

STATE OF FLORIDA
ADMINISTRATION COMMISSION

SUSAN WOODS and KAREN LYNN
RECIO,

Petitioners,

vs.

MARION COUNTY and DEPARTMENT
OF COMMUNITY AFFAIRS,

AC Case No. ACC-09-002
DOAH Case No. 08-1576GM

Respondents,

and

AUSTIN INTERNATIONAL REALTY, LLC,
CASTRO REALTY HOLDINGS, LLC,
and HALCYON HILLS, LLC,

Intervenors.

FINAL ORDER CLOSING FILE

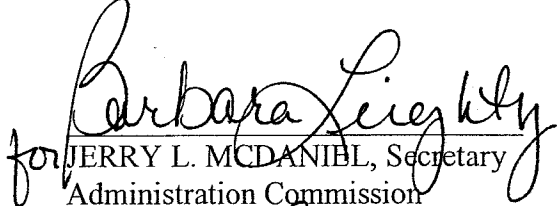
This cause came for consideration by the Secretary of the Administration Commission ("Commission") through a letter with enclosure dated November 6, 2009, from Robert J. Fowler, Acting Marion County Attorney. Mr. Fowler's letter transmitted a certified copy of Marion County Ordinance 09-29 which repealed Section 15 of Marion County Ordinance 07-31 pursuant to the Commission's September 17, 2009, Final Order. Section 15 of Marion County Ordinance 07-31 was the subject of the instant proceeding. The Commission hereby relinquishes jurisdiction of the subject proceeding and closes the file. A copy of the November 6, 2009, letter with enclosure is attached hereto and incorporated as Exhibit A.

FILED
2010 FEB 22 P 1:33
DIVISION OF
ADMINISTRATIVE
HEARINGS

NOTICE OF RIGHTS

Any party to this Order has the right to seek Judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.

DONE AND ORDERED this 18th day of February, 2010.

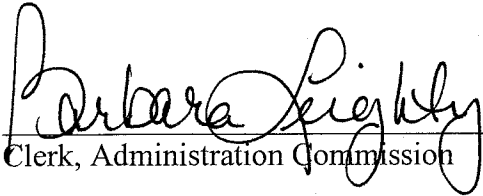

for JERRY L. MCDANIEL, Secretary
Administration Commission

FILED with the Clerk of the Administration Commission this 18th day of February, 2010.


Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the forgoing was delivered to the following persons by United States Mail, facsimile, electronic mail, or hand delivery this 18th day of February, 2010.


Clerk, Administration Commission

Honorable Charlie Crist
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Alex Sink
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399

Honorable Bill McCollum
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Charles H. Bronson
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Carly A. Hermanson, Esquire
Governor's Legal Office
Room 209, The Capitol
Tallahassee, Florida 32399-0001

Thomas G. Pelham, Secretary
Shaw Stiller, General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Honorable J. Lawrence Johnston
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Linda Shelley, Esquire
Fowler White Boggs Banker, P.A.
101 North Monroe Street, Suite 1090
Tallahassee, Florida 32301

Susan Woods
7323 Northwest 90th Avenue
Ocala, Florida 34482

Jeff Fowler, Esquire
Marion County Attorney
601 Southeast 25th Avenue
Ocala, Florida 34471-9109

Karen Recio
8650 Northwest 63rd Street
Ocala, Florida 34482

Bryce W. Ackerman, Esquire
Steven H. Gray, Esquire
Gray, Ackerman & Haines, P.A.
125 Northeast 1st Avenue, Suite 1
Ocala, Florida 34470

Florida Administrative Law Reports
Post Office Box 385
Gainesville, Florida 32602



OFFICE OF
COUNTY ATTORNEY
MARION COUNTY
601 SE 25th Avenue
Ocala, Florida 34471

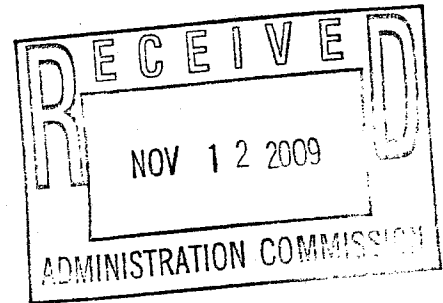


Voice: (352)438-2330
Fax: (352)438-2331
E-Mail: jeff.fowler@marioncountyfl.org

Acting County Attorney
Robert J. Fowler

November 6, 2009

Jerry L. McDaniel, Secretary
Clerk of the Commission
Office of Policy and Budget
Executive Office of the Governor
The Capitol, Room 1801
Tallahassee, FL 32399-0001

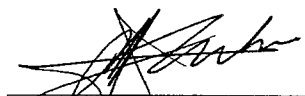


RE: AC Case No. ACC-09-002
DOAH Case No. 08-1576GM

Dear Mr. McDaniel:

Enclosed please find a certified copy of Ordinance 09-29 repealing Section 15 of Marion County Ordinance 07-31 repealing the Large Scale Marion County Comprehensive Plan, No. 07-L25 pursuant to the Final Order of the Administration Commission dated September 17, 2009.

