

Land Development Code

Article 5 Overlay Zones and Special Areas

Overlay zones and special areas identify unique spaces which require special development regulations to maintain and protect their unique characteristics or purposes. Each zone or area is described with its respective regulations, and sites may be subject to multiple zones and/or areas. The land use designation and/or zoning classification for any site remains undisturbed by the creation of a zone or area, except as specifically noted herein, when the zone or area imposes additional or different development standards than those that would otherwise apply. In the event of conflict, the more stringent regulation applies and supplements and/or supersedes other regulations provided in this Code, where applicable.

Division 1 Airport Overlay Zone (AOZ)

Sec. 5.1.1 Purpose and intent.

- A. The Airport Overlay Zone is designed to supplement or supersede the development regulations provided in the underlying zoning classifications, where applicable, in order to provide for safe airport operations and development of uses in locations near airports which are compatible with the airport use.
- B. The purpose of this overlay zone is to regulate heights of structures and objects of natural growth and to regulate the uses of land within the vicinity of general aviation public use airports, in accordance with FS 333, to avoid the creation of airport hazards and inhibit the development of uses which may be adversely affected by airport operations.

Sec. 5.1.2 Land use restrictions.

- A. Dunnellon Airport. Within the boundary of the Dunnellon Airport Overlay Zone as described below, the land uses following shall not be permitted.
 - (1) Description of Area: All lands lying within the transitional, approach, conical, horizontal and primary zones as defined and shown on Map 2.9, "Marion County Airport Layout Plan", of the Marion County Comprehensive Plan.
 - (2) Residential developments having a gross density greater than one dwelling unit per acre.
 - (3) The storage of explosive materials above the ground.
 - (4) Any use which interferes with the lawful operation of an airborne aircraft.
 - (5) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (6) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- B. Ocala Airport
Description of Area. All lands lying outside the corporate limits of the City of Ocala and within the transitional, approach, conical, horizontal and primary areas as defined and shown on Figure 3-7, "Airport Layout Plan, Ocala Municipal Airport" of the Marion County Comprehensive Plan; Port, Aviation and Related Facilities Sub-Element.

Sec. 5.1.3 Lot and building standards.

- A. Height Limitations, Dunnellon Airport.
 - (1) No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations:
 - (a) Primary Zone. The elevation of the nearest runway centerline excluding those structures which are part of the landing and take-off area.

Land Development Code

- (b) Horizontal Zone. 150 feet above airport elevation.
 - (c) Conical Zone. 150 feet above airport elevation at the inner boundary, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.
 - (d) Approach Zone. The runway centerline end height at the inner edge, with permitted height increasing with horizontal distance outward from the inner edge as follows:
 - 1. Runways 14/32 and 9/27: one foot vertically for every 20 feet of horizontal distance.
 - 2. Runway 5: one foot vertically for every 34 feet of horizontal distance.
 - 3. Runway 23: one foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance thereafter.
 - (e) Transitional Area. The same as for the primary area or the approach area where it adjoins, with permitted height increasing one foot vertically for every seven feet horizontally, measured at right angles to the runway centerline or extended centerline.
- B. Height Limitations, Ocala Airport.
- (1) No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations:
 - (a) Primary Zone. The elevation of the nearest runway centerline excluding those structures which are part of the landing and take-off area.
 - (b) Horizontal Zone. 150 feet above airport elevation.
 - (c) Conical Zone. 150 feet above airport elevation at the inner boundary, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.
 - (d) Approach Zone. The runway centerline end height at the inner edge, with permitted height increasing with horizontal distance outward from the inner edge as follows:
 - 1. Runway 08/26: One foot vertically for every 20 feet of horizontal distance.
 - 2. Runway 36: One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance.
 - 3. Runway 18: One foot vertically for every 34 feet of horizontal distance.
 - (e) Transitional Area. The same as for the primary area or the approach area where it adjoins, with permitted height increasing one foot vertically for every seven feet horizontally, measured at right angles to the runway centerline or extended centerline.

Division 2 Environmentally Sensitive Overlay Zone (ESOZ)

Sec. 5.2.1 Purpose and intent. This overlay zone is intended to protect the Environmentally Sensitive Lands depicted in the Comprehensive Plan and to provide criteria for the conservation and protection of certain lakes, rivers, shorelands, wetlands, natural habitats, native vegetation and associated uplands, and other environmentally sensitive areas from the adverse effects of development while protecting the rights of property owners.

- A. Projects within this overlay zone must protect the surface water and ground water quality by providing stormwater management systems, buffers and enhanced setback for structures and septic systems.
- B. When regulations of this overlay zone conflict with any other provisions of the Code, the most restrictive regulation shall apply.

Land Development Code

Sec. 5.2.2 Applicability. Activities, structures, or uses within the ESOZ as shown on the duly adopted Future Land Use Map, as prepared by the Growth Services Department and adopted by the Board determined as follows:

A. Waterbodies affected by this overlay zone.

Table 5.2.2-1

Rivers, Spring Runs, and Streams:	
Ocklawaha River	Orange Creek
St. Johns River	Withlacoochee River
Rainbow River*	Silver River
Salt Springs Run	Silver Glen Springs Run
Juniper Run	Silver Creek
Dead River Tributary to the Ocklawaha River	
Springs:	
Rainbow Springs	Silver Springs
Salt Springs	Silver Glen Springs
Juniper Springs	
Lakes:	
Bonable Lake	Bryant
Chain O Lakes	Charles
Delancy	Doe
Eaton	Ella/Juanita
Farles	Halfmoon
Jumper	Kerr
Little Kerr/Warner	Little Weir
Mary	Mill Dam
Mud	Nicotoon
Pecan	Smith
Weir	Lake George (Shoreline Only)
Orange Lake (Shoreline Only)	

*From its source, Rainbow Springs, to the South line of the Northwest 1/4 of Section 30, Township 16 South, Range 19 East.

B. ESOZ Boundaries

- (1) The ESOZ boundaries shall be as depicted on the Marion County Comprehensive Plan Future Land Use Map 11, as amended.
- (2) ESOZ boundaries shall be clarified by the Planning/Zoning Manager, if necessary, or by the applicant's engineer or surveyor if approved by the Planning/Zoning Manager. If an applicant provides data from sources acceptable to the Planning/Zoning Manager to prove they are not within an ESOZ, then the Planning/Zoning Manager may exempt the applicant from the requirements of this section after review and comment on the acceptability and reliability of the data by the appropriate water management district.

Sec. 5.2.3 Permitted uses and activities.

A. All uses permitted in the underlying land use category and zoning classification which are consistent with the requirements of this overlay zone provided it is shown by the applicant that the natural function of the protected natural feature will not be materially impaired, diminished, or harmed by

Land Development Code

the proposed development and that surface water or ground-water quality will not be degraded. Uses that have local or state adopted best management practices (BMPs) and/or guidelines shall be managed and conform to such.

- B. Buildings and structures permitted in the underlying zoning classification unless specifically prohibited herein.
- C. Repairs to existing structures, care of existing lawns and yards, or limited removal of vegetation to support surveying activities.
- D. Agricultural uses. Additionally, when such agricultural uses have adopted best management practices and guidelines (BMPs) as outlined in the Florida Department of Agriculture and Consumer Services they shall be managed and conform to such BMPs.

Sec. 5.2.4 ESOZ Development Standards.

- A. Waterfront Setback. Setbacks on lots, parcels or tracts which have water frontage shall be 75 feet from the wetlands line or from the water boundary setback line, whichever is greater. The Board of Adjustment may grant a variance from this setback provision where the required setback renders an existing lot of record unbuildable for a single family residence or addition to a nonconforming single family residence.
- B. Tract Width. New waterfront lots shall have a minimum tract width of 125 feet and shall meet the buffer zone requirements.
- C. Sewage Disposal Systems. Septic tanks and leachfields shall not be allowed in the area between the structure and the water boundary setback line or the wetlands line, whichever is greater. All new septic tanks and drainfields shall be located in the side yard or the street side (rear or back yard) of all structures. In the event there is a conflict between the location of existing wells on adjacent properties and the proposed septic tank and leachfield location, the septic tank and leachfield shall be located in accordance with the requirements of the State of Florida Department of Health. In this case the burden of proof is on the applicant to prove that the water front area is the only location or that the property may otherwise be an unbuildable lot.
- D. Front Yard Buffer Zone.
 - (1) A vegetative buffer area shall extend 50 feet landward from wetlands line or 50 feet from the water boundary setback line, whichever provides the greater buffer. Existing vegetation within this buffer area shall be preserved or mitigated as approved by DRC.
 - (2) Those parcels within the ESOZ that are governed by an Aquatic Preserve Management Plan must obtain all required permits prior to any littoral zone vegetation removal.
- E. Protection of littoral zone vegetation.

Required aquatic vegetation removal permits must be obtained from the appropriate state jurisdictional agency prior to any vegetation removal or if non-mechanical/chemical removal methods are to be utilized within the littoral zone.
- F. One percent (100-year) flood plain requirements.
 - (1) This section provides requirements for all land use activities, including single family residences, which materially change the location, elevation, size, capacity, or hydraulic characteristics of the existing one percent (100-year) flood plain as identified by FEMA. The intent is to ensure that equivalent flood plain volume and conveyance is maintained. This section also supplements **Article 5, Flood Plain Overlay Zone**.
 - (2) Land use activities which materially change the flood plain may be permitted when calculations performed by a licensed professional are provided demonstrating that compensating storage or other hydraulic features or improvements are provided on the owner's property or within an easement. The calculations shall be reviewed and approved by the County Engineer or designee.

Land Development Code

- (3) Land use activities that do not meet the thresholds for a stormwater analysis shall minimally be required to demonstrate one-for-one compensating storage, to be reviewed and approved by the County Engineer or designee.
- (4) When proposed improvements encroach into a flood hazard zone, additional design storm criteria may be required based on the parameters utilized in the adopted FEMA FIRM. In some cases it may be necessary for the applicant to obtain a map amendment from FEMA.
- (5) No sewage effluent disposal shall be permitted within the one percent (100-year) flood plain.
- (6) Densities within the one percent (100-year) flood plain shall not exceed one dwelling unit per acre.
- (7) Clearing of vegetation shall be limited to those areas which maintain a 50 foot setback from all wetlands line, does not contain listed wildlife or plant species or important habitat for listed species, and provides a stormwater management system which mimics and uses the features and functions of natural drainage systems.

