITLE; PURPOSE AND TERRITORIAL SCOPE.**

A. This Ordinance will be known and cited as "the City of Webster Commercial Use of Rights-of-Way Ordinance."

B. It is the purpose of this Ordinance that for the protection of public safety, the City will regulate the commercial use of the rights-of-way on all roads, streets, and highways within the City street system. For purposes of this Ordinance "City street system" shall be defined pursuant to Section 335.01, et seq., *Florida Statutes*, as may be amended from time to time.

### **SECTION 4. COMMERCIAL USE OF RIGHTS-OF-WAY.**

Except as provided below, it is unlawful to make any commercial use of the rights-of-way of any road, street, or highway within the City street system. Prohibited commercial uses shall include, but are not limited to:

1. The sale, or display for sale, of any merchandise, including vehicles; and,
2. The servicing or repair of any vehicle except, for the rendering of emergency service; and,
3. The storage of vehicles being serviced or repaired on abutting property or elsewhere; and,
4. The solicitation for the sale of goods, property, or services for charitable, educational, religious or political purposes; and,
5. The solicitation of funds or donations for educational, religious or political purposes; and
6. The display of any advertising other than advertising signs in compliance with Divisions 12 – Sign Standards of the City of Webster Land Development Code, as may be amended, renumbered, codified or replaced.

### **SECTION 5. EXCEPTIONS.**

The commercial use of the right-of-way of any road, street or highway within the City street system is expressly prohibited, except that the commercial uses listed below

may occur in the public rights-of-way, but only in compliance with the requirements and conditions set forth herein:

A. City Permitted or Sponsored Special Events.

1. Any portion of a road, street, or highway, including the rights-of-way, within the City street system may be used for an art festival, parade, fair, or other similar special event which is properly permitted by the City pursuant to Division 3, Temporary Use Standard of the Webster Land Development Code, as may be amended, or under control of the City as a City sponsored function.

2. The special events exception is not intended to apply to events for which the primary purpose is the solicitation of funds; or the solicitation for sale of goods, property, or services for educational, religious or political purposes. However, such activities may be permitted if they are clearly adjuncts of a properly permitted special event.

B. Commercial Loading or Unloading.

Temporary parking or stopping for the purpose of loading or unloading of merchandise, wares or passengers being received from or delivered to adjacent property is permissible only in the event a loading zone off the right of-way is not available.

C. Mobile Food Vendors.

1. Any mobile food vendor who has a valid license issued by the Florida Department of Business and Professional Regulation shall be permitted to make sales from his/her vehicle while stopped on the right-of-way to occupants of abutting property only, subject to the following conditions:

- a. Hours of operation shall be sunrise till sunset.
- b. No vehicle shall stop on any arterial or collector street, road or highway.
- c. No vehicle shall back up along any street, road or highway except for emergency conditions.

- d. When pulling over, all vehicles shall stop as close as safely possible to the edge or curb of the street on the right side of the street, road or highway.
- e. All vehicles may temporarily stop in the same location. A temporary stop shall not exceed the time necessary to sell to immediate purchasers and in no event shall a stop exceed fifteen (15) minutes.

For purposes of this Subsection, a mobile food vendor is a person who sells food to the public from a vehicle which is self-propelled or otherwise readily moveable from place to place and which operates from an approved base commissary.

D. Charitable Solicitation Drives.

1. Charitable solicitation drives may be conducted on or along the right-of-way of any road, street or highway within the City street system under the following conditions:

- a. Such drives are conducted by sworn and/or certified law enforcement officers or firefighters; or
- b. Such drives are conducted by an organization that is qualified under Section 501 of the Internal Revenue Code and registered under Chapter 496, *Florida Statutes*, or a person or organization acting on behalf of that organization under the following conditions:
  - (i) The organization, or the person or organization acting on behalf of the organization, must obtain a permit from the City for the conduct of the solicitation drive and must provide all of the following:
    - A. No fewer than 14 calendar days prior to the proposed solicitation, the name and address of the person or organization that will perform the solicitation and the name and address of the organization that will receive funds from the solicitation.
    - B. For review and comment, a plan for the safety of all persons participating in the solicitation, as well as

the motoring public, at the locations where the solicitation will take place.

