

ORDINANCE NO. 16-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING LARGE-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

2016-L02, AG PROPERTIES OF MARION, LLC
(HARVEY VANDEVEN);
±39.38 +/- ACRES;
PID# 36640-0004-00;

LOW RESIDENTIAL TO MEDIUM RESIDENTIAL

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; 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 large-scale amendments to the Comprehensive Plan consistent with the provisions of Section 163.3187, Florida Statutes, and

WHEREAS, the property owner submitted Application No. 2016-L02 for a large-scale amendment to the Comprehensive Plan and such application identifies the subject property by suitable legal description, or by parcel number, and such identification of property is hereby incorporated into this ordinance by reference, and the property description and illustration are attached hereto as Exhibits "A" and "B" respectively, and

WHEREAS, the Marion County Planning & Zoning Commission, acting as the Local Planning Agency, conducted an advertised public hearing on April 25, 2016 to consider Amendment No. 2016-L02. The Planning & Zoning Commission considered the Growth Services Department's recommendation, received public comment, and made recommendations to the Board regarding the Amendment, including findings of facts related to:

1. Whether the granting of the amendment will not adversely affect the public interest.
2. Whether the proposed amendment is compatible with land uses in the surrounding areas.
3. Whether the proposed amendment is consistent with Chapter 163, Florida Statutes and the Marion County Comprehensive Plan, and

WHEREAS, the Board conducted an advertised public hearing on May 17, 2016, to consider Amendment No. 2016-L02, the Growth Services Department's recommendation, the Planning and Zoning Commission's recommendation, public comment received, and acted to transmit the Amendment to the Florida Department of Economic Opportunity (DEO) and other designated agencies for review consistent with Chapter 163.3184, Florida Statutes, and

WHEREAS, the DEO and other agencies received Amendment 2016-L02, and had no comments regarding the proposed Amendment, and

WHEREAS, the Board conducted an advertised public hearing on July 19, 2016, to consider Amendment No. 2016-L02, the Growth Services Department's recommendation, the Planning and Zoning Commission's recommendation, the agency transmittal review comments received (if any), and public comment received, and acted to approve a **modified** Amendment, reducing the intensity of the land use designation adopted, as reflected herein this Ordinance.

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

SECTION 1. LARGE-SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large-scale amendment and authorizes the necessary amendment to Comprehensive Plan Future Land Use Element Map #1 "*Marion County 2035 Future Land Use Map*," in accordance with Exhibits "A" and "B" attached hereto and by this reference made part hereof, based on affirmative findings that the Amendment is compatible with the surrounding land uses, consistent with Chapter 163, Florida Statutes, and the Marion County Comprehensive Plan, and is not adverse to the public interest:

2016-L02, AG PROPERTIES OF MARION, LLC
(HARVEY VANDEVEN);
±39.38 +/- ACRES;
PID# 36640-0004-00;
LOW RESIDENTIAL TO MEDIUM RESIDENTIAL

SECTION 2. APPEALS. Any affected person may file a petition with the Division of Administrative Hearings pursuant to Sections 120.569 and 120.57, Florida Statutes, to request a hearing to challenge the compliance of this large-scale amendment with Chapter 163, Part II, Florida Statutes, within 30 days following the adoption date of this ordinance.

SECTION 3. 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 provision of this ordinance shall remain in full force and effect.

SECTION 4. REPEAL. All Ordinances or parts of Ordinances which are in conflict with this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE. This large-scale amendment shall not become effective until 31 days after the DEO, as the State Land Planning Agency, determines the Amendment adoption package is complete and no petition is filed by an affected party. If the large-scale amendment is challenged within 30 days after adoption, the large-scale amendment shall not become effective until the DEO or the Administration Commission, respectively, issues a final order determining the adopted large-scale amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

SECTION 6. CERTIFIED COPY. 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.

Attachment B

SECTION 7. COPY ON FILE. This 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 Growth Services Department/Planning & Zoning Division for public inspection.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 19th day of July, 2016.

