

ORDINANCE 2024-01

AN ORDINANCE OF THE CITY OF BELLEVUE, FLORIDA RELATING TO AN AMENDMENT OF 1.38 +/- ACRES OF LAND TO THE CITY OF BELLEVUE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF BELLEVUE COMPREHENSIVE PLAN AND THE OFFICIAL ZONING DISTRICTS MAP PURSUANT TO APPLICATION (SSC23-0002) BY THE CITY OF BELLEVUE FOR CGCR HOLDINGS LLC UNDER THE SMALL SCALE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION ON PARCEL #38510-000-02, FROM AGRICULTURAL TO COMMERCIAL AND BY CHANGING THE ZONING CLASSIFICATION FROM AG TO B-5; ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLEVUE, 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, SSC23-0002, 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 LS23-0002, 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 February 13, 2024 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 March 19, 2024 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 zoning designation most appropriate in the City; 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 SSC23-0002 and LS23-0002:

Table 1: Proposed Amendment

Parcel ID# Property Owner	Acreage	EXISTING (Marion County)		PROPOSED (City of Belleview)	
		Future Land Use (Map 1)	Zoning (Map 2)	Future Land Use (Map 1)	Zoning (Map 2)
38510-000-02	1.38+/- acres	Agricultural	AG	Commercial	B-5

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 CGCR Holdings, LLC, more particularly described as:

Commence at the Northwest corner of Lot 11, Block 80, "Town of Belleview" as per plat recorded in Pat Book A, Page 15A, of the Public Records of Marion County, Florida; thence S 89°45'31"E, along the Southeasterly right-of-way line of Hammock Avenue, 638.13 feet to the Northeast corner of said Lot 11; thence N 50°42'05"E, along the Southeasterly right-of-way, 502.48 feet to a point intersecting the East line of the NW 1/4 of Section 1, Township 17 South, Range 22 East; thence S 0°00'03"W, (non radial) along the said East line of the NW 1/4 of Section 1, 248.06 feet to a point on the West right-of-way line of State Road No. 484 (66' wide), said point also being a point on a curve being concaved Southeasterly, having a delta angle of 3°53'27", a radius of 997.05 feet, a chord bearing and distance of S 7°05'50"W, 67.69 feet; thence Southwesterly along the arc of said curve and right-of-way of State Road No. 484, and arc distance of 67.71 feet; thence departing said curve and right-of-way, S 89°32'47"W, 380.49 feet to the Point of Beginning.

Also known as Marion County Tax Parcel No. 38510-000-02

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 the adoption of said ordinance. However, if any affected person files an appeal with the Florida Division of Administrative Hearings within 30 days of adoption, this plan amendment shall not become effective unless found to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Caldwell Building, 107 E. Madison Street, Tallahassee, Florida 32399.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon First Reading by a _____ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on 03/19/2024. 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 04/16/2024.

For the City:

CHRISTINE K. DOBKOWSKI
Mayor/Commissioner

Attest:

Mariah Moody
City Clerk

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

FREDERICK E. LANDT, III
City Attorney

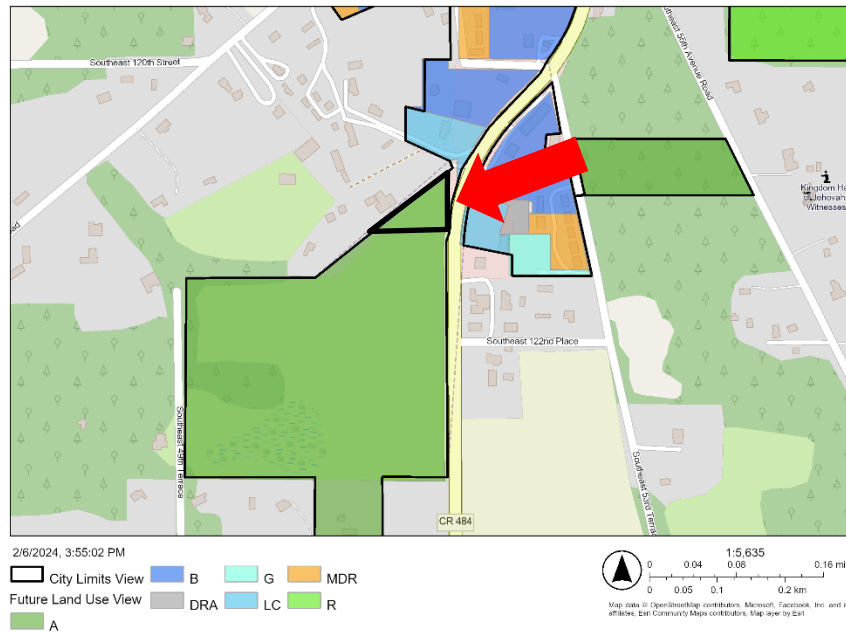
CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the _____ edition of the Voice of South Marion in accordance with Florida Statutes.