- C. Specific details of the location or locations of the proposed solicitation and the hours during which the solicitation activities will occur.
  - D. Proof of commercial general liability insurance against claims for bodily injury and property damage occurring on streets, roads, or rights-of-way or arising from the solicitor's activities or use of the streets, roads, or rights-of-way by the solicitor or the solicitor's agents, contractors, or employees. The insurance shall have a limit of not less than \$1 million per occurrence for the general aggregate. The certificate of insurance shall name the City as an additional insured and shall be filed with the City of Webster City Clerk no later than 72 hours before the date of the solicitation.
  - E. Proof of registration with the Department of Agriculture and Consumer Services pursuant to Section 496.405, *Florida Statutes*, or proof that the soliciting organization is exempt from the registration requirement.
- (ii) Organizations or persons meeting the requirements of subparagraphs (b)(i)(A-E) may solicit for a period not to exceed 10 cumulative days within 1 calendar year.
  - (iii) All solicitation shall occur during daylight hours only and shall follow standard permit conditions.
  - (iv) Solicitation activities shall not interfere with the safe and efficient movement of traffic and shall not cause danger to the participants or the public. No person may be in the lanes of traffic upon change from red traffic signal to green traffic signal for those lanes of traffic.
  - (v) No person engaging in solicitation activities shall persist after solicitation has been denied, act in a demanding or harassing manner, or use any sound or voice-amplifying apparatus or device.

- (vi) All persons participating in the solicitation shall be at least 18 years of age and shall possess picture identification.
- (vii) Approved signage providing notice of the solicitation shall be posted at least 500 feet before the site of the solicitation. Other safety devices may be required by the City.
- (viii) Law enforcement for the City, or Sumter County Law Enforcement, may stop solicitation activities if any conditions or requirements of this Section are not met.
- (ix) Any Veterans organization requesting permission to solicit contributions on the City street system and/or intersections must be a Nationally Registered Veterans Organization recognized and chartered by Congress.

**SECTION 6. DANGEROUS OR DAMAGING USE OF PUBLIC RIGHTS-OF-WAY.**

A. Except as provided herein, or as otherwise permitted by law, it is unlawful to make any use of the public rights-of-way in a manner that interferes with the safe and efficient movement of people and property from place to place on a public road or right-of-way or that causes damage to such public right-of-way. Such prohibited activity includes by way of example and not by way of limitation:

1. Stopping, standing or otherwise occupying a median that is not sufficient pedestrian refuge on an arterial or collector road within the City by a pedestrian when that pedestrian is not in the process of lawfully crossing the road in accordance with applicable traffic and safety laws.
2. Stopping, standing or otherwise occupying a median that is not a sufficient pedestrian refuge through two (2) consecutive opportunities to cross in accordance with applicable traffic and safety laws is prima facie evidence of a violation of this Subsection.
3. A "sufficient pedestrian refuge" is defined as a paved or unpaved median separating lanes of traffic that is at least 6 feet wide, measured from back of curb to back of curb.

4. Engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle, including the transfer of any product or material, while the motor vehicle is located on the travelled portion of an arterial or collector road within the City and is not legally parked.
5. Driving over, across or through any portion of a public roadway or right-of-way that has been designated by the City as non-usable or non-passable due to its use in connection with under or above ground utilities.

For the purpose of this Ordinance the phrase "public rights-of-way" shall be defined as set forth in Section 334.03 (22), *Florida Statutes* (2025) as may be amended from time to time.

6. Nothing in this Section shall prohibit the following:
  - a. Law enforcement, fire and rescue, or other government employees or contractors acting within the scope of their lawful authority.
  - b. A person conducting inspection, construction, maintenance, repair, survey, or other legally authorized services.
  - c. A person responding to lend aid during an emergency situation.
  - d. Use of public roads and rights-of-way that have been closed to vehicular traffic for a special event permitted by the appropriate governmental entity.

## **SECTION 7. ENFORCEMENT AND PENALTIES.**

A. The City may enforce the provisions of this Ordinance by any means available to the City under the controlling provisions of federal or state law. The City Manager, in conjunction with Sumter County Law Enforcement, is authorized to direct the pursuit of any legal remedy available under controlling state law.

B. Without limiting the generality of Subsection (a) of this Section, Sumter County Law Enforcement officers may issue citations for each violation with a fine of \$500.00 under the provisions of F.S. § 162.22. Any person desiring to contest such

citation may elect to do so by filing a request for hearing with the City Clerk within five business days of the date that the citation is issued and the City shall schedule a hearing before a hearing officer appointed by the City or Sumter County to hear such cases.

C. Without limiting the generality of Subsection (a) of this Section, the City or any other agency with jurisdiction, in addition to any other remedies provided by law, may seek in a court of competent jurisdiction an injunction against any person or entity who continually violates this Ordinance and, if the City prevails, it shall be entitled to recover reasonable attorney's fees and court costs in addition to any other relief granted.

