

**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 5:49 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 an Amendment(s) to the Marion County Land Development Code (LDC) related to section 4.2.23 – Rural Commercial (RC-1) zoning classification’s intent, list of permitted and special uses, development standards and design

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. 10016089 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 relating to the LDC, Section 4.2.23 – Rural Commercial (RC-1) zoning classification’s intent, permitted uses, development standards, and design standards.

The Deputy Clerk was in receipt of an 34 page Agenda Packet; a 9 page handout entitled, “1994 LDC Deleted Text 3/22/1994”; a 4 page handout entitled, “RC-1 Rural Commercial (Rev. 4/17/96); a 2 page handout entitled, “Staff and Applicant – Proposed Revisions to “Exhibit ‘A’ Proposed ‘Proposed ‘Rural Commercial’”; and a 13 page handout entitled, “Proposed Revisions to “Exhibit ‘A’ Proposed ‘Rural Commercial Amendment’”.

STAFF PRESENTATION

PUBLIC HEARING: Second of Two Public Hearings for Consideration of an Ordinance as a Result of an Application Submitted by Horse Farms Forever, Inc. To Amend the Land Development Code Regarding Section 4.2.23 - Rural Commercial (RC-1) Classification’s Intent, Permitted Uses, Development Standards and Design Standards
Growth Services Deputy Director Ken Weyrauch presented the following recommendation:

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Description/Background: G. Matthew Brockway, Esq. (Applicant), on behalf of Horse Farms Forever, Inc., submitted a Land Development Code (LDC) Amendment Application (Application) proposing changes to LDC Division 4.2.23 - Rural Commercial (RC-1) zoning classification's intent, permitted uses, development standards, and design standards; providing for conflicts; providing for severability; providing for inclusion in the Land Development Code.

The proposed amendments were considered in a public hearing by the Land Development Regulation Commission (LDRC) on January 24, 2024, which recommended approval of the amendments with the attached proposed changes. The applicant and staff do not support the additional changes proposed by the LDRC. Besides the planning staff report, the following items are presented to the BOCC for consideration:

Attachment A - Original Rural Commercial LDC Amendment Application, by applicant, Horse Farms Forever, Inc.

Attachment B - Proposal RC-1 Intent Comparison Language Strikethrough Underline from both the applicant and LDRC

Attachment C - Proposal RC-1 Language Strikethrough Underline, with LDRC Language recommendations. And proposal RC-1 Language Strikethrough Underline, as revised by applicant with staff, Horse Farms Forever, Inc.

Attachment D - Proposal RC-1 Language, clean, as proposed by applicant, Horse Farms Forever, Inc., in Attachment C

Attachment E - 1996 Rural Commercial RC-1 Zoning Classification Language

Attachment F - Letter from 1000 Friends of Florida on the Proposed LDC Amendment

Attachment G - Proposed Ordinance for signature

This is the second of two (2) public hearings, and the first public hearing was held on March 19, 2024, at 10 a.m.

Budget/Impact: None.

Recommended Action: Motion to recommend approval of the LDC Amendments, as proposed by the applicant.

Chairman Stone addressed some misinformation relating to the number of parcels impacted by the proposed changes. She stated it was her understanding originally that only 20 parcels were impacted, but it is actually over 1,000 parcels. Chairman Stone advised that currently there are 20 parcels in Marion County zoned RC-1, noting if the permitted uses change those parcels will be limited to what can be done with the RC-1 zoning. She stated there are over 1,000 parcels zoned Commercial in the Rural areas and those parcels will still have the ability to request to be zoned RC-1.

Growth Services Deputy Director Ken Weyrauch advised that there are 20 parcels in Marion County zoned RC-1, noting a courtesy letter was sent to each owner advising of today's hearing. He stated in September of 2023 a LDC Amendment application was submitted by Horse Farms Forever (HFF), noting HFF has worked with staff to revise their application in a manner that is supported by staff. Mr. Weyrauch advised that in the beginning the proposed language included farm gas stations and farm restaurants limited to 4,000 square feet, but staff was unsure how to enforce this or what a farm version of those uses would look like. Upon staff's review of the Comprehensive Plan, the intention of the Rural Land use designation, and the intention of the Rural Commercial zoning

classification it was recommended that many of the uses be stricken. Most of the uses were added in the 2017 LDC update.