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


KATHY BRYANT, CHAIRMAN

ATTEST:


DAVID R. ELLSPERMANN, CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY


MATTHEW MINTER, COUNTY ATTORNEY

\\mcbcc1.org\Shared\Dept_Planning\Large_Scale_Amendments\2016L-CPAs\16-L02_Vandeven\Adopt_Ord\AdoptOrd_CPA_2016-L02_AgProp-Vandeven_DRAFT.docx

RECEIVED NOTICE FROM SECRETARY
OF STATE ON JULY 28, 2016 ADVISING
ORDINANCE WAS FILED ON JULY 28,
2016.

Attachment B
EXHIBIT "A"

DESCRIPTION: (PARCEL NO. 36640-004-00)

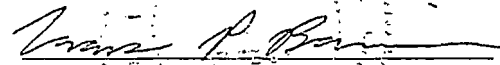
A PORTION OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 22 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SE 1/4 OF SECTION 14. TOWNSHIP 16 SOUTH, RANGE 22 EAST, MARION COUNTY, FLORIDA, THENCE ALONG THE SOUTH BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1649, PAGE 525 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, S.89°39'48"W. A DISTANCE OF 717.68 FEET TO THE S.W. CORNER OF SAID LANDS; THENCE ALONG THE WEST BOUNDARY OF SAID LANDS, N.00°00'29"E., A DISTANCE OF 803.95 FEET TO THE N.W. CORNER OF SAID LANDS; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LANDS, S.89°59'06"E. A DISTANCE OF 1580.49 FEET; THENCE CONTINUE ALONG SAID NORTHERLY BOUNDARY, S.71°21'22"E., A DISTANCE OF 802.76 FEET TO THE N.E. CORNER OF SAID LANDS AND A POINT ON THE WEST BOUNDARY OF BLOCK 644, OF "SILVER SPRINGS SHORES UNIT NO. 25" SUBDIVISION, AS RECORDED IN PLAT BOOK J, PAGES 202 THROUGH 208 INCLUSIVE, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE ALONG THE WEST BOUNDARY OF SAID BLOCK 644, S.00°00'03"E., A DISTANCE OF 451.03 FEET TO A POINT OF CURVATURE OF A CURVE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1440.00 FEET, A CENTRAL ANGLE OF 03°04'36", AND A CHORD BEARING AND DISTANCE OF S.01°25'10"E., 77.32 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WEST BOUNDARY, A DISTANCE OF 77.32 FEET; THENCE DEPARTING SAID CURVE AND WEST BOUNDARY, N.88°23'29"W., A DISTANCE OF 1626.58 FEET; THENCE S.00°25'38"E., A DISTANCE OF 60.03 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 39.38 ACRES, MORE OR LESS.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION DESCRIBES PARCEL NUMBER 36640-004-00 LOCATED IN MARION COUNTY, FLORIDA.