G. Accessory Uses and Structures.

- (1) No accessory use or structure may be located in the minimum required front yard setback except for such as but not limited to boat docks, boat houses, boat davits and lifts, and bulkheads and other erosion control devices, or any uses or structures allowed by FDEP.
- (2) In residential classifications, no other accessory uses or structures shall be located in a front yard setback except for wells, landscaping or architectural features such as gazebos (of no more than 400 SF), planters, flagpoles and statuary, provided all side setbacks are observed.
- (3) Pools and screen pool enclosures may be located in the front yard provided all setbacks are observed.
- (4) Accessory uses and structures shall be located within rear and side yards provided all setbacks are observed.
- (5) Accessory structures may not exceed two stories or 24 feet in height.

Sec. 5.2.5 Development density standards.

A. Urban Areas within the ESOZ, New Projects

- (1) Within 1,000 feet of a waterbody and when an OSTDS or PBTS is used:
 - (a) Lot size - minimum of one acre; and
 - (b) Density - maximum of one dwelling unit per gross acre.
- (2) Over 1,000 feet from a waterbody when an OSTDS or PBTS is used:
 - (a) Lot size - minimum of one-half acre; and
 - (b) Density - a maximum of two dwelling units per gross acre.
- (3) When central sewer systems are available and utilized, density may be that of the underlying land use category.
- (4) No accessory use guest cottage or apartments are permitted unless central sewer systems are utilized.

B. In Urban Areas within the Lake Weir ESOZ the following densities shall apply:

- (1) Within the area circumscribed as follows: County Road 25, Sunset Harbor Road, Southeast 105th Avenue, Southeast 100th Avenue, Luffman Road and Southeast 115th Avenue, or 1,000 feet from the water boundary setback line of Lake Weir, whichever is farther from Lake Weir; the allowable density shall be one dwelling unit per two gross acres.
 - (a) When centralized sewer is available and utilized, the allowable density shall be three units per gross acre

Land Development Code

- (b) No accessory use guest cottage or apartment are permitted unless central sewer systems are utilized
- (2) For all areas within the Urban Area within the ESOZ which are beyond the above circumscribed area, or exceed 1,000 feet from the water boundary setback line of Lake Weir, the allowable density shall be one dwelling unit per gross acre.
 - (a) When central sewer is available and utilized, the maximum allowable density for this area shall be four dwelling units per gross acre.
 - (b) When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes. A family guest cottage/apartment may be permitted where the resulting residential density will remain in compliance with the permitted ESOZ density. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.
- C. Densities of Rural Areas within the ESOZ shall conform to the densities specified in the underlying land use category and underlying zoning classification. **When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes.** One family guest cottage/apartment may be permitted where the resulting residential density will not exceed one unit per two acres. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.
- D. Reduction of Densities. All allowed densities, or intensities of use, or rate of development may be reduced by the Board on properties where adjoining bodies of water have been determined impaired and listed by FDEP.
- E. Non-contiguous parcels of record created on or before January 1, 1992, and under one ownership as of August 11, 1993, that cannot meet the density requirements set forth in this section, will be allowed to construct one dwelling unit per parcel of record if the lot is of buildable size as set forth in this Code. **When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes.** One family guest cottage/apartment may be permitted where the resulting residential density will not exceed one unit per two acres. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.

Sec. 5.2.6 Submittal requirements.

- A. All applications for development within the ESOZ boundary which are not contiguous uplands of ESOZ surface waters, wetlands and flood plain shall submit an applicable major, minor or building permit site plan which includes protection of those areas from degradation. Site analysis which includes soils and geologic characteristics, topographic data, and other pertinent data as listed in Section 5.2.6.B are examples of information that shall be prepared to demonstrate compliance with the requirements of this section.
- B. All applications for development within the ESOZ, including individual single family residences and duplexes which are contiguous uplands of ESOZ surface waters, wetlands and flood plain, shall submit an ESOZ plan which includes the following information as a minimum:
 - (1) Submittal letter executed and signed by record owner of subject property or an agent authorized in writing by the record owner to act in his behalf. Submittals will be processed by the Growth Services Department.
 - (2) Required drawings for ESOZ Plan.
 - (a) Four plans shall be submitted and include a standard trim line size which clearly depicts the information below. Multiple plans may be used to provide necessary information below.
 - (b) The plan shall be clearly labeled "ESOZ Plan".

Land Development Code

- (c) Contain a location map drawn to scale showing the relation of the subject property to Section, Township and Range lines; principle roads; the entire length of any water body as it pertains to the property; boundary information or survey when requested by County staff; zoning; north arrow.
- (d) Show in plan view with dimension and distances to property lines all proposed development, building, existing or proposed well, existing or proposed septic tanks, pavement and other features based on boundary information or survey.
- (e) The development or redevelopment of a commercial or residential project within the ESOZ shall provide for a stormwater management plan which provides water quality retention volume of one-half inch of runoff from that portion of the project parcel draining toward the ESOZ water body, excluding any area left in a natural condition, or 2.50 inches over the impervious surfaces, whichever is greater. Water quality retention areas shall be located waterward of the improvements to the maximum extent practical.
 - 1. The design of the stormwater management system shall imitate and use the features and functions of natural drainage ways, depressions, wetlands, one percent (100-year) flood plains, and highly permeable soils when possible. The use of swales, berms, or detention/retention areas shall be used when necessary to prevent direct flow of stormwater runoff to a receiving water body.
 - 2. A berm constructed with clean, Type A soils is recommended so as to encourage full volume recovery within 72 hours. Minimum berm width shall be three feet and side slopes shall be three to one or flatter. Should the applicant choose this method to provide for stormwater management and the County approves this type of system for the proposed project the applicant can use ESOZ berm construction standard lengths and heights developed by the County.
 - 3. Indicate areas in which grading or other earth work is to take place with percentage of slope given.
 - 4. Show the bottom of the floor joists for a raised floor structure or the finished floor elevation for a concrete slab structure shall be one foot above the established high water elevation for the one percent (100-year) flood plain. The elevation of all proposed habitable structures shall be called out. New construction, renovation or remodeling shall be constructed with materials and utility equipment resistant to flood damage.
 - 5. Location of temporary silt fencing shall be shown. Silt fencing shall be installed prior to any clearing or excavation and shall be maintained during construction.
 - 6. Show the limits of all proposed clearing.
 - 7. A boundary and topographic survey if required, signed and sealed by a Surveyor and Mapper licensed to practice in the State of Florida, shall be provided and shall clearly present a minimum:
 - a. Contours at no greater than two feet intervals.
 - b. Water boundary setback line and water's edge elevation and limits shown and staked on site.
 - c. The 25-year flood plain elevation (Rainbow River only) and the one percent (100-year) flood plain with elevation and limits. Show and stake two Bench Marks based on approved datum and their elevation that has been established relative to the proposed buildings and septic tank systems, for all lands located within the one percent (100-year) flood plain.
 - d. All wetlands lines shall be delineated as staked by a qualified professional.

Land Development Code

- (f) Should the applicant choose not to use ESOZ berm construction standard lengths and heights developed by the County, then the applicant shall provide signed and sealed plans and calculations prepared by a professional authorized by the State of Florida to prepare such plans. These calculations shall be to the same design criteria and methodology as identified in for stormwater drainage design in **Article 6**.
- (3) Projects exceeding the impervious area threshold or area of disturbance threshold as described for a Major Site Plan in **Article 2** shall follow the criteria established for a Major Site Plan.
- (4) If a site analysis is performed in connection with subdivision platting, then subsequent individual lot owners do not need to perform an individual site analysis, but must adhere to the stormwater design in the original plat approval or development order.

Sec. 5.2.7 Review and Approval.

- A. All ESOZ plans are reviewed by the Zoning Division for compliance with this section.
- B. **Projects which are not contiguous** uplands of ESOZ surface waters, wetlands and flood plain, shall be evaluated to determine the extent of protection to be provided on a case by case basis as provided in **Section 5.2.6.B**. Determination will be based on application information submitted and a site visit by the Zoning Division or Office of the County Engineer. If site analysis indicates more information is required the applicant will be responsible for providing applicable information in **Section 5.2.6.B**.
- C. **Projects which are contiguous** uplands of ESOZ surface waters, wetlands and flood plain shall be reviewed for compliance with the **Section 5.2.6.B** including staking of applicable delineation lines before the site visit. The site visit is conducted to determine compliance with this section including setback, buffering, flood plain and stormwater management plan.
- D. All projects which require submittal of a Major Site Plan shall be reviewed and approved under the provisions of **Article 2 and Article 6, Major Site Plan**.

Sec. 5.2.8 Completion and Closeout.

- A. Building permit issuance, subsequent final inspection and certificate of occupancy shall constitute the completion of the ESOZ Plan process.
- B. Expiration. The approval of the ESOZ Plan shall expire in two years or at expiration of the building permit .

Division 3 Flood Plain Overlay Zone (FOZ)

Sec. 5.3.1 Purpose and intent.

- A. It is the intent and purpose of the Flood Plain Overlay Zone to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
 - (2) Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;
 - (3) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (4) Control filling, grading, dredging and other development activities which may increase erosion or flood damage; and
 - (5) Prevent or regulate the construction or removal of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Land Development Code

- B. The Objectives of the Flood Plain Overlay Zone are to:
- (1) Protect human life, health, safety and general welfare and to eliminate or minimize property damage;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in flood plains;
 - (6) Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
 - (7) Ensure that potential homebuyers are notified that property is in a flood hazard area.

Sec. 5.3.2 Applicability.

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Marion County, dated August 28, 2008, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of the Flood Plain Overlay Zone. The Flood Insurance Study and Flood Insurance Rate Map are on file at the Growth Services Department.
- B. Designation of Flood Plain Administrator. The Board hereby appoints the Planning/Zoning Manager to administer and implement the provisions of the Flood Plain Overlay Zone and is herein referred to as the Flood Plain Administrator.
- C. A development permit shall be required in conformance with the provisions of this flood plain Overlay Zone and all other articles and sections prior to the commencement of any development activities.
- D. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of **Article 6.3**, Flood Plain Overlay Zone and other applicable regulations.
- E. **Article 6.3**, Flood Plain Overlay Zone is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where **Article 6.3**, Flood Plain Overlay Zone and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. In the interpretation and application of **Article 6.3**, Flood Plain Overlay Zone all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.
- G. The degree of flood protection required by **Article 6.3**, Flood Plain Overlay Zone is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. **Article 6.3**, Flood Plain Overlay Zone does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. **Article 6.3**, Flood Plain Overlay Zone shall not create liability on the part of Board or by any officer or employee thereof for any flood damages that result from reliance on **Article 6.3**, Flood Plain Overlay Zone or any administrative decision lawfully made there under.
- H. Violation of the provisions of **Article 6.3**, Flood Plain Overlay Zone or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special uses, shall be punishable for a non-criminal violation pursuant to the provisions

Land Development Code

of Chapter 162 of Florida Statutes. Nothing herein contained shall prevent the Flood Plain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

Sec. 5.3.3 Development standards.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- A. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance, several of which are provided by FEMA;
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance, several of which are provided by FEMA;
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. **All such equipment must be elevated a minimum of one foot above base flood elevation;**
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of **Article 6.3** Flood Plain Overlay Zone shall meet the requirements of "new construction" as contained in **Article 6.3**, Flood Plain Overlay Zone;
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of **Article 6.3** Flood Plain Overlay Zone, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
- K. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to Marion County.
- L. Standards for Proposed Subdivisions and other Proposed Development (including manufactured homes):
 - (1) All proposed subdivisions shall be consistent with the need to minimize flood damage;
 - (2) All proposed subdivisions shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. Land included in the special flood hazard area shall not be used for residential use within a proposed subdivision unless the FIRM map is amended to remove the structure or land from inclusion in this overlay zone.