Mr. Weyrauch advised that workshops were held with the Land Development Regulation Commission (LDRC) regarding this matter in October, November and December 2023, noting a public hearing with the LDRC was held in January 2024. He stated the first public hearing before the BCC was on March 19, 2024. Mr. Weyrauch advised that of the 20 parcels zoned RC-1 three are developed commercially; three are residential; and 14 are vacant. Two of the vacant parcels have Agricultural exemptions.

Mr. Minter referred to the image on the overhead screen containing a box indicating the affected RC-1 parcels. He stated the proposed language would change some of the permitted uses in RC-1; therefore, any parcel wishing to apply for RC-1 in the future would be subject to those permitted uses.

In response to Commissioner Bryant, Mr. Weyrauch stated the 2 parcels with Agricultural exemptions are zoned RC-1 and have a Rural Land use.

Chairman Stone clarified that there are 20 parcels zoned RC-1, but there are over 1,000 parcels in the County that have the ability to request RC-1.

Commissioner Bryant questioned what the previous zoning was on the 2 agricultural exempt parcels. Mr. Weyrauch advised that he will bring that information back to the Board.

Mr. Weyrauch advised that the proposed language does not restrict current agriculturally zoned properties from applying to be converted to Commercial properties. Those properties would seek a land use amendment and a zoning change consistent with that land use. This is the same procedure as when agricultural properties seek to convert to residential. He stated the application would be subject to a Comprehensive Plan analysis, as required by Chapter 163 of the Florida Statutes; and also by Policy 5.1.12 of the County's Comprehensive Plan, which extends this analysis to zoning change and SUP applications. Mr. Weyrauch advised that the language does not modify the Urban Growth Boundary (UGB).

Mr. Weyrauch advised that there are approximately 1,180 Commercially zoned properties with a Rural Land Use that would be eligible to apply for RC-1.

In response to Chairman Stone, Mr. Weyrauch stated the 1,180 parcels would only be affected if an application was made and approved to RC-1.

Mr. Weyrauch advised that there are 2,167 parcels zoned Commercial with a Commercial Land use in Marion County, noting 1,107 of those parcels are vacant.

In response to Commissioner Bryant, Mr. Weyrauch stated if the Ordinance is approved the changes that will directly affect the 20 parcels currently zoned RC-1 is the permitted uses. He advised that if any of the 1,180 parcels with Commercial zoning and a Rural Land use who are eligible to apply for RC-1 did make application they would be limited to the new set of uses.

Commissioner Bryant advised that a property owner with a Commercial land use and Commercial zoning could develop under the Commercial zoning in place or if they wish to increase the intensity they can make application and go through the zoning process currently in place. Mr. Weyrauch concurred.

Mr. Weyrauch provided a brief history of how land use and zoning was designated.

In response to Commissioner Bryant, Mr. Weyrauch advised that up until 2017 only properties zoned Commercial with a Rural Land use could request RC-1, but now the LDC is ambiguous. He stated the proposed language will clean up the intent and clarify

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that those Commercially zoned properties on Rural Land are the ones eligible to apply for RC-1.

In response to Commissioner Curry, Mr. Weyrauch clarified that the language proposed by the LDRC is that all undeveloped parcels located in the Rural Lands would be eligible to apply for the RC-1 zoning change.

Commissioner Bryant referred to language in the LDC addressing what parcels can apply for the RC-1 zoning.

Mr. Weyrauch clarified that this language was from the 1996 version of the LDC, which was changed in 2017.