7/25/2016

SIGNATURE DATE

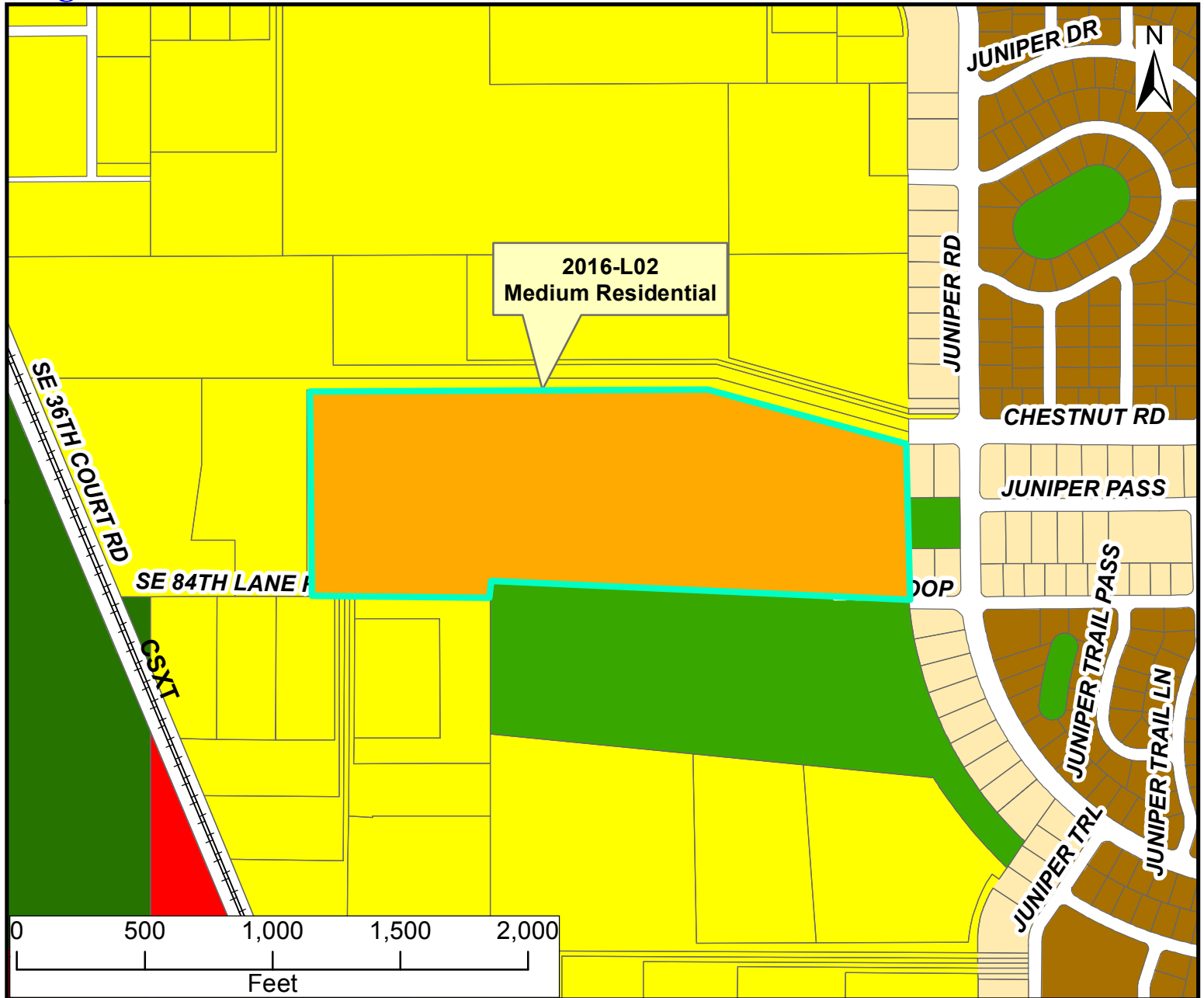


TRAVIS P. BARRINEAU, PSM, LS NO. 6897

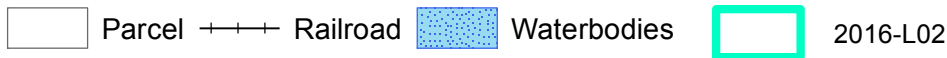


1309 S.E. 25th Loop, Suite #103

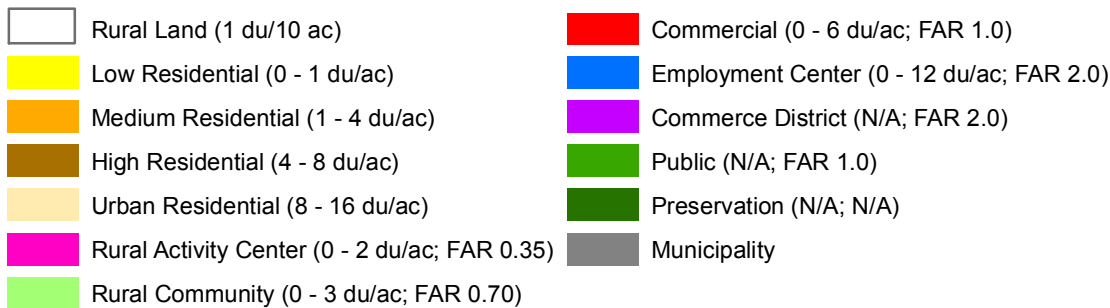
Ocala, FL 34471



Legend



FUTURE LAND USE DESIGNATION



Adoption Date: July 19, 2016

Information shown hereon is compiled from best available data for use by the Marion County Growth Services Department. This data should not be used for surveying or land transfers of any type. Parcel information is for representation only, and may not reflect the most recent transactions or parcel records.



