

## **ORDINANCE 2023-10**

**AN ORDINANCE OF THE CITY OF BELLEVIEW, FLORIDA RELATING TO AN AMENDMENT OF 4.63 +/- ACRES OF LAND TO THE CITY OF BELLEVIEW COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF BELLEVIEW COMPREHENSIVE PLAN AND THE OFFICIAL ZONING DISTRICTS MAP PURSUANT TO APPLICATION (SSC23-0001) BY THE CITY OF BELLEVIEW FOR FLORIDA OAKS MULCH, LLC UNDER THE SMALL SCALE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION ON PARCELS #36875-000-00 AND 36872-002-00, FROM COMMERCIAL (MARION COUNTY DESIGNATION) TO COMMERCIAL (CITY OF BELLEVIEW DESIGNATION) AND BY CHANGING THE ZONING CLASSIFICATION FROM B-4 (MARION COUNTY DESIGNATION) TO B-4 (CITY OF BELLEVIEW DESIGNATION); ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLEVIEW, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.021, Florida Statutes, empowers the City Commission of the City of Bellevue, Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement and amend a Comprehensive Plan; and

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Commission to prepare, adopt and implement and amend a Comprehensive Plan; and

**WHEREAS**, application, SSC23-0001, City of Bellevue for amendment, as described below, to the Future Land Use Map of the City of Bellevue Comprehensive Plan, hereinafter referred to as the City's Comprehensive Plan; and application LS23-0001, City of Bellevue for amendment to the City of Bellevue Official Zoning Districts Map have been filed with the City; and

**WHEREAS**, the Planning and Zoning Board of the City of Bellevue has been designated as the Local Planning Agency; and

**WHEREAS**, the Planning and Zoning Board of the City of Bellevue serving as the Local Planning Agency did on June 13, 2023 hold the required public hearing, with public notice having been provided, on said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and

considered all comments received during said public hearing and reviewed and considered the staff Comprehensive Plan Amendment Report concerning said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map recommended to the City Commission approval of said application for amendments, as described below; and

**WHEREAS**, the City Commission did on August 1, 2023 hold the required public hearing for first reading of the ordinance, with public notice having been provided, under the provisions of the regular amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map at said public hearing, the City Commission reviewed and considered all comments received during the public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, and the staff Comprehensive Plan Amendment Report, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map; and

**WHEREAS**, the City Commission has determined and found said application for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and Zoning Districts Map to be compatible with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission has determined that the proposed amendment is in compliance with the City's Comprehensive Plan and is the closest to the County designation at the time of annexation; and

**WHEREAS**, the City Commission has determined and found that approval of said application for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and the Official Zoning Districts Map would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLEVIEW, FLORIDA, AS FOLLOWS:**

**Section 1. Future Land Use and Zoning Designations:** Pursuant to applications SSC23-0001 and LS23-0001:

**Table 1: Proposed Amendment**

		<b>EXISTING (Marion County)</b>		<b>PROPOSED (City of Belleview)</b>	
<u>Parcel ID#</u> <u>Property Owner</u>	<u>Acreage</u>	<u>Future Land Use (Map 1)</u>	<u>Zoning (Map 2)</u>	<u>Future Land Use (Map 1)</u>	<u>Zoning (Map 2)</u>
36875-000-00 & 36872-002-00 Florida Oaks Mulch LLC	4.63+/- acres	Commercial	B-4	Commercial	B-4

**Section 2. Legal Descriptions:**

**The properties subject to the proposed amendment to the City's Comprehensive Plan and amendments to the City of Belleview Official Zoning Districts Map are the following described parcel of land located in the City of Belleview, Marion County, Florida, to wit:**

**Parcel of land owned by Florida Oaks Mulch, LLC, more particularly described as:**

A part of Lot A-6 J.L. McGahagan Estates in Section 23, Township 16 South, Range 22 East as recorded in Plat Book E, Page 44, of the Public Record of Marion County, Florida, described as follows:

Commencing at a point 953.22 feet North of the 1/4 Section corner on the South boundary of said Section 23, said 1/4 Section corner being the SW corner of Lot A-6, thence North 365 feet, thence N.89°42'13"E., 334.10 feet to the Westerly right of way line of U.S. Highway 441, thence S.26°54'47"E., along said right of way line 211.00 feet, thence S.67°25'40"W., 465.25 feet to the Point of Beginning.