Land Development Code

- M. Specific Standards. In all A-Zones where base flood elevation data have been provided (Zones AE, and AH), as set forth in **Article 6.3.5.b**, the following provisions shall apply:
- (1) Residential Construction. All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of **Article 6.3.5.b(3)**.
 - (2) Non-Residential Construction. All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus two foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A professional engineer, licensed by the State of Florida, shall certify that the standards of this subsection are satisfied using the FEMA Flood Proofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Flood Plain Administrator.
 - (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer, licensed by the State of Florida, or meet the following minimum criteria:
 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
 - (b) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
 - (c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
 - (4) Standards for Manufactured Homes and Recreational Vehicles
 - (a) All manufactured homes that are placed, or substantially improved within Zones AH and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the

Land Development Code

lowest floor be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones AH and AE that are not subject to the provisions of **Article 6.3.5.b. 4(a)**, must be elevated so that either:
 - 1. The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 48 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- (c) All recreational vehicles placed on sites within Zones AH and AE must either:
 - 1. Be on the site for fewer than 180 consecutive days,
 - 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
 - 3. Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with **Article 6.3., paragraphs 5.b.(4)(a) and (b)**.
- (5) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
- (6) Standards for Streams with Established Base Flood Elevations, Without Regulatory Floodways:
Located within the areas of special flood hazard established in **Article 6.3., paragraph 3.b.**, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zone AE), the following additional provisions shall also apply.
 - (a) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - (b) Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies - with the community's endorsement - for a conditional FIRM revision, and receives the approval of the FEMA.
- (7) Floodways. Located within areas of special flood hazard established in **Article 6.3., paragraph 3.b.**, and are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:
 - (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a professional engineer, licensed by the State of Florida, is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practices demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.
 - (b) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured

Land Development Code

home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 6.3, paragraph 5.a.(2) and the elevation standards of Article 6.3, paragraphs 5.b.(1) and (2), and the encroachment standards of Article 6.3, paragraph 5.b.(7)(a), are met.

- (c) Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or the applicant first applies - with the communities' endorsement - for a conditional FIRM revision, and receives the approval of FEMA.
 - (d) When fill is proposed, in accordance with the permit issued by the DOH, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Article 6.3, paragraph 5.b.(7)(a).
- (8) Specific standards for A-Zones without base flood elevations and regulatory floodways. Located within the areas of special flood hazard established in, Article 6.3., paragraph 3.b., where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the FEMA, the following provisions shall apply:
- (a) Require standards of Article 6.3., paragraph 5.a.
 - (b) The Flood Plain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 6.3. Flood Plain Overlay Zone. When such data is utilized, provisions of Article 6.3., paragraph 5.b. shall apply. The Flood Plain Administrator shall:
 - 1. Obtain the elevation (in relation to the approved datum) of the lowest floor (including the basement) of all new and substantially improved structures,
 - 2. Obtain, if the structure has been flood proofed in accordance with the requirements of Article 6.3., paragraph 5.b.(2), the elevation in relation to the approved datum to which the structure has been flood proofed, and
 - 3. Maintain a record of all such information.
 - (c) Notify, in riverine situations, adjacent communities, the State of Florida, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
 - (d) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (e) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
 - (f) When the data is not available from any source as in Article 6.3., paragraph 5.c. (2), the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.
 - (g) Require that all new proposed subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.

Land Development Code

(9) Standards for AO-Zones.

Located within the areas of special flood hazard established in **Article 6.3., paragraph 3.b.**, and are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet above the highest adjacent grade.
 - (b) All new construction and substantial improvements of non-residential structures shall:
 - 1. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or
 - 2. Together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the flood proofing standard specified in **Article 6.3., paragraph 5.b.(2).**
- (10) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

Sec. 5.3.4 Variance Procedures.

- A. Designation of Variance and Appeals Board. The Board of Adjustment as established by the Board shall hear and decide appeals and requests for variances from the requirements of **Article 6.3. Flood Plain Overlay Zone.**
- B. Duties of Variance and Appeals Board. The Board of Adjustment shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Flood Plain Administrator in the enforcement or administration of **Article 6.3. Flood Plain Overlay Zone** any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court.
- C. Variance Procedures. In acting upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of **Article 6.3. Flood Plain Overlay Zone**, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger of life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

Land Development Code

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges

D. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or codes.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of **Article 6.3. Flood Plain Overlay Zone**.
- (3) The Flood Plain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, NFIP Coordinating Office.
- (4) The Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of **Article 6.3. Flood Plain Overlay Zone**.

E. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates, and
- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Flood Plain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- F. Historic Structures. Variances may be issued for the repair or rehabilitation of "historic" structures - meeting the definition in **Article 6.3. Flood Plain Overlay Zone** - upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure
- G. Structures in Regulatory Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.
- H. Severability. If any section, clause, sentence, or phrase of **Article 6.3 Flood Plain Overlay Zone** is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of **Article 6.3. Flood Plain Overlay Zone**.

Sec. 5.3.5 Duties of the Flood Plain Administrator shall include, but are not be limited to:

- A. Review permits to assure sites are reasonably safe from flooding;
- B. Review all development permits to assure that the permit requirements of **Article 6.3.** Flood Plain Overlay Zone have been satisfied;
- C. Advise permittee that additional Federal, State of Florida, or local permits may be required, and if such additional permits are necessary, especially as it relates to FS 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, require that copies of such permits be provided and maintained on file with the development permit;
- D. Notify adjacent communities, the Department of Economic Opportunity, Division of Emergency Management, the Water Management Districts, the Federal Emergency Management Agency and

Land Development Code

other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

- E. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
- F. Verify and record the actual elevation (based on an approved datum) of the lowest floor (A-Zones) of all new or substantially improved buildings, in accordance with Article 6.3 paragraphs 5.b.(1) and (2);
- G. Verify and record the actual elevation (based on an approved datum) to which the new or substantially improved buildings have been flood proofed, in accordance with Article 6.3 paragraph 5.b.(2);
- H. Review certified plans and specifications for compliance. When flood proofing is utilized for a particular building, certification shall be obtained from a professional engineer, licensed in the State of Florida, certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Article 6.3., paragraph 5.b.(2).
- I. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the flood plain Administrator shall make the necessary interpretation;
- J. When base flood elevation data or floodway data have not been provided in accordance with Article 6.3., paragraph 3.b. the Flood Plain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 6.3., paragraph 5;
- K. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and
- L. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements in accordance with Article 6.3., paragraphs 5.b.(1) and (2), respectively.

Sec. 5.3.6 Submittal requirements.

- A. Permit Procedures. Application for a Development Permit shall be made to the Flood Plain Administrator on applicable major, minor or building permit site plan as required by Article 2 prior to any development activities, and may include, but not be limited to, the following plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation based on an approved datum of the proposed lowest floor (including basement) of all buildings;
 - (2) Elevation based on an approved datum to which any non-residential building will be flood proofed;
 - (3) Certificate from a professional engineer, licensed by the State of Florida, that the non-residential flood proofed building will meet the flood proofing criteria in Article 6.3., paragraphs 4.a. (2) and 5.b. (2);
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
 - (5) Bench mark location on the property with elevation shall be clearly shown and staked.

Land Development Code

B. Construction Stage:

Within twenty-one (21) calendar days of placement of the lowest floor, or flood proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Flood Plain Administrator a certification of the elevation of the lowest floor or flood proofed elevation, or bottom of the lowest horizontal structural member as built, based on approved datum. Said certification shall be prepared by or under the direct supervision of the appropriate professional, licensed by the State of Florida. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer, licensed by the State of Florida. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Flood Plain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder immediately, and prior to further progressive work being permitted to proceed, shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Sec. 5.3.7 Completion and Closeout.

- A. Building permit issuance.
- B. Final inspection, completed elevation certificate, including finished floor and lowest grade adjacent to improvement is provided to the Growth Services Department.
- C. A certificate of occupancy shall constitute the completion of this process.
- D. Expiration. This overlay zone approval shall expire in two years or the duration of an unexpired building permit obtained within that time period.

Division 4 Springs Protection Overlay Zone (SPOZ)

Sec. 5.4.1 Purpose and intent.

The purpose and intent of the Springs Protection Overlay Zone is to protect and preserve the quality and quantity of the Floridan Aquifer underlying all of Marion County, as well as the environmental, recreational, and economic values of Silver Springs and Rainbow Springs in the interest of public health, safety and general welfare. This is to be accomplished by regulating land uses and activities which can adversely impact the quality and quantity of groundwater.

Sec. 5.4.2 Applicability.

- A. Any new development, redevelopment, or expansion of existing development, including residential and non-residential projects, shall be subject to SPOZ requirements, except those developments with an unexpired development order prior to August 1, 2009 unless specifically required by the Board as a condition of approval.

Sec. 5.4.3 Boundaries.

The Springs Protection Overlay Zone is comprised of a Primary and a Secondary SPZ and shall encompass the land areas as they appear on the Comprehensive Plan Future Land Use Map 14, Springs Protection Zones, as amended. When a parcel crosses multiple springs protection zones, the parcel shall be subject to the provisions of the zone that the majority of the parcel falls within.

Sec. 5.4.4 Uses within the SPOZ.

- A. Prohibited Uses. The expansion of existing or new uses and activities, as listed below, shall be prohibited within the Primary SPZ:
 - (1) Junk yards.