Sincerely,


Robert J. Fowler

Certified A True Copy
of 9 page document
this 5th day of NOV 2009
DAVID R. ELLSPERMANN
Clerk of Court
BY D. Windberg D.C.

ORDINANCE NO. 09-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, REPEALING SECTION 15 OF ORDINANCE NO. 07-31; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On September 17, 2009, the Governor and Cabinet, sitting as the Administration Commission entered a Final Order in Case No. ACC-09-002 (DOAH Case No. 08-1576GM) directing Marion County to rescind that Section of Marion County Ordinance No. 07-31 which approves Marion County Comprehensive Plan Large Scale Amendment No. 07-L25; and

WHEREAS, the Final Order entered by the Administration Commission imposes sanctions against Marion County in the event the FLUM amendment adopted in Ordinance No. 07-31 is not rescinded; and

WHEREAS, Marion County desires to comply with the Final Order entered by the Administration Commission.

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

SECTION 1. Ordinance No. 07-31 is hereby amended to read (**All exhibits attached to Ordinance No. 07-31 shall remain the same except for Exhibit "B-14" which is removed**):

SECTION 1. PURPOSE AND INTENT. This Ordinance is enacted to amend the Marion County Comprehensive Plan- and to (i) rescind Section 15 of Marion County Ordinance No. 07-31, rescinding and terminating the County's approval of the large scale Marion County Comprehensive Plan, Amendment No. 07-L25; and (ii) confirm that other than the rescission of Section 15 of Ordinance 07-31, rescinding Marion County approval of Comprehensive Plan Amendment 07-L25 all of the remaining Sections of Ordinance 07-31 remain in full force and effect.

SECTION 2. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-1", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L01, SOUTHSIDE MATERIALS RECYCLING FACILITY, LLC, 50.70 ACRES,
Low Density Residential to Rural Land and C&D Landfill.**

SECTION 3. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-2", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L05, JOHN F. & CONNIE D. WISE, 32.69 ACRES
Rural Land to Medium Density Residential**

SECTION 4. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-3", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L06, SOUTHEAST 73RD AVENUE, LLC, ET AL., 40.01 ACRES
Rural Land to Medium Density Residential**

SECTION 5. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-4", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L07, BRANCH PROPERTIES, INC. GREGORY C. BRANCH, 43.6 ACRES
Urban Reserve to Industrial**

SECTION 6. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-5", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L08, GOLDEN OAKS 484 LLC/ST. LUCIE SQUARE INVESTORS, LLC
359.30 ACRES
Rural Land to Medium Density Residential**

SECTION 7. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series

attached hereto as Exhibit "B-6", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L10, JAMES H. SWEENEY III TR., 40.79 ACRES
Rural Land to High Density Residential**

SECTION 8. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-7", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L11, SILVER SPRINGS BOTTLED WATER COMPANY,
5.49 ACRES
Low Density Residential to Industrial**

SECTION 9. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-8", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L13, A/P, LLC, 6.92 ACRES
Low Density Residential to Commercial**

SECTION 10. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-9", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L14, MAVERICK PARTNERS, LLC, 40.15 ACRES
Urban Reserve to Medium Density Residential**

SECTION 11. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-10", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L16, ESTATE OF THERESA CASTRO, 40.0 ACRES
Urban Reserve to Medium Density Residential**

SECTION 12. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-11", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L17, DOZIER ASSOCIATES, 15.1 ACRES
Rural Land to Low Density Residential**

SECTION 13. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-12", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L21, PORTER BROTHERS PROPERTIES, LLC, 2.07 ACRES,
Medium Density Residential to Limited Commercial**

SECTION 14. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-13", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L22, WALTER H. FORMAN, TR, 15.125 ACRES,
Industrial to High Density Residential**

~~**SECTION 15. LARGE SCALE AMENDMENT APPROVAL.** The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-14", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.~~

~~**07-L25, CASTRO REALTY HOLDINGS, LLC, ET AL,
395.83 ACRES,
Urban Reserve Rural Land to Medium Density Residential**~~

SECTION 16. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series

attached hereto as Exhibit "B-16", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L27, BAHIA OAKS, INC, 13.76 ACRES
High Density Residential Commercial
To 1.86 Acres Multi-Family Residential Medium Density
and 11.90 Acres Multi-Family Residential High Density**

SECTION 17. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-17", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L28, SOUTHWEST 80TH AVENUE PARTNERS, RLLP, 64.08 ACRES
Rural Land to 30.00 Acres Medium Density Residential, 25.00 Acres Multi-Family
Residential High Density, and 9.08 Acres Professional Office with Land Use
Blending Overlay**

SECTION 18. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Map Series attached hereto as Exhibit "B-18", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan, and subject to the provisions of a developer agreement.