Marion County
Board of County Commissioners

Growth Services ♦ Planning and Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

October 21, 2016

Harvey Vandeven
16 SE Broadway Street
Ocala, FL 34471

RE: Comprehensive Plan Amendment Application (Amendment) 2016-L02
(Low Residential to Medium Residential)
Rezoning Application (Rezoning) 20160504Z (A-1 to PUD)

Dear Mr. Vandeven:

This letter is to inform you that the referenced Amendment and Rezoning were approved by the Marion County Board of County Commissioners (Board) on July 19 2016.

The Board's Rezoning approval was subject to the submission and review of a PUD Conceptual Master Plan (Plan) through the County's Development Review Committee (DRC) review process to then be scheduled for Board consideration on October 18, 2016. The Plan was submitted by your representative and, following staff and DRC review, the Board conducted its October 18, 2016 consideration. The Board approved the Plan subject to clarification that perimeter fencing is required along the full perimeter of the site boundary in order to control the site's access, with particular attention to the adjoining agricultural properties.

At this time, the Amendment and Rezoning considerations are complete and the Amendment is now effective following the State of Florida Department of Economic Opportunity's receipt of the Amendment's adoption package transmittal. The Rezoning will be fully complete and effective on or before November 1, 2016.

If you have any questions regarding these matters, please contact the Growth Services Department Planning and Zoning Division and be sure to refer to file numbers 2016-L02 and 20160504Z.

Sincerely,

Samuel D. Martsolf
Marion County Growth Services Director

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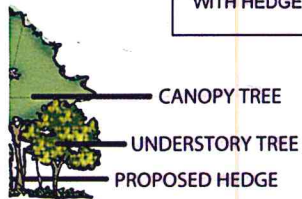
cc: J. David Tillman
Tillman and Associates Engineering

"Meeting Needs by Exceeding Expectations"