Mr. Weyrauch stated the Comprehensive Plan is the governing document, noting if the LDC is inconsistent with the Comprehensive Plan then the LDC must be changed. He advised that the Future Land Use Element (FLUE) Policy 2.1.13 relating to Rural Lands states "This land use designation is intended to be used primarily for agricultural uses, low density residential units on large lots or family divisions and associated housing related to farms or other agricultural related Commercial and Industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the following special provision shall apply for development not meeting the base density, as further defined in the LDC". Mr. Weyrauch stated the Comprehensive Plan does not specify a floor area ratio (FAR), which is how the County calculates Commercial use.

Mr. Weyrauch provided a brief history of the Rural Commercial (RC-1) zoning, noting the intent of the previous version of RC-1 was to provide for the shopping and limited services needed by residents in the rural area and to implement the Marion County Comprehensive Plan.

Mr. Weyrauch stated the County does not have anything adopted that defines "Agriculturally-Related Uses". He advised that the definition is not part of the language change today, but staff would like to propose as a potential definition the following: Agricultural-related Uses means those farm-related Commercial and farm-related Industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. This definition was found on lawinsider.com.

In response to Chairman Stone, Mr. Weyrauch advised that after the first public hearing he was unable to find where the Board had adopted a definition for agriculturally-related uses in any LDC or Comprehensive Plan in the past. He addressed the term functionally related, noting if the agricultural use was removed the business would no longer be needed because it is directly related to the agriculture.

Chairman Stone stated if the agriculture business is removed and the business goes under than it would be considered agriculturally related; however, the permitted uses being proposed to remove are things that farms and people who live in rural areas would utilize.

Mr. Weyrauch advised that uses such as a convenience store and restaurant are also included in the RACs, noting the intent of the RC-1 is for uses not in a RAC. He stated staff recommends the BCC strike those uses. The Board can direct staff to review the RAC prior to the Evaluation and Appraisal Report (EAR). Mr. Weyrauch stated there are less than 30 RACs in the County, noting most of them are only partially developed. The RACs are not developing the way they were supposed to and it is unclear as to why. He stated the RC-1 is also not developing; therefore, it is not a resolution.

Mr. Weyrauch stated there is a lot of strip Commercial located on Commercially zoned properties with Commercial Land use outside of the UGB, noting the Board is able to

create new Commercial nodes as desired. Commercial nodes if created correctly can manage access points to ensure there are not a bunch of driveways on 50 to 60 mile per hour (mph) road causing issues in the future.

Commissioner Bryant advised that the 2017 LDC clearly states before any changes have been made, all undeveloped Commercial parcels located in the Rural Lands shall be eligible to rezone to this classification prior to applying for development approval.

Mr. Weyrauch advised that staff supports the wording “may rezone” rather than “shall”, because the owner may not want to be zoned RC-1.

General discussion ensued.

Mr. Weyrauch addressed both the applicant and the LDRC’s proposed revised language, noting staff supports the applicants language.

Chairman Stone stated should the proposed language be removed a property owner would be able to go through the Comprehensive Plan Amendment and Zoning change process to develop their property. She advised that the Board would not be taking away any landowners rights to develop their property. Mr. Weyrauch concurred.

Mr. Weyrauch advised that it is up to the applicant how detailed they wish to be in the land use application.

Mr. Weyrauch provided a brief overview of the proposed permitted uses from both the applicant and the LDRC, as shown on the overhead screens.

In response to Chairman Stone, Mr. Weyrauch advised that a landscape contractor’s yard is where a landscaper keeps their rock piles, pavers and other equipment used for landscape design and installation.

Mr. Weyrauch provided an overview of the proposed uses from both the applicant and the LDRC that would require a Special Use Permit, as shown on the overhead screens.

Matthew Brockway, Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Main Street, Sarasota, on behalf of the applicant HFF, advised that an important component of HFF’s mission is to avoid future land use conflicts, noting the quintessential example of what they are trying to prevent is the RC-1 rezoning request heard on March 19, 2024. He stated the 1996 LDC was clear on what was intended for RC-1 zoning, noting the intent was to amortize and bring these legacy Commercial parcels into alignment with the Comprehensive Plan. This language changed in 2017. Mr. Brockway advised that the goal of the requested amendment is to bring the intent back to what it originally was in 1996, realign the intent and uses with the Comprehensive Plan, and avoid future land use conflicts, as well as clarify the rights of property owners and the process to achieve certain Commercial land uses going forward.