Mariah Moody
City Clerk

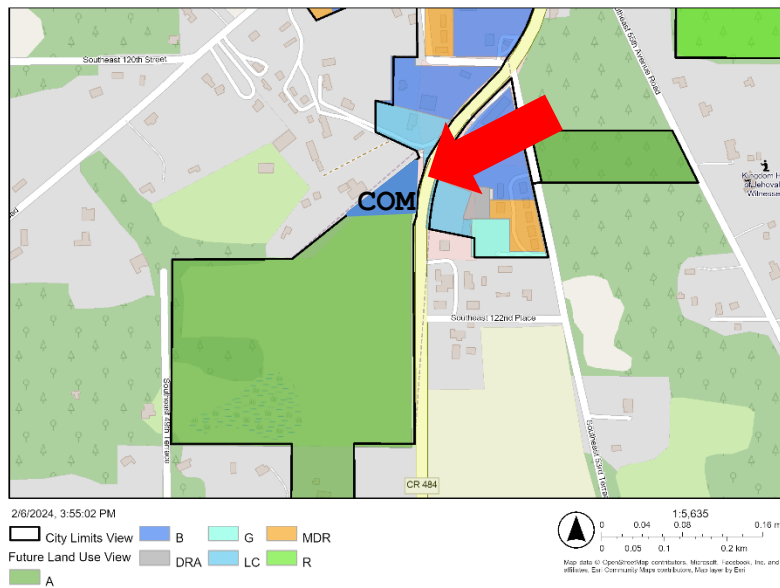
Map 1 - Future Land Use EXISTING FUTURE LAND USE

Bellevue Development Services



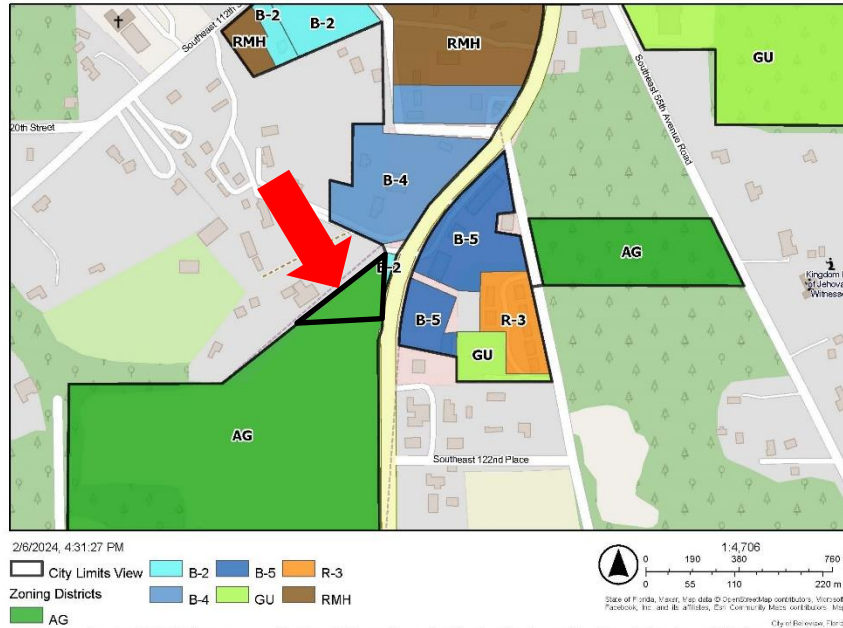
PROPOSED FUTURE LAND USE

Bellevue Development Services



Map 2- Zoning EXISTING ZONING

Bellevue Development Services Data



PROPOSED ZONING

Bellevue Development Services Data