Land Development Code

- (2) Construction and Demolition Debris Disposal Facilities in locations that (a) exhibit Karst geology at or below land surface and (b) fall within a MCAVA aquifer vulnerability category of "more" or "most", unless the applicant demonstrates, based on credible scientific data and information (including, without limitation, the information required to be submitted pursuant to subsection B.5.(a), below, or on any additional measures the owner proposes (such as the provision of a liner and leachate collection system), that the C&DD Disposal Facility will not pose a potential threat to groundwater quality.
 - (3) Any of the following uses unless the facility is in compliance with FDEP:
 - (a) Auto and marine paint and body shops.
 - (b) Printing shops.
 - (c) Car washes
 - (d) Dry cleaning.
 - (e) Carpet cleaning operations that discharge at the facility.
 - (f) Metal plating.
 - (g) Medical, dental, and veterinarian offices and laboratories.
 - (h) Auto, recreational vehicle, commercial truck, tractor-trailer, farm tractor, heavy machinery, or small engine parts, service and repair operations;
 - (4) Heavy industrial and commercial uses, including new and expanding permitted and special uses allowed exclusively in B-5, I-C, or M-2 zoning categories, unless the owner demonstrates to the Planning/Zoning Manager, based on credible scientific data and information, that the proposed use will not pose a potential threat to groundwater quality.
- B. Permitted Uses with Conditions. Unless otherwise prohibited, the following uses in the SPZ are subject to the design requirements set forth below.
- (1) New and expanding golf courses.
 - (a) Each golf course shall be designed, constructed, and managed in accordance with a Natural Resources Management Plan (NRMP) that complies with the BMPs outlined in Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses, FDEP 2007, as amended.
 - (b) The NRMP shall include, at a minimum, the components as included within the FDEP publication *Protecting Florida's Springs: Land Use Planning Strategies and Best Management Practices*, as amended.
 1. The NRMP shall be submitted for review and approval with the initial development application (Mass Grading, Master Plan, or Improvement Plan). The development application shall include a statement identifying that an NRMP has been established and accompanies the application.
 2. After the NRMP is approved, any changes shall be submitted for review and approval to the Office of the County Engineer.
 3. The As-Built/Record Survey shall be accompanied by a certification by a design professional and the owner stating the project complies with the NRMP and shall be managed as such.
 4. Annual certification that the golf course is being managed in compliance with the NRMP shall be submitted to the Office of the County Engineer.
 - (c) Golf course irrigation coverage shall be limited as follows:
 1. Only tees, fairways, greens, and practice areas (driving ranges and putting green areas) may be irrigated with high volume irrigation.

Land Development Code

2. Areas between the primary rough and the boundaries of the golf course (as shown on the development application) shall be Marion Friendly Landscape Areas (MFLA) and indicated as such on the development application plans as follows:
 - a. In the Primary SPZ, 70 percent, or greater.
 - b. In the Secondary SPZ, 50 percent, or greater.
 3. Temporary irrigation may be utilized within the MFLAs as necessary to establish the appropriate plant species within those areas.
- (2) New and existing junk yards within the Secondary SPZ.
All junk yards shall comply with the same standards as the FDEP Conditionally Exempt Small Quantity Generators (CESQG), Small Quantity Generator, or Large Quantity Generator requirements and shall be subject to biennial inspections by the Marion County Solid Waste Department.
- (3) New and expanding uses which store and/or stock fertilizers, pesticides, and pool and spa chemicals. Fertilizers, pesticides, pool and spa chemicals, and other similarly hazardous materials that are stored or stocked for wholesale distribution, retail sale, or commercial use shall be protected from rainfall with a permanent roof structure, or by other effective means as approved by the County. When such materials are stored in liquid tanks regulated by FDEP, these shall adhere to FDEP standards and are not required to be under a roof structure. Runoff from roof structures and surrounding areas shall be effectively diverted away from these storage/stock areas and any runoff originating from within these areas shall be properly contained, disposed of, and/or used consistent with best management practices. Proper use is to be in accordance with the label instructions, otherwise, it must be treated as waste, including potentially hazardous waste.
- (4) Construction and Demolition Debris (C&DD) Disposal Facilities. Approval of any new or expanding C&DD disposal facility located within a MCAVA category of "more" or "most" vulnerable shall be subject to the following requirements:
- (a) Report Required Before Approval. A report generated based on the following analysis and data, which is signed and sealed by a Florida Registered Professional Geologist or Professional Engineer, shall be submitted to the County before approval, and shall contain, or be based upon, the following:
 1. Drilled borings will be installed in order to determine and characterize the subsurface lithology below the proposed landfill site. The borings will be sufficient to determine geological cross-section across the entire site, will consist of soil profiling using the Unified Soil Classification System (ASTM D2487), and will include a minimum of two borings per five acre of proposed landfill area, with a minimum of four borings. The borings must be sufficient enough to plot the geological cross-section across two axis. The cross-section will also include a designation and description of the shallow water bearing unit, its classification (e.g.: G-I, G-II, G-III), and any confining or semi-confining layers separating the shallow water bearing unit from the Floridan Aquifer. The cross section shall also include a description of the Floridan Aquifer and its location in relation to the proposed bottom of the landfill. An analysis shall also be made regarding the integrity of the confining or semi-confining layer, if present, and prospect of open conduits from the proposed landfill to the Floridan Aquifer or other sensitive water bodies within one-half mile of the proposed landfill area. The description shall at a minimum include porosity or effective porosity, horizontal hydraulic conductivity, vertical permeability, and depth and lithology of the shallow water bearing unit, confining layers and aquifer.

Land Development Code

2. A report signed and sealed by a Florida Registered Professional Geologist or Professional Engineer shall be submitted regarding observed, or the likelihood of, Karst Features within the proposed landfill area, based upon the borings and other information. Ground Penetrating Radar (GPR) shall be used, if determined applicable by the Registered Geologist or Professional Engineer, to assist in this determination. The determination of the existence or likelihood of Karst Features will be made by the Registered Geologist or Professional Engineer based on the subsurface investigation.
 3. Soil samples will be collected at a minimum of either three of the borings, or one per every five acres, whichever is greater, from the zones below the bottom of the landfill and the shallowest water bearing unit, and the shallow water bearing unit and the underlying Confining Unit; the required depth of sampling in the Confining Unit may be limited to two feet, and complete penetration of the Confining Unit shall be avoided. The samples shall be submitted for laboratory analysis for the determination of hydraulic conductivity, soil porosity, percent fines, moisture content, plasticity, grain size distribution and organic contents. Field measurements shall be taken from a minimum of three locations, or one for every five acres, whichever is greater. The foregoing requirements are in addition to those set forth in **FAC 62-701**.
- (b) Prohibition on Material. The on-site disposal of Copper Chromium Arsenic treated lumber and any debris not specifically classified as "construction and demolition debris" pursuant to Section 62-701.200, FAC shall be prohibited.
- (c) Separation Layer. The separation distance between the extent of fill and the maximum predicted elevation of water table, seasonal high water table plus one foot, or consistent lime rock formations or layers (if water bearing), whichever is higher, shall be:
1. At least 15 feet if the average permeability of the separation layer is greater than 1×10^{-6} cm/s, except that no portion of the layer may be greater than 1×10^{-5} cm/s; or,
 2. Five feet, of which a minimum of two feet shall have a uniform permeability no greater than 1×10^{-6} cm/s.
- (d) Leachate Containment. A leachate containment and management plan shall be provided for any leachate, or stormwater containing leachate, that may bypass the separation layer, and shall ensure that leachate does not contaminate the Floridan Aquifer system through soil materials, retention areas or other conduits occurring beyond the extent of fill. The management plan may require, but not be limited to, extending the separation layer under subsection (c), above, beyond the extent of fill.
- (e) Liner and Leachate Collection. A liner and leachate collection system shall be provided in accordance with applicable FDEP standards, if the report under **subsection 5.(a)**, above, indicates any of the following:
1. The immediate water bearing unit is the Floridan Aquifer; or
 2. Karst Features are observed within the proposed landfill area, unless the features are extremely localized and are effectively remediated according a remediation plan that is (1) compliant with applicable state and local regulations and (2) signed and sealed by a Florida Registered Professional Geologist or Professional Engineer; or
 3. The formation of Karst Features is likely within the proposed landfill area, as determined by a Florida Registered Professional Geologist or Professional Engineer, based on the geological and hydrogeological investigation; or
 4. Other open conduits or breaches in the Confining Unit which would allow leachate to enter the Floridan Aquifer either exist or are likely to exist.

Land Development Code

- (f) Groundwater Monitoring Plan. A ground water monitoring plan, which meets the criteria set forth in FAC 62-701.510 and 62-550, except as modified below, shall be submitted, implemented and maintained by the owner or operator.
1. All compliance monitoring wells will be installed in accordance with ASTM D5092.
 2. Compliance monitoring wells shall be installed around the disposal facility at a spacing of no more than 1,000 feet apart across the downgradient direction of groundwater flow, and 2,000 feet apart along the upgradient and cross-gradient direction of flow. A minimum of three wells will be installed on the downgradient side and a minimum of two wells on each of the upgradient and cross-gradient sides. The wells will be installed using ten feet of screen intersecting the water table two feet and will use a slot size appropriate to the grain size distribution of the screened interval soils.
 3. Compliance wells will be analyzed for the constituents required by FAC 62-701. The wells required by the C&DD Disposal Facility's FDEP permit will be sampled on a semi-annual basis (i.e., every six months). All additional wells installed pursuant to the requirements of this subsection will be sampled on an annual basis.
- (g) Grading and Landscaping. As the portions of the facility are filled, the side slopes shall be graded, covered with soil, and landscaped at a maximum two-acre frequency, as measured along the face of the slope.
- (h) Final Cover. When filled to capacity, the facility shall have a final cover designed to prevent ponding and low spots, maximize runoff, limit infiltration and erosion, and support the required landscaping. Soil cover on finished sloped faces (where maximum slope is 3H:1V) shall have a maximum average permeability of 1×10^{-4} cm/s. The crown (top, where slope is less than 3H:1V) of the finished facility shall have an average maximum permeability of 1×10^{-5} cm/s. The permeability of the finished slope and crown shall be determined by testing performed by a Florida Registered Professional Geologist or Professional Engineer. The cover can be constructed of a soil layer, geomembrane, or combination of both in order to achieve the appropriate permeability and erosion control, to the extent permitted by FDEP regulations.
- (i) Monitoring. The owner or operator of the construction and demolition debris disposal facility, or their successors or assigns, shall continue to monitor and maintain the facility for ten years from the date of closing. However, no financial assurance requirements shall be maintained beyond the initial five-year period required by FDEP regulations unless monitoring data indicates that the facility is impacting groundwater at concentrations which may be expected to result in violations of FDEP water quality standards, in which case financial assurance shall continue to be provided beyond five years. Compliance well monitoring shall be on an annual basis, with alternating wells to be tested every other year (i.e. 50 percent of wells tested one year, and 50 percent the next). The ten year time period shall be extended if assessment monitoring or corrective action has been initiated in accordance with Section 62-701.510(7), Florida Administrative Code, or if site-specific conditions make it likely that any contamination which may emanate from the disposal area would not be detected within ten years.
- (j) Signage. The owner shall post signs at each entrance indicating the name of the operating authority, traffic flow, hours of operation and restrictions and conditions of disposal.
- (k) Declaration to the public. After closing operations are approved by the Department, the facility owner or operator shall file a declaration to the public in the deed records in the office of the Marion County Clerk of Circuit Court. The declaration shall include a legal description of the property on which the facility is located and a site plan specifying the area actually filled with construction and demolition debris. The declaration shall also include a

Land Development Code

notice that any future owner or user of the site should consult with the FDEP prior to planning or initiating any activity involving the disturbance of the facility's cover, monitoring system or other control structures. A certified copy of the declaration shall be filed with the Zoning Official.

