

ORDINANCE NO. 23-05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL USE PERMIT APPLICATIONS AND AUTHORIZING IDENTIFICATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Marion County, Florida (Board), is responsible for and has established the zoning of parcels of property in the unincorporated area of Marion County as reflected on the official Zoning Map, and

WHEREAS, property owner(s) have submitted petition(s) for rezoning and/or special use permits and such applications identify the property by metes and bounds description or by the Marion County Property Appraiser parcel number and such identifications of property are hereby incorporated into this ordinance by reference, and

WHEREAS, the Board has considered the recommendations of the Marion County Planning and Zoning Commission and has conducted the necessary public hearing and has approved the applications contained in this ordinance. Now therefore,

BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. REZONING AND SPECIAL USE PERMIT APPROVALS. The Board hereby approves the below-listed applications for Rezoning and Special Use Permits. NOTE: The terms and conditions of Board approvals of Special Use Permits are stated in the Board Resolution corresponding to each Special Use Permit Petition shown below.

1. **AGENDA ITEM #15.1.1. 230302ZC** – Kyle and Teresa Anderson, 2950 W. Fenwick Road, Fenwick, MI 48834, Zoning Change from Single Family Dwelling (R-1) to Residential Mixed Use (R-4), for all permitted uses, on an approximate 0.34 Acre Parcel, on Parcel Account Number 3500-006-006.
2. **AGENDA ITEM #15.1.3. 230303ZC** – Linda and William Wallace Jr., PO Box 517, Anthony, FL 32617, Zoning Change from Community Business (B-2) and General Agriculture (A-1) to General Agriculture (A-1), for all permitted uses, on an approximate 13.35 Acre Portion Of a 17.35 Acre Parcel, on Parcel Account Number 14033-001-00.
3. **AGENDA ITEM #15.1.4. 230304SU**– Heather Island Plaza, LLC, - Miklaine, LLC. – Elaine Ashourian, 7880 Gate Parkway, Suite 300, Jacksonville, FL 32256, Special Use

Permit to allow sales of liquor and other intoxicating beverages for off premises consumption and located within 500 ft. of any existing churches, schools or parks, in a Community Business (B-2) zone, on an approximate 10.86 Acre Parcel on Parcel Account Number 9009-0000-12.

Subject to all terms and conditions of Resolution 23-R-82 attached hereto and incorporated herein by reference.

4. **AGENDA ITEM #15.1.6. 230307SU**– Luz Ramirez Berrios, 11135 SE Sunset Harbor Road, Summerfield, FL 34491, Special Use Permit to allow on-site consumption of beer, alcohol and liquor, (with an approved Bottle Club license) within 1000 ft. of any existing churches, schools or parks, in a Community Business (B-2) zone, on an approximate 3.02 Acre Parcel on Parcel Account Number 23834-001-10.

Subject to all terms and conditions of Resolution 23-R-83 attached hereto and incorporated herein by reference.

5. **AGENDA ITEM #15.1.5. 230306SU**– Dan and Annette Beasley – Beasley Acres Aussies, 14271 NE 47th Avenue, Anthony, FL 32617, Special Use Permit to allow a Kennel – for the breeding and selling of toy and miniature Australian Shepherds (maximum of 15 adult dogs), in a General Agriculture (A-1) zone, on an approximate 3.51 Acre Parcel on Parcel Account Number 08302-018-00.

Subject to all terms and conditions of Resolution 23-R-84 attached hereto and incorporated herein by reference.

6. **AGENDA ITEM #15.2.5. 230305SU**– Seeking Storage, LLC – Marc Fainman, 2720 Dundee Road, #137, Northbrook, IL 60062, Special Use Permit to allow outside storage of vehicles, trailers and recreational vehicles and to allow a camper as an on-site security residence/maintenance office, in a Neighborhood Business (B-1) zone, on an approximate 0.68 Acre Parcel on Parcel Account Number 44751-010-001.

Subject to all terms and conditions of Resolution 23-R-85 attached hereto and incorporated herein by reference.

SECTION 2. The Board hereby authorizes the official zoning map to be revised to reflect the above described re-zonings and special use permits.