Mr. Brockway commented on the mechanism in the sign Ordinance used to address nonconforming signs over time, noting eventually all signs in the County will meet and comply with the sign code. He stated RC-1 was intended to amortize those legacy Commercial parcels and bring them back into compliance with the Comprehensive Plan.

Mr. Brockway opined that the 1996 and current language is clear that the intent is for those legacy Commercial parcels to go to RC-1 in order to develop those agriculturally related Commercial uses. He stated the principle is the inclusion of one implies the exclusion of the other. By stating what is eligible to rezone to RC-1 it implies what zoning districts are not eligible to rezone to RC-1. Mr. Brockway opined that it is a misconception that a path to Commercial use is being foreclosed, noting there is a path for the legacy Commercial parcels to rezone to RC-1. He stated these parcels also have the opportunity to request a Comprehensive Plan Amendment to change the future land use to Commercial, noting the application for a Comprehensive Plan Amendment is not onerous.

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Mr. Brockway advised that an Amendment application is being presented to the Board for consideration on April 17, 2024. The entire application is 11 pages and contains open source documents from public records or the County's Geographic Information Systems (GIS) website. He stated it was a simple site plan prepared and submitted by an engineer and was not filed by an attorney.

Mr. Brockway commented on the use of the term "development approval", which is somewhat ambiguous and contradictory. He suggested the term "development permit" be utilized, noting the term is defined in Chapter 163 of the Florida Statutes. Mr. Brockway opined that the language should read "prior to or concurrently with applying for a development permit the parcel should rezone to RC-1", noting this change has no difference in practical effect, it is just a clarification requested by the County Attorney's Office.

Mr. Brockway advised that HFF in coordination with Growth Services reviewed the overall framework that the County has in place for uses in the Rural Lands, the RACs, and existing Commercial nodes to determine what the County may want to see as permitted uses in the RC-1 zoning district.

Director of Urban and Regional Planning Evangeline Linkous, University of South Florida (USF), East Fowler Avenue, Tampa, advised that she conducted an assessment of the RC-1 zoning classification and reviewed best practices for Rural zoning, as well as LDCs of other comparable communities. She stated Marion County's Comprehensive Plan is renowned worldwide as exemplary for farmland preservation, protection of rural character, and growth management. Ms. Linkous advised that the plan works because the right uses are put in the right places and the heightened controls on Commercial development in Rural Lands. She stated the RAC zoning has been thoughtfully done to allow Commercial uses, which include considerations to prevent sprawl and unsafe traffic congestion and uses.

Commissioner McClain out at 6:43 p.m.

Ms. Linkous commented on best practices related to equine zoning and the rural areas. She opined that the applicant is trying to create consistency with the Comprehensive Plan, noting the Comprehensive Plan holds the top hierarchy followed by the LDC. Ms. Linkous stated it is clear that the Plan's intent is to limit Commercial uses to those appropriate locations, noting the LDC and the applicant are in general agreement of the types of uses that should be allowed.

Commissioner McClain returned at 6:45 p.m.

Mr. Brockway advised that the intent is to focus on the Commercial uses in the RACs and other Commercial nodes sprinkled through the rural area. He opined that if every Agriculturally zoned parcel is allowed to rezone to Commercial uses there will be sprawl and the RACs will continue to underperform.

Mr. Brockway stated there are two sides to property rights, the right of the landowner to develop the property to its highest and best use and the rights of the neighboring property owner. The foundation of the neighboring property owner is in nuisance law. He advised that the Comprehensive Plan includes robust protections of Rural Lands and indicates that the Rural Land should not be prematurely converted to Urban or Commercial uses. Mr. Brockway stated the applicant has tried to bring the intent back to meet the Comprehensive Plan intent and give certainty to those other landowners in the Rural Lands that do not want to wake up one day and find out that someone is proposing a rather expansive Commercial use on the Rural Lands.

