

ORDINANCE NO. 11-21

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR FINDINGS; ADOPTING AMENDMENT 10-PR-M13 (RURAL to SCD) TO THE FUTURE LAND USE MAP SERIES AS PART OF SEVERAL EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN, PURSUANT TO SECTIONS 163.3191 AND 163.3184, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Certified A True Copy
 of 5 page document
 this 23rd day of Feb. 2011
 DAVID R. ELLSPERMANN
 Clerk of Court
 BY C. B. [Signature] D.C.

WHEREAS, Section 125.01(1)(g), Florida Statutes, empowers the Board of County Commissioners of Marion County, Florida ("Board") to prepare and enforce comprehensive plans to plan for and manage the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners of Marion County to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, the Board has followed the procedures set forth in Sections 163.3191 and 163.3184, Florida Statutes, in order to adopt Evaluation and Appraisal Report (EAR) based and related amendments to the Comprehensive Plan; and

WHEREAS, the Board has substantially provided for public participation in the Plan amendment process; and

WHEREAS, the Board of County Commissioners of Marion County, Florida, advertised for and held a public hearing pursuant to the requirements of Rule 9J-11.003(2)-(5), F.A.C., on August 3, 2010, and continued such public hearing to August 4, 2010 for the purposes of transmitting proposed plan amendments to the Department of Community Affairs (DCA); and

WHEREAS, the DCA issued its Objections, Recommendations and Comments (ORC) Report on October 15, 2010 for DCA number 10-2ER, relating to these amendments; and

WHEREAS, the Board held an adoption hearing on February 3, 2011, and continued such public hearing to February 10, 2011, after due public notice for the purposes of adopting amendments to the Comprehensive Plan; and

WHEREAS, various amendments to the Marion County Comprehensive Plan were proposed by county staff to update and revise the Comprehensive Plan; and

WHEREAS, the Board allowed members of the public to submit requests to make additional changes to the Comprehensive Plan Elements and Future Land Use Map Series; and

WHEREAS, these amendments provided by staff and the public are referenced as “10-PR” requests; and

WHEREAS, the Plan amendments set forth herein have been reviewed by all required State agencies and the Department’s ORC Report has been considered by the Board; and

WHEREAS, the Board of County Commissioners of Marion County, Florida, further considered all oral and written comments received during said public hearing, including the data and analysis packages; and

WHEREAS, the Board hereby finds that the Plan, as amended by this ordinance, is internally consistent with and compliant with the provisions of State law, including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Policy Plan of the Withlacoochee Regional Planning Council;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS. The above recitals are true and correct and such findings are a material part of this ordinance.

SECTION 2. PURPOSE AND INTENT. This ordinance is enacted to adopt one of several EAR-based and related amendments to the Marion County Comprehensive Plan, which several amendments shall collectively comprise the Marion County 2035 Comprehensive Plan.

SECTION 3. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Map Amendment to the Comprehensive Plan and approves and authorizes the necessary amendments to the Future Land Use Map Series, in accordance with Exhibits “A” and “B”, attached hereto and by this reference made a part of based on a finding of compatibility and consistency with the Marion County Comprehensive Plan:

**10-PR-M13, JAYNE WARD, ±29.01 ACRES
Rural Land to Specialized Commerce District**

SECTION 4. 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 5. REPEAL. All ordinances or part of ordinances which are in conflict with this ordinance are hereby repealed.

SECTION 6. COPY ON FILE. The original ordinance shall be filed with the Clerk of Circuit Court and a certified copy of this ordinance shall be on file with the Marion County Growth Management Department Planning Division for public inspection.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment by the Board of County Commissioners of Marion County, Florida; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-two days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendments in compliance, if no affected party challenges the Plan amendments, or if an affected party challenges the Plan amendments, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the Plan amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an amendment becomes effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, by the Clerk of the Board of County Commissioners.

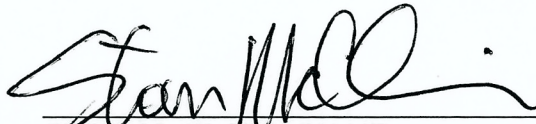
DULY ADOPTED this 10th day of February, 2011.

ATTEST:

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



DAVID R. ELLSPERMANN, CLERK



STAN McCLAIN, CHAIR

EXHIBIT "A"

Parcel numbers 34899-002-00 and 34899-004-00 (in order as listed) described as follows:

SEC 35 TWP 16 RGE 19

COM AT NE COR OF NW 1/4 OF SW 1/4 OF SEC 35 TH W ALONG N BDRY 220.53 FT TO
POB TH S 951.28 FT TO POINT ON N ROW LINE OF ST RD 484 TH W 220.66 FT TH N
952.94 FT MOL TO N BDRY LINE TH E 220.52 FT TO POB

SEC 35 TWP 16 RGE 19

W 441.05 FT OF E 882.10 FT OF NW 1/4 OF SW 1/4 LYING N OF SR 484

All being in Marion County, Florida and containing 29.01 acres, more or less.
(Per Marion County Property Appraiser's Office records)

10-PR-M13 Jayne Ward – Specialized Commerce District

Exhibit "B" *Proposed Future Land Use Designation*