- (l) Application Review, Construction Certification and Fees. All construction shall be conducted in accordance with a construction quality assurance/quality control (CQA) plan to be submitted with other application materials for approval. The CQA plan shall specify soils testing and analysis in accordance with generally accepted engineering procedures, and outline project specifications and construction requirements in accordance with generally accepted industry standards. The plan shall also specify performance criteria for soil separation and cover layers, and provide quality control testing procedures and minimum sampling frequencies. In addition, the plan shall define the responsibilities of the parties that will be involved in soil separation and cover layer construction, and shall present minimum qualifications of each party to fulfill their identified responsibilities. Marion County shall reserve the right to hire an independent, Professional Engineer(s) to provide review of the CQA plan, geotechnical information and other application materials, and to inspect and certify construction activities and completion. The County may further require the applicant to compensate the County for the lesser of (a) costs incurred exclusively for such professional services, according to a fee set annually by resolution of the Board, or (b) actual contractual costs for services rendered for the specific project.
 - (m) Relationship to FDEP Regulations. Where the provisions of this part conflict with the requirements of the FDEP, the more restrictive provisions shall apply.
- (5) Mining Operations. New and expanded mining operations, where at least 35 percent of the proposed excavated area is located in a MCAVA category of "more" or "most " vulnerable; or the operations will excavate within 15 feet of predicted height of potentiometric surface or lime rock, whichever is higher, shall be subject to the following minimum requirements:
- (a) Major Site Plan which shall also include:
 - 1. All surface drainage from site runoff shall be directed away from mined area to avoid groundwater contamination. If necessary, grading to alter the direction of flow and/or construction of berms to direct runoff around the mined area may be required.
 - 2. Pollutants or substances of any kind which may be detrimental to water quality shall not be stored in the mined area. In addition, all fueling, lubrication and any other equipment maintenance activity for equipment that is reasonably maintained outside of the mined area, shall be performed beyond the edge of the mined area, and additional spill containment shall be provided
 - 3. Proposed location of storage tanks, refueling areas and equipment maintenance areas;
 - 4. Existing potable water wells within 500 feet of the site boundaries;
 - 5. Existing and proposed water bodies; and
 - 6. Existing and proposed temporary and permanent stormwater management facilities;
 - 7. Copy of hazardous materials management plan consistent with the requirements of FDEP and this Section;
 - 8. The provided aerial photograph shall indicate property lines and areas proposed for mining, excavation or fill;
 - (b) Copy of Reclamation Plan, prepared in compliance with FDEP requirements, and including post-development vegetative buffer plan;

Land Development Code

- (c) All mines shall be required to have an approved Reclamation Plan that, in addition to meeting all FDEP requirements, includes the following measures to protect water quality in the surficial and Floridan Aquifer:
 - 1. Where the excavated area will be reclaimed and developed with an urban land use or rural development, clean fill and/or soil with similar or lower permeability and recharge rate than the original strata shall be replaced to a minimum depth of 15 feet over potentiometric surface or top of limerock, whichever is higher, not to exceed natural ground elevation.
 - 2. For any mine where reclamation results in a water body connected to the surficial or Floridan Aquifer and/or exposed limerock, a vegetative buffer along the edge of the water body or exposed limerock shall be provided according to the following:
 - a. The buffer shall be at least 150 feet wide, as measured horizontally from the seasonal high water line, excavated escarpment or highest closed contour of the mined area, as applicable. For water bodies, the buffer shall, additionally, extend from the outer edge of the minimum buffer width to the edge of water. The minimum buffer width may be reduced if a comparable treatment system designed by a licensed professional is approved through the development review process.
 - b. The buffer shall be permanently protected through an easement granted to the county, or other county approved public or non-profit entity, on a county approved instrument recorded in the public record.
 - c. Vegetation within the easement shall consist of native or approved non-invasive and drought tolerant trees, shrubs, grasses and other ground covers, which shall be established according to a buffer landscaping plan submitted to the county for approval.
 - d. Only clean fill, as defined by FDEP, may be disposed of in the mined area.
- (d) Copy of any required geotechnical report;
 - 1. Cross-sectional of the proposed depth of areas to be mined or excavated and relationship to the potentiometric surface and geologic materials, based on test borings performed on the site;
 - 2. Test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial and Floridan aquifers and the locations of groundwater tables on a site. At a minimum, the test borings shall comply with the following:
 - a. Minimum depth. All borings shall be conducted to a depth of not less than ten feet below the deepest proposed mining or excavation, but no greater than ten feet below encountered limerock.
 - b. Maximum spacing. All borings shall be spaced at 500 foot intervals in two transverse directions, except limerock mine borings will be spaced at 1,000 foot intervals in two transverse directions.
 - c. Log content. The boring log shall indicate the geologic description and thickness of all strata encountered, including topsoil, overburden, mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater.
 - d. All borings shall be properly filled or grouted.
- (e) Draft copy of proposed conservation easement document, if applicable.
- (f) All applicable requirements of Article 6.x, development in high recharge areas and karst sensitive areas.

Land Development Code

- (6) Heavy Industrial and Commercial Uses. Heavy industrial and commercial uses, including new and expanding permitted and special uses allowed exclusively in B-5, I-C, or M-2 zoning categories shall:
- (a) Conduct any manufacturing and repair operations under a roofed structure.
 - (b) Provide cover over any non-serviceable machinery, non-serviceable equipment, or used parts which are potential sources of pollutants or substances of any kind which may be detrimental to water quality.
- (7) Agricultural Uses.
- (a) It is prohibited to apply fertilizer, manure or residuals on pastureland, cropland, tree farm, ornamental nursery, or other agricultural field at rates that exceed UF/IFAS recommendations, or use thereof in a manner that is inconsistent with any applicable BMP's adopted by the State of Florida or the Board. In no case may nitrogen be applied at a rate exceeding 50 pounds per acre per year on pasture or grasslands used for incidental grazing (incidental grazing being defined as grazing that is not the primary feed source of the grazing animals). If the principal objective of the grassland is to be a primary feed source or for hay production and harvesting, then higher levels of nitrogen may be applied, provided the application rate is in accordance with a nutrient management plan that:
 1. Has been prepared for the farm by a professional qualified to prepare such plans pursuant to requirements of the USDA-NRCS; or
 2. Is in compliance with applicable agricultural nutrient management BMPs adopted by the State of Florida.
 - (b) Unless a Special Use Permit is granted by the County, any new or expanding Concentrated Animal Feeding Operation, pursuant to FAC 62-670.200, that is operating at a density greater than one animal unit per acre shall be prohibited in the primary SPZ.
 - (c) Manure management shall be as follows:
 1. Manure may only be removed by an appropriately licensed commercial hauling operation that is able to ensure any manure disposed of is done so in compliance with local, state and federal regulations.
 2. It is prohibited to dump, place, or stockpile manure in a sinkhole, karst feature, wetland, stream, lake, ephemeral waterway, other surface water feature, excavated pit, or mine.
 3. It is prohibited to dump, place, or stockpile three cubic yards or more of manure within 200 feet of a sinkhole, karst feature, wetland, stream, lake, ephemeral waterway, other surface water feature, excavated pit, or mine.
 4. It shall be prohibited, after August 1, 2009 to add any manure to an existing stockpile or to existing stockpiles that cumulatively exceed the greater of (a) the amount of manure generated on the farm within a three-month period or (b) 25 cubic yards times the size of the farm operation (in contiguous acres). The amount of manure generated within a three-month timeframe shall be calculated by multiplying the total number of animals units on the farm by six cubic yards. Alternatively, the owner may provide substantial evidence that stockpiled manure has not accumulated for more than three months, including but not limited to invoices/ receipts from a licensed hauling operation. Upon owner request, the Zoning Official may grant a waiver from these stockpiling limitations, subject to the following:
 - a. The owner can demonstrate, based on credible scientific data including but not limited to groundwater quality monitoring data, that the manure stockpile is not contributing and will not contribute to an increase in the concentration of nitrates in ground or surface water down gradient from site;

Land Development Code

- b. The manure is effectively covered and located in a manner that prevents rainfall and stormwater from coming into contact with the stockpile;
 - c. The manure is contained within a manure storage facility designed, constructed and maintained in accordance with applicable US Department of Agriculture Natural Resources Conservation Service conservation practices standards and specifications; or
 - d. The manure is being managed as part of a composting operation that is in compliance with a valid permit issued by the FDEP for such operations, or is manure produced solely on the farm where it is being composted and is managed in compliance with applicable BMP's.
5. Any new or expanding facility involving the production of plants useful to man of ten acres or greater, or greenhouse or nursery operation of five acres or greater shall abide by BMPS upon adoption by the State, provide a copy of the NOI complying with the BMPs to the Zoning Official; and bring the business into compliance with such BMPs within five years of filing the NOI.

Division 5 Military Operating Area (MOA)

Sec. 5.5.1 Purpose and intent.

- A. The MOA is intended to acknowledge, support, and protect the continued and safe operation of Federal and/or State military installations located within, and in proximity to, Marion County while providing for reasonable use and development of land consistent with Chapter 163.3175, FS, Marion County Comprehensive Plan Future Land Use Element Appendix A, Section A-5 – *Military Operating Area*, and the US Navy Jacksonville Bombing Range Air Installation Study(ies) (RAICUZ and/or Land Use), completed consistent and/or in conjunction with OPNAVINST 3550.1A and published by the US Navy, as amended.
- B. The MOA is a method to advise property owners, residents, and visitors of the potential to experience effects from identified military installations which are the basis for the overall MOA and specific sub-areas which are subject to specialized development regulations intended to limit and/or manage the encroachment of incompatible development.
- C. The specialized development regulations within this division are intended to supplement other regulations within this Code and in the event of conflicts, the more restrictive provisions will apply, particularly with regard to preserving and maintaining the operational capabilities of the military installations within the MOA.

Sec. 5.5.2 Applicability.