Mr. Minter reiterated the intent is not to foreclose opportunities for individual property owners that may not have a Commercial zoning right now from seeking that in the future. He stated some of the issues brought forward can be addressed during the upcoming EAR analysis.

Mr. Weyrauch advised that the 2 parcels zoned RC-1 with agricultural exemption are both located on Highway 484. The first parcel was rezoned from A-1 to RC-1 in 1992 and the second parcel was conditional B-5 and A-1 to RC-1 in 2021.

PUBLIC COMMENT

Chairman Stone opened the floor to public comment.

Eric VanWagner, West Highway 329, Anthony, commented on the LDRC hearing that previously took place. He stated if the proposed Amendment passes, as it has been presented, property owners in Rural lands will not be able rezone to RC-1 or other Commercial uses. Mr. VanWagner stated he does not want to develop all of his land and does not want uncontrolled growth in the Rural Lands, but he does want the opportunity to approach the Board to apply for RC-1 if someone wants to put in a plant store, jiffy store, or a restaurant. He advised that if this passes and the property is not located in a RAC those types of uses would not be permitted.

In response to Mr. Vanwagner, Commissioner Bryant advised that RC-1 allows for Commercially zoned properties with Rural Land use to develop with limited agriculturally related uses. She stated anyone can go through the Comprehensive Plan Amendment/zoning change process.

Commissioner Bryant stated an Agriculturally zoned property does not have the ability to apply for RC-1.

Mr. VanWagner questioned how a zoning request from A-1 to RC-1 was allowed to be brought before the Board recently. Commissioner Stone advised that it is unclear how the A-1 to RC-1 application was able to come before the Board. She stated RC-1 is intended for Commercially zoned parcels with a Rural Land use.

General discussion ensued.

Mr. VanWagner requested members of the Rural community be given the opportunity to be included in the conversation, noting changes are being proposed without the input of the stakeholders.

In response to Commissioner Curry, Mr. VanWagner advised that a group of farmers in the Rural Lands have gotten together to discuss the changes and would like to be included in the conversation. He urged the Board to table the matter.

Commissioner Bryant out at 7:06 p.m.

Commissioner Zalak questioned how a recent A-1 to RC-1 rezoning request was allowed to come before the Board. Mr. Minter advised that from time to time the question comes as to whether staff should be the gate keeper and deny an application, noting this puts staff in an awkward position. He stated staff can tell the applicant that they recommend against applying for something, but if the person wants to move forward they are free to do so and the Board can make the decision.

Mr. Minter advised that intent of the Rural Land designation was to preserve rural areas, noting one of the things that can be done to preserve rural areas is prevent encroachment of urban uses into the rural areas.

Commissioner Bryant returned at 7:07 p.m.

Mr. Minter commented on a case, Citrus County v. Halls River Development Inc, that went to the 5th District Court of Appeals. Citrus County changed their Comprehensive Plan, but

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neglected to change the zoning to conform to the plan. He stated Citrus County approved a development that was consistent with the zoning, but was inconsistent with the Comprehensive Plan. Third parties, not the applicant, did not approve of the change and filed a lawsuit against the County. Mr. Minter advised that initially the Circuit Court disagreed with the challenge, but it was appealed to the District Court of Appeals and the District Court of Appeals said the Comprehensive Plan is the law. The County cannot approve something that is inconsistent with the Comprehensive Plan.

