

ORDINANCE NO. 22 - 09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; PROVIDING FOR FINDINGS; ADOPTING AMENDMENT 21-L02; LARGE-SCALE TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE MARION COUNTY COMPREHENSIVE PLAN:

2021-L02, HORSE FARMS FOREVER, INC.
FUTURE LAND USE ELEMENT TEXT AMENDMENT:
OBJECTIVE 3.3 FARMLAND PRESERVATION AREA
Policy 3.3.1: ELEMENTS OF RURAL CHARACTER

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; 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 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

WHEREAS, the Marion County Planning & Zoning Commission, acting as the Local Planning Agency, conducted an advertised public hearing on December 27, 2021 to consider Amendment No. 2021-L02. 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 an advertised transmittal public hearing on January 18, 2022, to consider Amendment No. 2021-L02, 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 Economic Opportunity (DEO) and other designated agencies for review consistent with Chapter 163.3184, Florida Statutes, and

WHEREAS, the DEO and other agencies received Amendment 2021-L02, and had no comments regarding the proposed Amendment, and

WHEREAS, the Board conducted an advertised adoption public hearing on March 15, 2022 to consider Amendment No. 2021-L02, the Growth Services Department’s recommendation, the Planning and Zoning Commission’s recommendation, the agency transmittal review comments received (if any), 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. 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 Policy 3.3.1 attached hereto 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:

Amend. No.	Applicant	PROPOSED LARGE-SCALE COMPREHENSIVE PLAN TEXT AMENDMENT
2021-L02	Horse Farms Forever, Inc.	FUTURE LAND USE ELEMENT TEXT AMENDMENT: OBJECTIVE 3.3 FARMLAND PRESERVATION AREA Policy 3.3.1: ELEMENTS OF RURAL CHARACTER

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 provision 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 Objective 3.3 Farmland Preservation Area, Policy 3.3.1, and any other county ordinance or part thereof, the provisions of this Objective 3.3, Policy 3.3.1 shall prevail to the extent of such conflict or inconsistency

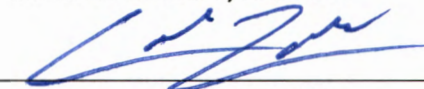
SECTION 5. EFFECTIVE DATE. This large-scale amendment shall not become effective until 31 days after the DEO, as the State Land Planning Agency, determines; the Amendment adoption package is complete and no petition is filed by an affected party. If the large-scale amendment is challenged within 30 days after adoption, the large-scale amendment shall not become effective until the DEO or the Administration Commission, respectively, issues a final order determining the adopted large-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 & Zoning Division for public inspection.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 15th day of March 2022.

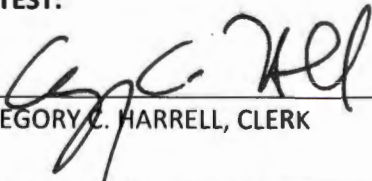
**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



CARL ZALAK III, CHAIRMAN

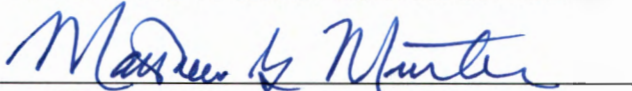
RECEIVED NOTICE FROM SECRETARY OF STATE ON MARCH 23, 2022 ADVISING ORDINANCE WAS FILED ON MARCH 23, 2022.

ATTEST:



GREGORY C. HARRELL, CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY



MATTHEW MINTER, COUNTY ATTORNEY

EXHIBIT "A"

Policy 3.3.1: Elements of Rural Character

The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands, specifically the Farmland Preservation Area, by requiring that all appropriate future development activities within this Area preserve, support, and enhance the fundamental elements of rural character set forth below, and further requiring that all Zoning Changes and Special Use Permits within the Farmland Preservation Area be consistent with and preserve, protect, support, and enhance the rural, equestrian, and farmland character of the Farmland Preservation Area.

The fundamental elements of rural character include the following:

1. *Scenic Views:* The viewshed of arterial and collector roadways in the Rural Area shall be protected from land clearing and other visual intrusions associated with development; such protections, however, shall not restrict the fundamental agricultural uses permitted within this Area.
2. *Open Space Protection:* Residential development options shall include incentives to promote the protection of open spaces.
3. *Rural Lighting:* In order to preserve the rural character of the area, artificial illuminating devices, Emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto adjacent properties shall be prevented to the greatest extent possible, as further defined in the LDC.
4. *Transportation:* Roadway design within the Rural Area shall be consistent with the principles of context sensitive design, which considers the relationship of land uses and all aspects of roadway design, including speed, travel lane width, access management, and landscaping. Where feasible, expansion or alteration of existing roadway corridors, including State Facilities, will be the preferred method to meet long-range transportation needs. New transportation corridors intended to be used specifically for the construction of expressways or limited access roadways within the Farmland Preservation Area shall be developed in such a way as to avoid negative impacts to vital farmlands, key environmental areas, and valuable open space so that transportation and land use are compatible with the rural character of the area. The development of any such corridor shall be closely coordinated with the Board of County Commissioners and County Staff.
5. *Infrastructure:* Other infrastructure including water and sewer utilities and stormwater facilities within 36 the Rural Area shall reflect a rural level of service and shall not be modified to the Point that it encourages or allows for urban development.

Underline = new text

Strike-out = ~~deleted-text~~