AND

Commencing at the SW corner of Lot A-6 of J.L. McGahagan Estates as recorded in Plat Book E, Page 44, of the Public Records of Marion County, Florida, said SW corner being the SW corner of the SE 1/4 of Section 23, Township 16 South, Range 22 East; thence North along the West boundary of said lot a distance of 953.22 feet to the Point of Beginning; thence N.67°25'40"E., 465.25 feet to the Westerly right of way line of U.S. Highway #441 (200 feet wide); thence S.26°54'47"E., along said right of way 200 feet to a point; thence run a Southwesterly direction to a point on the West boundary of Lot A-6 174.53 feet to the Point of Beginning.

Also known as Marion County Tax Parcel No. 36872-002-00 and 36875-000-00.

Said parcels of land also being depicted on the map attached hereto as Exhibit A.

**Section 3: Maps.** The maps attached hereto as Map 1 and Map 2 depict the existing and adopted future land use designation (map 1); and the existing and adopted zoning (map 2).

**Section 4. 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 provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5. Conflicts Repealed.** All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

**Section 6. Effective Date.** The effective date of this Ordinance will be 31 days following No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

### **CERTIFICATE OF ADOPTION AND APPROVAL**

The above and foregoing ordinance was duly read and approved upon First Reading by a 4-0 vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on 08/01/2023. Said ordinance was duly read, passed, and adopted upon Final Reading by a \_\_\_\_\_ vote of the City Commission of the City of Belleview, Florida at a Regular Meeting held on 08/15/2023.

For the City:

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CHRISTINE K. DOBKOWSKI  
Mayor/Commissioner

Attest:

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Mariah Moody  
City Clerk

Approved as to Form and Legal Sufficiency  
For the use and Benefit of the City of Belleview Only:

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FREDERICK E. LANDT, III  
City Attorney

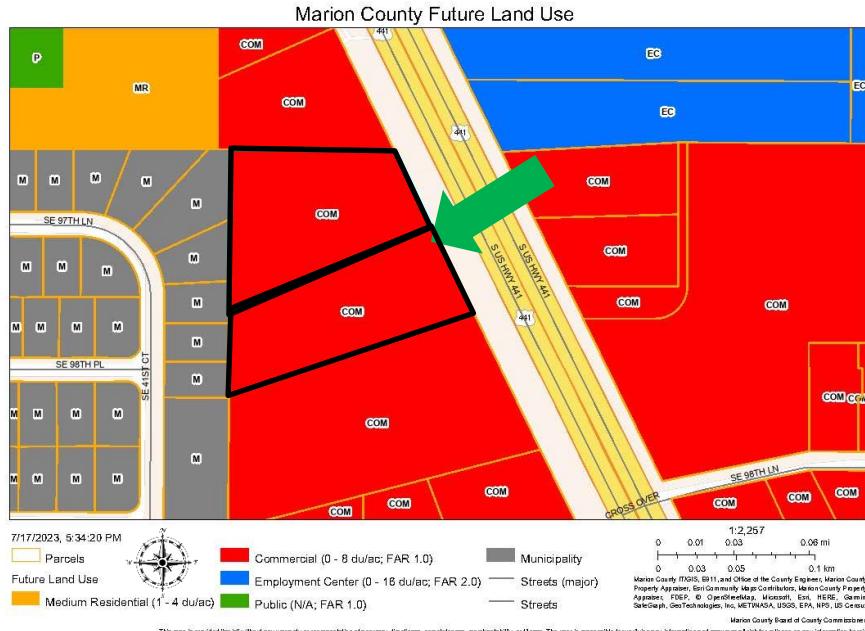
### **CERTIFICATE OF ADVERTISING**

**I HEREBY CERTIFY** that foregoing Ordinance was advertised for a Public Hearing in the July 20th and August 10th, 2023 editions of the Voice of South Marion in accordance with Florida Statutes.