Mr. Minter advised that Florida Statute (FS) requires all zoning to conform to the Comprehensive Plan within 1 year of adopting the plan. Instead of rezoning all properties within the Rural Land use to A-1, the Board created the RC-1 to accommodate some level of Commercial development that is consistent with the Rural Land use. He stated the 2017 Comprehensive Plan seemed to eliminate the references to the B-1, B-2, B-3, B-4, and B-5 zoning. Mr. Minter advised that the proposed language is trying to get back to the original intent and to clarify that those 1,000 parcels that had a Commercial zoning when the Comprehensive Plan was adopted could apply for the RC-1 zoning designation. In response to Commissioner Bryant, Mr. Weyrauch advised that the Commercial zoning consists of B-1, B-2, B-3, B-4, B-5, RAC, RC-1.

Commissioner Bryant advised that the term "Commercial parcels" was used instead of listing out the Commercial zoning. She stated A-1 is not a Commercial parcel; therefore, this policy does not apply to A-1 land.

Mr. Weyrauch advised that staff did inform the recent A-1 to RC-1 applicant that they did not qualify for RC-1, but they wished to move forward.

General discussion ensued.

Chairman Stone advised that the applicant always has the ability to apply for any zoning, noting the Board voted against the change. She stated property rights will not be taken away.

Dana Cauthen, West Highway 329, Citra, commented on the existing issues with the current RACs. She stated the Board has approved zoning changes in the past that went against staff recommendation and were opposed by the surrounding neighbors. Ms. Cauthen addressed the recent Ordinance relating to the division of land among family, which was also pushed forward by HFF. She opined that there is inconsistency relating to approval of zoning applications. Ms. Cauthen advised that many people are not aware of some of the proposed changes because they no longer purchase the newspaper.

Ms. Cauthen commented on a recent RC-1 denial of application relating to the Racetrac, noting it is the only noncommercial property at that intersection.

Chairman Stone advised that each zoning matter is considered individually.

Ms. Cauthen opined that the RACs need to be addressed, noting the residents deserve the right to have better goods and services available.

Jimmy Lefils, West Highway 329, Citra, expressed opposition to the proposed Amendment, noting the language as proposed makes it seem like rights to Agricultural properties is being removed. He requested the Board table this matter to allow time for stakeholders to review the information being presented.

David Tillman, SE 16th Avenue, Tillman & Associates Engineering, LLC, Chairman of the LDRC, commented on the intent of the language as it was presented in 1996 relating to RC-1 and A-1 zoning, noting there were three independent statements relating to the intent and purpose of RC-1.

General discussion ensued.

Mr. Tillman opined that if that if the Racetrak case was not eligible for RC-1 it should not have been brought before the Board to be heard. He stated it is his belief that Agricultural lands, as a Rural classification, are allowed to request RC-1.

General discussion resumed.

Mr. Tillman stated he is trying to make a clear point on what the intent and purpose of this has been in the past. He stated the LDRC is in agreeance, which is the reason for the LDRC proposed language. Mr. Tillman advised that the LDRC perceived the applicants language as taking away the right of the people to request a change. He stated the BCC is the final decision on whether or not a zoning change is appropriate in the location requested. Mr. Tillman advised that there has to be a code in place that allows for uses to occur within regions where they are needed.

General discussion resumed.

Randall Alvord, East Fort King Street, expressed concern with the language “only undeveloped parcels already zoned with a Commercial classification”. He stated everyone is present for the same intent tonight and that is to maintain the agricultural integrity in this community. Mr. Alvord advised that he is unaware of any other zoning classification that is not allowed to request zoning to another category.

Commissioner Bryant advised that the purpose of this policy when it was written was to protect Commercially zoned properties in the Rural Lands when creating the LDC in 1996. She stated it was to protect those landowners who already held Commercial zoned properties that had a Rural Land use.

Mr. Alvord advised that only the people with Commercially zoned property are being protected.

In response to Chairman Stone, Mr. Alvord expressed support for the language proposed by the LDRC. He stated if the Board moves forward with the applicants language then anyone coming with A-1 property would not receive staff's recommendation for approval. Commissioner Bryant advised that the argument is that the Board is taking a right away from property owners, but they are not taking any rights away.

Chairman Stone stated the Board reviews applications and makes the final decision.

Commissioner Curry out at 7:46 p.m.

