



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

August 30, 2022

Esteban Acosta
Brothers Land Development, Inc.
8090 SW 89th Court
Miami, FL 33173

RE: PUD Rezoning Case Application No. 220608Z
Application Request No. 28338

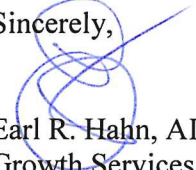
To Whom It May Concern:

We are sending this letter to inform you that your request for zoning change from Single-Family Dwelling (R-1) to Planned Unit Development (PUD) regarding the DR Horton NE 35th Street development project was approved by the Board of County Commissioners on July 6, 2022.

Zoning Ordinance, Development conditions and Concept Plan are enclosed.

When contacting the Growth Services Department's Planning and Zoning Division about this action, please refer to file no. 220608Z.

Sincerely,


Earl R. Hahn, AICP
Growth Services Director

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Enclosure: Zoning Ordinance 22-29, Development Conditions and Concept Plan

cc: David Tillman, Tillman & Associates Engineering, LLC.

ORDINANCE NO. 22-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING 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 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

1. **AGENDA ITEM #15.1.4. 220408Z** – Akshar Development, LLC., Paresh Patel, 10832 SW 91st Avenue, Ocala, FL 34481, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 (General Agriculture) and B-2 (Community Business) to PUD (Planned Unit Development), for a proposed 314-unit Apartment Complex with onsite amenities (The Vue), on an approximate 19.66 Acre Parcel, on Parcel Account Number 35636-002-00.
2. **AGENDA ITEM #15.1.5. 220506Z** – Florida General Trading, Inc., Aosama Alatabi, PO Box 89198, Tampa, FL 33689, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from M-1 (Light Industrial) to R-I (Rural Industrial), for all permitted uses, on an approximate 3.02 Acre Parcel, on Parcel Account Number 03316-045-00.

3. **AGENDA ITEM #15.1.7. 220608Z** – Brothers Land Development, Inc., Esteban Acosta, 8090 SW 89th Court, Miami, FL 33173, request a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from R-1 (Single Family Dwelling) to PUD (Planned Unit Development), for all permitted uses, including a proposed 243-unit Single Family Residential development (251 SFRs maximum – not more than 4 residences per acre), on an approximate 62.84 Acre Parcel on Parcel Account Number 24286-000-00.

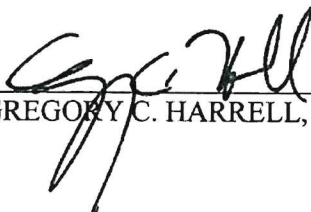
SECTION 2. The Board hereby authorizes the official zoning map to be revised to reflect the above described re-zonings.

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 # 15.1.4. 220408Z (Akshar Development, LLC.) shall not take effect unless and until concurrent Ordinance Number 22-28 Adopting Small-Scale Amendment 22-S07 is effective.

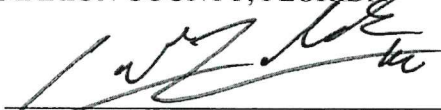
DULY ADOPTED in regular session this 6th day of JULY 2022.

ATTEST:



GREGORY C. HARRELL, CLERK

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA



CARL ZALAK III, CHAIRMAN

RECEIVED NOTICE FROM SECRETARY OF STATE
ON JULY 14, 2022 ADVISING ORDINANCE WAS
FILED ON JULY 13, 2022.

