

ORDINANCE NO. 09- 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR PURPOSE AND INTENT; ADOPTING SMALL SCALE AMENDMENTS TO THE COMPREHENSIVE PLAN, INCLUDING AMENDMENTS TO THE FUTURE LAND USE MAP FOR THE FOLLOWING AMENDMENTS:

- 09-S02**, LUCY J. DICANDIA, 3.46 ACRES, RURAL LAND TO LIMITED COMMERCIAL;
- 09-S03**, JOHN NICOSIA, NICO CONSTRUCTION CO., 3.25 ACRES, RURAL LAND TO COMMERCIAL;
- 09-S04**, KENNETH AND KIMBERLY WHITEHEAD, 0.24 ACRES, RURAL LAND TO COMMERCIAL;
- 09-S05**, CLIFTON PROPERTIES, LLC, 5.92 ACRES, URBAN RESERVE TO COMMERCIAL;
- 09-S06**, GONZALO AND NARCISA POZO, 4.42 ACRES, URBAN RESERVE TO SPECIALIZED COMMERCE DISTRICT;
- 09-S07**, SUSAN M. MOYNES AND JODI L. JOHNSON, 3.50 ACRES, RURAL LAND TO COMMERCIAL;
- 09-S08**, STOR N LOCK, LLC, 6.50 ACRES, INDUSTRIAL TO COMMERCIAL;
- 09-S10**, SIMON AND VERNA JOHNSON, 1.47 ACRES, URBAN RESERVE TO COMMERCIAL

PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Marion County, Florida, (Board) is responsible for and has established the Comprehensive Plan Future Land Use Designation of parcels of property in the unincorporated area of Marion County as reflected in the Future Land Use Map Series, and

WHEREAS, the Board has authority to approve small scale amendments to the Comprehensive Plan consistent with the provisions of Section 163.3187, Florida Statutes, and

WHEREAS, the property owners have submitted an application for small scale amendments to the Comprehensive Plan and such application identifies the subject property by metes and bounds description or by parcel number and such identification of property is hereby incorporated into this ordinance by reference, subject to changes contained in this ordinance, and the property descriptions are attached hereto as Exhibits "A1 through B10, and

WHEREAS, the Marion County Planning Commission has conducted an advertised adoption public hearing on July 28, 2009 to consider such applications and the Planning Commission has made recommendations to the Board including findings of facts related to:

1. Whether the granting of the amendments will not adversely affect the public interest.
2. Whether the proposed amendments are compatible with land uses in the surrounding areas.
3. Whether the proposed amendments are consistent with Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code, and the Marion County Comprehensive Plan, and

WHEREAS, the Board has considered such applications, the recommendation of the Planning Department and the recommendation of the Planning Commission at an advertised public hearing on June 24, 2009, and the Board has received and considered public comment, now therefore,

BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-2, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S02, LUCY J. DICANDIA, 3.46 ACRES
RURAL LAND TO LIMITED COMMERCIAL

SECTION 2. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-3, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S03, JOHN NICOSIA, NICO CONSTRUCTION CO., 3.25 ACRES
RURAL LAND TO COMMERCIAL

SECTION 3. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-4, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S04, KENNETH AND KIMBERLY WHITEHEAD, 0.24 ACRES
RURAL LAND TO COMMERCIAL

SECTION 4. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-5,

attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S05, CLIFTON PROPERTIES, LLC, 5.92 ACRES
URBAN RESERVE TO COMMERCIAL

SECTION 5. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-6, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S06, GONZALO AND NARCISA POZO, 4.42 ACRES
URBAN RESERVE TO SPECIALIZED COMMERCE DISTRICT

SECTION 6. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-7, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S07, SUSAN M. MOYNES AND JODI L. JOHNSON, 3.50 ACRES
RURAL LAND TO COMMERCIAL

SECTION 7. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-8, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S08, STOR N LOCK, LLC, 6.50 ACRES
INDUSTRIAL TO COMMERCIAL

SECTION 8. SMALL SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small scale amendment to the Comprehensive Plan and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibit A-10, attached hereto and by this reference made part hereof, based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

09-S10, SIMON AND VERNA JOHNSON, 1.47 ACRES
URBAN RESERVE TO COMMERCIAL

SECTION 9. APPEALS. Any affected person may file a petition with the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, to request a hearing to challenge the compliance of a small scale development amendment with Chapter 163 within 30 days following the adoption date of this ordinance.

SECTION 10. SEVERABILITY. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining portions and provisions of this ordinance shall remain in full force and effect.

SECTION 11. COPY ON FILE. The original ordinance shall be filed with the Clerk of the Circuit Court and a certified copy of this ordinance shall be on file in the Marion County Planning Department for public inspection.

SECTION 12. EFFECTIVE DATE. Small scale development amendments shall not become effective until 31 days after adoption. If one or more small scale amendment(s) is challenged within 30 days after adoption, those small scale development amendment(s) shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. No development orders, development permits or land uses dependent on these amendments may be issued or commence before it has become effective. A certified copy of this ordinance shall be filed with the Department of State by the clerk and shall take effect upon filing with the Department of State, subject to the limitation set forth above.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this **30th day of July, 2009.**

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



JAMES T. PAYTON, JR., CHAIRMAN

ATTEST:



DAVID R. ELLSPERMANN, CLERK

RECEIVED NOTICE FROM SECRETARY
OF STATE ON AUGUST 13, 2009 THAT
ORDINANCE WAS FILED ON AUGUST 4,
2009.