Jim Boyer, West Anthony Road, president of the Marion County Farm Bureau, advised that his family has farmed in Marion County since 1823, noting how they farm today is not the same way or fashion as it was 100 years ago. He stated it is important that the rural citizens have the necessary conveniences close to their homes. Growth is going to happen regardless of what happens here tonight. Mr. Boyer urged the Board to vote against the proposed amendment change and keep the power of decision to the P&Z Commission and BCC. He stated the County does not need to limit the decision of the power of the elected officials and County staff, noting this amendment limits the discretion and ties the hands of County government to a simplified table. Most farmers in the community have the majority of their assets in land. The Marion County commission does not need to reduce the value of one's asset by limiting RC-1 zoning.

Commissioner Curry returned at 7:50 p.m.

Brent London, NE Jacksonville Road, advised that he is a 3rd generation farmer in Marion County and has been involved in agriculture in this community since 1963. He opined that the past and present Commissioners have done a great job looking out for the agricultural community and he does not want to see the BCC lose any influence and power they have, noting the language as presented will take away future power from the Board. Mr. London stated this change could negatively impact the land value of property owners.

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Allen Baldwin, NE 56th Street, advised from the audience that he no longer wished to speak.

Scot Eubanks, SW Wacahoota Road, Micanopy, on behalf of the Florida Farm Bureau Federation, stated currently a rezoning of RC-1 allows County staff and Commissioners to evaluate the needs of the community in the surrounding area and decide if agriculturally related Commercial infrastructure is needed to accommodate that community. He advised that removing that ability only takes the potential of those basic needs away and eliminates the private property rights from landowners who may have a desire to rezone their property. Mr. Eubanks advised that Farm Bureau Policy 227 states they strongly believe in and uphold the sanctity of private property rights upon which this Country was founded short of constituting a public health hazard, property owners should be allowed and encouraged to use their property for their own benefit. He stated removing this ability to rezone real property and utilize the monetary benefits of that zoning reduces the value of property regardless of whether they intend to use it for that purpose or not. Mr. Eubanks urged the Board to consider tabling this matter to allow more time to vet the potential impact.

In response to Commissioner Curry, Mr. Eubanks advised that if the matter is tabled it would allow more time for the community to better understand what is taking place.

Commissioner Zalak stated an appraisal is based on the current condition of the property, noting the issue is people have the assumption that the Board is taking away a right from a landowner and that is not the case. He advised that the RC-1 category has only been utilized to fix a conforming issue with the Comprehensive Plan.

Mr. Eubanks opined that misinformation and confusion is the reason this matter should be tabled. He urged the Board not to rush to a decision tonight.

Willie Turner, North Highway 301, expressed support for HFF and their proposed amendment.

Commissioner Zalak out at 8:06 p.m.

Elisabeth Brenton, West Highway 326, commented on the importance of clarity within the LDC and the impact it has on Marion County.

Tim Cicchella, NE 105th Street, Ft. McCoy, urged the Board to deny the request or table the matter to allow time for people who live in the rural areas to be a part of the decision.

Tim Gant, SW 3rd Street, Micanopy, President of Save Our Rural Areas (SORA), commented on the miscommunication that has taken place relating to the proposed amendment and the importance of wording it correctly. He advised that SORA is in favor of approving the proposed Amendment.

John Sapp, NW 27th Avenue, expressed concern relating to removal of the landscape contractors yards and the limitation on the weight of a vehicle. He opined the matter needs to be tabled and more discussion needs to take place to address the verbiage and provide a better understanding of the Amendment.

Elma Garcia, NW 80th Avenue, expressed support for the proposed amendment.

Judy Etzler, NW 219th Street Road, commented on the wildlife and nature within the County. She expressed support for the RC-1 zoning.

Todd Rudnianyn, NE 3rd Street, opined that RC-1 is a tool that provides flexibility to allow services to be provided in the rural areas. He stated RACs were established 30 years ago and it is hard to predict where growth will go or what people will need. The RACs are severely underutilized in some instances and they are in the wrong location in others. Mr. Rudnianyn expressed concern with the limitations the proposed uses put on the RC-1 zoning.

