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Description/Background: Florida Statutes Section 163.3177(3) requires the county to annually maintain a Schedule of Capital Improvements for the Five-Year Capital Improvements Program as part of the Capital Improvements Element (CIE) of the Comprehensive Plan. The CIE Schedule contains projects for facilities and services with a Comprehensive Plan adopted Level of Service (LOS) standard which includes the following: Potable Water, Sanitary Sewer, Transportation, Solid Waste, Stormwater (drainage), Public School Facilities, and Recreation and Open Space. This annual update must be approved by the Board, but is no longer required to be a formal Comprehensive Plan Amendment that must be reviewed by the Department of Economic Opportunity.

Budget/Impact: None.

Recommended Action: Motion to approve the ordinance adopting the 2016 annual update of the Five-Year Schedule of Capital Improvements for FY 2015/2016 through FY 2019/2020.

Deputy Clerk Lewter presented Proof of Publication of a display ad entitled, "Notice of Annual CIP Update Marion County Comprehensive Plan" published in the Star Banner newspaper on May 24, 2016. The Notice stated the Board will consider adoption of an Ordinance relating to the 2016 Annual Capital Improvements Program (CIP) Update.

Growth Services Director Sam Martsoff advised that this is the statutory required annual update to the Capital Improvement Element of the Comprehensive Plan.

Chairman Bryant opened the floor to public comment.

There being none, Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Moore, seconded by Commissioner McClain, to adopt Ordinance 16-16 relating to 2016 Annual CIP Update to the CIE. The motion was unanimously approved by the Board (5-0). Ordinance 16-16 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR FINDINGS; ADOPTING THE 2016 ANNUAL CAPITAL IMPROVEMENTS PROGRAM (CIP) UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE MARION COUNTY COMPREHENSIVE PLAN, PURSUANT TO SECTION 163.3177(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**6B. PUBLIC HEARING** - To Consider an Ordinance Amending Marion County Land Development Code, Article 5, Creating Division 8, to Provide for a New Overlay Zone, CR 475A, Visual Enhancement Gateway Development Overlay; Providing for a Unified and Enhanced Buffer, Sign Regulations and Limit the Intensity of Commercial Uses to Those Permitted the B-2 (community business) Zoning for the Designated Overlay

Growth Services Director Martsoff presented the following recommendation:

Description/Background: On May 11, 2016, the Land Development Regulation Commission (LDRC) held a public hearing to review, take public comment and provide recommendation to the Board regarding the land development code (LDC) Amendment to create the CR 475A, Visual Enhancement Gateway Overlay Zone. The Board held their first public hearing on the proposed amendment on May 17, 2016. Staff was directed to amend proposed language and return the final draft to this scheduled public hearing for adoption.

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The Visual Enhancement Gateway Development Overlay is intended to create an attractive and efficient development pattern in a defined portion of southern Marion County and to regulate the intensity of uses.

The draft Overlay District has been reviewed and the Boards amended language will be made available and presented for final review and adoption.

Budget/Impact: None.

Recommended Action: Motion to approve an Ordinance amending Article 5, and adding Division 8 of the Marion County Land Development Code.

Deputy Clerk Lewter presented Proof of Publication of a display ad entitled, "Notice of Amendment Marion County Land Development Code" published in the Star Banner newspaper on May 7, 2016. The Notice stated the Board will consider adoption of an Ordinance amending the Land Development Code (LDC).

Mr. Martsolf stated this is the final hearing for Division 8, amending the LDC involving the visual enhancement overlay zone. He advised that 2 changes have been made to the Ordinance since it was last presented to the Board: 1) The removal of the fence as a requirement, which is now shown as optional in the diagram, but if provided will be either black, white or neutral in color; and 2) The oak tree requirement has been changed to shade tree.

Chairman Bryant opened the floor to public comment.

Roger Knechtel, SE 97<sup>th</sup> Terrace Road, Summerfield, questioned if the county planned to take rights-of-way (ROW) on the east side of CR 475A to create a buffer. Mr. Martsolf stated there has never been any plans in place to take ROW from CR 475A, noting that if the surrounding properties decide to develop, the ROW may then be required to be widened.

In response to Mr. Knechtel, Chairman Bryant advised that this is the second hearing on this matter.

Michelle Shearer, SE 85<sup>th</sup> Street, expressed her support for the overlay zone, but urged the Board to keep the requirement for Live Oak trees. She stated this project will set a precedence for future development.

Mr. Minter advised that the word "corridor" referenced in Section 5.8.1 should be replaced by "overlay", noting there are specific requirements for corridor ordinances.

Mr. Minter advised that he is unclear as to the lead-in paragraph of Section 5.8.4, which states, "the following are permitted land uses within the overlay zone located east of US Interstate 75 and west of the current, or future, easterly boundary of the right-of-way of CR 475A, (i.e., these limitations shall not apply to land uses lying east of the current for future easterly boundary right-of-way of CR 475A)". He noted the portion in parenthesis state that the limitations do not apply to land uses lying east of the current eastern boundary of CR 475A, which seems to contradict itself within the same sentence. Mr. Minter notes the language also says, "The following are permitted" and then says, "these limitations". Generally speaking, what is permitted is not a limitation. He asked staff to clarify.

Mr. Martsolf advised that it is a clarification of Section 5.8.3 that laid out the boundary for the overlay zone for the uses, noting there was a use restriction placed on the overlay zone and the owner of the largest property east of CR 475A was concerned that they did not want to have the same land use restrictions applied to their property, in any form. He commented on the required buffer that is included in the description of the overlay zone requiring that enhanced buffer. Mr. Martsolf noted the use restriction stops at the western

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line. He stated he has proposed language that only encompasses the western boundary of CR 475A.

Mr. Bouyounes addressed the language and the way it is written in the description, which includes all the property from CR 475A, west, and the entire ROW widths of CR 475A. Mr. Minter noted the restrictions do not apply to the easterly ROW boundary. He stated the language can be changed to clarify. Chairman Bryant concurred and noted the wording in Section 5.8.1 will also be changed from corridor to overlay. Mr. Martsof agreed.

It was noted that Section 5.8.4 Permitted Uses was changed as follows:

The following are permitted land uses within the overlay zone located east of US Interstate 75 and west of the current, or future, right-of-way of CR 475A:

Nan Bonfield, SW 16<sup>th</sup> Avenue, expressed her support for allowing the developer to decide the type of shade tree to provide. She stated her only concern is that the buffer will become too cluttered.

Henry Munoz, Marion Oaks Boulevard, urged the Board to postpone the decision until the next regularly scheduled Board meeting, which will allow people time to review the changes.

Chairman Bryant advised that staff is only clarifying language today, but the intent remains the same.

Chairman Bryant advised that public comment is now closed.

A motion was made by Commissioner Arnett, seconded by Commissioner McClain, to adopt Ordinance 16-17, as amended, amending the LDC. The motion was unanimously approved by the Board (5-0). Ordinance 16-17 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ARTICLE 5, CREATING DIVISION 8, CR 475A VISUAL ENHANCEMENT GATEWAY DEVELOPMENT OVERLAY; CREATING A NEW DIVISION RELATED CREATING AN ATTRACTIVE AND EFFICIENT DEVELOPMENT PATTERN IN A DEFINED PORTION SOUTHERN MARION COUNTY AND TO REGULATE THE INTENSITY OF USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY, PROVIDING FOR APPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR FILING WITH SECRETARY OF STATE; AND PROVIDING AN EFFECTIVE DATE.

~~6C. PUBLIC HEARING - To Consider Ordinance Repealing Ordinance No. 03-28 Which Created the Marion County MSTU for Emergency Medical Transportation Services~~  
County Attorney Matthew G. Minter presented the following recommendation:

~~Description/Background: The purpose of this repeal is to remove this fund from the County Budget, as the Board of County Commissioners have not been using this fund for several years and the fund has not been depleted to zero.~~

~~Budget/Impact: None.~~

~~Recommended Action: Motion to approve and authorize Chairman and Clerk to execute.~~

~~Deputy Clerk Lewter presented Proof of Publication No. A000889242 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on May 20, 2016. The Notice~~