- A. MOA provisions shall apply to all lands and/or development within unincorporated Marion County and the established MOA, as set forth in this division.
- B. MOA military installations:
 - (1) US Jacksonville Training Range Complex – Pinecastle Range
 - (2) US Jacksonville Training Range Complex – Lake George Range
 - (3) US Jacksonville Training Range Complex – Rodman Range
- C. The MOA includes the geographic area listed in Table 5.5.2-1, Marion County Military Operating Area, and the following geographic sub-areas:

Land Development Code

Table 5.5.2-1: Marion County Military Operating Area

Township	Range	Sections
11S	23E	36
	24E	24-36
12S	23E	1, 11-15, 22-28, 32-36
	24E	All
	25E	All
13S	23E	1, 30, 32-36
	24E	All
	25E	All
	26E	All
	J.M. Hernandez Grant	All (aka Section 42)
14S	23E	1-3, 11-13, 24-25
	24E	1-30, 32-36
	25E	All
	26E	All
15S	24E	1-3, 10-14, 24
	25E	1-30, 32-36
	26 ½ E	All
	26E	All
	Arredondo Grant	All (aka Section 37)
16S	25E	1-4, 9-16, 21-28, 33-36
	26E	All
17S	25E	1-3, 12
	26E	1-18, 20-27, 35-36

- (1) The following MOA sub-areas are lands owned by the US Forest Service and managed jointly via interagency agreement between the US Forest Service and the US Navy, and as such, are not regulated as part of this MOA:
 - (a) Range Target and Buffer Area (RTBA),
 - (b) Range Safety Zone A (RSZ-A), and
 - (c) Range Safety Zone B (RSZ-B).
- (2) The following are MOA sub-areas are regulated in accordance with this Division:
 - (a) Restricted Airspace (RESAIR) as provided in Table 5.5.2-2, MOA Restricted Airspace.

Land Development Code

Table 5.5.2-2: MOA Restricted Airspace

Township	Range	Sections
11S	24E	24-25, 36
12S	24E	1
	25E	3-10, 15-22, 25-29, 33-36
13S	24E	36
	25E	31-36
	26E	14, 31
	J.M. Hernandez Grant	That part lying SE of a line between the NW Corner of Section 36, Township 13S, Range 25E and the SW Corner of Section 14, Township 13S, Range 26E.
14S	24E	1, 12-13, 24-25, 36
	25E	All
	26E	All
15S	25E	1-5, 8-17, 20-28, 34-36
	26 ½E	All
	26E	All
	Arredondo Grant	All (aka Section 37)
16S	25E	1-3, 10-15, 23-26, 36
	26E	All
17S	26E	1-6, 8-15, 23-25

(b) Range Safety Zone C (RSZ-C) as provided in Table 5.6.2-2, MOA Range Safety Zone "C".

Table 5.5.2-3: MOA Range Safety Zone "C"

East/West	Township	Range	Sections
West	12S	23E	35-36
	13S	23E	1-3, 9-17, 21-28, 34-36
		24E	6-8, 17-21, 27-35
14S	23E	1, 12	
East	14S	24E	1-18, 20-28, 34-36
		25E	7, 17-21, 28-34
	15S	24E	1-2, 12
		25E	1-18, 20-28, 34-36
		26 ½ E	12-13, 24-25, 36
		26E	16-22, 25-36
		Arredondo Grant	That part lying SW of a line between the NE Corner of Section 25, Township 15S, Range 26E, and the NE Corner of Section 16, Township 15S, Range 26E.
16S	25E	1-3, 10-15, 23-26, 36	
	26E	All	
17S	26E	1-5, 9-15, 23-25	

Sec. 5.5.3 Design, development, and use standards and restrictions

A. All MOA area, including all sub-areas, as noted:

- (1) Acknowledgment Military Operating Area (AMOA).

Land Development Code

- (a) Prior to the issuance of a building permit for construction, expansion, and/or renovation of a new or existing structure for human habitation/occupancy wherein a new Certificate of Occupancy/Final Inspection will be required prior to habitation/occupancy of the structure consistent with Florida Building Code, the property owner shall sign and submit a written acknowledgement that the project site is located within the Marion County Military Operating Area. The acknowledgement shall be recorded in the Marion County Official Records by the owner or permit applicant prior to issuance of the permit and shall conform to the following, allowing for the appropriate owner signature (e.g., individual, corporate, etc.):

ACKNOWLEDGEMENT OF MILITARY OPERATING AREA (AMOA)

(printed/typed name of property owner)

(printed/typed building permit number)

(printed/typed address of permitted structure)

(printed/typed parcel identification number of structure property)

I, the above stated, understand that my property located as referenced above and further described in the attached legal description, is located within the Marion County Military Operating Area as established by the Marion County Comprehensive Plan and Land Development Regulations, consistent with Chapter 163.3175, FS.

I acknowledge and understand that military operations may be conducted within the Military Operating Area as authorized by Federal and/or State agencies with such jurisdiction, and such operation may affect this property. I further understand that I should contact the appropriate Federal or State agency for information regarding such military operations.

Signature: ...(signature of property owner)....

Date: ...(date)....

- (b) The requirement to complete and record the AMOA shall be deemed satisfied once a minimum of one executed AMOA has been recorded in the Marion County Official Records in regards to the permit's subject property, and the execution and recording of a new/additional AMOA for subsequent permits shall not be required.
- (2) Height Limits. No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations, subject to compliance with the most restrictive height limit applicable by area/sub-area designation:
- (a) Military Operating Area: 500'
 - (b) Range Safety Zone "C" West: 400'
 - (c) Range Safety Zone "C" East: 300'
 - (d) Restricted Airspace: 200'
- B. Restricted Airspace prohibited land uses:
- (1) Any use which interferes with the lawful operation of an airborne aircraft.
 - (2) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (3) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- C. East Range Safety Zone "C"
- (1) Residential development shall comply with one of the following:

Land Development Code

- (a) A gross density greater than one dwelling unit per 10 acres shall be prohibited;
 - (b) A legally created parcel of record established prior to **(date of new LDC adoption)**, or a lot/parcel within a subdivision eligible for continued development under **Section 4.##** (FLUE App A-4.2), may be eligible for one single-family residence, subject to compliance with the underlying zoning classification, DOH standards, and the other applicable design standards within this section; or
 - (c) A parcel is eligible for family division consistent with **Section 4.## (family division)** and subject to the following requirements:
 - 1. No resulting parcel (parent and each division) shall be less than two (2) acres in size,
 - 2. An AMOA shall be executed and recorded for all resulting parcels (parent and each division), and
 - 3. Development of each parcel shall be subject to compliance with the underlying zoning classification, DOH standards, and the other applicable design standards within this Section.
- (2) Non-residential development shall comply with one of the following:
- (a) No new lots/parcels shall be less than ten (10) acres in size; or
 - (b) A legally created parcel of record established prior to **(date of new LDC adoption)**, or a lot/parcel within a subdivision eligible for continued development under **Section 4.##** (FLUE App A-4.2), may be eligible for development, subject to compliance with the underlying zoning classification, DOH standards, and the other applicable design standards within this Section.
- (3) Prohibited land uses:
- (a) The storage of explosive materials above the ground.
 - (b) Any use which interferes with the lawful operation of an airborne aircraft.
 - (c) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (d) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- (4) A private property owner participating in one of the Marion County Transfer of Development Rights Programs in **Section 3.##**, may be eligible for up to a 20% bonus in Transfer of Development Credits as determined by the Board, depending upon the location and extent of the Conservation Easement provided by the owner.
- D. West Range Safety Zone "C"
- (1) Prohibited land uses:
- (a) The storage of explosive materials above the ground.
 - (b) Any use which interferes with the lawful operation of an airborne aircraft.
 - (c) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (d) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- (2) A private property owner participating in one of the Marion County Transfer of Development Rights Programs in **Section 3.##**, may be eligible for up to a 10 percent bonus in Transfer of Development Credits as determined by the Board, depending upon the location and extent of the Conservation Easement provided by the owner.

Land Development Code

Division 6 Scenic Roads Overlay Zone (SROZ)

Sec. 5.6.1 Purpose and Intent

Marion County residents and visitors enjoy the County’s unique visual character including, but not limited to, nature, habitat, historical/cultural resources, and rural/equine communities, particularly when travelling along various roadways in the County. The Scenic Roads Overlay Zone functions to identify scenic roads, and establish regulations to support, maintain, and enhance roadway travel experiences while maintaining the health, safety, and welfare of the traveling public and protecting private property rights.

Sec. 5.6.2 SROZ implementation and scenic road designations

- A. The SROZ provisions, also hereby known as the “Marion County Scenic Roads Program”, shall serve as the specific regulations regarding the scenic roads identified herein.
- B. Scenic Roads Master Plan.
 - (1) The Board shall maintain a Scenic Roads Master Plan (SRMP) to provide guidelines and strategies to enhance scenic roads within Marion County and shall not be construed as a regulatory document.
 - (2) Any SRMP approved by the Board shall be produced and published by the Growth Services Department.
- C. The visual character of a scenic road includes two general areas: within the road right-of-way and the adjoining surrounding area. The road right-of-way subsequently includes two general components: the various infrastructure (e.g., vehicle driving surface, traffic control devices, non-automotive travel surfaces, driveways, utilities, stormwater infrastructure, etc.) and the vegetative/landscape/turf material occupying the remainder of the right-of-way. The focus of the SROZ is the area within the road right-of-way.
- D. Scenic roads shall be designated by the Board following review and recommendation by staff and the Scenic Roads Advisory Commission (SRAC) consistent with **Section 5.6.6**.
- E. Deviations or exemptions from the SROZ standards shall be considered through the amendment/exemption process outlined in **Section 5.6.6**.
- F. Types of scenic designations
 - (1) Scenic route – A series of roads that form an alternate route to a main thoroughfare, that may comprise more than one road, forming a continuous route that links sites and/or areas of interest, such as scenic areas, historic sites, parks, and other environmentally significant areas.
 - (2) Scenic road – A road that travels through, or along, a unique and aesthetic landscape such as scenic areas, historic sites, parks, and other environmentally significant areas .
 - (3) Rustic road/route – A road or series of roads representing travel modes and patterns of the past and displaying historic characteristics (e.g., unpaved, narrow width, physical proximity to natural environment, etc.), typically suitable for low travel speeds.

