

Attachment D

RESOLUTION

WHEREAS, certain owners of multiple-family property in Units 3, 4, and 5 of Marion Oaks, Florida ("Marion Oaks"), have petitioned the Board of Adjustment of Marion County, Florida (the "Board"), under the Marion County Zoning Code (the "Zoning Code"), for a special exception use for Residential Planned Unit Development ("RPUD"); and

WHEREAS, Declaration of Restrictions for Unit 3, as recorded on January 30, 1973 in Official Records Book 547 at Pages 514 through 524, inclusive; for Unit 4 on February 13, 1973 in Official Records Book 549 at Pages 591 through 529, inclusive; for Unit 5 on March 29, 1973 in Official Records Book 557 at Pages 277 through 288, inclusive, all of the Public Records of Marion County, Florida (herein collectively referred to as the "Restrictions") established the maximum number of dwelling units permitted on each multiple-family lot in Marion Oaks; and

WHEREAS, the multiple-family densities permitted under the Restrictions take into account the buffer areas and greenbelts which surround the multiple-family areas and which result in a gross density in these areas of approximately ten (10) dwelling units per acre; and

WHEREAS, on March 16, 1982, approximately nine (9) years after the Restrictions were recorded, Marion County adopted the Zoning Code; and

WHEREAS, Section 9.2 (19) of the Zoning Code is now being interpreted to limit the maximum density on an individual multiple-family lot at Marion Oaks to twelve (12) dwelling units per acre; and

WHEREAS, although the Restrictions limit the maximum overall gross density in the multiple-family areas of Units 3, 4 and 5 at Marion Oaks to approximately ten (10) dwelling units per acre, in many instances the Restrictions permit the maximum density on an individual lot to exceed twelve (12) dwelling units per acre; and

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WHEREAS, certain multiple-family property owners at Marion Oaks have requested that the Board approve the RPUD to conform the density limits permitted under County zoning with that established under the pre-existing Restrictions; and

WHEREAS, granting of the RPUD will bring County zoning into conformance with the previously recorded Restrictions; and .

WHEREAS, after public notice, the Board has set this matter for public hearing, and has reviewed the information and material provided with the application and has heard the testimony of members of the public having an interest in the subject matter of the application.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of Marion County, Florida:

1. That the application for special exception use for RPUD for those multiple-family lots set forth in Exhibit "A", attached hereto and made a part hereof, is approved.

2. That in approving the application, the Board does hereby find that the data and material submitted with the application and as presented at the public hearing establishes:

a. That the RPUD is so located in relationship to the street and road system that it would not generate future traffic on external minor residential streets and that the RPUD is so located that traffic generated from it can be safely and adequately handled by present or proposed future roads;

b. That the areas surrounding the RPUD can continue to be developed in coordination and substantial compatability with the RPUD;

c. That existing or proposed utilities are adequate for the population densities permitted under the RPUD, and that neither extension or enlargement of such systems shall be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incurrence of public cost and with development in forms generally permitted under existing zoning in the area;

d. That any waiver of standard zoning and subdivision regulation requirements serves public purposes to a degree at

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least equivalent to the general provisions of the Zoning Code;

e. That increased open space is being provided for the occupants of the RPUD, and that desirable natural features indigenous to the site are being preserved on the development plan presented; and

f. That adequate provision has been made for insuring the future maintenance of common open space, recreation areas, private roads, and other facilities, to the end that such facilities will not become a future burden on the taxpayers of the County.

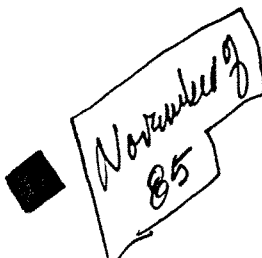
3. ~~That the RPUD is approved with a dwelling unit density of not greater than fourteen (14) dwelling units per gross acre within the RPUD, which permits the density for each lot to be as shown on Exhibit "A", attached hereto and made a part hereof.~~

4. That the owners, present or future, of those multiple-family lots as listed on Exhibit "B", attached hereto and made a part hereof, which were not included in the application for RPUD may apply for amendment of the RPUD to include their multiple-family lots within the RPUD. It has been determined by the Board that if all the lots on Exhibit "B" are subsequently brought into the RPUD, the overall dwelling unit density within the RPUD will be approximately ten (10) units per acre, which is less than the fourteen (14) unit per acre density limit as provided in Paragraph 3 of this Resolution.

5. That those areas designated on Exhibit "C", attached hereto and made a part hereof, for use as greenbelt, recreational or open space shall remain as such unless and until an amendment to this RPUD is approved allowing for an alternative use.

6. That the RPUD is approved subject to certification by the Marion County Engineer or an appropriate Marion County official that the requirements of Section 15 (J)(b)(i)-(x) of the Zoning Code have been complied with by the applicant.

7. That the RPUD is approved subject to compliance by all property owners with the Marion County Schedule of District




Ordinance 85-18:
Amended County Ordinance
No. 82-2; which provided
for zoning of the
unincorporated areas of
D-3

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Regulations for Multiple-Family Residential (R-3) Zoning
District.

Approved this 4th day of March, 1985.



Chairman
Board of Adjustment
Marion County, Florida

MARION OAKS UNIT THREE

MULTI-FAMILY

SECTION 1

The maximum number of living units that shall be built on the following described lots shall be SIX (6):

<u>BLOCK</u>	<u>LOTS</u>
332	2
334	3 & 4
335	8-11

SECTION 2

The maximum number of living units that shall be built on the following described lots shall be EIGHT (8):

<u>BLOCK</u>	<u>LOTS</u>
319	5-17
320	8-12
332	9 & 10
333	1 & 2
335	7 & 13-14
338	10, 11, 13
339	8

SECTION 3

The maximum number of living units that shall be built on the following described lots shall be TWELVE (12):

<u>BLOCK</u>	<u>LOTS</u>
320	2 & 3
332	3 - 8
334	2

SECTION 4

The maximum number of living units that shall be built on the following described lots shall be SIXTEEN (16):

<u>BLOCK</u>	<u>LOTS</u>
320	13
338	1, 5-9 & 14, 15
339	2, 3 & 7

SECTION 5

The maximum number of living units that shall be built on the following described lots shall be TWENTY (20):

<u>BLOCK</u>	<u>LOTS</u>
320	1,4,5
335	1-6
338	3,4
339	1 & 6

SECTION 6

The maximum number of living units that shall be built on the following described lots shall be TWENTY-FIVE (25):

<u>BLOCK</u>	<u>LOT.</u>
319	2

SECTION 7

The maximum number of living units that shall be built on the following described lots shall be THIRTY (30):

<u>BLOCK</u>	<u>LOTS</u>
319	1,3,4
339	4 & 5

MARION OAKS UNIT FOUR
MULTI-FAMILY

SECTION 1 (DUPLEX LOTS)

The maximum number of living units that shall be built on the following described lots shall be TWO (2):

<u>BLOCK</u>	<u>LOTS</u>
437	6-11,; 15, 16, 18, 23, 25, 26, 27, 29

SECTION 2

The maximum number of living units that shall be built on the following described lots shall be FOUR (4):

<u>BLOCK</u>	<u>LOTS</u>
434	1-7; 9, 10, 11, 13-19
436	1-7; 9-15
437	31-33 "

SECTION 3

The maximum number of living units that shall be built on the following described lots shall be SIX (6):

<u>BLOCK</u>	<u>LOTS</u>
435	17-20 incl.
437 433	1-2 and 3-5, 35, 37 2, 3

SECTION 4

The maximum number of living units that shall be built on the following described lots shall be EIGHT (8):

<u>BLOCK</u>	<u>LOTS</u>
433	1, 7-11; 16, 17
435	1, 2, 5-9, AND 21
437	3-5 incl.

SECTION 5

The maximum number of living units that shall be built on the following described lots shall be TWELVE (12):

<u>BLOCK</u>	<u>LOTS</u>
435	3, 4, 10, AND 12-15

SECTION 6

The maximum number of living units that shall be built on the following described lots shall be TWENTY (20):

<u>BLOCK</u>	<u>LOTS</u>
433	1,14 AND 19
437	38

SECTION 7

The maximum number of living units that shall be built on the following described lots shall be TWENTY-FIVE (25):

<u>BLOCK</u>	<u>LOTS</u>
435	11

SECTION 8

The maximum number of living units that shall be built on the following described lots shall be THIRTY (30):

<u>BLOCK</u>	<u>LOTS</u>
433	13 AND 20
435	16

MARION OAKS

UNIT FIVE

MULTI-FAMILY

SECTION 1 (Duplex Lots)

The maximum number of living units that shall be built on the following described lots shall be TWO (2).

BLOCK	LOTS
847	2, 3, 4, 6, 8, 11, 14, 15, 16, 18-37
848	11, 15, 18, 20-23, 25, 26, 27, 29
849	2, 3, 4, 9, 13, 14, 15, 18-21, 23-26, 28, 29
850	2-6; 8, 10, 13-16, 19
851	6-10; 12-16; 18, 19
852	2, 3, 4, 5, 7, 8, 10, 13, 14, 16, 18, 20, 21, 22, 23, 24
853	8-13

SECTION 2

The maximum number of living units that shall be built on the following described lots shall be FOUR (4).

BLOCK	LOTS
847	38-40; 45, 46, 48, 49, 51-62; 64, 66, 67
848	1-8
849	8
850	18
851	1, 17
852	1, 11, 12, 19
853	1-6

SECTION 3

The maximum number of living units that shall be built on the following described lots shall be SIX (6).

BLOCK	LOTS
847	41 and 44

SECTION 4

The maximum number of living units that shall be built on the following described lots shall be EIGHT (8).

BLOCK	LOTS
847	42 and 43
859	10 and 11

SECTION 5

The maximum number of living units that shall be built on the following described lots shall be TWELVE (12).

BLOCK	LOTS
854	1-16; 27
858	1-10
859	4-9

SECTION 6

The maximum number of living units that shall be built on the following described lots shall be FIFTEEN (15).

BLOCK	LOTS
859	1-3

SECTION 7

The maximum number of living units that shall be built on the following described lots shall be SIXTEEN (16).

<u>BLOCK</u>	<u>LOTS</u>
854	17-26

SECTION 8

The maximum number of living units that shall be built on the following described lots shall be TWENTY (20).

<u>BLOCK</u>	<u>LOTS</u>
854	28-33
855	3 & 5
856	7, 10, 11
857	6 & 7

SECTION 9

The maximum number of living units that shall be built on the following described lots shall be TWENTY-FIVE (25).

<u>BLOCK</u>	<u>LOTS</u>
854	36 & 37
855	2, 4, 6, 7
856	2-5
857	1, 2, 5

SECTION 10

The maximum number of living units that shall be built on the following described lots shall be THIRTY (30).

<u>BLOCK</u>	<u>LOTS</u>
854	34, 35, 38, 39, 40, 42, 53
855	1
856	1, 6, 9
857	3, 4, 8

SECTION 11

The maximum number of living units that shall be built on the following described lots shall be THIRTY-FOUR (34).

<u>BLOCK</u>	<u>LOTS</u>
854	41

SECTION 12

The maximum number of living units that shall be built on the following described lots shall be THIRTY EIGHT (38).

<u>BLOCK</u>	<u>LOTS</u>
NONE	

SECTION 13

The maximum number of living units that shall be built on the following described lots shall be FORTY (40).

<u>BLOCK</u>	<u>LOTS</u>
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SECTION 14

The maximum number of living units that shall be built on the following described lots shall be FORTY FIVE (45).

BLOCK

LOTS

NONE

SECTION 15

The maximum number of living units that shall be built on the following described lots shall be SIXTY (60) .

BLOCK

LOTS

854

47-50

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EXHIBIT "B"

The following lots being a part of MARION OAKS UNIT THREE, according to the plat thereof recorded in Plat Book 0, Pages 36 through 52, inclusive, of the Public Records of Marion County, Florida:

<u>BLOCK</u>	<u>LOTS</u>
320	6, 7
332	1
334	1
335	12
338	2, 12

ALSO

The following lots being a part of MARION OAKS UNIT FOUR, according to the plat thereof recorded in Plat Book 0, Pages 53 through 80, inclusive, of the Public Records of Marion County, Florida:

<u>BLOCK</u>	<u>LOTS</u>
433	5, 6, 12, 15, 18
434	8, 12
436	8
437	12, 13, 14, 17, 19, 20, 21, 22, 24, 28, 30, 36

ALSO

The following lots being a part of MARION OAKS UNIT FIVE, according to the plat thereof recorded in Plat Book 0, Pages 81 through 106, inclusive, of the Public Records of Marion County, Florida:

<u>BLOCK</u>	<u>LOTS</u>
847	1, 5, 7, 9, 10, 12, 13, 17, 47, 50, 63, 65
848	9, 10, 12, 13, 14, 16, 17, 19, 28
849	1, 5, 6, 7, 10, 11, 12, 15, 17, 22, 27,
850	1, 7, 9, 11, 12, 17, 20, 21
851	2, 3, 4, 5, 11
852	6, 9, 15, 17, 25, 26, 27, 28
853	7
854	43, 44, 46, 52
856	8

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EXHIBIT "C"

The following tracts being a part of MARION OAKS UNIT THREE, according to the plat thereof recorded in Plat Book 0, Pages 36 through 52, inclusive, of the Public Records of Marion County, Florida:

Tracts "C", "F", "G", "AA" and "Z".

ALSO

The following tracts being a part of MARION OAKS UNIT FOUR, according to the plat thereof recorded in Plat Book 0, Pages 53 through 80, inclusive, of the Public Records of Marion County, Florida:

Tracts "A" and "B"

ALSO

The following and tracts being a part of MARION OAKS UNIT FIVE, according to the plat thereof recorded in Plat Book 0, Pages 81 through 106, inclusive, of the Public Records of Marion County, Florida:

Tracts "G", "H", "R", "S", "T", "U", "DD", "FF", and "GG".

Including those platted roadways, drainage retention areas, and drainage rights-of-way lying adjacent to and abutting the above described property.