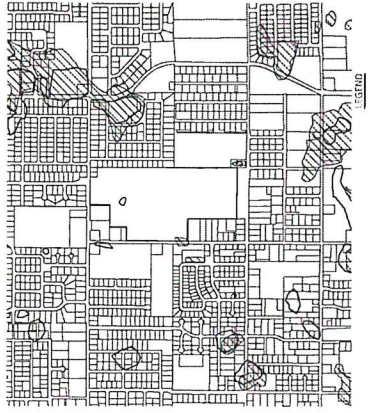
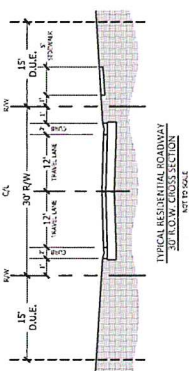
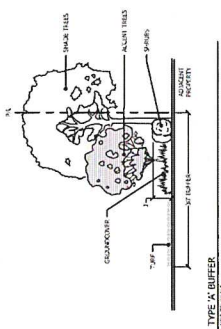
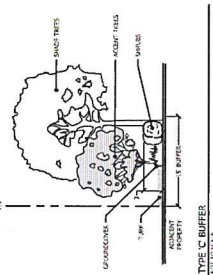
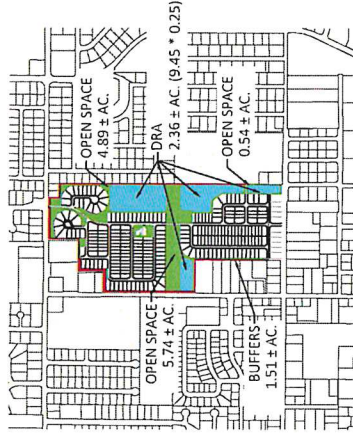
220608Z Staff Recommendation: Approval with Development Conditions as follows:

1. The PUD shall be developed consistent with the PUD Application and PUD Concept Plan Set (3/21/2022; attached) and the development conditions for this approval.
2. The PUD shall consist of single-family detached residential (SFR) dwelling units, up to a maximum total of 251 units, provided consistent with the Concept Plans listed development standards.
3. Any RV/Boat storage area shall be provided internal to the PUD and set back a minimum of 100' from any external PUD boundary.
4. Prior to completion and approval of the final PUD Master Plan, or equivalent, a project Traffic Methodology shall be submitted for review and review consistent with the LDC, to then be followed by the final project Traffic Study. The PUD 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.
5. Development of the PUD shall provide for a minimum of two vehicular access points to NE 35th Street and NE 28th Street; in the event the access connection to NE 28th Street may not be obtained the second access may be provided to NE 19th Avenue. All vehicle access points shall be provided and accessible prior to obtaining final inspection/certificate of occupancy for any residence within the PUD, except residences permitted as a "model home" may be granted a temporary certificate of occupancy for the intended purpose of providing a model home and not for final use as a residence.
6. The PUD shall comply with the minimum provision of 12.57 acres of total open space as shown on the PUD Conceptual Plan.
7. Buffers shall be provided consistent the buffers as provided on the PUD Conceptual Plan; except for the following:
 - a. A minimum 30-foot wide "no touch/undisturbed" buffer shall be maintained along the north and west boundaries shared with Parcel ID No. 24277-001-00 (current owner Dennis M. Malinky, Site Address: 2050 NE 35th Street).
 - b. Along the northeast boundary adjoining Parcel ID Nos. 24289-000-00 and 24289-000-01 and the east boundary adjoining the Sun Ray Estates Subdivision, in lieu of the Type "E" Buffer, the developer shall may elect substitute an opaque vinyl privacy fence, a minimum of 6-feet in height, provided a continuous consistent buffer form is provide along that boundary proposed and subject to Development Review Committee (DRC) approval.
8. The Maximum building height shall be 40-feet for the PUD's residential dwellings.
9. The final PUD Master Plan, or equivalent, shall provide final amenity provision details (clubhouse, pool, playground, play area, etc.) demonstrating the amenities comply with national home builder association residential community amenity package practices and rates and the minimum amenities established by the PUD Conceptual Plan, whichever is greater.
10. The final interior roadway cross-section shall be determined with the review and consideration of the final PUD Master Plan, or equivalent, wherein an increased width greater than 30' may be required to address specific design needs; in the event the applicant and the Development Review Committee disagree regarding any final width, the applicant may appeal the decision of the DRC to the Board of County Commissioners as part of the final PUD Master Plan review noted in Condition #12 below.
11. Any access & utility easement(s) along the site boundaries shall be placed internally so as to not conflict with any buffer along that boundary.
12. 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.



