

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:

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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.

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

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

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

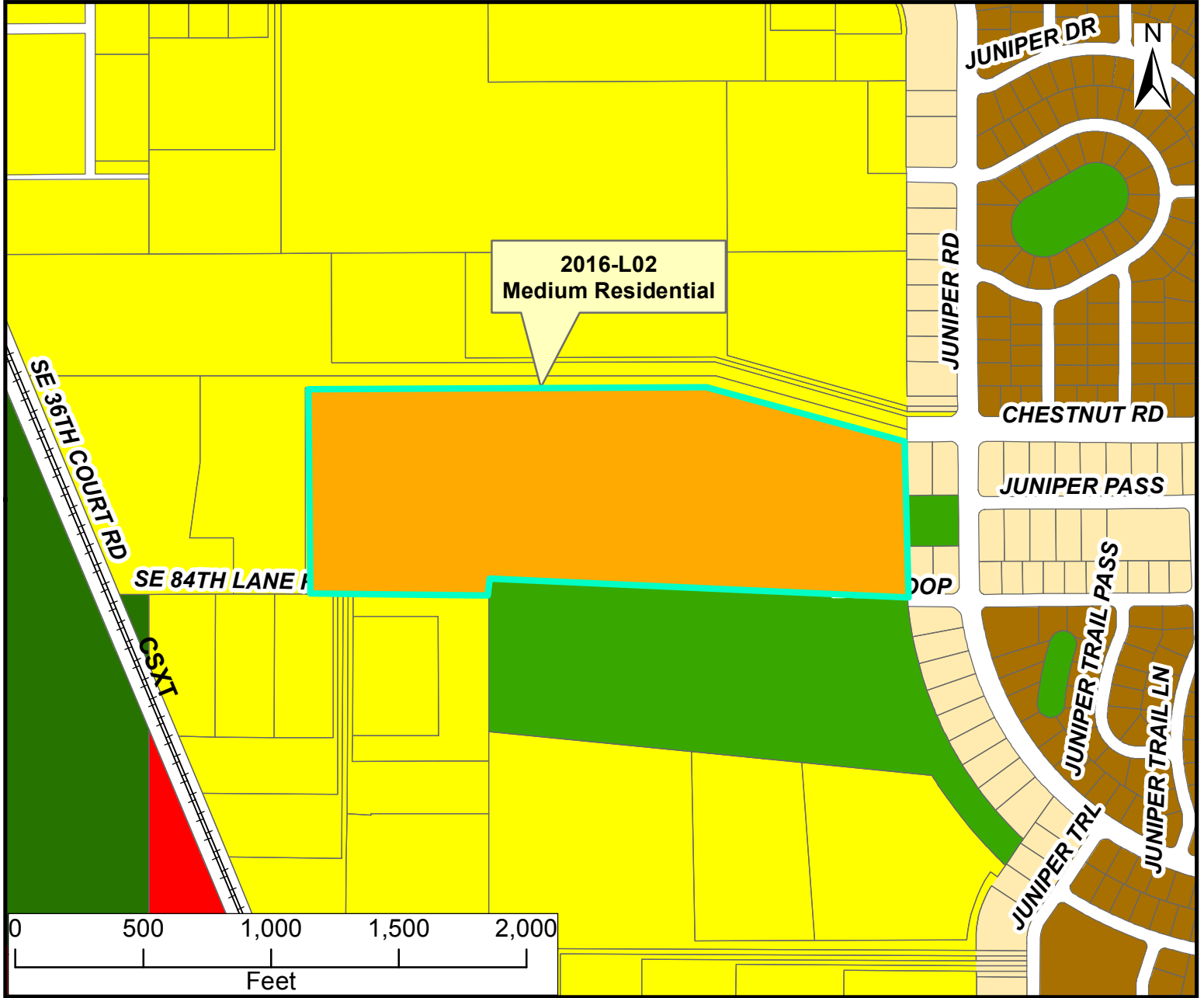

Travis P. Barrineau

TRAVIS P. BARRINEAU, PSM, LS NO. 6897



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

Ocala, FL 34471



Legend

- Parcel
- Railroad
- Waterbodies
- 2016-L02

FUTURE LAND USE DESIGNATION

- | | |
|---|--|
| <ul style="list-style-type: none"> Rural Land (1 du/10 ac) Low Residential (0 - 1 du/ac) Medium Residential (1 - 4 du/ac) High Residential (4 - 8 du/ac) Urban Residential (8 - 16 du/ac) Rural Activity Center (0 - 2 du/ac; FAR 0.35) Rural Community (0 - 3 du/ac; FAR 0.70) | <ul style="list-style-type: none"> Commercial (0 - 6 du/ac; FAR 1.0) Employment Center (0 - 12 du/ac; FAR 2.0) Commerce District (N/A; FAR 2.0) Public (N/A; FAR 1.0) Preservation (N/A; N/A) Municipality |
|---|--|



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.