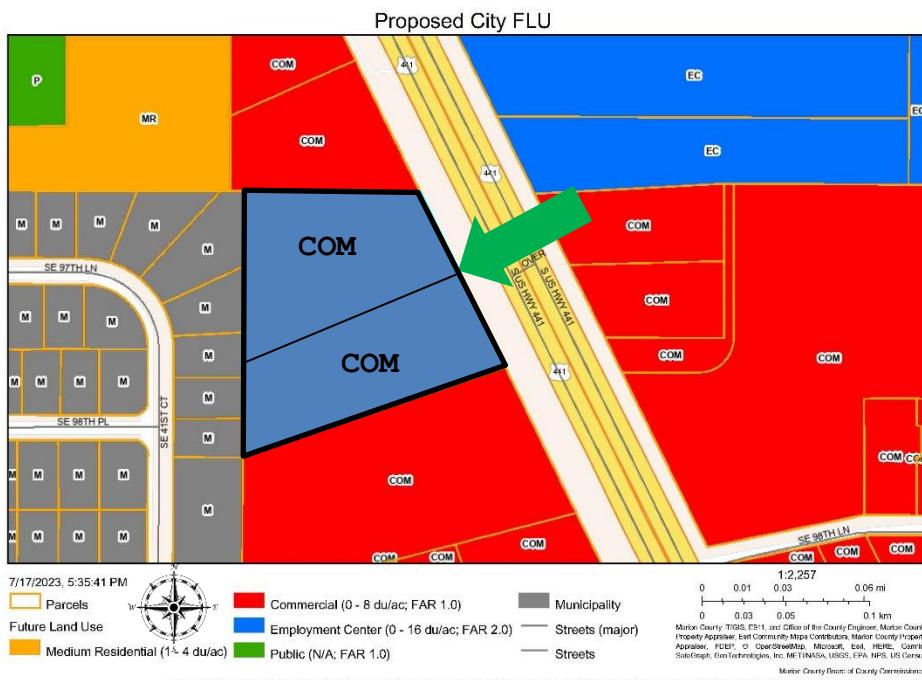
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Mariah Moody  
City Clerk

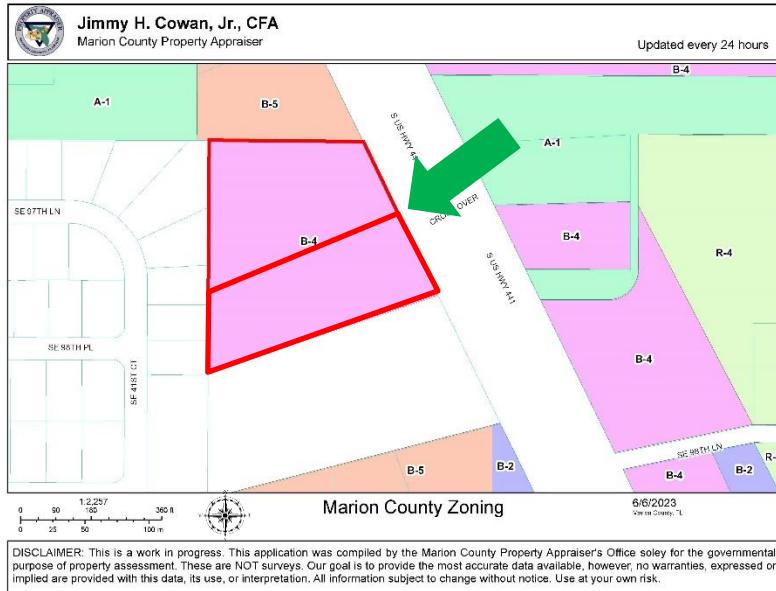
## Map 1 - Future Land Use EXISTING FUTURE LAND USE



## PROPOSED FUTURE LAND USE



## Map 2- Zoning EXISTING ZONING



## PROPOSED ZONING

