

**Meeting Notice is posted per Florida Statute,
violators who remove this agenda could be prosecuted.**



AGENDA
PLANNING AND ZONING BOARD
CITY OF WEBSTER
Webster City Hall, 85 E. Central Avenue
December 14, 2023 - 6:00 P.M.

I. CALL TO ORDER

Pledge of Allegiance, Invocation
Roll Call and Determination of Quorum

Note. All public comment will be limited to 3 minutes per speaker. Anyone wishing to speak during citizen's forum or on an agenda item must fill out a speaker card and present it to the City Clerk prior to being recognized. All comments will be addressed after all speakers have spoken during citizen's forum or on a particular agenda item.

II. APPROVAL OF MINUTES

Planning & Zoning – November 9, 2023
M_____ S_____ Roll Call Vote

III. PUBLIC HEARING

Approval of Ordinance 2023-28 Comp Plan Amendment-Parcel ID N36-101, N36-219-Wintersteen
M_____ S_____ Roll Call Vote

Approval of Ordinance 2023-29 Rezoning-Parcel ID N36-101, N36-219-Wintersteen
M_____ S_____ Roll Call Vote

Approval of Ordinance 2023-30 Comp Plan Amendment-Parcel ID T07-050-Thornton
M_____ S_____ Roll Call Vote

Approval of Ordinance 2023-31 Rezoning-Parcel ID T07-050-Thornton
M_____ S_____ Roll Call Vote

IV. ADJOURNMENT

M_____ S_____ Roll Call Vote

PLEASE NOTE IN ACCORDANCE WITH FLORIDA STATUTE 286.105, ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. ALSO, IN ACCORDANCE WITH FLORIDA STATUTE 286.26; PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THE PROCEEDINGS SHOULD CONTACT THE OFFICE OF THE CITY CLERK; 85 E. CENTRAL AVENUE; WEBSTER, FLORIDA; (352) 793-2073; 48 HOURS IN ADVANCE.



MINUTES

CITY OF WEBSTER

City Hall, 85 E Central Avenue

November 9, 2023

Planning and Zoning Meeting

6:00 P.M.

I. CALL TO ORDER

Chairwoman Yost called the meeting of the City of Webster Planning and Zoning Board to order at 6:00p.m. Present were board members: Kristin Green, Sandra McClanahan, and Chairwoman Diana Yost. Board Members Darrell Elliott and Shadae Solomon were absent.

II. APPROVAL OF THE MINUTES

Board Member Green made a motion for approval of the minutes for October 12, 2023, seconded by Board Member McClanahan.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member McClanahan-Yes

Motion passed 3-0

III. PUBLIC HEARING

Board Member McClanahan made a motion for approval of Ordinance 2023-27 Annexation-Parcel ID T07-050-Geri and Tyrus Thornton, seconded by Board Member Green.

County Planner Sue Farnsworth apprised board members about the Ordinance.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member McClanahan-Yes

Motion passed 3-0

Board Member Green made a motion for approval of the variance for setback for donated property to Habitat for Humanity, seconded by Board Member McClanahan.

County Planner Sue Farnsworth apprised board members about the Ordinance.

Vote was as follows:

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member McClanahan-Yes

Motion passed 3-0

IV. ADJOURNMENT

Board Member McClanahan made a motion to adjourn, seconded by Board Member Green.

Chairwoman Yost-Yes

Board Member Green-Yes

Board Member McClanahan-Yes

Motion passed 3-0

Meeting adjourned at 6:14 P.M.

Deanna Naugler, City Manager

Attest:

Amy Flood, City Clerk

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; 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 14 ACRES (TAX PARCEL IDENTIFICATION NUMBERS N36-101 AND N36-219), AND DESCRIBED IN THIS ORDINANCE FROM THE COMMERCIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE COMMERCIAL FUTURE LAND USE DESIGNATION (WEBSTER); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John and Alice Wintersteen, mailing address: 2484 E C-478, Webster FL 33597 (Tax Parcel Identification Number N36-219); and Reinaldo Rose, mailing address 7015 Howard Ave, Tampa, FL 33606 (Tax parcel N36-101) are the owners of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 14 +/- acres in size, is located on the north side of E C-478; and

WHEREAS, John and Alice Wintersteen owned the subject property, both parcels N36-101 and N36-219, in February 2023 when they 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 State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the Commercial (County) future land use designation to the Commercial 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 State law.

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 law 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 Commercial (County) land use designation to the Commercial 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 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. 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 7. 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 large scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this 18th day of January, 2024.

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

Bobby Yost, Mayor

Approved as to form and Legality:

ATTEST:

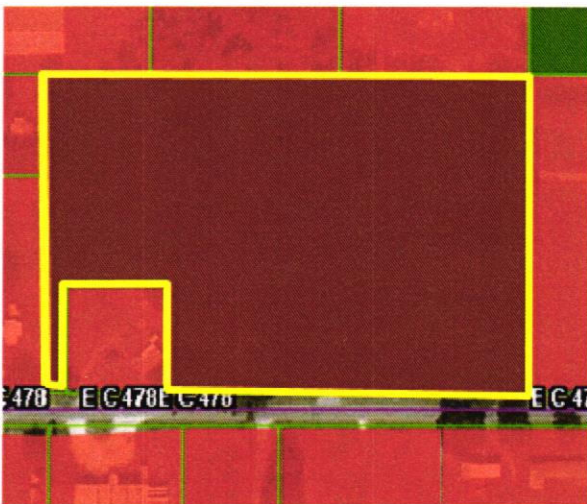
**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

ATTACHMENT 1
Future Land Use Map



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  Commercial (County)
-  Commercial (City)
-  Recreation (City)

ATTACHMENT 2
Legal Description

Parcels N36-219 AND N36-101

IN SEC 36, TWP 21S, RNG 22E:

THE E 530 FT OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$;

AND

THE EAST 463 FT OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$

LESS

BEG AT NE COR OF NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ RUN W 270.59 FT S 1289.58 FT TO POB RUN W
173.14 FT N 210 FT E 210 FT S 210 FT W 36.86 FT TO POB

CITY OF WEBSTER

SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

**PLANNING & ZONING
DECEMBER 14, 2023**

**CITY COUNCIL
DECEMBER 21, 2023
JANUARY 18, 2024**

CASE NUMBER: SS-23-18816

LANDOWNER: Alice and John Wintersteen, and Reinaldo Rose

APPLICANT: City of Webster

REQUESTED ACTION: A small scale land use amendment on 14 acres MOL to change the future land use assignment from County – Commercial to City of Webster – Commercial following annexation.

PARCEL NUMBER: N36-101 and N36-219

LEGAL DESCRIPTION: See Attachment 1.