NOTES: FAÇADE COLORS SHALL BE LOW REFLECTANCE, SUBTLE, OR NEUTRAL TONE COLORS. BUILDING TRIM AND ACCENT AREAS MAY FEATURE BRIGHTER COLORS, INCLUDING PRIMARY COLORS.

LAND USE	MINIMUM SETBACKS				MAX. HEIGHT
	FRONT	REAR	LEFT SIDE YARD	RIGHT SIDE YARD	
SFR	25'	20'	5'	5'	50'



OPEN SPACE:	12.57 ± AC. (62.84 × 0.20)
REQUIRED:	11.18 ± AC.
OPEN SPACE:	2.36 ± AC. (9.45 × 0.25)
DRA:	
BUFFERS:	1.51 ± AC.
TOTAL AS SHOWN:	15.04 ± AC.
MINIMUM TO BE PROVIDED:	12.57 ± AC.

MARTIN COUNTY: A MINIMUM OPEN SPACE REQUIREMENT OF 25 PERCENT OF DRA'S CAN COUNT TOWARDS OPEN SPACE.

MARION COUNTY; A MINIMUM OPEN SPACE REQUIREMENT OF 20 PERCENT, OF WHICH 25 PERCENT OF DRA'S CAN COUNT TOWARDS OPEN SPACE.

DEPT. OF JUSTICE

TYPE 1 BUFFER:
BUFFER SHALL CONSIST OF A 5-FOOT WIDE LANDSCAPE STRIP WITHOUT A BUFFER WALL. THE BUFFER SHALL CONTAIN AT LEAST FOUR SHADE TREES FOR EVERY 100 LINEAL FEET OR FRACTIONAL PART THEREOF. SHD-10 SHALL BE PLANTED IN A 10X16 MATTING TO NOT BE CAPABLE OF REACHING A MAIN TRAFFIC HEIGHT OF 15A FEET WITHIN THREE YEARS. CRACK COVERS AND OTHER SURFINGS SHALL NOT BE USED IN THIS BUFFER.

THE 12-BUFFER
THIS BUFFER WALL CONSISTS OF A 12-FOOT-WIDE LANDSCAPE STRIP WITH OUT A BUFFER WALL. THE BUFFER SHALL CONTAIN AT LEAST TWO SHADE TREES AND THREE ACCENT GRASSES. TREES FOR EVERY \$20 LINEAL FEET OR FRACTION, PART TWO OF 3, TREES AND GRASSES, INCLUDING TURFGRASS, SO, COME AT LEAST 50 PERCENT OF THE REQUIRED BUFFER AND POINT A LAYERED, LANDSCAPE SCREEN WITH A MINIMUM HEIGHT OF THREE FEET ACHIEVED WITHIN ONE YEAR.

360007 TWO LANDSCAPE STEPS WITHOUT A BUFFER WALL. THE BUFFER SHALL CONTAIN AT LEAST THREE SPACE TREES AND FIVE SOLENT PERNICIOUS TREES FOR EVERY 100 LINEAL FEET OF PERIMETER. THE TREES, SHRUBS AND SPECIES SHALL BE SPECIFIED IN THE SPECIFICATIONS. SMALL CONIFERS, AT LEAST 10 FEET OF THE HEIGHT, ARE ALLOWED. SMALL FORM A LA REUSE LANDSCAPE. SOGGER WITH A MINIMUM HEIGHT OF THREE FEET ADJACENT WITHIN ONE YEAR OF PLANTING.

Tillman & Associates

— ENGINEERING, LLC —
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CERTIFICATE OF AUTHORIZATION # 25756



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