D. Parents and guardians are responsible for the violations of minors in their legal custody regardless of whether temporary or permanent.

E. It is prohibited and unlawful to fail to comply with the provisions of this Ordinance.

F. The provisions set forth in Section 316.001, et seq., *Florida Statutes*, may be applied, when not inconsistent with the provisions of this Ordinance, to assist in the implementation and administration of this Ordinance.

## **SECTION 8. DEFINITIONS.**

For the purposes of this Ordinance, the following terms shall have the following meanings:

A. *Public right-of-way* means all portions of any public roadway normally available for use by motor vehicles, including turn lanes, marked bicycle lanes, and emergency stopping lanes, as well as all medians or traffic islands within such

roadways. Public right-of-way shall not include sidewalks or other areas adjacent to the roadway.

B. *Median* means a paved, planted, or unimproved area of land dividing lanes of a street.

#### **SECTION 9. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to implement the provisions of this Ordinance in such manner as may be deemed appropriate.

#### **SECTION 10. SAVINGS.**

The prior actions of the City relating to the regulation of solicitation and the regulation of rights-of-way are hereby ratified and reaffirmed.

#### **SECTION 11. CONFLICTS.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION 12. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

#### **SECTION 13. CODIFICATION.**

The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Webster, Florida* and the Code Codifier of the City Code is hereby authorized and directed to take all necessary and appropriate actions to ensure

that the provisions of this Ordinance are appropriately codified, provided however, Sections 1, 2, 9, 10, 11, 12, 13 and 14 shall not be codified.

**SECTION 14. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon enactment by the City Council and all rates set forth herein shall be applicable to the next billing cycle for each customer following the effective date of this Ordinance.

**PASSED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA**

\_\_\_\_\_  
Anagalys Vigoa, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
LEGALITY:**

\_\_\_\_\_  
Amy Flood, City Clerk

\_\_\_\_\_  
, City Attorney

**CITY OF WEBSTER, FLORIDA  
BUSINESS IMPACT ESTIMATE**

**ORDINANCE NO. 2025-27**

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA,  
AMENDING CHAPTER 30 – PARKS AND RECREATION BY  
ADDING A NEW SECTION 30-25 THAT INCLUDES PROVISIONS  
PROHIBITING SMOKING, VAPING, AND USE OF SMOKELESS  
TOBACCO IN MUNICIPAL PARKS; PROVIDING FOR  
IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR  
A SAVINGS PROVISION; PROVIDING FOR CONFLICTS,  
SEVERABILITY AND SCRIVENERS ERRORS; PROVIDING FOR  
CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Webster is of the view that a business impact estimate is not required by state law for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Webster hereby publishes the following information:

**1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

*Florida Statutes Section 386.209 preempts the regulation of smoking to the State but allows municipalities to restrict smoking within its public parks. This Ordinance regulates smoking, vaping and use of tobacco products within City parks.*

*This Ordinance is enacted for the health, safety, and welfare of the citizens of Webster.*

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Webster: (a) An estimate of direct compliance costs that businesses may reasonably incur; (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and (c) An estimate of the City of Webster regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

*The direct economic impact of the proposed ordinance on private, for-profit businesses in the City is indeterminate.*

*No direct compliance costs are estimated to be incurred by businesses as a result of the adoption of this Ordinance.*

*There is no anticipated regulatory cost to be incurred by the City associated with this Ordinance and no revenue is expected to be received as a result of this Ordinance.*

**3. A Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:**

*It is estimated that there will be no businesses impacted by this Ordinance.*

**4. Additional information the governing body deems useful (if any):**

*There is no additional information deemed useful.*

## ORDINANCE NO. 2025-27

**AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA, AMENDING CHAPTER 30 – PARKS AND RECREATION BY ADDING A NEW SECTION 30-25 THAT INCLUDES PROVISIONS PROHIBITING SMOKING, VAPING, AND USE OF SMOKELESS TOBACCO IN MUNICIPAL PARKS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS, SEVERABILITY AND SCRIVENERS ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Webster ("City Council") has the power and authority to enact this Ordinance under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida* and the provisions of Chapter 163, *Florida Statutes*, and Chapter 166, *Florida Statutes*, and other controlling law of the State of Florida; and

**WHEREAS**, the City enjoys all governmental, corporate and proprietary powers necessary to enact ordinances in order to protect the health, safety and welfare of the City's citizens and residents; and

**WHEREAS**, the City wishes to address safety concerns and introduce regulations regarding smoking and vaping and use of smokeless tobacco within City parks and recreation areas; and