PARCEL SIZE: 14 acres MOL

LOCATION: North side of E C-478, 400-foot east of CR 733 (Map 1).

GENERAL DESCRIPTION AND BACKGROUND

This land use amendment is being initiated by staff in conjunction with voluntary annexation into the City. This amendment will add the property to the City's Future Land Use Map with a Commercial future land use assignment (Map 2) consistent with the Webster Joint Planning Area Agreement land use map. The property has a single family residence. A portion of the property is in use as parking for the flea markets. The property is currently designated Commercial on the County Future Land Use Map. The surrounding properties are also designated Commercial on the County future land use map. This amendment will allow for continued commercial use. The surrounding area is commercial in nature.

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 meet four (4) of the sprawl test criteria in Florida Statutes Chapter 163.3177.9(b) (Attachment 2).

Environmental Resources

The property has been highly impacted by residential and commercial uses and does not contain significant natural resources.

Historic Resources

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

Population and Housing

The proposed amendment will not impact the availability of housing.

CONCURRENCY ANALYSIS

Potable Water & Sewer

Water and sewer service is available in the area. Connection will be required at the time of redevelopment.

Stormwater Drainage

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

CONSISTENCY WITH POLICIES OF THE COMPREHENSIVE PLAN

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

Policy 1.2.9 General Commercial

The "General Commercial" future land use category is applied to land suitable for commercial activity with access from an arterial or collector road. Residential uses may be allowed secondarily to a principle commercial use. Residential uses are limited to an owner/operator/manager unit, or dwellings integrated into a mixed-use commercial development (i.e. mixed-use structures, upper flats, and loft apartments). Central water and sewer shall be utilized when available.

- a. General commercial may be located within or outside the UDA;
- b. The maximum floor area ratio when located within a Primary Economic Activity Center is 0.7;
- c. The maximum floor area ratio when located inside the UDA boundary is 0.5; and
- d. The maximum floor area ratio when located outside the UDA is 0.3.

The subject property is located in a commercial area along a collector road. It is currently in use as commercial parking for the flea markets. There is water and sewer service available. The property is suitable for continued commercial use.

Future Land Use Policy 1.3.8 Compatibility for Rezoning and Amendments

Proposed rezonings and future land use amendments 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 the potential land uses; and

The requested future land use assignment is consistent with the surrounding commercial neighborhood and will allow for continued commercial use.

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

PUD development is an option when the property is redeveloped.

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 IMPROVEMENTS PLAN

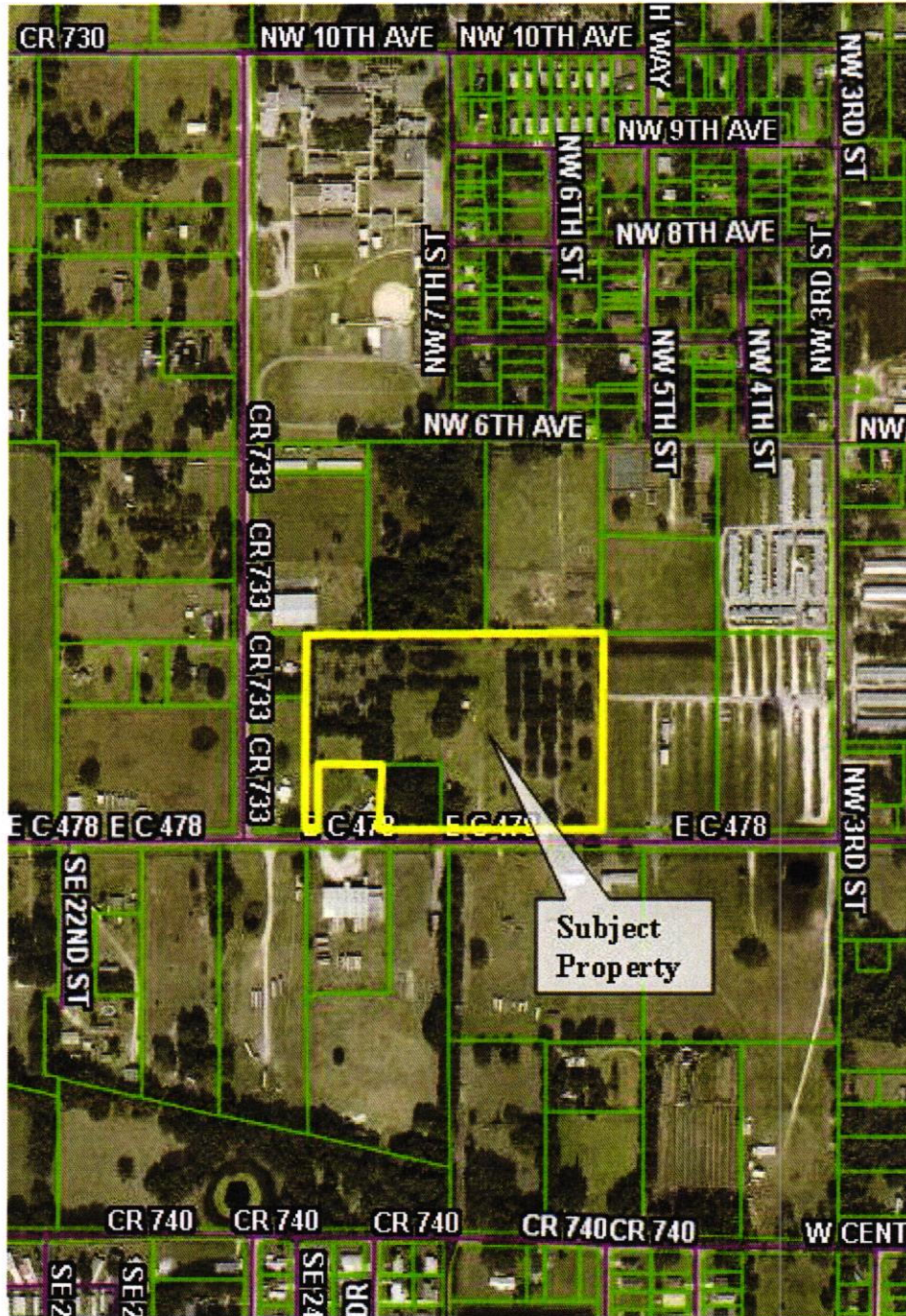
The proposed amendment does not affect the City's Capital Improvements program.