SECTION 3. EFFECTIVE DATE. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the Office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

AGENDA ITEM # 15.1.3. 230303ZC (Linda and William Wallace Jr.) shall not take effect unless and until concurrent Ordinance Number 23-04 Adopting Small-Scale Amendment 23-S03 is effective.


DULY ADOPTED in regular session this 21st day of MARCH 2023.

ATTEST:



GREGORY C. HARRELL, CLERK

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA



CRAIG CURRY, CHAIRMAN

RECEIVED NOTICE FROM SECRETARY OF
STATE ON MARCH 28, 2023 ADVISING
ORDINANCE WAS FILED ON MARCH 27,
2023.

RESOLUTION NO. 23-R-82

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on February 27, 2023; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, March 21, 2023. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SPECIAL USE PERMIT APPLICATION 230304SU – Heather Island Plaza, LLC., Miklaine, LLC.- Elaine Ashourian. The application requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Louis J. Terminello, Esq., Greenspoon Marder LLP., Miami FL 33131, to allow sales of liquor and other intoxicating beverages for off premises consumption and located within 500 ft. of any existing churches, schools or parks, in a Community Business (B-2) zone, on an approximate 10.86 Acre Parcel on Parcel Account Number 9009-0000-12.

SECTION 2. FINDINGS AND CONDITIONS. The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Special Use Permit and the Board approves the Special Use Permit subject to the following conditions:

1. At a minimum, waste shall be removed weekly from the property.
2. Fencing and/or vegetative buffers currently in place must be maintained.
3. The site shall be developed and operated consistent with the conditions and sketch/concept plan as provided with this approval, with the proposed sale beer, wine, and liquor limited to Heather Island Shopping Center, 7578 SE Maricamp Road, Unit 106.
4. The beer, wine, and liquor sales shall be offered and maintained in conjunction with the on-site Publix grocery store, wherein Publix shall maintain the proper licensure for the sale of beer, wine, and liquor from the State of Florida for off-premises consumption.
5. This special use permit runs with the applicant leaseholder for Unit 106 identified as Publix Supermarkets, Inc.

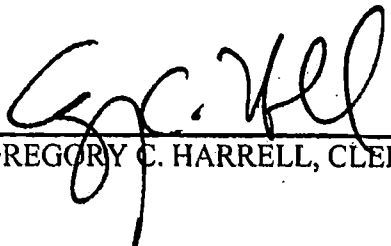
6. Attachment:
a. Site Plan

SECTION 3. REVOCATION. Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 21st day of March, 2023.

ATTEST:

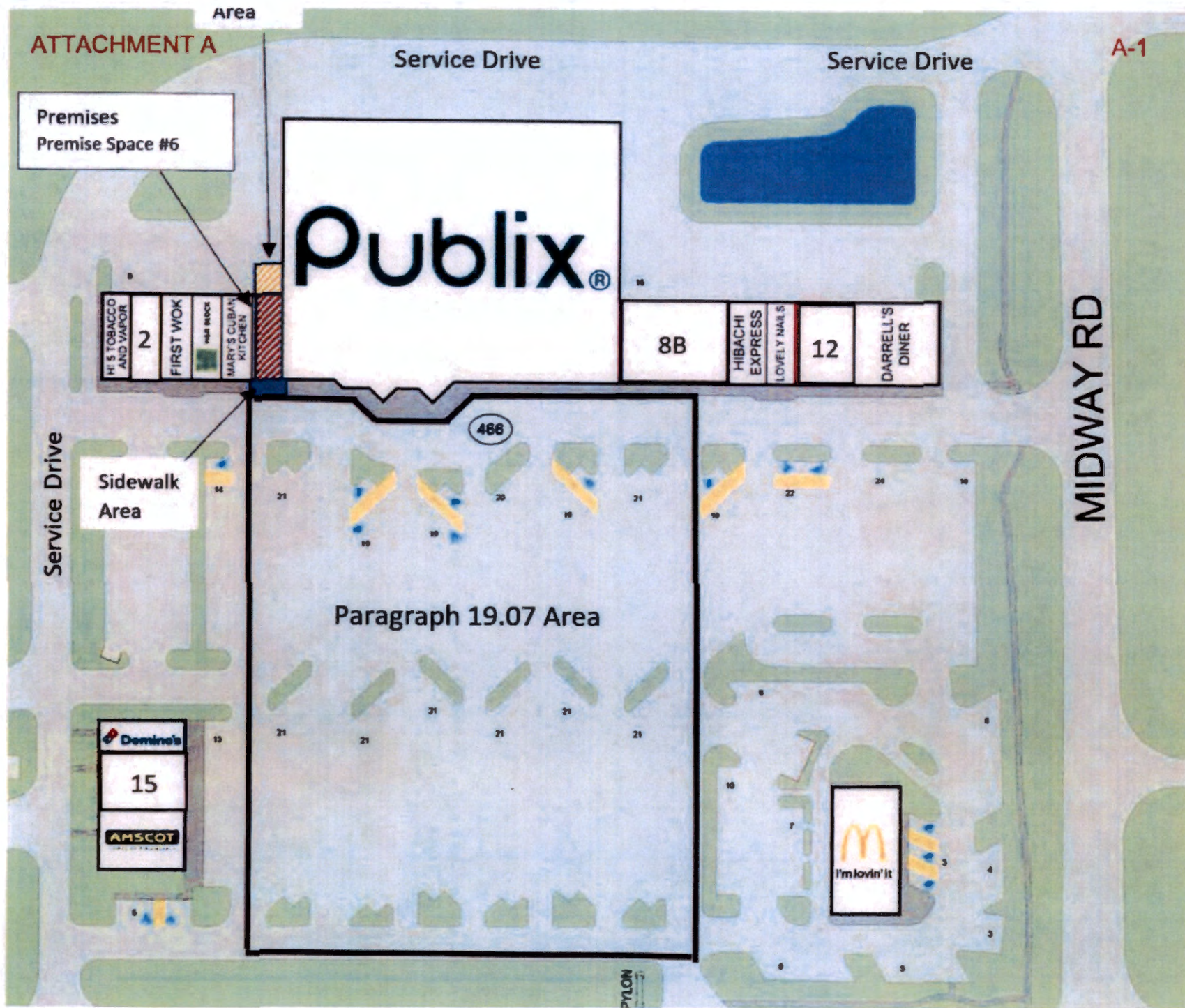


GREGORY C. HARRELL, CLERK

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



CRAIG CURRY, CHAIRMAN





RESOLUTION NO. 23-R-83

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on February 27, 2023; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, March 21, 2023. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SPECIAL USE PERMIT APPLICATION 230307SU – Luz Ramirez Berrios - The application requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Natalie Lewis-Ross; Diamondz and Pearlz Event Center LLC, Stockbridge, GA 30281, to allow on-site consumption of beer, alcohol and liquor, (with an approved Bottle Club license) within 1000 ft. of any existing churches, schools or parks, in a Community Business (B-2) zone, on an approximate 3.02 Acre Parcel on Parcel Account Number 23834-001-10.

SECTION 2. FINDINGS AND CONDITIONS. The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Special Use Permit and the Board approves the Special Use Permit subject to the following conditions:

1. A new certificate of occupancy permit will be required before the proposed use starts.
2. The proposed use is subject to all Marion County Noise Ordinances, including plainly audible.
3. Hours of operation shall be from 8 a.m. to 2 a.m.
4. All activities shall take place entirely within the enclosed building.
5. The Special Use Permit shall be limited to this use and this use only.
6. The Special Use Permit shall run with the existing applicant and suite 200, not the land. This special use permit shall automatically become null and void should the subject property be transferred to another person.
7. The Special Use Permit shall expire on March 21, 2028.

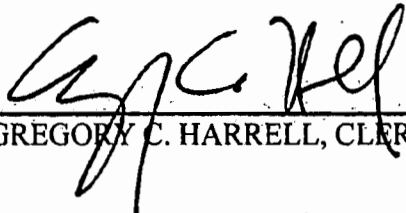
SECTION 3. REVOCATION. Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 21st day of March, 2023.

ATTEST:

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



GREGORY C. HARRELL, CLERK



CRAIG CURRY, CHAIRMAN

RESOLUTION NO. 23-R-84

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on February 27, 2023; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, March 21, 2023. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SPECIAL USE PERMIT APPLICATION 230306SU – Dan and Annette Beasley, Beasley Acres Aussies. The application requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Annette Beasley, Anthony, FL 32617, for the breeding and selling of toy and miniature Australian Shepherds (maximum of 15 adult dogs), in a General Agriculture (A-1) zone, on an approximate 3.51 Acre Parcel on Parcel Account Number 08302-018-00.

