

ORDINANCE NO. 993

AN ORDINANCE AMENDING ORDINANCE NO. 815, WHICH ADOPTED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS AND ORDINANCE 940 AND ORDINANCE 946, WHICH AMENDED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR A LAND USE DISTRICT (ZONING) CHANGE TO THE ADOPTED LAND USE DISTRICT MAP OF THE CITY OF MARIANNA, FLORIDA; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREFORE, the City Commission of Marianna, Florida has previously enacted Ordinance No. 815, which adopted the City of Marianna Land Development Regulations (LDR) on December 1, 1991, and Ordinance No. 946, which amended the City of Marianna Land Development Regulations on July 11, 2007; and

WHEREAS, the City Commission of Marianna, Florida desires to amend Ordinance No. 815 and Ordinance No. 946 to enact a change to the adopted Land Use District (Zoning) Map of the City of Marianna, Florida as shown on attached Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA, THAT:

1. Ordinance No. 815 and Ordinance No. 946 (including all revisions through the effective date of this ordinance) is amended for a change in the Land Use District (Zoning) Map of the City of Marianna, Florida, to provide for a Land Use (Zoning) District designation of Commercial on real property described as follows:

Sunshine One, LLC

Lot 1, Milton Addition to the Town of Marianna, Florida, described as follows, to wit: Starting from a one-inch pipe, said pipe being the Southeast corner of Milton Avenue and Lafayette Street, thence South 15 degrees West 208.2 feet along the East line of Milton Avenue to a one-inch pipe (said pipe being on the North line of right-of-way of L&N Railroad); thence South 69 degrees East 218.6 feet along said North line of right-of-way of L&N Railroad to a one-inch pipe, said pipe being a point 50 feet North of center line of L&N Railroad and on section line, thence North 2 degrees 30 minutes East 220 feet on section line to a one inch pipe said pipe being on the South line of Lafayette Street, thence North 70 degrees West 161.6 feet on South line of Lafayette Street to Point of Beginning, and lying in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, Township 4 North, Range 10 West;

LESS AND EXCEPT that part of the above described property conveyed to the State of Florida

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by deed dated July 15, 1963, to wit:

That part of Lot 1, Milton Addition to the City of Marianna lying Southerly of and within 40 feet of the survey line of State Road 10, Section 53010, Westerly of Survey Station 419 + 00.77 and Southerly of and within 40 feet of centerline of construction of said State Road and Section Easterly of Survey Station 419 + 00.77, said survey line and said centerline of construction being described and said Survey Station being located as follows: Begin on the Southerly extension of the West line of lot 6, Block "B", Baltzell Addition to the City of Marianna as recorded in Plat Book 1, Page 47 of the Public Records of Jackson County at a point 223.25 feet South of the Northwest Corner of said Lot 6, said point being on a curve concave Northeasterly having a radius of 2,989.48 feet; thence from a tangent bearing of South 56 degrees 30 minutes 12 seconds East run Southeasterly 593.55 feet along said curve through a central angle of 11 degrees 22 minutes 35 seconds to end of curve, at a point designated as Survey Station 419 + 00.77, said point also being the beginning of centerline of construction and designated as Survey Station 419 + 00.77 on said centerline of construction and also being the beginning of a curve concave Northeasterly having a radius of 4,015.89 feet; thence Southeasterly 821.26 feet along said curve through a central angle of 11 degrees 43 minutes to end of curve; thence South 79 degrees 35 minutes 47 seconds East 171.05 feet to the Northerly extension of the East line of Lot 1, Maderia, according to plat recorded in Plat Book 1, Page 14 of the public records of Jackson County, at a point 388.5 feet North of the Southeast corner of said Lot 1; containing 2,296 square feet (0.053 of an acre), more or less.

Better described as:

Commence at an existing concrete monument marking the Northeast corner of Section 5, Township 4 North, Range 10 West, Jackson County, Florida, thence South 88 degrees 56 minutes 31 seconds East a distance of 158.51 feet to an iron rod, thence South 02 degrees 51 minutes 54 seconds East a distance of 745.06 feet to an iron rod, thence North 72 degrees 22 minutes 47 seconds West a distance of 195.87 feet to an existing iron rod set on the Southerly right of way of State Road No. 10 (U.S. No. 90) and call this the point of Beginning (said iron rod lies South 00 degrees 45 minutes 12 seconds East a distance of 687.83 feet from the Northeast corner of said section 5, Township 4 North, Range 10 West, Jackson County, Florida), thence Northwesterly along the Southerly right of way of State Road No. 10 along a curve being concave towards the right having a delta angle of 01 degrees 17 minutes 37 seconds; a radius of 4,055.89 feet; an arc distance along the Southerly right of way of said road of 91.57 feet to an iron rod marking the P.C.C. of said curve, thence continue Northwesterly along the Southerly right of way of State Road No. 10 along a curve being concave towards the right having a delta angle of 01 degrees 22 minutes 07 seconds; a radius of 3,029.48 feet; an arc distance along the Southerly right of way of said road of 72.37 feet to an iron rod set at the intersection of the Southerly right of way of State Road No. 10 and the Easterly right of way of Milton Avenue, thence South 14 degrees 58 minutes 16 seconds West along the Easterly right of way of Milton Avenue a distance of 194.32 feet to an existing iron rod set at the intersection of the Easterly right of way of Milton Avenue and the Northerly right of way of the CSX

Railroad (formerly the L & N Railroad), thence South 69 degrees 00 minutes 00 seconds East along the Northerly right of way of the CSX Railroad a distance of 218.69 feet to an existing iron rod, thence North 00 degrees 02 minutes 45 seconds West a distance of 209.39 feet to the Point of Beginning.

The above described parcel contains 0.85 acres, more or less and is located in the Northeast $\frac{1}{4}$ of Section 5, Township 4 North, Range 10 West, Jackson County, Florida and is a portion of Lot 1 of the Milton Addition to Marianna.

W. H. Capital, LLC

Lots Fourteen (14) and Fifteen (15) Maderia Addition to the Town of Marianna, Florida per plat of said addition being on file in the Clerk's Office of the County of Jackson, State of Florida.

Less and except that portion deeded to the State of Florida in Deed Book 638, Page 234 of the Public Records of Jackson County, Florida.

And being more particularly described as follows:

Commencing at the northwest corner of Section 4, Township 4 North, Range 10 West and running along the west line of said Section 4 S 00-45-12 E for 687.90 feet to an iron pin located on the south right-of-way of State Route 10 (Lafayette Street) and being in the northwest corner of Lot 15 Maderia and the Point of Beginning; thence along said right-of-way S 71-46-09 E for a distance of 118.66 feet to an iron pin; thence leaving said right-of-way and following the common line of Lots 13 and 14 of Maderia S 00-22-10 E for 216.06 feet to an iron pin on the north right-of-way of CSX Railroad; thence along said railroad N 68-55-56 W for 122.33 feet to an iron pin; thence along the west line of Maderia and the west line of Section 4 North 00-00-55 E for 209.21 feet to an iron pin being the Point of Beginning; said tract contains 0.553 acres or 24,090 square feet more or less.

The aforescribed property is more particularly shown and delineated on a plat of survey dated February 1, 2008, last revised March 6, 2008 prepared for W. H. Capital, LLC, Roberts, Roberts and Roberts, and First American Title Insurance Company by Freeland & Associates, Inc., James R. Freeland Georgia Registered Land Surveyor No. 2221, which plat of survey is incorporated herein and by this reference made a part of this description.

James M. Roberts

Lot 13 of Maderia Addition to Marianna, and Lot 12 of said Maderia Addition less the following portion thereof: Begin at the SE Corner of said Lot 12, thence run North along East boundary of said lot 155.6 feet to the vertex of a triangle; thence West of South to a point twenty-five feet West from the said SE Corner of said lot; thence East to the Point of

Beginning. Also that part of Lot 11 of said Maderia Addition described as follows: Begin at the NW Corner of said Lot 11; thence run East along the North lot line 10 feet; thence Southerly a distance of 61 feet to a point on the West line of Lot 11, being the vertex of a triangle; thence North along the West line of said Lot 11 to the Northwest Corner thereof.

Sidney Virgil Rehberg

Beginning at the SW corner of SW ¼ of NE ¼ Section 5, Running thence N03 Degrees 12 Minutes West a distance of 248.85 feet to the southerly right-of-way of Cottondale Road; thence N82 degrees 05 minutes East along the southerly right-of-way of Cottondale Road a distance of 95 feet; thence S06 degrees 15 minutes East a distance of 260 feet; thence S88 degrees 20 minutes West a distance of 107 feet to the point of beginning, said property lying in the SW ¼ of NE ¼ Section 5, Township 4 North, Range 10 West, Jackson County, Florida.

Jacqueline B. Reddoch

Lot No. 9, of Maderia Addition to Marianna, Florida.

Mary Elizabeth Reddoch

Lots 7 and 8 Maderia Addition to Marianna, Jackson County, Florida, according to the plat on file in the office of Clerk of Circuit Court of Jackson County, Florida.

DEMI PLEIN II, LLC

Lot Six (6) and Lot five (5), Maderia Addition of the City of Marianna, Florida, according to Plat thereof on file in the Office of Clerk of Circuit Court, Jackson County, Florida, Less and Except Right-of-way for Highway No. 90 off Lots 5 and 6.

All that part of Lots 3 and 4 of the Maderia Addition to the City of Marianna, Florida particularly described as follows:

Begin at the Southeast corner of Lot 3 of said Maderia Addition and run N05°02'28"E along the East line of said Lot 3, 54.58 feet; thence N79°59'11"W 116.52 feet to the West line of Lot 4 of said Maderia Addition; thence S04°11'50"W along the West line of said Lot 4, 32.5 feet to the South line of said Lot 4; thence S69°24'07"E, 120.0 feet to the Point of Beginning, Jackson County, Florida.

Family Dollar Stores

Parcel #1: Lots 2, 3 and E1/2 of Lot 4 of Maderia Addition to the Town of Marianna According to a plat thereof on file in the Office of the Clerk of Circuit Court of Jackson County, Florida.

Parcel #2: West half of lot four (4) Maderia Addition to the City of Marianna, Florida, Jackson County, Florida.

Less and Except:

All that part of Lot 3 and the East one-half of Lot 4 of Maderia Addition to the City of Marianna, Florida, particularly described as follows: Begin at the southeast corner of Lot 3 of said Maderia Addition and run North 05 degrees 02 minutes 28 seconds East along the East line of said Lot 3, 54.58 feet; thence North 79 degrees 59 minutes 11 seconds West, 116.52 feet to the West line of Lot 4 of said Maderia Addition; thence South 04 degrees 11 minutes 50 seconds West along the West line of said Lot 4, 32.50 feet to the South line of said Lot 4; thence South 69 degrees 24 minutes 07 seconds East, 120.0 feet to the Point of Beginning, Jackson County, Florida.

Also:

Parcels 1 and 2 are being conveyed together with an easement to discharge, hold and retain stormwater runoff into the retention basin as described in OR Book 504 Page 324 of the Public Records of Jackson County, Florida.

A portion of Lots 3 and 4 of the Maderia Addition to the City of Marianna, Florida being more particularly described as follows: Begin at the SE corner of Lot 3 of said Maderia Addition and run North 05 degrees 02 minutes 28 seconds East along the East line of said Lot 3, 54.58 feet; thence North 79 degrees 59 minutes 11 seconds West 116.52 feet to the West line of Lot 4 of said Maderia Addition; thence South 04 degrees 11 minutes 50 seconds West along the West line of said Lot 4, 32.50 feet to the South line of said lot 4; thence South 69 degrees 24 minutes 07 seconds East, 120.0 feet to the Point of Beginning, containing 0.1157 of an acre more or less, Jackson County, Florida.

DEMEERED, LLC

Beginning at a Point on the Southern boundary of Marianna and Campbellton Road one hundred and five (105) yards West measuring along the Southern boundary of said Road of the Intersection of the Southern boundary of said Road with the quarter section line running North and South through Section 4, Township 10 West, and dividing the West half of said Section in to the East and West halves thereof, thence running in a Westerly direction along the Southern boundary of said Marianna and Campbellton Road one hundred and twenty feet, thence running South to the Northern boundary of the right-of-way of the Louisville and Nashville Railroad, thence running in an Easterly direction and along the Northern boundary of said right-of-way to the intersection point of said northern boundary of said right-of-way with a western boundary of the tract of land owned by Miss. E. B. Armistead in 1903, thence in a Northerly direction and along the Western edge of the E. B. Armistead lot to the point of beginning of the tract herein conveyed; all in Section four, Township four north, Range 10 West of Jackson County Florida, less and except any portion thereof lying within the right-of-way of U.S. Highway 90.

More Particularly Described as Follows:

Begin at the Southeastern corner of lot 1 of Maderia Addition to the City of Marianna, Florida as per plat thereof on file in the Office of the Clerk of the Circuit Court of Jackson County Florida said point being on the Northern right-of-way line of the Louisville and Nashville Railroad; thence South 66 degrees 40 minutes 30 seconds East along said North right-of-way line 123.77 feet, thence departing said North right-of-way line on a bearing of North 00 degrees 22 minutes 26 seconds East along the West line of lands described in OR Book 410 Page 661 (Sherwin Williams Development Corporation) 376.87 feet to a point on the South right-of-way line of US Highway 90, thence North 81 degrees 22 minutes 24 seconds West along said right-of-way line 121.81 feet, thence departing said right-of-way line on a bearing of South 00 degrees 42 minutes 54 seconds East 346.16 feet to the point of beginning containing .097 of an acre more or less. Also being a part of the east end of 6A tract of original John Milton, Jr. property being in Section 4, Township 4North, Range 10 West, Marianna, Jackson County, Florida.

And

A lot or parcel of land beginning at the Northwest corner of the resident lot formerly owned and occupied by J. Z. Solomon and located on South side of Main or West Lafayette Street in the City of Marianna, Florida, said lot deeded to said J. Z. Solomon by Myrtle R. Milton and John Milton, Jr., thence in a Westerly direction along the Southern boundary of said Street 75 feet, thence South to the Northern boundary of Louisville and Nashville Road right-of-way, thence in Easterly direction along the said right-of-way to the Southwest corner of Solomon lot, thence along the Western boundary of said Solomon lot Northerly to the Point of Beginning.

More Particularly described as follows:

Lot 1 of the Maderia Addition to the City of Marianna, Florida according to plat thereof on file in the office of the Clerk of the Circuit Court of Jackson County, less and except that portion of said Lot 1 now in the right-of-way of Lafayette Street (US Highway 90).

Sherwin-Williams Development Corporation

The tract of approximately one acre lying between what is known as the Milton land and lot of D. L. McKinnon and South of Marianna and Campbellton road on West Lafayette Street, fronting on said Marianna and Campbellton Road one half acre and running back South two acres, less railroad right of way, and further described as lying in the NW ¼ of the NW ¼, Section 4, Township 4 North, Range 10 West, BETTER DESCRIBED AS:

COMMENCE at an existing round concrete monument marking the Northwest corner of Section 4, Township 4 North, Range 10 West, Jackson County, Florida, thence S82°04'34"E a distance of 19.10 feet to an existing iron rod, thence S08°04'26"W a distance of 688.36 feet to

a nail and disc, thence S73°16'25"E a distance of 1063.84 feet to an iron rod set on the Southerly right of way of Lafayette Street (S.R. No. 10) (U.S. Road No. 90) and call this the POINT OF BEGINNING, thence S70°01'26"E along a chord bearing 104.97 feet to an existing iron pipe, thence S05°20'49"W a distance of 395.83 feet to an existing iron pipe on the Northerly right of way of the L & N Railroad thence Northwesterly along the Northerly right of way of said railroad along a curve being concave towards the left having a delta angle of 02°15'32"; a radius of 2823.18 feet; an arc distance along said right of way of 111.30 feet to a concrete monument, thence N05°20'49"E a distance of 376.85 feet to the POINT OF BEGINNING.

This parcel is located in the Northwest ¼ of Section 4, Township 4 North, Range 10 West, Jackson County, Florida and within the City limits of Marianna, Florida.

from City of Marianna Land Use (Zoning) District Mixed Use (*City of Marianna Code, Land Development Code, Sec. 4-1.7 (5)*) to City of Marianna Land Use (Zoning) District Commercial (*City of Marianna Code, Land Development Code, Sec. 4-1.7(6)*).

2. SEVERABILITY: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.

3. REPEALER: All other ordinances or portions of ordinances in force at the time this ordinance becomes effective which are in conflict with any provisions hereof shall be deemed to have been repealed to the extent of any such conflict, otherwise to remain in full force and effect.

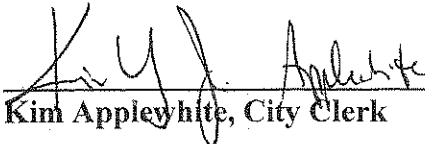
4. EFFECTIVE DATE: This ordinance shall take effect as provided by law.

PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA ON THE 5th DAY OF October, 2010.

THE FORGOING ORDINANCE WAS PASSED AND ADOPTED BY A VOTE OF 5 TO 0 BY THE CITY COMMISSION OF MARIANNA, FLORIDA ON THIS 2nd DAY OF November, 2010.

ATTEST:

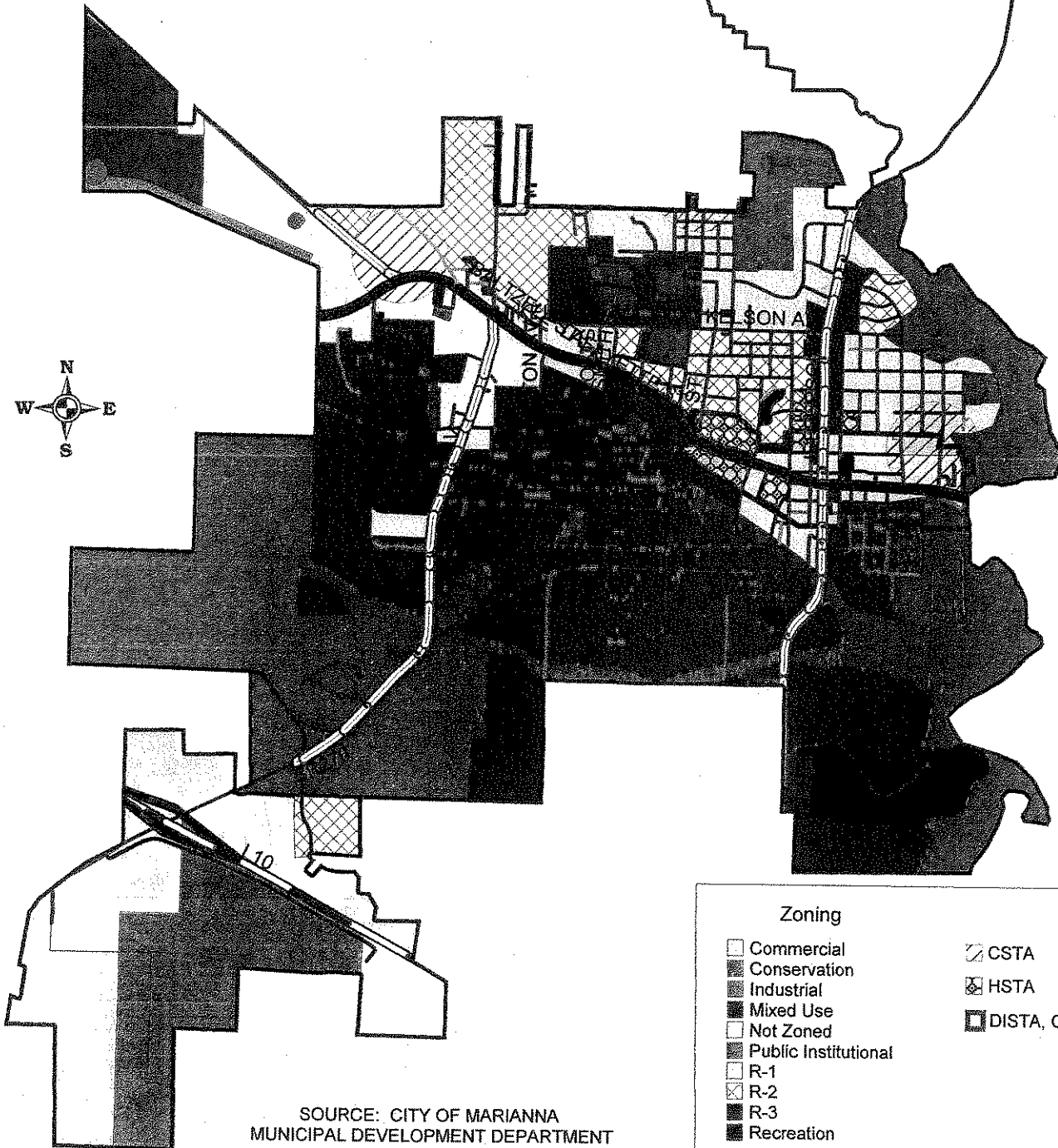
CITY OF MARIANNA


Kim Applewhite, City Clerk


Roger Clay, Mayor/Commissioner

CITY OF MARIANNA ZONING MAP

Exhibit A



SOURCE: CITY OF MARIANNA
MUNICIPAL DEVELOPMENT DEPARTMENT
NOVEMBER 3, 2010

Zoning

- | | |
|----------------------|-------------------------|
| Commercial | CSTA |
| Conservation | HSTA |
| Industrial | DISTA, CRA, Main Street |
| Mixed Use | |
| Not Zoned | |
| Public Institutional | |
| R-1 | |
| R-2 | |
| R-3 | |
| Recreation | |