CONCLUSIONS

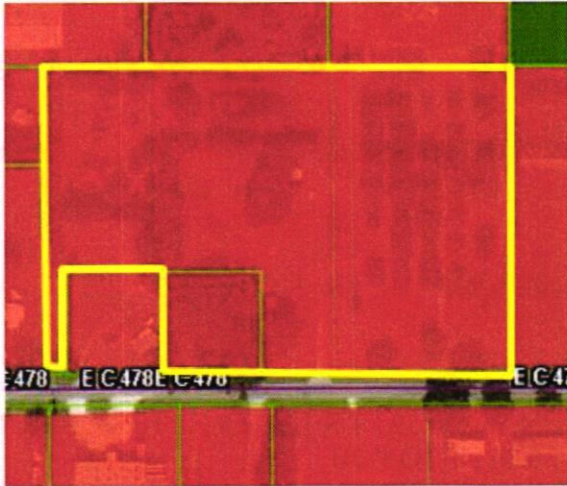
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster County Land Development Code and Comprehensive Plan and recommends approval of the petition.

Notices Sent: 19

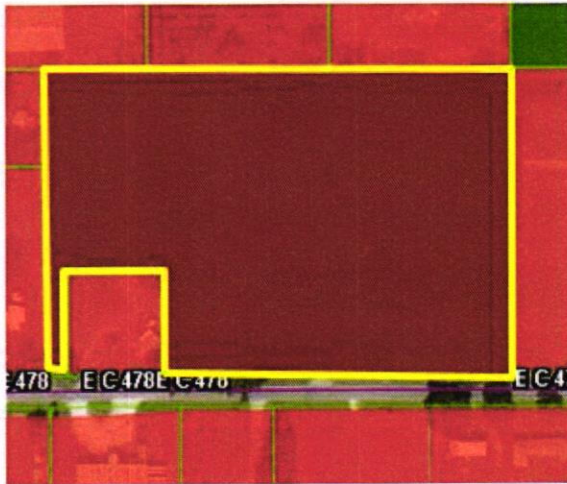
Map 1
General Location






Future Land Use Map



Existing Future Land
Use Designations



Proposed Future Land
Use Designations

-  Commercial (County)
-  Commercial (City)
-  Recreation (City)

Attachment 1

Parcels N36-219 AND N36-101

IN SEC 36, TWP 21S, RNG 22E:

THE E 530 FT OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$;

AND

THE EAST 463 FT OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$

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Attachment 2
URBAN SPRAWL ANALYSIS

The Community Planning Act (Florida Statutes Chapter 163) requires future land use amendments to include an analysis to determine whether the proposed amendment contributes to urban sprawl. The proposed land use amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9.a and listed below.

- I. Promotes, allows, or designates for development substantially areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses. **The project site does not make up a substantial part of the City.**
- II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development. **The subject property is an infill project within an existing, vested, residential neighborhood. The property does not makeup a substantial part of the City.**
- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The proposed amendment will allow infill development of an existing, vested lot and will not promote radial, strip, isolated, or ribbon development patterns.**
- IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. **The subject property does not contain significant native vegetation and does not include any Special Flood Hazard Areas.**
- V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils. **The proposed land use change will have no impact on Agricultural uses.**
- VI. Fails to maximize use of existing public facilities and services. **The subject property will be required to connect to City utilities when they become available**
- VII. Fails to maximize use of future public facilities and services. **The subject property will be required to connect to City utilities when they become available**
- VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. Fails to provide a clear separation between rural and urban land uses. **The proposed land use amendment will not disproportionately increase the cost of public services in the area.**

- IX. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. **The requested amendment is an infill project.**
- X. Fails to encourage a functional mix of uses. **The proposed amendment will not discourage a functional mix of uses.**
- XI. Results in poor accessibility among linked or related land uses. **The proposed land use amendment will not affect the accessibility of adjacent lands.**
- XII. Results in the loss of significant amounts of functional open space. **The subject property does not impact functional open space.**

Further, a future land use amendment is required to meet four or more criteria listed in FS 163.3177.9.b. The proposed land use amendment meets the following four listed criteria:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on that protects natural resources and ecosystems. **The subject property does not contain significant native vegetation.**
- (V) Preserves Agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils. **The proposed amendment will not affect agricultural areas.**
- (V) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area. **The land use change will not significantly affect the mixture of land uses.**
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area. **The requested amendment will maintain the balance of land uses and allow use of a vested, residential lot.**

AFFIDAVIT OF PUBLICATION

Sumter Sun Times

Published Weekly

, Sumter County, Florida

Case No. SST/WINTERSTEEN LEGAL AD

STATE OF FLORIDA
COUNTY OF SUMTER

Before the undersigned authority, Jessica Whaley, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Sumter Sun Times, a newspaper published at in Sumter County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

November 30, 2023

Affiant further says that the Sumter Sun Times newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

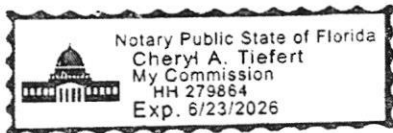
Jessica Whaley (signature)
Jessica Whaley

Sworn to and subscribed before me this 30th day of November 2023 by Jessica Whaley, who is personally

Cheryl A. Tiefert (signature)
Cheryl A. Tiefert, Clerk, Notary Number: #HH279864
Notary expires: June 23, 2026

00037612 00142515

Sumter County BOCC
7375 Powell Road
Wildwood, FL 34785



NOTICE OF INTENT TO CONSIDER CITY OF WEBSTER ORDINANCES FOR LAND USE CHANGE AND REZONING

NOTICE IS HEREBY GIVEN that the City Council of the City of Webster will consider the enactment of City Ordinances on the following subject:

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; 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 14 ACRES (TAX PARCEL IDENTIFICATION NUMBERS N36-101 AND N36-219), AND DESCRIBED IN THIS ORDINANCE FROM THE COMMERCIAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE COMMERCIAL FUTURE LAND USE DESIGNATION (WEBSTER); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

And AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 14 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBERS N36-101 AND N36-219) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO CL, LIGHT COMMERCIAL 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.

Both ordinances are for properties owned by Alice and John Wintersteen (N36- 219) and Rose Reinaldo (N36-101) described as follows: LOCATED IN THE NORTH 1/2 OF THE SOUTH 1/2 OF SEC 36, TWP 21S, RNG 22 E, - Full legal description available upon request.

Requested action:
SS-23-18611: Small scale comprehensive plan amendment to change the future land use from Commercial (County) to Commercial (Webster) on 14 acres MOL following annexation.
R-23-018612: Rezone the same property from RR1 (Rural Residential -County) to CL (Light Commercial- Webster).

The proposed ordinances will be heard at three (3) public hearings as follows:

Planning and Zoning Board
6:00 PM, December 14, 2023

City Council - first reading
6:00 PM, December 21, 2023

City Council - second reading and final votes
6:00 P.M., January 18, 2023

The meetings will be held at the Webster City Hall, located at 85 E. Central Ave, Webster, FL.

