

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

April 16, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 5:33 p.m. on Tuesday, April 16, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN MICHELLE STONE

Chairman Stone advised that the public hearing was scheduled this afternoon to consider amendments to the Marion County Land Development Code (LDC) related to zoning classification format changes.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

ROLL CALL

Upon roll call the following members were present: Chairman Michelle Stone, District 5; Vice-Chairman Kathy Bryant, District 2; Commissioner Craig Curry, District 1; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Lewter presented Proof of Publication of a legal ad No. 10012912 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on April 8, 2024. The Notice states the Board will consider the proposed amendments related to Marion County LDC Division 4.2. – Zoning Classification, reformatting the list of permitted and special use permit uses, development standards, setbacks for uses and structures for principle, general accessory, and specialty uses from a list format to a table format, and providing for scrivener corrections for Section 4.2.31. Planned Unit Development (PUD).

The Deputy Clerk was in receipt of an 83 page Agenda Packet; a 30 page handout entitled, "Sec. 4.2.15 Requirements for all commercial and industrial zoning classifications"; a 15 page handout entitled, "Marion County Land Development Code Section 4.2.31 – Planned Unit Development"; and a 31 page handout entitled, "Division 2. Zoning Classification".

STAFF PRESENTATION

PUBLIC HEARING: Second of Two Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code Division 4.2. - Zoning Classification, to Reformat the List of Permitted and Special Use Permit Uses, Development Standards, Setbacks for Uses and Structures for Principle, General Accessory, and Specialty Uses from a List Format to a Table Format, and Provide for Scrivener Corrections
Growth Services Deputy Director Ken Weyrauch presented the following recommendation:

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Description/Background: Land Development Code (LDC) Division 4.2, Zoning Classification, currently presents permitted and special use permit uses as a separate series of lists for each respective zoning classification district. Some of the lists then include references to other zoning classifications for inclusion without fully listing those uses in that referencing section, such as Community Business (B-2) uses including Neighborhood Business (B-1) uses. Staff and the general public have noted the format creates difficulties when attempting to discern a site's eligible uses. Additionally, the format creates difficulties for users to search potential uses to identify a zoning classification where a particular use may be conducted. Along with the uses, the setbacks for uses and structures are also in a list form making identification of some of those setback standards difficult to identify. Staff proposes to amend LDC Division 4.2 to convert the List of Permitted and Special Use Permit Uses, Development Standards, Setbacks for Uses and Structures for Principle, General Accessory, and Specialty Uses into a complete table format that lists uses related to groupings of the zoning classifications focused on agriculture, residential, commercial, and industrial groupings.

Staff also proposes revisions to address scrivener errors regarding LDC Section 4.2.22 being titled "rural resort" instead of "recreational resort" and correcting the formatting of LDC Section 4.2.31.D wherein letters rather than parenthesized numbers were improperly used.

The proposed were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on November 8, 2023 at 5:30 p.m. consistent with Section 2.4.3 of the LDC. The proposed were considered by the Board of County Commissioners (BOCC) in a public hearing held on April 2, 2024 at 10 a.m. consistent with Section 2.4.3 of the LDC. At this public hearing, the BOCC considered the following items:

Item 1 of 3 - Proposed reformatted Division 4.2, Zoning Classification for Sections 4.2.2 through 4.2.30, less the Commercial zoning classifications (provided in Item 2). [Ordinance attachment]

Item 2 of 3 - Proposed reformatted Division 4.2, Zoning Classification for Sections 4.2.15 through 4.2.25 and the noted scrivener correction. [Ordinance attachment]

Item 3 of 3 - Proposed Scrivener Corrections for Sections 4.2.31.C(5) and D and Section 4.2.31.E(7)(a) Planned Unit Development [Ordinance attachment].

After considering these items, and consistent with LDC Section 1.4.3.A and B, the LDRC voted to recommend approval of the proposed LDC amendments subject to further revisions proposed to Item 3 of 3, above.

This is the second of two (2) public hearings, for the Board to received further public comment, provided direction, if any, and act to approve the proposed LDC Amendments.

Budget/Impact: None.

Recommended Action: Motion to approve the Ordinance amending the Marion County Land Development Code, including any final modifications required.

Growth Services Deputy Director Ken Weyrauch advised that currently the LDC contains lists for all the permitted and special uses and staff is requesting the formatting be changed back to tables, as shown on the overhead screens. He provided a brief overview of the scrivener's errors being corrected, noting red strike throughs are deletions and the green underlines are added text.

In response to Chairman Stone, Mr. Weyrauch advised that staff will be reviewing the LDC over the next 3 or 4 years and Workshops will need to take place in order to clean up the language and address issues.

Chairman Stone advised that today the only change is the formatting of the LDC and not the information. Mr. Weyrauch concurred, noting the table form is more user friendly.

PUBLIC COMMENT

Chairman Stone opened the floor for public comment.

Johnathan Rivera-Rose, West Anthony Road, presented a 1 page handout, which contains modified language in red and underlined. He urged the Board to consider adding the language and opined that this language clarifies the use of the land.

Chairman Stone advised that today's public hearing is to address the formatting of the LDC.

Mr. Minter stated the handout provided relates to aircraft hangers in approved fly in communities. He advised that the County is in the process of hiring a consultant to more comprehensively create some regulations for airports and fly in communities.

Chairman Stone advised that public comment is closed.

BOARD DISCUSSION: NONE

CLOSING COMMENTS

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 24-08 amending the Marion County Land Development Code. The motion was unanimously approved by the Board (5-0).

Resolution 24-08 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO THE REFORMATTING OF THE LIST OF PERMITTED AND SPECIAL USE PERMIT USES, DEVELOPMENT STANDARDS, SETBACKS FOR USES AND STRUCTURES FOR PRINCIPLE, GENERAL ACCESSORY, AND SPECIALTY USES FROM A LIST FORMAT TO A TABLE FORMAT, AND TO PROVIDE FOR SCRIVENER CORRECTIONS FOR SECTIONS 4.2.22. RECREATIONAL RESORT AND 4.2.31. PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE

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There being no further business to come before the Board, the meeting thereupon adjourned at 5:46 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

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