Sec. 5.6.3 Designated facilities

- A. Scenic route: None at this time.
- B. Scenic roads: **(ORIGINAL ORDINANCE NUMBER TO BE DELETED BEFORE FINAL ADOPTION)**
 - (1) NW Hwy 25A (Old Gainesville Road), from W Hwy 316 south to W Hwy 329. **(2001-19)**
 - (2) SW Hwy 312 (SW 87th Place), from S Hwy 475A (SW 27th Avenue) east to S Hwy 475 (S Magnolia Avenue). **(1997-1)**
 - (3) NW Hwy 320, from the Marion/Levy County Line east to the McIntosh Town Limit. **(2001-19)**
 - (4) W Hwy 328, from N US Hwy 41 east to 1000 feet west of W Hwy 40. **(2001-19)**

Land Development Code

- (5) SE Hwy 467 (SE 36th Avenue), from SE 95th Street (Redding Lane) south to SE 110th Street (Turkey Foot Road). (1997-1)
- (6) S Hwy 475, from S Hwy 27/301/441 (S Pine Avenue) south to the Marion/Sumter County Line. (1997-1)
- (7) S Hwy 475A (SW 27th Avenue / Shady Road), from SW 24th Avenue (Paddock Park/EI Dorado Entrance) south to the Cross Florida Greenway south boundary. (1997-1 and 2011-45)
- (8) SW Hwy 475B (SW 107th Place), from S Hwy 475A (SW 27th Avenue) east to S Hwy 475 (S Magnolia Avenue). (1997-1)
- (9) NW/NE 49th Street, from West Anthony Road east to NE Hwy 200A (NE Jacksonville Road). (2001-19)
- (10) NW 100th Street, from NW Hwy 25A (NW Gainesville Road) east to NE Hwy 200A (NE Jacksonville Road). (2001-19)
- (11) SE 25th Avenue, from SE 80th Street south to SE 110th Street. (1997-1)
- (12) SE 26th Terrace Road, from SE 38th Street (Citrus Drive) south to SE 45th Street. (1997-1)
- (13) SE 30th Court: SE 45th Street to SE 52nd Street; SE 52nd Street to SE 56th Street ; SE 56th Street from SE 30th Court to SE 39th Avenue; SE 39th Avenue from SE 56th Street to SE 52nd Street. (1997-1)
- (14) SE 36th Avenue, from SE 62nd Street south to SE 73rd Street. (1997-1)
- (15) SE 38th Street, from SE 36th Avenue, east to SE 44th Avenue Road. (1997-1)
- (16) SE 44th Avenue Road, from SE 38th Street south to SE 52nd Street. (1997-1)
- (17) SE 41st Court, from SE 52nd Street south to SE 80th Street. (1997-1)
- (18) SE 59th Street, from S Hwy 475 (S Magnolia Avenue / at the Shady Hill School) east to S Hwy 27/301/441 (S Pine Avenue). (1997-1)
- (19) SE 62nd Street, from S Hwy 27/301/441 (S Pine Avenue) east to SE 36th Avenue. (1997-1)
- (20) SE 73rd Street, from S Hwy 27/301/441 east to SE 41st Court. (1997-1)
- (21) SE 95th Street (Redding Lane), from S Hwy 475 (S Magnolia Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (22) SE 100th Street, from S Hwy 467 (SE 25th Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (23) SE 110th Street, from S Hwy 475 (S Magnolia Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (24) SW 4th Avenue, from SW 32nd Street (Lopez Road/SW 7th Avenue/SW 4th Avenue connection) south to SW 35th Street. (1997-1)
- (25) SW 7th Avenue, from SW 17th Place south to SW 32nd Street / SW 42nd Street (Lopez Road). (1997-1)
- (26) SW 7th Avenue Road (Old Lemon Avenue), from SW 35th Street south to SW 63rd Street Road. (1997-1)
- (27) SW 9th Street Road, from SW 95th Avenue Road east to SW 85th Avenue; (2001-19)
- (28) SW 16th Avenue, from SW 80th Street south to S Hwy 312 (SW 87th Place). (1997-1)
- (29) SW 19th Avenue Road, from SW 66th Street south to SW 80th Street. (1997-1)
- (30) SW 21st Court, from SW 87th Place south to SW 90th Street. (1997-1)
- (31) SW 31st Street, from SW 95th Avenue Road east to SW 97th Court. (1997-1)
- (32) SW/SE 32nd Street (Lopez Road/SW 7th Avenue/SW 4th Avenue connection), from SW 7th Avenue east to S Hwy 475 (SE 3rd Avenue). (1997-1 and 2000-12)

Land Development Code

- (33) SW 34th Place, from SW 97th Court east to SW 90th Avenue. (2001-19)
 - (34) SW/SE 35th Street (Old Lemon Avenue), from SW 7th Avenue Road east to S Hwy 475 (SE 3rd Avenue). (1997-1)
 - (35) SW 42nd Street (Lopez Road/SW Hwy 475C), from S Hwy 475A east to SW 7th Avenue. (1997-1)
 - (36) SW/SE 52nd Street (Buffington Road), from SW 7th Avenue Road (Old Lemon Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
 - (37) SW 63rd Street Road, from SW 19th Avenue Road east to S Hwy 475 (S Magnolia Avenue). (1997-1)
 - (38) SW 66th Street (Williams Road), from SW Hwy 200 (SW College Road) east to SW 19th Avenue Road (boundary of Hijuelas Grant). (1997-1)
 - (39) SW 73rd Street Road, from SW 80th Street north then east to S Hwy 475 (S Magnolia Avenue). (1997-1)
 - (40) SW/SE 80th Street (SE Hwy 328), including the trail connection, from S Hwy 475A (SW 27th Avenue) east to SE 41st Court. (1997-1)
 - (41) SW 85th Avenue/9th Street Road from W Hwy 40 to SW 95th Avenue Road. (2001-19)
 - (42) SW 97th Court, from SW 31st Street south to SW 34th Place. (1997-1)
 - (43) SW 95th Avenue Road, from SW 110th Avenue east to SW 9th Street Road; (2001-19)
 - (44) SW 110th Avenue, from W Hwy 40 south to SW 95th Avenue Road; (2001-19)
- C. Rustic road/route: None at this time.

Sec. 5.6.4 Design, development, and maintenance standards for designated facilities identified in Section 5.6.3.

A. Roadway Vegetation Maintenance.

- (1) The County shall cease all roadway vegetation maintenance, with the exception of mowing or removal of invasive vegetation, unless such maintenance is absolutely necessary to protect the health and safety of the public.
- (2) When roadway vegetation maintenance is necessary to protect the health and safety of the public, the County shall use measures which conserve, to the maximum extent feasible, the characteristics of the rural landscapes which this Division seeks to protect.
- (3) Utility installation and maintenance shall be accomplished with the minimal disturbance to the roadway vegetation.

B. Expansion of County Roads.

The County shall not increase the number of thru travel lanes on any of the designated facilities. Necessary safety improvements, such as turn lanes, intersection improvements, signalization, flood abatement, etc. shall be permitted when deemed necessary by the Office of the County Engineer, provided that the improvements do not result in an increase in the number of thru travel lanes on any of the designated facilities.

C. Curb Cuts.

All new curb cuts shall be made without removing trees in the road right-of-way or damaging the root system of trees growing at the edge of the road right-of-way, unless the property owner has no other method to access the road.

Sec. 5.6.5 Authorized improvement exemption.

- A. An improvement exemption to allow modification not allowed by Section 5.6.4 to a designated facility listed in Section 5.6.3 may be authorized by resolution by the Board consistent with Section 5.6.6.

Land Development Code

- B. The Growth Services Department shall maintain a list of all Board authorized improvement exemptions including, at a minimum, the following for the improvement exemption: approval date, resolution number, and a description of the improvement, its approval conditions (if any), and its current status.

Sec. 5.6.6 Scenic road designation amendment and improvement exemption process.

A. Applicability.

- (1) Changes to the list of designated facilities in Section 5.6.3 shall be initiated by the filing of a Scenic Roads Amendment Application (SRAA) as provided in Article 2.
- (2) Obtaining an improvement exemption for a designated facility listed in Section 5.6.3 shall be initiated by the filing of a Scenic Roads Amendment Application (SRAA) as provided in Article 2 and this Section, and, if approved, be authorized by resolution.
- (3) Changes to the other components of this Division shall be initiated by the filing of a Land Development Code Amendment Application as provided in Article 2.

B. Growth Services Department Staff Recommendation.

- (1) The Department shall review each complete SRAA and prepare a written staff report listing the Department's analysis and recommendation regarding the SRAA. The completed staff report shall be made available to the applicant and public prior to the public hearing(s) regarding the SRAA, as provided in **Section 5.6.6.D**.
- (2) In the event the Department does not prepare a written staff report by the date the Scenic Roads Advisory Commission (SRAC) has set to officially act on the SRAA, the Department shall be deemed to have recommended approval of the SRAA; however the SRAC shall not be required to make a recommendation on any such SRAA as provided in **Section 5.6.6.D(1)(c)**.
- (3) In the event the Department does not prepare a written staff report by the date the Board has set to officially act on the SRAA, the Department shall be deemed to have recommended approval of the SRAA. The Board shall not be required to act in the affirmative in regards to the SRAA due to the lack of a written staff report and recommendation by the Department as provided in **Sections 5.6.6.D(2)(c)**.

C. Public Notices for all SRAAs.

- (1) Advertisement and due public notice of required public hearings shall be provided according to FS 125.66 using a general legal notice at a minimum; in lieu of providing a general legal notice, a display advertisement may be used at the election of the Growth Services Director.
- (2) Posting of Public Notice
 - (a) Public notice signage shall be posted along the designated facility which is the subject of the SRAA to identify the applicable location and extent of the SRAA. The intent of the signage is to identify the "limits" of the SRAA to the travelling public; wherein a minimum of two signs shall be provided to functionally mark a "beginning" and "end"; the Growth Services Director shall determine the final number of signs to be provided and the placement of the signs.
 - (b) The public notice sign(s) shall provide the particulars of the SRAA (e.g., add/delete designated facility or improvement exemption) and provide the date, time, and place of the public hearing(s).
 - (c) The placement and posting of the public notice sign(s) shall be deemed to satisfy compliance with this provision, and in the event the notice is not maintained once posted, this provision will be deemed satisfied.
- (3) The applicant may be required, as determined by the Board, to fund the costs necessary to comply with **Section 5.6.6.C**.

