

ORDINANCE NO. 26 - __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; PROVIDING FOR FINDINGS; ADOPTING AMENDMENT 25-L05 THE 2025 MARION COUNTY COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS; LARGE-SCALE TEXT AMENDMENT, TO THE FUTURE LAND USE, HOUSING, TRANSPORTATION, SANITARY SEWER, POTABLE WATER, SOLID WASTE, STORMWATER, AQUIFER RECHARGE, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, ECONOMIC, AND PROPERTY RIGHTS ELEMENTS OF THE MARION COUNTY COMPREHENSIVE PLAN

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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 Community Planning 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; and

WHEREAS, the Marion County Planning & Zoning Commission, acting as the Local Planning Agency, conducted a properly noticed public hearing on March 30, 2026, at 5:30 p.m., to consider Amendment No. 25-L05 following the Florida Commerce comments and objections. 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 a properly noticed transmittal public hearing on April 7, 2026, at 10:00 a.m., to consider Amendment No. 25-L05 following the Florida Commerce comments and objections, 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 Commerce (Florida Commerce) and other designated agencies for review consistent with Chapter 163.3184, Florida Statutes, and

WHEREAS, Florida Commerce and other reviewing agencies received Amendment 25-L05, and provided a letter of no comments or objections regarding the proposed Amendment, and

WHEREAS, the Board conducted a properly noticed adoption public hearing on August 4, 2026, at 9:00 a.m., to consider Amendment No. 25-L05, the Growth Services Department's recommendation, the Planning and Zoning Commission's recommendation, the agency transmittal review responses received (if any), and public comment received, and acted to adopt the Amendment.

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

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 text amendment and authorizes the necessary amendment to Comprehensive Plan Future Land Use Element text attached hereto as Exhibits "A," "B," "C," "D," & "E" 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:

PROPOSED EVALUATION AND APPRAISAL REPORT: LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT	
Comprehensive Plan Elements	Summary of Changes
Terms and Definitions	Adding a definitions section and adding new acronyms
Future Land Use Element	Updates due to legislative changes, grammar updates, reorganization of sentences for clarity, specifications for clarity, adding Planned Service Areas description, updating landfills section, revising Neighborhood Commercial, putting an emphasis on Agritourism within the Rural Areas, defining rural areas and urban areas, and updates to policies related to current best practices and standards.
Housing Element	Minor revisions related to citations and references to legislation and the Florida Administrative Code, and grammar updates.
Transportation Element	Changes to the adopted Level of Service (LOS) standards and analyses, adding a bicycle and pedestrian LOS Policy, adding references to State Legislation and other agency documents, adding policies to Goal 7, Aviation, to provide objectives and policies for uses around airports, promotion of multimodal alternatives, reorganization of the element for clarity, and grammar updates.
Sanitary Sewer Element	Revisions for best practices and modern standards, referencing State legislation and other agencies with regulations, revisions for clarity, and grammar updates.
Potable Water Element	Revisions for best practices and modern standards, referencing State legislation and other agencies with regulations, revisions for clarity, and grammar updates.
Solid Waste Element	Revision to allow for new Class III landfills and expansion of the Marion County Baseline Landfill, revisions for best practices and current standards, and grammar updates
Stormwater Element	Revisions for best practices and modern standards, referencing State legislation and other agencies, and revisions for clarity and grammar updates
Aquifer Recharge Element	Updated references to State legislation and other agencies, and grammar updates

Conservation Element	Updated references to State legislation and other agencies, revisions for clarity, and grammar updates
Recreation and Open Space Element	Updated references to State legislation and other agencies, revisions for clarity, emphasis on the Florida Wildlife Corridor, acknowledgement of a park fund as a fee-in-lieu-of option, and grammar updates
Intergovernmental Coordination Element	Updating Table 1.1 and the agencies and local governments listed, and grammar updates
Capital Improvements Element	Updating Table 1.2 "Public Facilities Subject to and Exempt from Concurrency", reference to state law, and grammar updates.
Economic Element	Reorganization for clarity, adding emphasis on the Chamber of Economic Partnership, adding emphasis on agritourism, removing outdated policies, and grammar updates
Property Rights Element	Updating the horizon to 2050 instead of 2035

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 provisions of this ordinance shall remain in full force and effect.

SECTION 4. CONFLICTS. In the event of any conflict or inconsistency between the text of this Amendment and any other county ordinance or part thereof, the provisions of this amendment shall prevail to the extent of such conflict or inconsistency

SECTION 5. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

SECTION 6. REPEAL. Except as set forth in Section 7, all ordinances or part of ordinances that are in conflict with this ordinance are hereby repealed.

SECTION 7. PENDING WEC ORDINANCES.

(a). On March 18, 2026, the County adopted two (2) ordinances (the "WEC Ordinances"): Ordinance No. 26–09 (the "WEC Text Ordinance") and Ordinance No. 26–10 (the "WEC Map Ordinance"), pursuant to which the County approved Amendments to the Comprehensive Plan. The WEC Text Ordinance amended portions of the following: FLUE Policy 2.1.28, FLUE Table 2-1, and FLUE Policy 10.5.1. The WEC Map Ordinance amended the Comprehensive Plan Future Land Use Element Map #1, the "Marion County 2045 Future Land Use Map."

(b). Thereafter, the WEC Ordinances were challenged pursuant to Section 163.3184, Florida Statutes, and therefore, the WEC Ordinances will not become effective until the state

land planning agency or the Administrative Commission enters a final order determining the WEC Amendments to be in compliance.

(c). This Ordinance amends provisions of the Comprehensive Plan that are also the subject of the WEC Ordinances, but, because the WEC Ordinances have not yet become effective, this Ordinance does not incorporate the amendments that were made by the WEC Ordinances.

(d). Nonetheless, it is not the intent of this Ordinance that the amendments made by the WEC Ordinances shall be deemed repealed based upon the adoption of this Ordinance.

(e). Therefore, if the amendments adopted by the WEC Ordinances become effective, such amendments shall not be deemed repealed by this Ordinance but rather shall be effective as adopted. In such an event, the provisions of the Comprehensive Plan that were revised pursuant to the WEC Ordinances shall prevail over any inconsistent language in this Ordinance.

(f). In the event that the WEC Ordinances do not become effective, this Section 6 shall have no application because the amendments made by the WEC Ordinances never became effective.

SECTION 8. 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 Services Department, Planning and Zoning Division for public inspection.

SECTION 9. EFFECTIVE DATE. Pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency notifies Marion County that the plan amendment package is complete. If the amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 4th day of August, 2026.

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

CARL ZALAK III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

MATTHEW MINTER, COUNTY ATTORNEY