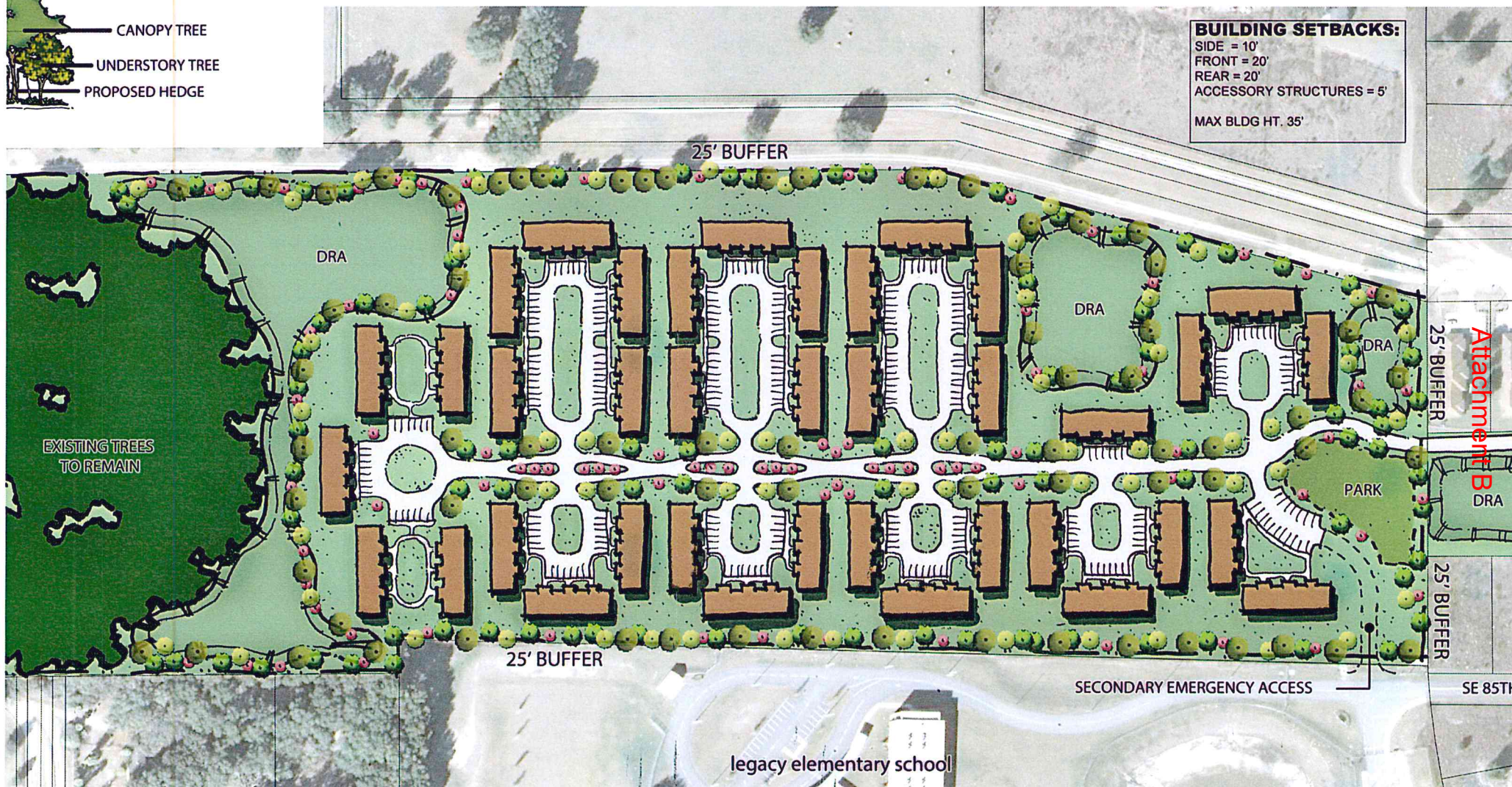
25' BUFFER

2 - CANOPY AND 3 UNDERSTORY / 100'
WITH HEDGE



BUILDING SETBACKS:

SIDE = 10'
FRONT = 20'
REAR = 20'
ACCESSORY STRUCTURES = 5'
MAX BLDG HT. 35'



CHESTNUT HILL COMMUNITY

MARION COUNTY, FLORIDA

40 AC. X 8 UNITS / AC. = 320 UN
123 UNITS PROPOSED = 3 UNITS

RESOLUTION NO. 24-R-677

**A RESOLUTION OF THE BOARD OF
COUNTY COMMISSIONERS OF MARION
COUNTY, FLORIDA, APPROVING A
PLANNED UNIT DEVELOPMENT ON ±33.36
ACRES FOR GPK OCALA ONE, LLC,
ZONING CASE NUMBER 241104ZC;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, an application for a Planned Unit Development was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on November 25, 2024; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, December 17, 2024. Now therefore,

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

SECTION 1. PLANNED UNIT DEVELOPMENT APPLICATION 241104ZC – GPK Ocala One, LLC The application requesting approval of a Planned Unit Development, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Tillman & Associates Engineering, LLC, Ocala, FL 34471, to change approximately 39.36 acres from General Agriculture (A-1) to Planned Unit Development (PUD) to allow for a total maximum proposed 158 single-family detached units, on Parcel Account Number 36640-004-00, No Address Assigned.

SECTION 2. FINDINGS AND DEVELOPMENT CONDITIONS. The Board of County Commissioners agrees/disagrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Planned Unit Development and the Board approves the Planned Unit Development subject to the following development conditions:

1. The PUD shall develop 158 detached single-family dwelling units, and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 9/20/2024; attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. All residential structures shall meet the 10' rear setback.
4. Accessory structures are limited to 20' in height.
5. A Type C Buffer shall be installed along all property lines. Existing vegetation may be counted toward the buffer requirements if approved by the Marion County Landscape Architect or designee.

Attachment B

6. Sidewalks are required along Juniper Road and along the emergency access with a crosswalk and connection to the sidewalk at the school entrance. No waivers shall be granted to this requirement.
7. Sidewalks shall be provided internally along one side of the roads.
8. The PUD shall connect to the City of Belleview's Utility System for centralized water and sewer.
9. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single-Family Dwelling (R-1) zoning classification of the LDC.
10. Single-Family homes shall be a maximum of 40' in height.
11. Amenities shall be developed and finalized prior to the 79th residential Certificate of Occupancy (CO). or Amenities shall be developed and finalized within one year after the first Certificate of Occupancy.
12. Buffers and landscaping be installed before the first CO.
13. The size of the ROWs and easements shall be determined during the Development Review phase and depicted on the Master Plan for Board of County Commissioners' final approval.
14. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.