Land Development Code

- D. Public hearings.
- (1) Scenic Roads Advisory Commission (SRAC) Consideration
- (a) The SRAC shall meet as needed and shall review a SRAA in a duly noticed public hearing and make recommendations to the Board regarding a SRAA.
 - (b) The SRAC may conduct a workshop to discuss the SRAA prior to the public hearing subject to the workshop notice requirements established by the Board. Any workshop discussion by the SRAC shall not constitute a determination regarding the SRAA, nor shall it be considered to serve as or set precedent for the public hearing consideration.
 - (c) In the public hearing for the SRAA, the SRAC shall review the Growth Services Department staff report, receive input from the applicant as applicable, receive public input regarding the SRAA by conducting the public hearing, and consider the SRAA in regards to the following findings:
 - 1. If approving the SRAA is consistent with the intent and purpose of the Scenic Roads Overlay Zone/Scenic Roads Program,
 - 2. If approving the SRAA is consistent with the Scenic Roads Master Plan,
 - 3. If approving the SRAA will not adversely affect the public interest.
 - (d) SRAC Action
 - 1. The SRAC shall act on one of the following motions effecting a written recommendation for the SRAA in regard to **Items (c) 1-3**, as applicable, as follows:
 - a. A recommendation for approval, which may be accompanied by reasons for the recommendation of approval.
 - b. A recommendation for denial, which shall be accompanied by reasons for the recommendation of denial.
 - 2. In the event the applicant, for any reason, does not appear before the SRAC at the time the SRAA is scheduled for consideration and action, the SRAC may proceed with consideration and action regarding the SRAA. It is the applicant's responsibility and obligation to ensure representation regarding the SRAA is provided before the SRAC.
 - 3. In the event no member of the public participates in the public comment portion of the public hearing, the SRAC may proceed with consideration and action regarding the SRAA, and the SRAC is not obligated to determine the lack of participation is a form of support or disfavor in regard to the SRAA.
 - 4. In the event the SRAC action results in a tie vote, the SRAC may deem its consideration of the SRAA complete and the SRAA shall proceed to its subsequent consideration without a formal recommendation.
 - 5. The SRAC action and its recommendation are not classified as a final action or the equivalent of a final development order. An applicant may request reconsideration of a SRAA by the SRAC; however, the SRAC action and recommendation is functionally final and the consideration of any functional appeal is the responsibility of the Board as provided for in **Section 5.6.6.D(2)**.
- (2) Board of County Commissioners Consideration
- (a) The Board shall hold a public hearing to consider each SRAA in a duly noticed public hearing.
 - (b) The Board may conduct a workshop to discuss the SRAA prior to the public hearing subject to the workshop notice requirement(s) established by the Board. Any workshop discussion by the Board shall not constitute a determination regarding the SRAA, nor shall it be considered to serve as or set precedent for the public hearing consideration.

Land Development Code

- (c) In the public hearing for the SRAA, the Board shall review the Growth Services Department staff report, review the findings and recommendation of the SRAC, receive input provided by the applicant as applicable, receive public input regarding the SRAA, and consider the SRAA in regards to the following findings:
1. If approving the SRAA is consistent with the intent and purpose of the Scenic Roads Overlay Zone/Scenic Roads Program,
 2. If approving the SRAA is consistent with the Scenic Roads Master Plan,
 3. If approving the SRAA will not adversely affect the public interest.
- (d) Board Action
1. The Board shall act on one of the following motions effecting a determination for the SRAA as follows:
 - a. Motion to approve the SRAA as presented or in a modified form, which may be accompanied by reasons for the adoption, or
 - b. Motion to deny the SRAA with said motion provided in a written form which shall be accompanied by reasons for the denial action.
 2. In the event the applicant, for any reason, does not appear before the Board at the time the SRAA undergoes consideration and action, the Board may proceed with consideration and action regarding the SRAA. It is the applicant's responsibility and obligation to ensure representation regarding the SRAA is provided before the Board.
 3. In the event no member of the public participates in the public comment portion of the public hearing, the Board may proceed with consideration and action regarding the SRAA, and the Board is not obligated to determine the lack of participation is a form of support or disfavor in regard to the SRAA.
 4. Alternatives if a vote of the Board results in a tie vote:
 1. The tie vote shall serve as a denial regarding the SRAA as the motion did not achieve a majority of the voting members. For the purposes of a denial resulting from a tie vote, the Board shall provide written supportive findings of the effective denial as provided in **Items (c) 1-3**, or
 2. In lieu of accepting the tie vote as a denial, the Board may act to continue the SRAA consideration to a subsequent public hearing, including providing a date, time, and place as designated by the Board; however the Board is under no obligation to continue the SRAA consideration.
 5. Approval.
 - a. Action to add/delete a road segment in **Section 5.6.3** shall be by adopted ordinance to be reflected in **Section 5.6.3**.
 - b. Action to authorize an improvement exemption on a road segment in **Section 5.6.3**, shall be by resolution as provided by in **Section 5.6.5**.
 - c. Approval of a SRAA by the Board shall serve as a final action in regards to the SRAA; however the approval shall not be classified as a final or local development order.
 6. Denial and appeal.
 - a. An appeal of a Board vote to approve or deny the approval of a SRAA shall be conducted consistent with the appeal provisions of a Land Development Regulation Amendment Application provided in **Section #.#.#**.
 - b. Alternative Dispute Resolution as set forth in **Chapter 718.1255, FS?** In the event an applicant files for Alternative Dispute Resolution for an amendment(s), the appeal process initiated by Item a shall be held in abeyance as provided in **Chapters 120 and**

Land Development Code

718, FS.

- c. When the Board has denied a SRAA, no applicant shall submit a SRAA for the same or any portion of the denied SRAA for a period of 12 months from the date of denial unless the roadway has become incorporated/annexed into a municipality.

Division 7 Wellhead/Wellfield Protection Area (WHPA)

Sec. 5.7.1 Purpose and intent.

Groundwater is Marion County's unique and limited local water source necessary to support Marion County's population and environment. The Wellhead/Wellfield Protection Area's purpose is to safeguard public health, safety, natural resources, and property by protecting the County's groundwater resources and manage land use and development consistent with Marion County's Comprehensive Plan Natural Groundwater Aquifer Protection Element.

Sec. 5.7.2 Applicability.

- A. The regulations set forth herein shall apply to all areas surrounding each potable water well and/or wellfield for a Community Water System (CWS) established under the provisions of FAC 62-521.200(1), as amended.
- B. Exempt activities. The following are exempt from the provisions of this Division:
 - (1) The transportation of any hazardous material or substance through a WHPA, provided the transporting vehicle is in transit.
 - (2) Agricultural uses, including mosquito control or abatement, which are conducted in conformance with FS Chapter 487, The Florida Pesticide Law, as amended.
 - (3) The use of a hazardous material or substance solely as fuel or fuel additive in a vehicle or tractor fuel tank or as a lubricant in a vehicle or tractor.
 - (4) Activities associated with fire, police, emergency medical services, emergency management center facilities, and public utilities, except for landfills.
 - (5) Retail sales establishments that store and handle hazardous materials or substances for resale in their original unopened containers.
 - (6) Office uses except those used for the storage, handling, or use of hazardous materials or substances as provided for in applicable FACs.
 - (7) Storage tanks which are constructed and operated in accordance with Florida's storage tank regulations.
 - (8) Geotechnical boring.
 - (9) Residential activities not including office space in a residential unit.
 - (10) Public utility and medical facility emergency generating facilities except that permanently installed fuel storage facilities exempted under the FAC shall have secondary containment.

Sec. 5.7.3 Wellhead/wellfield protection areas (WHPAs).

- A. Three WHPA zones are hereby created and arranged as a series of concentric rings as provided in Table 5.5.3-1, Wellhead/Wellfield Protection Area (WHPA) Zones.

Land Development Code

Table 5.7.3-1: Wellhead/Wellfield Protection Area (WHPA) Zones

ZONE	Community Water System (CWS) (FAC 62-521.200(1)) Wellhead/Wellfield Type	
	Serving On-site Only	Serving one or more properties under separate and/or different ownership
Primary	≤200'	≤200'
Secondary	>200' to ≤300'	>200' to ≤500'
Tertiary	n/a	>500' to ≤1,000'

At a minimum, each zone shall be measured from the well casing. If the casing location is not specifically known/identified, the well location may be estimated using the longitude/latitude of the well and the well diameter as established by the well's WMD/DOH permitting data.

- B. The applicable provisions for each protection zone shall be inclusive of any smaller zone contained within the larger zone; however, more restrictive provisions, if any, for the smaller zone shall apply within that zone.
- C. The Planning and Zoning Manager, in consultation with the Utilities Director, shall be responsible for determining if a lot/parcel is located wholly or partially in a particular Wellhead/Wellfield Protection Area Zone. Any appeal of this determination shall be made to the Development Review Committee.

Sec. 5.7.4 Regulated uses.

A. Primary Zone

- (1) The Primary Zone is a zone of exclusion for all uses, structures, or other impervious surfaces except as follows:
 - (a) Open space, parks, playgrounds, and new uses functionally related to the CWS.
 - (b) Playing courts, open-air shelters, and other similar recreation facilities.
 - (c) Parking areas for recreation areas; however no stormwater management detention and/or retention areas for any parking areas, including their driving aisles, shall be allowed within 100' of a wellhead.
 - (d) A parcel or lot of record determined to be eligible for the development of one single family dwelling unit per **Article 4.##** shall be eligible for such use provided that parcel or lot was created on or before January 1, 1992; and if the residential dwelling unit requires service by an OSTDS, the location of the OSTDS shall be separated from the CWS well/wellhead/wellfield to the maximum extent practicable.
- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.##**.

B. Secondary Zone

- (1) Prohibited uses:
 - (a) Non-residential use handling, producing, or storing hazardous materials or substances;
 - (b) Landfill, solid waste disposal facilities, or sludge disposal sites;
 - (c) Effluent spray fields;
 - (d) Expansion of existing high-risk regulated activities and new high-risk regulated activities;
 - (e) Discharge to groundwater through manmade conduits, except for OSTDS having total sewage flows less than or equal to 2,000 gallons per day and stormwater treatment facilities;

Land Development Code

- (f) Feedlots or other concentrated animal waste storage and/or disposal;
 - (g) Mines and excavation sites;
 - (h) The use of drainage wells for stormwater disposal; or
 - (i) The use of sinkholes for stormwater disposal.
- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.#.#**.
- C. Tertiary Zone
- (1) Prohibited uses:
- (a) Landfills, solid waste disposal facilities, or sludge disposal sites;
 - (b) Effluent spray fields not meeting Class I reliability and not meeting high-level disinfection;
 - (c) Expansion of existing high-risk regulated activities and new high-risk regulated activities;
 - (d) Discharge to groundwater through manmade conduits, except for OSTDS and stormwater treatment facilities;
 - (e) Feedlots or other concentrated animal waste storage and/or disposal;
 - (f) Mines and excavation sites;
 - (g) The use of drainage wells for stormwater disposal; or
 - (h) The use of sinkholes for stormwater disposal, unless sufficient pretreatment is provided and feasible alternatives cannot be achieved.
- (2) Prohibited uses, structures, and other impervious surfaces existing at the time a CWS serving as the basis for the zone of exclusion is established shall be classified as non-conforming uses and/or structures in accordance with **Article 4.#.#**.

Sec. 5.7.5 Stop work order.

A "Stop Work Order" shall be issued by a Code Enforcement Officer for a violation of this Division if the owner or operator is conducting an unapproved and/or prohibited use, or the owner or operator declines to cooperate with the County in correcting or cleaning up a discharge or spill of a hazardous material or substance as defined by Federal or State law, as amended.