EXHIBIT "A2"

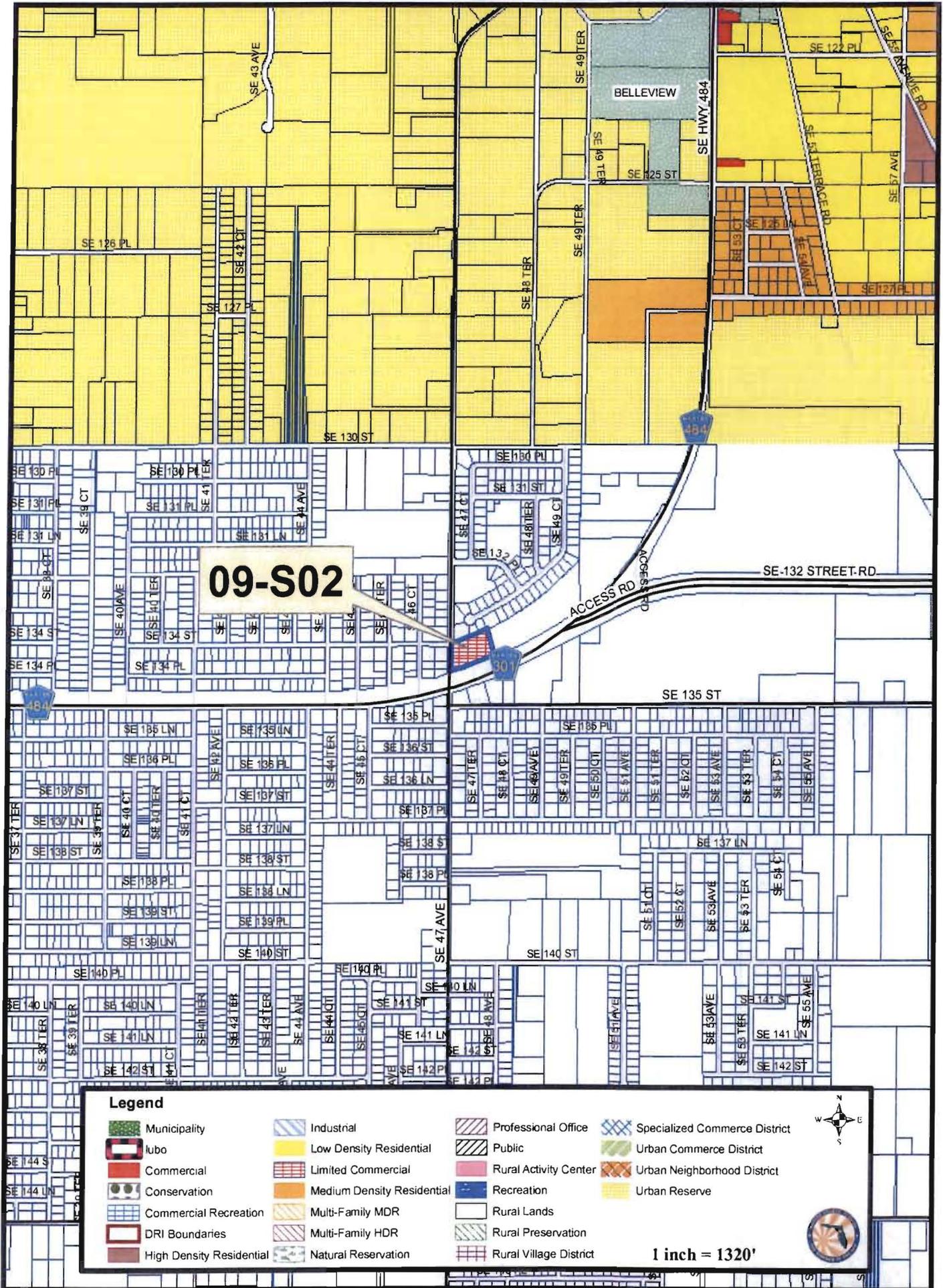
Parcel #41577-001-00, containing 3.46 acres, more or less.

LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHEASTERLY MOST CORNER OF "TROPICANA VILLAGE III" AS RECORDED IN PLAT BOOK "3", PAGES 26 AND 27 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; SAID POINT ALSO LYING ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 17 SOUTH, RANGE 22 EAST, MARION COUNTY, FLORIDA AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 3389.83 FEET AND A CHORD BEARING OF S 52°19'10" W; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°26'12", A DISTANCE OF 1090.79 FEET TO THE POINT OF BEGINNING; THENCE S 15°31'14" E 297.57 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 4921.25 FEET AND A CHORD BEARING OF S 69°11'06" W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°43'54", A DISTANCE OF 578.19 FEET TO THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SOUTHEAST 47TH AVENUE AND THE END OF SAID CURVE, SAID POINT LYING 25.00 FEET EASTERLY OF AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID SECTION 12; THENCE N 00°24'40" E PARALLEL WITH SAID WEST LINE AND ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE 285.85 FEET TO THE SOUTHWESTERN MOST CORNER OF SAID TROPICANA VILLAGE III AND THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 3389.83 FEET AND A CHORD BEARING OF N 65°49'21" E; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°30'22", A DISTANCE OF 503.26 FEET TO THE POINT OF BEGINNING.

09-S02 Lucy J. DeCandia

ATTACHMENT E EXHIBIT B2



09-S02

Legend			
	Municipality		Industrial
	Hubo		Low Density Residential
	Commercial		Limited Commercial
	Conservation		Medium Density Residential
	Commercial Recreation		Multi-Family MDR
	DRI Boundaries		Multi-Family HDR
	High Density Residential		Natural Reservation
			Professional Office
			Public
			Rural Activity Center
			Rural Lands
			Rural Preservation
			Rural Village District
			Specialized Commerce District
			Urban Commerce District
			Urban Neighborhood District
			Urban Reserve

1 inch = 1320'