**WHEREAS**, pursuant to section 386.209, *Florida Statutes*, the State legislature preempted the regulation of smoking to the State and prohibits municipalities and counties from regulating smoking within its jurisdiction, however, municipalities are permitted to restrict smoking within public parks that the City owns, but not including the right to restrict the smoking of unfiltered cigars; and

**WHEREAS**, as noted in many published reports, secondhand smoke has been linked to numerous health problems and has been causally linked to cancer and other fatal diseases; and

**WHEREAS**, various articles have reported that electronic smoking devices emit secondhand aerosol which contain nicotine, ultrafine particles and low levels of toxins that are known to cause cancer; and

**WHEREAS**, it has been widely reported that the use of smokeless tobacco products can cause various harmful effects such as dental disease, oral cancer, esophagus cancer, pancreatic cancer, coronary heart disease as well as negative reproductive effects including stillbirth, premature birth and low birth weight; and

**WHEREAS**, the youth of our community and communities throughout Florida currently play on playgrounds, athletic fields, skate parks, aquatic facilities and other recreation facilities where smokers might create secondhand smoke; and

**WHEREAS**, the Center of Disease Control states secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker; and

**WHEREAS**, the City Council has determined that the enactment of this Ordinance is in the best interests of the health, safety and welfare of the citizens of the City of Webster; and

**WHEREAS**, "Smoking" is defined in Chapter 386, Florida Statutes, as "inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product"; and

**WHEREAS**, the City Council finds that all public hearing and notice requirements imposed by general law for the consideration and adoption of this Ordinance have been met.

**NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, FLORIDA AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS.**

A. The City Council agenda memorandum and City staff report, if any, relating to this matter are hereby adopted as if fully set forth herein.

B. The City of Webster has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

C. The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Webster and incorporated into this Ordinance as if set forth *in haec verba*.

**SECTION 2. AMENDMENT TO CODE OF ORDINANCES.**

The City of Webster Code of Ordinances, Chapter 30, ARTICLE II, shall be amended by creating a new **Section 30-25** entitled "**Smoking, Vaping and Use of Smokeless Tobacco Prohibited within Municipal Parks**" which shall read as follows:

Sec. 30-25. – Smoking, Vaping and Use of Smokeless Tobacco Prohibited Within Municipal Parks.

It shall be unlawful for any person to smoke cigarettes, filtered cigars, pipes, use electronic vaporizers, or any other smoking apparatus or vaping device or use smokeless tobacco on playing fields and playgrounds, bleacher areas, dugouts, around team seating areas, concession areas, spectator areas, or any other area not specifically designated as a permitted smoking area within any municipal park or

recreation area. If the City chooses to provide any designated smoking area(s) in any of its parks and recreation areas, such area(s) will be specifically identified by signs indicating that smoking is only permitted in such designated area.

For the purposes of this Section:

**"Smoking"** means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product. However, "unfiltered cigars" shall be exempt from this definition of smoking and

**"Vape" or "vaping"** means to inhale or exhale vapor produced by a vapor generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

**"Smokeless tobacco"** is a tobacco product that is used by means other than smoking; their use involves chewing, sniffing, or placing the product between gum and the cheek or lip; smokeless tobacco products are produced in various forms, such as chewing tobacco, dips, snuff, snus, and dissolvable tobacco products.

Words not otherwise defined herein shall have the meaning set forth in Part II, Chapter 386, Florida Statutes (the Florida Clean Air Act), or shall be construed to mean the common and ordinary meaning.

### **SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to implement the provisions of this Ordinance in such manner as may be deemed appropriate.

#### **SECTION 4. SAVINGS.**

Any prior actions of the City relating to the regulation of smoking and vaping in City parks are hereby ratified and reaffirmed.

#### **SECTION 5. CONFLICTS.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION 6. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

#### **SECTION 7. CODIFICATION.**

The provisions set forth in Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Webster, Florida* and the Code Codifier of the City Code is hereby authorized and directed to take all necessary and appropriate actions to ensure that the provisions of this Ordinance are appropriately codified, provided however, Sections 1, 3, 4, 5, 6, 7, and 8 shall not be codified.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon adoption of this Ordinance by the City Council.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**PASSED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY COUNCIL OF THE CITY  
OF WEBSTER, FLORIDA**

\_\_\_\_\_  
Anagalys Vigoa, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND  
LEGALITY:**

\_\_\_\_\_  
Amy Flood, City Clerk

\_\_\_\_\_  
, City Attorney