SECTION 2. FINDINGS AND CONDITIONS. The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Special Use Permit and the Board approves the Special Use Permit subject to the following conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Annette and Dan Beasley) and not the property.
3. The owners/operators shall reside on site.
4. All dog waste shall be collected daily and removed from the site at least weekly.
5. The Special Use permit allows up to 15 adult dogs within the breeding program.
6. This permit allows for sale of puppies bred and delivered onsite directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
7. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.

8. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
9. The Special Use Permit shall expire on March 21, 2028; however it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)
10. Attachment:
 - a. Concept Plan

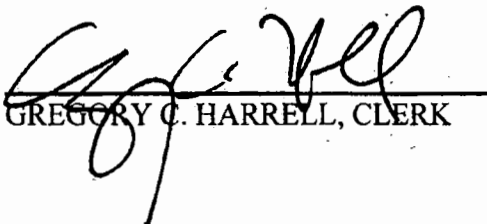
SECTION 3. REVOCATION. Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 21st day of March, 2023.

ATTEST:

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


GREGORY C. HARRELL, CLERK


CRAIG CURRY, CHAIRMAN

RESOLUTION NO. 23-R-85

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING A SPECIAL USE PERMIT, PROVIDING AN EFFECTIVE DATE.

WHEREAS, an application for a Special Use Permit was duly filed with the Growth Services Department and considered by the Marion County Planning and Zoning Commission at its meeting on February 27, 2023; and

WHEREAS, the aforementioned application was considered at a public hearing held by the Board of County Commissioners of Marion County, Florida, at its meeting on Tuesday, March 21, 2023. Now therefore,

BE IT RESOLVED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. SPECIAL USE PERMIT APPLICATION 230305SU – Seeking Storage, LLC., Marc Fainman. The application requesting a Special Use Permit, Articles 2 and 4 of the Marion County Land Development Code, as submitted by Marc Fainman, Northbrook, IL 60062, to allow outside storage of vehicles, trailers and recreational vehicles and to allow a camper as an on-site security residence/maintenance office, in a Neighborhood Business (B-1) zone, on an approximate 0.74 Acre Property on Parcel Account Numbers 44751-010-001 and 4751-010-007.

SECTION 2. FINDINGS AND CONDITIONS. The Board of County Commissioners agrees with the recommendation and findings of the Planning and Zoning Commission recommending approval of the Special Use Permit and the Board approves the Special Use Permit subject to the following conditions:

1. The adjacent commonly owned parcel (4751-010-007) shall be combined with the subject parcel (4751-010-001) within 60 days of this approval.
2. The RV for temporary maintenance office and security residence shall be allowed for three years.
3. The RV for temporary maintenance office and security residence shall be placed to the side or rear of the main building.
4. The owner must complete the restoration of the fire water supply source and its accessibility to fire service prior to obtaining the final inspection for the current structural repair permit identified as Building Permit No. 2022090507.

5. The Special Use Permit shall run with the existing property owner and not the land. This special use permit shall automatically become null and void should the subject property be transferred to another person.
6. The Special Use Permit shall expire March 21, 2026.

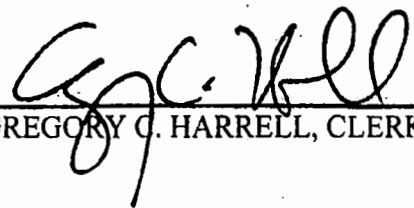
SECTION 3. REVOCATION. Violation or failure to comply with one or more condition(s) of this Special Use Permit shall be grounds for revocation of this Special Use Permit by the Board at a noticed public hearing.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

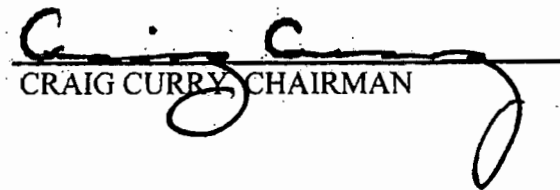
DULY ADOPTED in regular session this 21st day of March, 2023.

ATTEST:

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



GREGORY C. HARRELL, CLERK



CRAIG CURRY, CHAIRMAN