The proposed ordinances may be inspected at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or Sumter County Development Services Department located at 7375 Powell Road, Suite 115, Wildwood, FL, between the hours of 7:30 A.M. and 4:00 P.M. Monday through Friday.

All persons are advised that if they decide to appeal any decision made by the Council on this matter, they will need a record of the proceedings, and may need to ensure that a verbatim record is made, which includes testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA) any person with a disability requiring reasonable accommodations in order to participate in this Public Hearing should call the City Manager at (352) 793-2073 at least 48 hours prior to the meeting time.

ORDINANCE NO. 2023-29

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 14 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBERS N36-101 AND N36-219) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO CL, LIGHT COMMERCIAL 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, John and Alice Wintersteen, mailing address: 2484 E C-478, Webster FL 33597 (Tax Parcel Identification Number N36-219); and Reinaldo Rose, mailing address 7015 Howard Ave, Tampa, FL 33606 (Tax Parcel N36-101) are the owners of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 14 +/- acres in size, is located on the north side of E C-478 (Map); and

WHEREAS, John and Alice Wintersteen owned the subject property, both parcels N36-101 and N36-219, in February 2023 when they 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 State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the RR1 (Rural Residential -County) zoning assignment to the CL (Light Commercial) zoning assignment;

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 State law.

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 14 acres MOL in size, is located on the north side of E C-478 (Tax Parcel Numbers N36-219 and N36-101). 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 law 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 14 acres MOL in size, shall be rezoned from RR1(County) zoning districts/classification to CL 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 the Attachment 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 2023- relating to the Comprehensive amendment becomes effective.

PASSED AND ENACTED this 18th day of January, 2024.

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

Bobby Yost, Mayor

Approved as to form and

ATTEST:
Legality:

Amy Flood
City Clerk

William L. Colbert
City Attorney

**Attachment A
Legal Description**

Parcels N36-219 AND N36-101

IN SEC 36, TWP 21S, RNG 22E:

THE E 530 FT OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$;

AND

THE EAST 463 FT OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$

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**CITY OF WEBSTER
REZONING APPLICATION**

**PLANNING & ZONING
DECEMBER 14, 2023**

**CITY COUNCIL
DECEMBER 21, 2023
JANUARY 18, 2024**

CASE NUMBER: R-23-018819

LANDOWNERS: Alice and John Wintersteen, and Reinaldo Rose

APPLICANT: City of Webster

REQUESTED ACTION: Rezone 14 acres from RR1 (Rural Residential-County) to CL (Light Commercial-Webster) concurrent with small scale amendment SS-23-18816.

PARCEL NUMBERS: N36-101 and N36-219

LEGAL DESCRIPTION: See Attachment.

EXISTING ZONING: County – RR1 (Rural Residential allowing for mobile homes)

EXISTING USE: house and commercial parking

FUTURE LAND USE: Commercial (concurrent application)

PARCEL SIZE: 14 acres MOL

LOCATION: North side of E C-478, 400-foot east of CR 733 (Map 1).

SURROUNDING LAND USE AND ZONING

The subject property is located adjacent to the flea markets on C-478, a collector road. It is currently in use as a residential homesite and market parking. The property was annexed into the City in February 2023. Surrounding zoning assignments include

Commercial (CH-County south and east, and CL-County north) and Rural Residential (RR1-County north south and west)(Map 2). The neighborhood is commercial in nature.

CASE SUMMARY

The rezoning will add the property to the City's Zoning Map with a CL (Light Commercial) zoning designation. The CL zoning assignment will allow for a variety of commercial and retail uses where all business activity occurs within a building. It does not allow for outdoor storage or outdoor sales. The property used for flea market parking is a vested and can continue under the CL zoning assignment as a nonconforming use.

CASE ANALYSIS:

The request is to adopt City zoning following annexation. This application is concurrent with small scale land use amendment SS-23-18816 which seeks a Commercial Future Land Use assignment

LDC Section 13-313 (d), *General Administration of Amendment and Permit Applications-Review and Approval Process*, provides for the following review criteria for LDC and zoning map amendments:

- a) Change of conditions, or absence of changed conditions.
The property has been annexed into Webster and needs to be adopted onto the City zoning map.
- b) Community need, or lack of community need.
The requested rezoning will allow commercial redevelopment in a commercial area.
- c) Benefits to the community.
The rezoning will benefit the community by allowing expanded commercial options near the flea markets
- d) The rights of private property owners.
This rezoning will preserve the existing rights currently in place with County land use and zoning.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS

Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster Land Development Code and Comprehensive Plan and recommends approval contingent upon approval of future land use amendment SS-23-18816.

Notices Sent: 19

Map 1
General Location



ORDINANCE NO. 2023-30

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; 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 0.95 ACRES (TAX PARCEL IDENTIFICATION NUMBER T07-050), AND DESCRIBED IN THIS ORDINANCE FROM THE AGRICULTURAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE RURAL RESIDENTIAL FUTURE LAND USE DESIGNATION (CITY); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Geri and Tyris Thornton, mailing address: PO Box 366, Webster FL 33597 (Tax Parcel Identification Number T07-050), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 0.95 +/- acres in size, is located on the west side of CR 723, 400 ft south of CR 758 off a private easement; and

WHEREAS, Geri and Tyris Thornton have 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 State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the Agricultural (County) future land use designation to the Rural Residential 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 State law.

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 law 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 Agricultural (County) land use designation to the Rural

Residential 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 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. 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 7. 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 large scale amendment is in compliance with controlling State law.

PASSED AND ENACTED this _____ day of _____, 2024.