Kim Dinkins, North Monroe Street, Tallahassee, on behalf of 1,000 Friends of Florida, expressed support for the proposed Amendment, noting it codifies a policy that has been implemented in Marion County for over 30 years. She stated it implements the policies in the Comprehensive Plan that prevent urban sprawl and separate rural from agricultural uses, noting property owners with noncommercial zoning have an appropriate mechanism to change a parcel from Rural future land use to Commercial through a land use amendment. Ms. Dinkins urged the Board to approve the language proposed by the applicant and approved by staff. She stated 1,000 Friends of Florida is not taking a position on the allowed uses, but does want square footage limitations to be adopted for retail developments.

John Rudniansyn, NE 3rd Street, advised that he was present in the 1990s at the land use hearings. He opined that more conversations need to take place to allow residents to better understand the impact of the proposed amendment.

Chairman Stone advised that public comment is now closed.

BOARD DISCUSSION:

Commissioner Curry expressed support for tabling the matter and allowing the opportunity for everyone to come together and review what is being proposed.

Mr. Brockway requested a brief recess.

There was a recess at 8:27 p.m.

The meeting reconvened at 8:35 p.m. with all members present.

Mr. Brockway advised that the language is clear and opined that if the matter is continued for 30 days the same debate will take place; therefore, the applicant is requesting a decision be made tonight.

In response to Mr. Brockway, Commissioner Curry advised that continuing the matter for 30 days will allow time for misconceptions to be addressed. He stated people's minds may not change, but at least they will have the facts.

Commissioner McClain stated there is not an emergency need to approve the Amendment tonight and agreed with Commissioner Curry.

Commissioner Zalak advised that the County is about to go through the EAR process, noting that is a good time to address this type of issue. He opined that the current language is clear.

Commissioner Bryant advised that the Policy clearly states only Commercial zoned parcels with the Rural Land use designation are eligible to apply for RC-1 zoning. She stated if this were to pass no rights would be taken away except for some of the permitted uses.

General discussion ensued.

Mr. Minter stated if the Board denies or tables the request the current language will remain and the term "Commercial" will remain.

Chairman Stone advised that as it is today only those parcels that have a Commercial zoning in a Rural Land can apply for an RC-1 zoning.

Mr. Minter stated the word "only" is not included in the current language, noting right now the language is "all undeveloped Commercial parcels".

Chairman Stone advised that the intent is the same. She stated previously a landowner did submit an application to go from A-1 to RC-1. This application was allowed to move forward and be heard by the Board, but was denied because it did not qualify for RC-1.

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Commissioner Bryant reiterated that there is a mechanism in place today for an A-1 property owner to change their zoning. She stated nothing is being taken away from landowners, noting the only change would be the permitted uses in RC-1.

Commissioner McClain advised that the last RC-1 application was not denied because it did not qualify, noting it was denied because it was not consistent with the Comprehensive Plan. He stated the RC-1 needs to be reviewed during the EAR process.

General discussion ensued.

CLOSING COMMENTS

A motion was made by Commissioner Curry, to table this matter for 30 days. The motion died for a lack of second.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to deny the application and address the matter during the EAR process. The motion was approved by the Board by a vote of 4-1, with Commissioner Curry dissenting.

In response to Mr. Weyrauch, Commissioner Zalak stated the RACs, along with all Rural Lands should be reviewed as part of the EAR process. It was the general consensus of the Board to concur.

Mr. Weyrauch advised that a consultant has been hired to work on the EAR and dates are being considered for the first round of community meetings, as well as stakeholder meetings.

Chairman Stone requested all dates related to the EAR be shared with Commissioners and to have that information added to her ribbons during meetings.

Mr. Weyrauch advised that a social media campaign will be launched.

There being no further business to come before the Board, the meeting thereupon adjourned at 8:50 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk