

ORDINANCE 22- 03

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

**2022-S01, UTOPIA 42, LLC,
+/-40 ACRES "PORTION OF" +/-317.55 ACRES
PARCEL # 47659-000-00
FROM MEDIUM RESIDENTIAL TO HIGH RESIDENTIAL**

**PURSUANT TO CHAPTER 163, FLORIDA STATUTES;
PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; 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 small-scale amendments to the Comprehensive Plan consistent with the provisions of Section 163.3187, Florida Statutes, and

WHEREAS, the property owner submitted Application No. 2022-S01 for a small-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 and Zoning Commission, acting as the Local Planning Agency, conducted an advertised public hearing on December 27, 2021, to consider Amendment No. 2022-S01. The Planning and Zoning Commission considered the Growth Services Department's recommendation, received public comment, and made recommendations to the Board regarding the Amendment, including findings of fact 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 adoption public hearing on February 1, 2022, to consider Amendment No. 2022-S01, considering the Growth Services Department's recommendation, the Planning and Zoning Commission's recommendation, and public comment received, and acted to adopt the Amendment.

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

SECTION 1. SMALL-SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed small-scale amendment to the Comprehensive Plan and authorizes the necessary amendment to the Future Land Use Map Series, in accordance with Exhibits "A" and "B" attached hereto and by this reference made a part hereof, based on findings that it does not adversely affect the public interest, is compatible with land uses in the surrounding areas, and is consistent with the Marion County Comprehensive Plan and Chapter 163, Florida Statutes:

**2022-S01, UTOPIA 42, LLC,
+/-40 ACRES "PORTION OF" +/-317.55 ACRES
PARCEL # 47659-000-00
FROM MEDIUM RESIDENTIAL TO HIGH RESIDENTIAL**

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 small-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. CONFLICTS. In the event that any other Ordinances are in conflict with this Ordinance, the provisions of this Ordinance shall prevail with respect to this property.

SECTION 5. EFFECTIVE DATE. This small-scale amendment shall not become effective until 31 days after adoption. If this small-scale amendment is challenged within 30 days after adoption, then this small-scale amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small-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 and Zoning Division for public inspection.

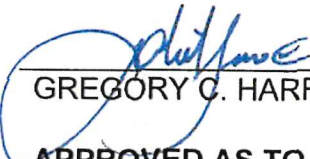
DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 1st day of February, 2022.

**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

RECEIVED NOTICE FROM SECRETARY OF STATE
ON FEBRUARY 11, 2022 ADVISING ORDINANCE
WAS FILED ON FEBRUARY 11, 2022.

SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"
SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN SECTIONS 20 AND 29, TOWNSHIP 17 SOUTH, RANGE 23 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF AFORESAID SECTION 29; THENCE RUN N89°47'03"W ALONG THE SOUTH LINE OF SAID NORTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 1,323.92 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE ALONG SAID WEST LINE RUN N00°07'16"E, 782.26 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 210 FEET OF THE WEST 210 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29; THENCE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4 OF NORTHWEST 1/4 RUN S89°48'06"E, 210.00 FEET; THENCE PARALLEL WITH SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 RUN N00°07'16"E, 210.00 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE ALONG SAID NORTH LINE RUN N89°48'06"W, 210.00 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20; THENCE RUN N00°03'02"E ALONG THE WEST LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 A DISTANCE OF 50.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 RUN S89°48'06"E A DISTANCE OF 1,324.12 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 20; THENCE 50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID WEST 1/2 OF THE SOUTHEAST 1/4 RUN S89°53'54"E, 314.88 FEET; THENCE PARALLEL WITH SAID WEST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 20 RUN S00°03'50"W, 50.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29; THENCE PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 RUN S00°07'54"W, 1,323.94 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG SAID SOUTH LINE RUN N89°49'36"W, 314.88 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 RUN N00°07'54"E, 330.89 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR S.E. 73RD AVENUE ACROSS THE WEST SIDE THEREOF.

CONTAINING 40.0 ACRES, MORE OR LESS.

10/12/21
DATE

KAYE M. JAMESON, PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5912

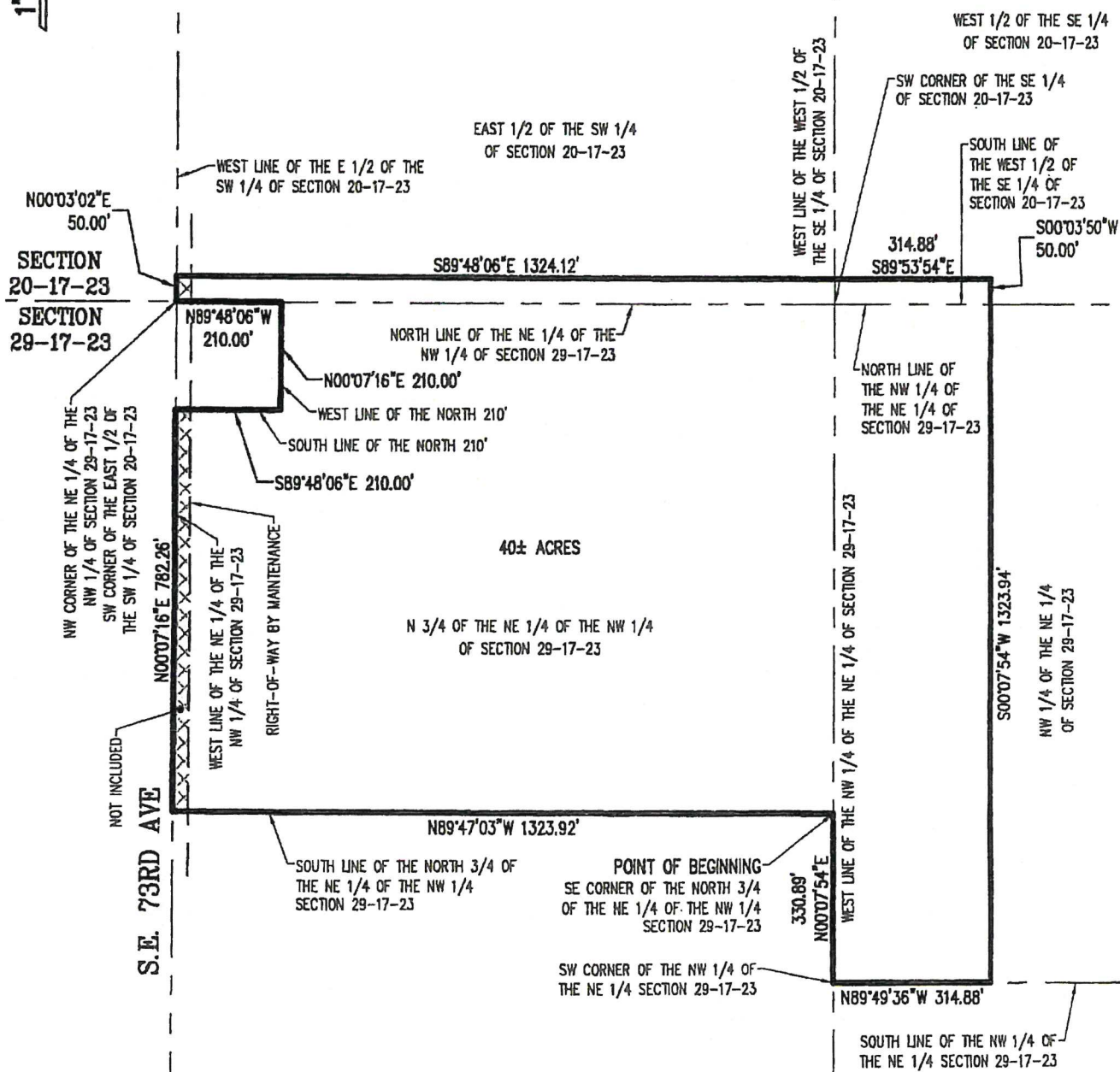
GENERAL NOTES

1. THE SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SKETCH PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.



SKETCH FOR DESCRIPTION (NOT A FIELD SURVEY)

EXHIBIT "A"
SHEET 2 OF 2



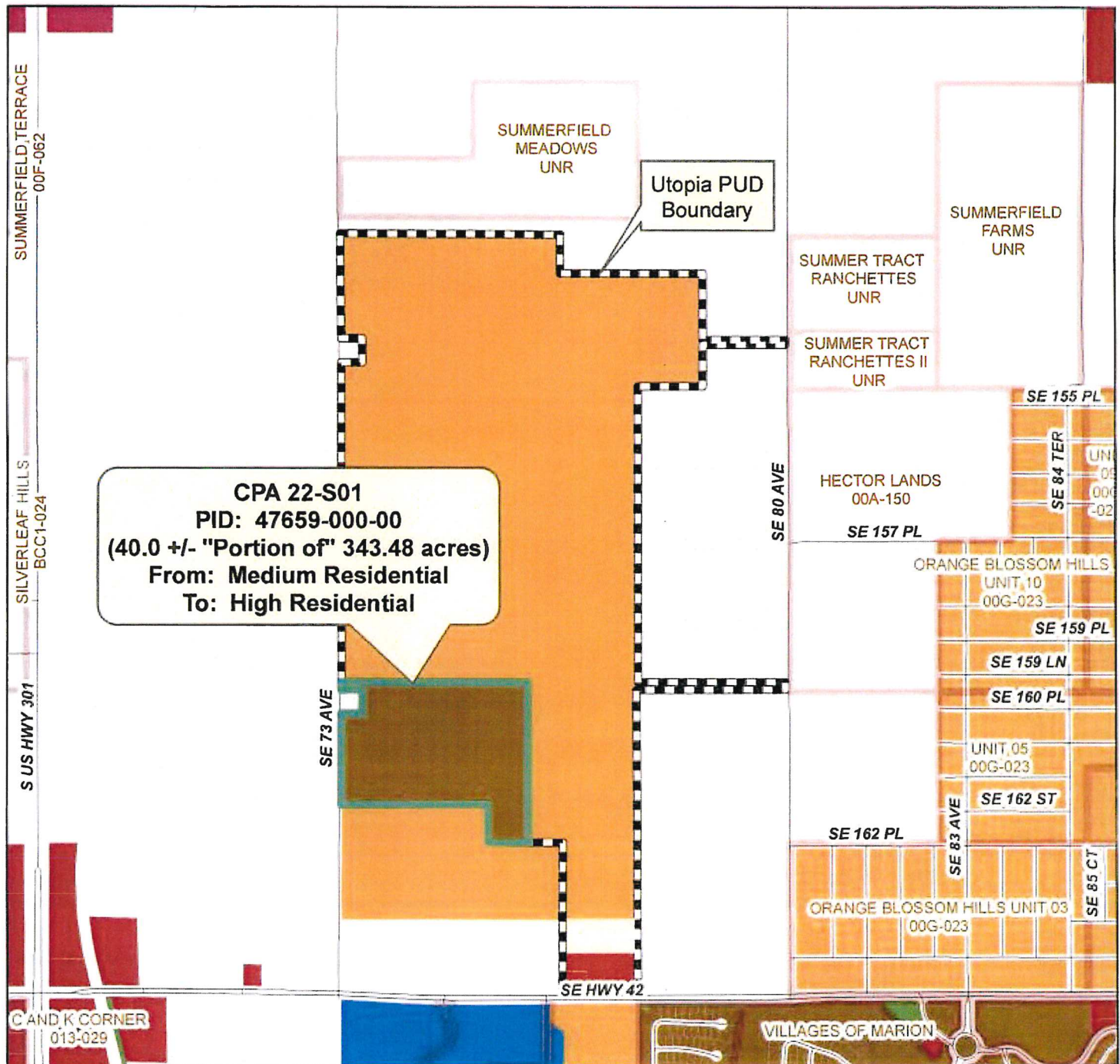
S:\SURVEY NEW\SURVEY\MARION\UTOPIA\S21232 40 ACRE SD.dwg, Sketch (2), 10/12/2021 9:57:02 AM, SHARP NX-3051 PC16



Small-Scale CPA

Exhibit "B"

22-S01



Parcels 22-S01, Utopia 42, LLC - Digvijay Gaekwad

0 500 1,000 1,500 2,000
Feet

FUTURE LAND USE DESIGNATION

RL - Rural Land (1 du/10 ac)	COM - Commercial (0-6 du/ac; FAR 1.0)
LR - Low Residential (0-1 du/ac)	EC - Employment Center (0-12 du/ac; FAR 2.0)
MR - Medium Residential (1-4 du/ac)	CD - Commerce District (N/A; FAR 2.0)
HR - High Residential (4-8 du/ac)	P - Public (N/A; FAR 1.0)
UR - Urban Residential (8-16 du/ac)	PR - Preservation (N/A; N/A)
RAC - Rural Activity Center 0-2 du/ac; FAR 0.35)	M - Municipality



Date: February 1, 2022

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.

ORDINANCE NO. 22-04
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 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 #15.2.3. 220102Z** – Utopia 42, LLC. 11980 SE 22nd Avenue Road, Ocala FL 34480, requests a Modification of Zoning Change 170704Z, Articles 2 and 4 of the Marion County Land Development Code, from PUD (Planned Unit Development) to PUD (Planned Unit Development), 1.) Increase the maximum number of residential dwelling units from 1,395 to 1,514, and 2.) Change the residential dwelling unit types from 1095 single-family and 300 multiple-family to 744 single-family and 770 multiple family, on an approximate 343.48 Acre Tract, on Parcel Account Numbers 47659-000-00, 48366-000-00, 48367-000-00 and 48369-000-00.

SECTION 2. Authorizing identification of the official zoning map.

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 # 15.2.3. 220102Z (Utopia 42, LLC.) shall not take effect unless and until concurrent Ordinance Number 22-03 Adopting Small-Scale Amendment 22-S01 is effective.

DULY ADOPTED in regular session this 1ST day of FEBRUARY 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA



GREGORY C. HARRELL, CLERK



CARL ZALAK III, CHAIRMAN

RECEIVED NOTICE FROM SECRETARY OF STATE
ON FEBRUARY 11, 2022 ADVISING ORDINANCE
WAS FILED ON FEBRUARY 11, 2022.

220102Z (Utopia) Development Conditions:

1. The PUD shall be developed consistent with the PUD Application and PUD Concept Plan Set (Received 11/11/21 and 12/12/21; attached) and the development conditions for this approval.
2. The PUD shall consist of single-family detached residential (SFR), multiple-family residential (MFR) consisting of apartments & townhouses, and commercial (COM) uses consistent with the development and use standards provided in Table 1 below:

TABLE 1. PROPOSED UTOPIA/GAEKWAD VILLAGE PUD DEVELOPMENT & USE STANDARDS							
Type	Structure	Minimum		Minimum Setbacks			Height
		Width	Area	Front	Rear	Side	
SFR LOTS	40' Standard Accessory	40' N/A	4,600 SF N/A	20' 20'	20' 3'	5' 3'	50' 20'
	50' Standard Accessory	50' N/A	5,750 SF N/A	20' 20'	20' 3'	5' 3'	50' 20'
	60' Standard Accessory	60' N/A	6,900 SF N/A	20' 20'	20' 3'	5' 3'	50' 20'
MFR	Principal Accessory	Comply with R-3 (Multi-family Dwelling) Uses & Standards; however must also comply with PUD height limitations per LDC Sections 4.2.31.E(4)(b)2a & b, as applicable, for MFR uses within 100' of a SFR or SFR zone.					
COM	Principal Accessory	Comply with B-2 (Community Business) Uses & Development Standards; however must also comply with PUD height limitations per LDC Sections 4.2.31.E(4)(b)1a & b, as applicable, for Non-Residential uses within 100' of a SFR or SFR zone.					
Accessory Structure = e.g., Pool, Pool Screen Enclosure, Add-on Screen Enclosure, or Storage Shed, etc. N/A = Not Applicable							

3. The project shall be limited to a maximum total of 1,514 site-built dwelling units consisting of a maximum of 744 SFR detached residential units and a maximum of 770 site-built multiple-family units. All development shall be consistent with the PUD Conceptual Plan, subject to compliance with the PUD's typical development designs and standards listed as in above Table 1; however, development of the multiple-family units may be reduced or eliminated in favor of the development of additional SFR detached residential units, subject to compliance with the typical minimum lot designs and standards listed in Table 1, and the project-wide maximum gross number of 1,514 dwelling units, along with applicable LDC provisions pursuant to County's development review processes (e.g. traffic study update, etc.).
4. For the PUD's multiple-family development;
 - a. The apartment and townhouse development areas shall be owned, operated, and managed as singular commonly owned rental development without individual unit ownership.
 - b. All townhouse units shall include a minimum 2-car garage as shown in the PUD architectural information.
5. A master sign plan shall be provided for the overall PUD to address the commercial and residential use identification signage consistent with LDC requirements for such plans.

6. The PUD includes a location for a water treatment facility (plant, wells, accessory structures, etc.). In the event an alternative water treatment facility site is established in lieu of the intended on-site facility, the development of the project's SFR dwelling units may then extend into the former water treatment plant area, subject to compliance with the typical minimum lot designs and standards listed in Table 1, and the project-wide maximum SFR and gross number of dwelling unit limits listed above.
7. Any RV/Boat storage area adjoining the water treatment plant site shall be accessory to the SFR and MFR development of the PUD for the residents/owners use only, and not open for use by the general public, and shall not be located in any open space area as shown on the PUD Conceptual Plan.
8. Prior to completion and approval of the final PUD Master Plan, or equivalent, an updated project Traffic Study shall be completed and adequate provision shall be made to provide for the dedication of thoroughfare and major local collector rights-of-way along with necessary supporting transportation system and/or access improvements, consistent with applicable County and State provisions.
9. The PUD shall be required to provide for full access to SE 80th Avenue in addition to the three main access points (one to SE Hwy 42 and two to SE 73rd Avenue) shown on the PUD Concept Plan. The SE 80th Avenue access shall utilize one of the two historic flag-access points and be accessible to all of the residential development by connecting to the main primary north-south roadway shown in the PUD Conceptual Plan.
10. The PUD shall comply with the minimum provision of 68 acres of total open space for the single-family and multiple-family townhouse areas as shown on the PUD Conceptual Plan.
11. Buffers shall be provided consistent with the buffers as provided in Table 2 following, and shown for reference on the PUD Conceptual Plan.
12. The internal trees located south of the northwestern outparcel off SW 73rd Avenue, located along the north boundary of the northwest access roadway shown on the PUD Concept Plan shall be preserved and maintained.
13. The PUD Master Plan, or equivalent, shall provide final amenity provision details (clubhouse, pool, park, etc.) for each of the residential development areas, along with final landscape buffer planning.
14. Any access & utility easement(s) along the east boundary, particularly at Hwy 42 and extending north, shall be relocated internally to the site so as to not conflict with any required buffer along that boundary.
15. The final PUD Master Plan, or equivalent, shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes Zoning Application notice provisions at the applicant's expense.

ARCHITECTURAL STYLE:
NOTES: FACADE COLORS SHALL BE LOW REFLECTANCE, SUBTLE, OR NEUTRAL TONE COLORS. BUILDING TRIM AND ACCENT ARE AS MAY FEATURE BRIGHTER COLORS, INCLUDING PRIMARY COLORS.