SECTION 3. COMPLIANCE/REVOCATION. Violation or failure to comply with one or more condition(s) of this Planned Unit Development shall be grounds for code enforcement action and/or repeal, in part and/or total, as related to this Planned Unit Development by the Board at a noticed public hearing.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

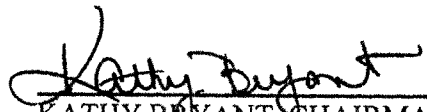
DULY ADOPTED in regular session this 17th day of December, 2024.

ATTEST:

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



GREGORY C. HARRELL, CLERK



KATHY BRYANT, CHAIRMAN

ORDINANCE NO. 25-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR REPEAL OF MARION COUNTY ORDINANCE NO. 24-34; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, at a public hearing on December 17, 2024, the Marion County Board of County Commissioners adopted Ordinance No. 24-34 approving Agenda Item 15.2.1., incorrectly referenced as 241107 ZP and instead should have referenced 241210 ZP, for applicant GPK Ocala One, LLC to rezone a 39.36 acre parcel on Parcel Account Number 36640-004-00 from General Agriculture (A-1) to Planned Unit Development to allow for a maximum of 158 single-family detached units, and incorporated the terms of Resolution 24-R-677 by reference; and

WHEREAS, it was almost immediately thereafter determined that the Board's approval of Ordinance No. 24-34 was based on inaccurate information regarding the Future Land Use Designation of the subject property, and further that the Ordinance would result in a development order that was inconsistent with the Comprehensive Plan in violation of the Community Planning Act; and

WHEREAS, the property owner was immediately notified of the problem set out above, and as a consequence of the foregoing circumstances, the Board of County Commissioners directed staff to repeal Ordinance No. 24-34 in reference to Application No. 241210 ZP.

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

SECTION 1. Marion County Ordinance No. 24-34 is hereby repealed in its entirety and shall no longer have any force or effect.

SECTION 2. EFFECTIVE DATE. A copy of this Ordinance as enacted shall be filed by the Clerk of the Board by email with the Office of the Secretary of State of Florida within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this Ordinance has been filed with such office.

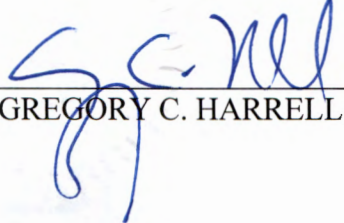
[Signatures on Page 2 of 2 of this Ordinance.]

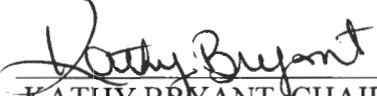
Attachment B

DULY ADOPTED in regular session this 17TH day of March, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA



GREGORY C. HARRELL, CLERK

KATHY BRYANT, CHAIRMAN

RECEIVED NOTICE FROM SECRETARY OF STATE
ON MARCH 27, 2025 ADVISING ORDINANCE WAS
FILED ON MARCH 27, 2025.

RESOLUTION NO. 25-R-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR REPEAL OF MARION COUNTY RESOLUTION NO. 24-R-677; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners at a public hearing on March 17, 2025, adopted Ordinance No. 25-07, which repealed Ordinance No. 24-34, which ordinance had approved Resolution No. 24-R-677; and

WHEREAS, in concert with the reasons set forth in Ordinance No. 25-07, the Board has determined to repeal Resolution No. 24-R-677.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

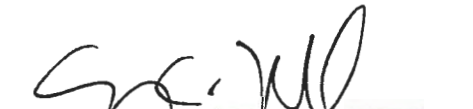
SECTION 1. REPEAL OF RESOLUTION NO. 24-R-677. Resolution No. 24-R-677 and the approvals granted therein are hereby repealed.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

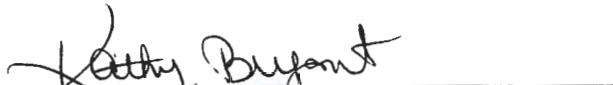
DULY ADOPTED in regular session this 17th day of March, 2025.

ATTEST:

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



GREGORY C. HARRELL, CLERK



KATHY BRYANT, CHAIRMAN