**07-L29, TOM MCDONALD, TR, STEVE RUDNIANYN, 22.09 ACRES
Medium Density Residential and Low Density Residential
To 12.22 Acres Medium Density Residential and 9.87 Acres Low Density Residential
with Land Use Blending Overlay**

SECTION 19. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-19", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L19, FUTURE LAND USE ELEMENT,
TRANSFER OF VESTED RIGHTS**

SECTION 20. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Transportation Element attached

hereto as Exhibit "C-20", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L32, TRANSPORTATION ELEMENT,
LOS STANDARDS**

SECTION 21. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibits "C-21", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L33, FUTURE LAND USE ELEMENT,
TDR CREDIT SYSTEM**

SECTION 22. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibits "C-22", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L35, FUTURE LAND USE ELEMENT,
LANDFILLS**

SECTION 23. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Capital Improvement Element attached hereto as Exhibit "C-22", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L36, CAPITAL IMPROVEMENTS ELEMENT,
ANNUAL UPDATE**

SECTION 24. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed large scale amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-24", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L37, FUTURE LAND USE ELEMENT,
POLICY 12.5.d**

SECTION 25. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element

attached hereto as Exhibit "C-25", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L38, FUTURE LAND USE ELEMENT,
POLICY 12.5.e**

SECTION 26. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-26", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L39, FUTURE LAND USE ELEMENT,
POLICY 12.5.f**

SECTION 27. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-27", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L40, FUTURE LAND USE ELEMENT,
POLICY 12.5.g**

SECTION 28. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-28", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L41, FUTURE LAND USE ELEMENT,
POLICY 12.5.h**

SECTION 29. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-29", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L42, FUTURE LAND USE ELEMENT,
POLICY 12.5.i**

SECTION 30. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element

attached hereto as Exhibit "C-30", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L43, FUTURE LAND USE ELEMENT,
POLICY 12.5.j**

SECTION 31. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-31", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L44, FUTURE LAND USE ELEMENT,
POLICY 12.5.k**

SECTION 32. LARGE SCALE AMENDMENT APPROVAL. The Board hereby approves the below-listed Text amendment to the Comprehensive Plan and approves and authorizes the necessary amendment to the Future Land Use Element attached hereto as Exhibit "C-32", based on a finding of compatibility and consistency with the Marion County Comprehensive Plan.

**07-L45, FUTURE LAND USE ELEMENT,
POLICY 12.5.l**

SECTION 33. 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 provisions of this ordinance shall remain in full force and effect.

SECTION 34. REPEAL. All Ordinances or parts of Ordinances which are in conflict with the Ordinance are hereby repealed.

SECTION 35. COPY ON FILE. The 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 Planning Department for public inspection.

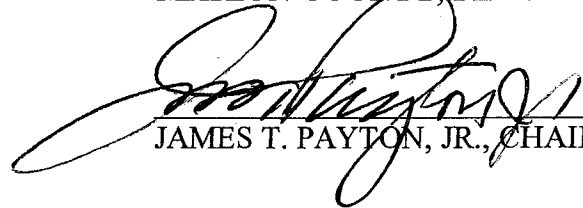
SECTION 36. EFFECTIVE DATE. Each Large Scale Comprehensive Plan Amendment shall not become effective until 22 days after publication of a notice by the Department of Community Affairs (DCA) finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes. If any affected person files a petition challenging an amendment within 21 days after publication of a notice by DCA, the amendment shall not become effective until the date a final determination of in compliance is issued by DCA or the Administration Commission. No development orders, development permits, or land uses dependent on an amendment may be issued or commenced before it has become effective. A copy of this ordinance shall be filed 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.

DULY ADOPTED with a quorum present and voting, by the Board of County Commissioners of Marion County, Florida, this 3rd day of November, 2009.

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

ATTEST:



JAMES T. PAYTON, JR., CHAIRMAN



DAVID R. ELLSPERMANN, CLERK