CITY COUNCIL OF THE CITY OF
WEBSTER, FLORIDA

Bobby Yost, Mayor

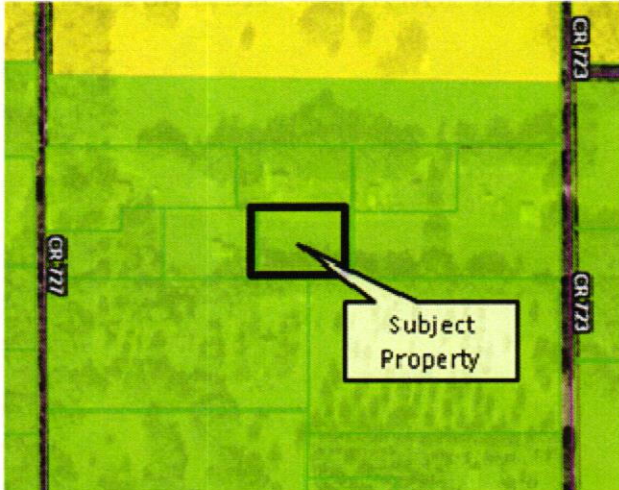
ATTEST:

Approved as to form and Legality:

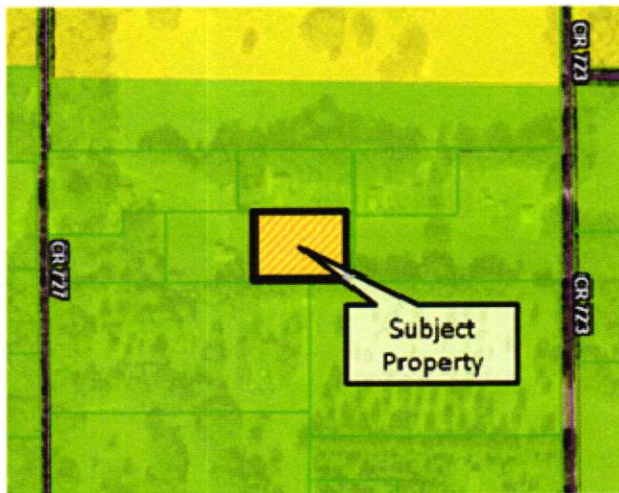
Amy Flood
City Clerk

William L. Colbert
City Attorney




ATTACHMENT 1
Future Land Use Map



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  Agriculture (County)
-  Rural Residential (County)
-  Rural Residential (City)

ATTACHMENT 2
Legal Description

LOT 5- BEGIN 362.00 FT SOUTH AND 552.42 FT EAST OF THE NW CORNER OF THE NW
¼ OF THE NE ¼ OF SEC 7, TWP 22 S, RNG 23 E, RUN SOUTH 175.00 FT, EAST 239.52 FT,
NORTH 175.00 FT, WEST 239.52 FT TO THE POB.

CITY OF WEBSTER
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

PLANNING & ZONING
DECEMBER 14, 2023

CITY COUNCIL
DECEMBER 21, 2023
JANUARY 18, 2024

CASE NUMBER: SS-23-18611

LANDOWNER: Geri and Tyris Thornton

APPLICANT: City of Webster

REQUESTED ACTION: A small scale land use amendment on 0.95 acres MOL to change the future land use assignment from County – Agricultural to City of Webster – Rural Residential following annexation.

PARCEL NUMBER: T07-050

LEGAL DESCRIPTION: LOT 5- BEGIN 362.00 FT SOUTH AND 552.42 FT EAST OF THE NW CORNER OF THE NW ¼ OF THE NE ¼ OF SEC 7, TWP 22 S, RNG 23 E, RUN SOUTH 175.00 FT, EAST 239.52 FT, NORTH 175.00 FT, WEST 239.52 FT TO THE POB.

PARCEL SIZE: 0.95 acres MOL

LOCATION: West side of CR 723, 400 ft south of CR 758 off a private easement(Map 1).

GENERAL DESCRIPTION AND BACKGROUND

This land use amendment is being initiated by staff in conjunction with voluntary annexation into the City. This amendment will add the property to the City’s Future Land Use Map with a Rural Residential future land use assignment (Map 2) consistent with the Webster Joint Planning Area Agreement land use map. The property is currently designated Agricultural on the County Future Land Use Map. This amendment will allow for single-family residential use.

The subject property is a vested residential lot in the Grapevine community. The lot is located in a small family subdivision where one-acre lots share an access easement. A single family home is currently under construction. The Rural Residential Future Land Use district is 320-ft north of the subject property. The surrounding neighborhood is rural residential in nature.

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 meet four (4) of the sprawl test criteria in Florida Statutes Chapter 163.3177.9(b) (Attachment).

Environmental Resources

The property is a cleared residential lot. It does not contain significant natural resources.

Historic Resources

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

Population and Housing

The proposed amendment will not impact the availability of housing.

CONCURRENCY ANALYSIS

Potable Water & Sewer

Water service is not available in the area. Connection will be required in the future when public utilities become available.

Stormwater Drainage

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

CONSISTENCY WITH POLICIES OF THE COMPREHENSIVE PLAN

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

Policy 1.2.5 Rural Residential

The “Rural Residential” future land use category is applied to land that is primarily used for or is suitable for residential uses and residential accessory uses. This land use category is typically located within or adjacent to incorporated cities and includes unincorporated residential communities. Accessory uses are limited activities that are customary and incidental to residential use undertaken for the personal use and enjoyment of the residential occupant.

Secondary uses include small-scale, neighborhood-serving commercial uses, community facilities as described in Policy 1.6.4, public schools, parks, conservation, and agriculture.

- a. This land use category may be applied to lands within or outside the UDA;
- b. Maximum gross density is 2 dwelling units per acre when located inside the UDA, subject to use of central water and sewer services;
- c. Maximum gross density when located outside the UDA or inside the UDA with no central water and sewer service is 1 dwelling unit per acre

This property is located in a residential area with homes on lots one half-acre in size and larger. The surrounding development is rural residential in nature with a mixture of housing types. It is located inside the Urban Development Area (UDA). The property is suitable for residential use.

Future Land Use Policy 1.3.8 Compatibility for Rezoning and Amendments

Proposed rezonings and future land use amendments 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 the potential land uses; and

The requested future land use assignment is consistent with the surrounding neighborhood where homes are located on lots greater than one-half acre.

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

PUD development would not be appropriate for this parcel.

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 IMPROVEMENTS PLAN

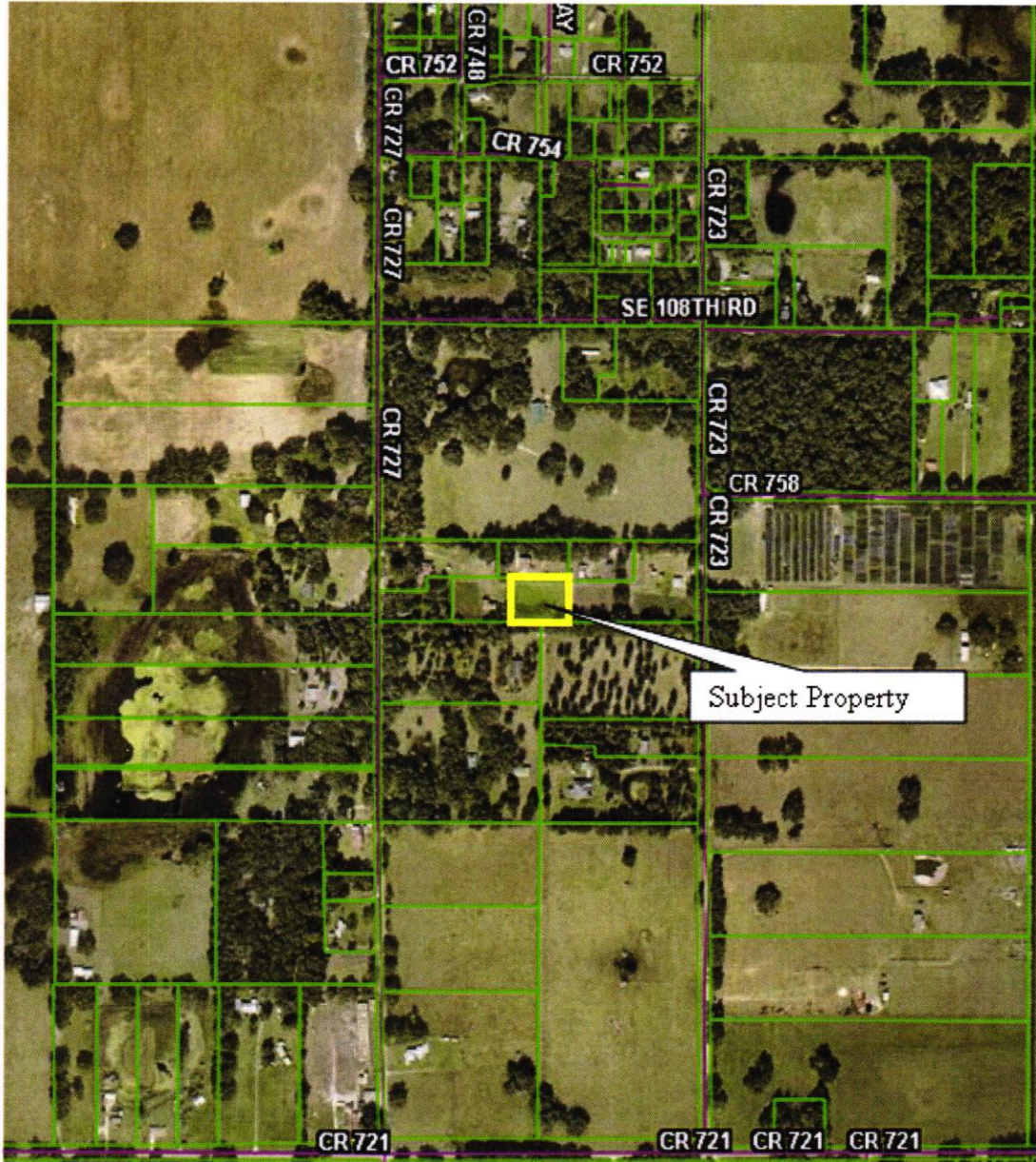
The proposed amendment does not affect the City’s Capital Improvements program.

CONCLUSIONS

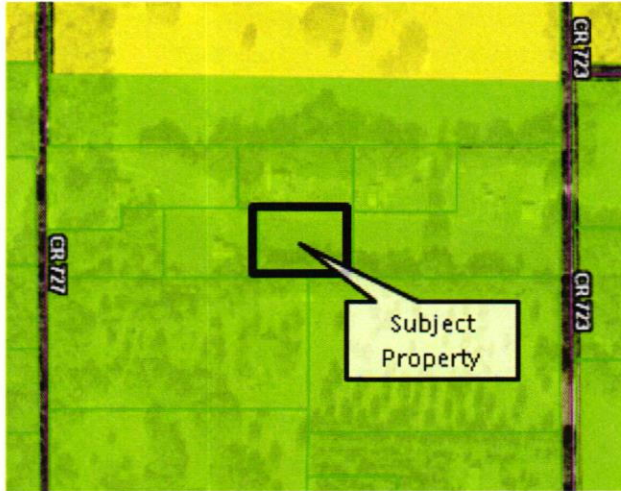
Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster County Land Development Code and Comprehensive Plan and recommends approval of the petition.

Notices Sent: 13

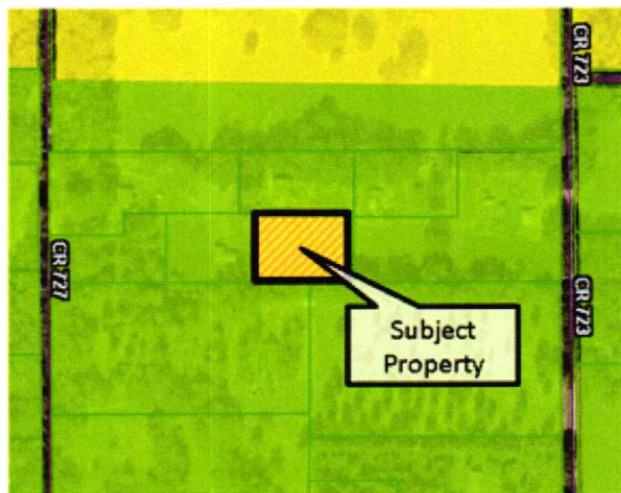
Map 1
General Location






Future Land Use Map



Existing Future Land Use Designations



Proposed Future Land Use Designations

-  Agriculture (County)
-  Rural Residential (County)
-  Rural Residential (City)

Attachment
URBAN SPRAWL ANALYSIS

The Community Planning Act (Florida Statutes Chapter 163) requires future land use amendments to include an analysis to determine whether the proposed amendment contributes to urban sprawl. The proposed land use amendment does not display the sprawl indicators as identified in Florida Statutes Chapter 163.3177.9.a and listed below.

- I. Promotes, allows, or designates for development substantially areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses. **The project site does not make up a substantial part of the City.**
- II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development. **The subject property is an infill project within an existing, vested, residential neighborhood. The property does not makeup a substantial part of the City.**
- III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments. **The proposed amendment will allow infill development of an existing, vested lot and will not promote radial, strip, isolated, or ribbon development patterns.**
- IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems. **The subject property does not contain significant native vegetation and does not include any Special Flood Hazard Areas.**
- V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils. **The proposed land use change will have no impact on Agricultural uses.**
- VI. Fails to maximize use of existing public facilities and services. **The subject property will be required to connect to City utilities when they become available**
- VII. Fails to maximize use of future public facilities and services. **The subject property will be required to connect to City utilities when they become available**
- VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. Fails to provide a

clear separation between rural and urban land uses. **The proposed land use amendment will not disproportionately increase the cost of public services in the area.**

- IX. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities. **The requested amendment is an infill project.**
- X. Fails to encourage a functional mix of uses. **The proposed amendment will not discourage a functional mix of uses.**
- XI. Results in poor accessibility among linked or related land uses. **The proposed land use amendment will not affect the accessibility of adjacent lands.**
- XII. Results in the loss of significant amounts of functional open space. **The subject property does not impact functional open space.**

Further, a future land use amendment is required to meet four or more criteria listed in FS 163.3177.9.b. The proposed land use amendment meets the following four listed criteria:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on that protects natural resources and ecosystems. **The subject property does not contain significant native vegetation.**
- (V) Preserves Agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils. **The proposed amendment will not affect agricultural areas.**
- (V) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area. **The land use change will not significantly affect the mixture of land uses.**
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area. **The requested amendment will maintain the balance of land uses and allow use of a vested, residential lot.**

AFFIDAVIT OF PUBLICATION

Sumter Sun Times

Published Weekly

Sumter County, Florida

Case No. WEBSTER/NOTICE OF INTENT

STATE OF FLORIDA
COUNTY OF SUMTER

Before the undersigned authority, Jessica Whaley, personally appeared who on oath says that she is the Classified Advertising Legal Clerk of Sumter Sun Times, a newspaper published at in Sumter County, Florida; that the attached copy or reprint of the advertisement, to the right, being a Public Notice, was published in said newspaper by print in the issues of or by publication on the newspaper's website, if authorized, on:

November 23, 2023

Affiant further says that the Sumter Sun Times newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

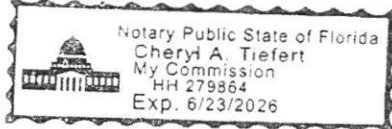
Handwritten signature of Jessica Whaley
Jessica Whaley

Sworn to and subscribed before me this 23rd day of November 2023 by Jessica Whaley, who is personally

Handwritten signature of Cheryl A. Tiefert
Cheryl A. Tiefert, Clerk, Notary Number: #HH279864
Notary expires: June 23, 2026

00037612 00142230

Sumter County BOCC
7375 Powell Road
Wildwood, FL 34785



NOTICE OF INTENT TO CONSIDER CITY OF WEBSTER ORDINANCES FOR LAND USE CHANGE AND REZONING

NOTICE IS HEREBY GIVEN that the City Council of the City of Webster will consider the enactment of City Ordinances on the following subject:

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA AMENDING THE CITY OF WEBSTER COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; 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 0.95 ACRES (TAX PARCEL IDENTIFICATION NUMBER T07-050), AND DESCRIBED IN THIS ORDINANCE FROM THE AGRICULTURAL FUTURE LAND USE DESIGNATION (COUNTY) TO THE RURAL RESIDENTIAL FUTURE LAND USE DESIGNATION (CITY); 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 DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

And AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 0.95 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER T07-050) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO R4C, SUBURBAN RESIDENTIAL 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.

Both ordinances are for property being annexed into the City of Webster, owned by Geri and Tyrin Thornton; generally described as follows: LOT 5- BEGIN 362.00 FT SOUTH AND 552.42 FT EAST OF THE NW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SEC 7, TWP 22 S, RNG 23 E, RUN SOUTH 175.00 FT, EAST 239.52 FT, NORTH 175.00 FT, WEST 239.52 FT TO THE POB.

Requested action:
SS-23-18611: Small scale comprehensive plan amendment to change the future land use from Agricultural (County) to Rural Residential (Webster) on 0.95 acres MOL following annexation.
R-23-018612: Rezone the same property from R2M (County) to R4C (Webster).

The proposed ordinances will be heard at three (3) public hearings as follows:

Planning and Zoning Board
6:00 PM, December 14, 2023

City Council - first reading
6:00 PM, December 21, 2023

City Council - second reading and final votes
6:00 P.M., January 18, 2023

The meetings will be held at the Webster City Hall, located at 85 E. Central Ave, Webster, FL.

The proposed ordinances may be inspected at City Hall between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday or Sumter County Development Services Department located at 7375 Powell Road, Suite 115, Wildwood, FL, between the hours of 7:30 A.M. and 4:00 P.M. Monday through Friday.

All persons are advised that if they decide to appeal any decision made by the Council on this matter, they will need a record of the proceedings, and may need to ensure that a verbatim record is made, which includes testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA) any person with a disability requiring reasonable accommodations in order to participate in this Public Hearing should call the City Manager at (352) 793-2073 at least 48 hours prior to the meeting time.

ORDINANCE NO. 2023-31

AN ORDINANCE OF THE CITY OF WEBSTER, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 0.95 ACRES, MORE OR LESS, IN SIZE (TAX PARCEL IDENTIFICATION NUMBER T07-050) WITHIN THE CITY LIMITS (MAP OF PROPERTY ATTACHED) TO R4C, SUBURBAN RESIDENTIAL 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, Geri and Tyris Thornton, mailing address: PO Box 366, Webster FL 33597 (Tax Parcel Identification Number T07-050), is the owner of the property which is the subject of this Ordinance; and

WHEREAS, The real property, totaling 0.95 +/- acres in size, is located on the west side of CR 723, 400 ft south of CR 758 off a private easement; and

WHEREAS, Geri and Tyris Thornton have 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 State law and the Code of Ordinances of the City of Webster, is petitioning to have the subject property reassigned from the R2M (County) zoning assignment to the R4C zoning assignment;

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 State law.

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 0.95 acres MOL in size, is located on the West side of CR 723, 400 ft south of CR 758 off a private easement (Tax Parcel Number T07-050). 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 law 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 0.95 acres MOL in size, shall be rezoned from R2M(County) zoning districts/classification to R4C 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 the Attachment 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 2023- relating to the Comprehensive amendment becomes effective.

PASSED AND ENACTED this 18th day of January, 2024.

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

Bobby Yost, Mayor

Approved as to form and

**ATTEST:
Legality:**

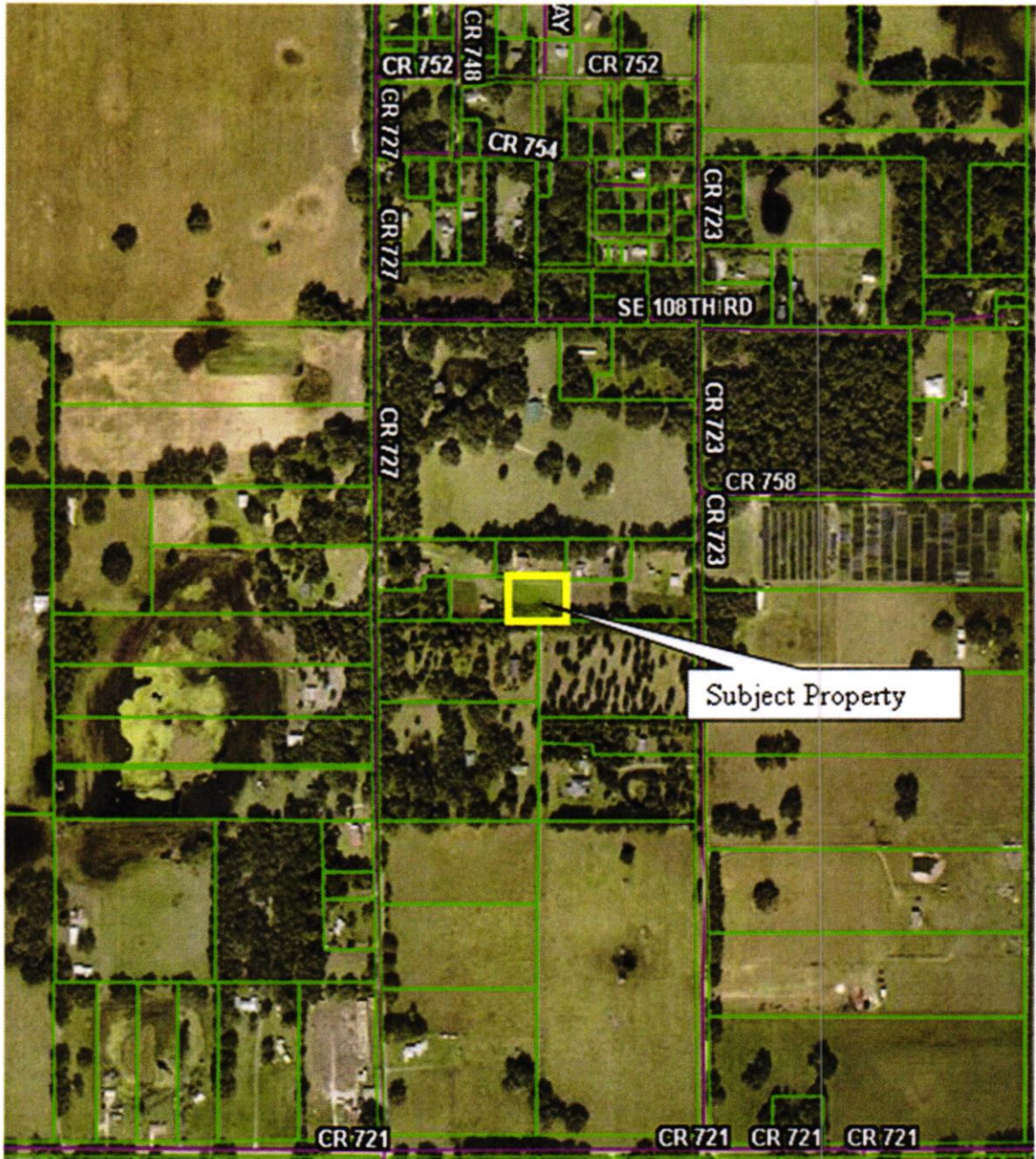
**Amy Flood
City Clerk**

**William L. Colbert
City Attorney**

Attachment A
Legal Description

LOT 5- BEGIN 362.00 FT SOUTH AND 552.42 FT EAST OF THE NW CORNER OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SEC 7, TWP 22 S, RNG 23 E, RUN SOUTH 175.00 FT, EAST 239.52 FT, NORTH 175.00 FT, WEST 239.52 FT TO THE POB.

Map



**CITY OF WEBSTER
REZONING APPLICATION**

**PLANNING & ZONING
DECEMBER 14, 2023**

**CITY COUNCIL
DECEMBER 21, 2023
JANUARY 18, 2024**

CASE NUMBER: R-23-018612

LANDOWNER: Geri and Tyris Thornton

APPLICANT: City of Webster

REQUESTED ACTION: Rezone 0.95 acres from R2M (County) to R4C (Webster) concurrent with small scale amendment SS-23-18611.

PARCEL NUMBERS: T07-050

LEGAL DESCRIPTION: LOT 5- BEGIN 362.00 FT SOUTH AND 552.42 FT EAST OF THE NW CORNER OF THE NW ¼ OF THE NE ¼ OF SEC 7, TWP 22 S, RNG 23 E, RUN SOUTH 175.00 FT, EAST 239.52 FT, NORTH 175.00 FT, WEST 239.52 FT TO THE POB.

EXISTING ZONING: County – R2M (Residential allowing for mobile homes)

EXISTING USE: vacant-house under construction

FUTURE LAND USE: Rural Residential (concurrent application)

PARCEL SIZE: 0.95 acres MOL

LOCATION: West side of CR 723, 400 ft south of CR 758 off a private easement (Map 1).

SURROUNDING LAND USE AND ZONING

The subject property is a vested residential lot in the Grapevine community. The lot is located in a small family subdivision where one-acre lots share an access easement. A single family home is currently under construction. The surrounding neighborhood is rural residential in nature with homes on parcels ranging from one-half acre to five acres in size. Surrounding zoning assignments include Rural Residential (RR5C/RR5 –south, and RR1/RR1C-east and north), and Suburban Residential (R2M - west) (Map 2). The neighborhood is rural residential in nature.

CASE SUMMARY

The rezoning will add the property to the City’s Zoning Map with a R4C zoning designation. The R4C zoning assignment will allow for one residential home and associated accessory uses such as garages, sheds, and swimming pools. Houses are required to meet Florida Building Code standards. The house currently under construction on the site meets these requirements.

CASE ANALYSIS:

The request is to adopt City zoning following annexation. This application is concurrent with small scale land use amendment SS-23-18611 which seeks a Rural Residential Future Land Use assignment

LDC Section 13-313 (d), *General Administration of Amendment and Permit Applications-Review and Approval Process*, provides for the following review criteria for LDC and zoning map amendments:

- a) Change of conditions, or absence of changed conditions.
The property is being annexed into Webster.
- b) Community need, or lack of community need.
The requested rezoning will allow residential uses in an area with similar uses.
- c) Benefits to the community.
The rezoning will benefit the community by allowing continued residential use of a vested lot..
- d) The rights of private property owners.
This rezoning will preserve the existing rights rights currently in place with County land use and zoning.

DEVELOPMENT SERVICES DEPARTMENT STAFF CONCLUSIONS

Staff deemed the application sufficient for review. Staff has found the request in compliance with the minimum requirements of the Webster Land Development Code and Comprehensive Plan and recommends approval contingent upon approval of future land use amendment SS-23-18611.

Notices Sent: 13

Map 1
General Location



Map 2
Surrounding Zoning Assignments

