

# Land Development Code

## Article 3 Comprehensive Plan

### Division 1 Purpose and intent.

- A. Marion County shall maintain an adopted Comprehensive Plan, as required by the provisions of FS 163, to provide principles, guidelines, standards, and strategies, for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the county that reflects community commitments to implement the Comprehensive Plan and its elements.
- B. The Marion County Comprehensive Plan shall be produced and published by the Growth Services Department. The provisions of this Article are provided for reference and guidance for the implementation, maintenance, and amendment of the Comprehensive Plan pursuant to the provisions of FS 163.
- C. The Marion County Comprehensive Plan shall be produced in two forms:
  - (1) The adopted Comprehensive Plan consists of the required and optional plan components formally adopted by ordinance of the Board, pursuant to the provisions of FS 163.
  - (2) The complete Comprehensive Plan consists of the adopted Comprehensive Plan, and the data and analysis materials which are the basis for the adopted Comprehensive Plan but are not formally adopted by the Board.
- D. The adopted Comprehensive Plan shall consist of separate elements consistent with FS 163, structured as follows:
  - (1) Each element includes a minimum of one goal which provides a long-term end toward which programs or activities are ultimately directed.
  - (2) Each element includes a minimum of one objective which provides a specific, measureable, intermediate end that is achievable and marks progress toward a goal.
  - (3) Each element includes a minimum of one policy which provides the way in which programs and activities are conducted to achieve an identified goal or objective.
  - (4) An element may contain one or more map and/or tables which provide information, guidance, and/or support for a goal, objective, or policy.
- E. The Marion County Comprehensive Plan shall establish meaningful and predictable standards for the use and development of land. The Plan shall provide meaningful guidelines for the content of the detailed land development and use regulations which shall be specified in this Land Development Code.
- F. All land development regulations, codes, and procedures enacted or amended by the county shall be consistent with the adopted Marion County Comprehensive Plan.
- G. All development orders or equivalent authorizations issued by the county shall be consistent with the adopted Marion County Comprehensive Plan.

### Division 2 Adopted Comprehensive Plan Components

#### Sec. 3.2.1 Elements.

- A. Future Land Use Element
  - (1) Future Land Use Element Appendix A.
  - (2) Future Land Use Element Appendix B
- B. Transportation Element
- C. Housing Element
- D. Sanitary Sewer Element

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- E. Solid Waste Element
- F. Stormwater Element
- G. Potable Water Element
- H. Natural Groundwater Aquifer Recharge Element
- I. Conservation Element
- J. Recreation and Open Space Element
- K. Intergovernmental Coordination Element
- L. Capital Improvements Element
- M. Public School Facilities Element
- N. Economic Element

### Sec. 3.2.2 Maps.

- A. Future Land Use Map Series
  - (1) Map 1, Marion County 2035 Future Land Use
  - (2) Map 2, Well & Wellhead Protection Areas
  - (3) Map 3, Coastal High Hazard Areas and Evacuation Routes
  - (4) Map 4, Rivers and Lakes (Waterbodies)
  - (5) Map 5, Floodplains per 2008 FEMA Maps
  - (6) Map 6, Wetlands
  - (7) Map 7, Commercially Valuable Minerals
  - (8) Map 8, Generalized Soils
  - (9) Map 9, General Topography
  - (10) Map 10, Archaeological and Historic Areas (General Locations)
  - (11) Map 11, Environmentally Sensitive Overlay Zones (ESOZ)
  - (12) Map 12, RESERVED
  - (13) Map 13, Transfer of Rights
  - (14) Map 14, Springs Protection Zones (SPZ)
  - (15) Map 15a, Circle Square Woods Employment Activity Center
  - (16) Map 15b1, Marion Oaks Regional Activity Center
  - (17) Map 15b2, Marion Oaks RGAC Concept Plan
  - (18) Map 15b3, Sunny Oaks/Heart of Florida Commerce Park RGAC Concept Plan
  - (19) Rural Activity Center Maps
    - (a) #2, Orange Lake
    - (b) #3, Flemington
    - (c) #4, Fairfield
    - (d) #5, Lowell
    - (e) #7, Blitchton
    - (f) #8, Fellowship
    - (g) #10, Ocala Estates
    - (h) #11, Rolling Hills
    - (i) #14, Rainbow Springs
    - (j) #16, Monroe's Corner
    - (k) #20, Brook's Buck & Doe
    - (l) #21, Moss Bluff

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- (m) #22, Nuby's Corner
- (n) #23, Eureka
- (o) #24, Orange Springs
- (p) #25, Pedro
- (q) #26, Castro's Corner
- (r) #27, Summerfield
- (s) #28, Lakeview
- (t) #29, Forest Hammock
- (u) #30, Romeo

### (20) Development of Regional Impact and Florida Quality Development (DRI/FQD) Map "H" Master Plans

- (a) Cold Springs Villages FQD
- (b) Oak Run DRI
- (c) On Top of the World DRI
- (d) Del Webb's Spruce Creek Country Club FQD
- (e) Spruce Creek South FQD
- (f) Stonecrest DRI
- (g) The Villages of Marion FQD
- (h) Village of Rainbow Springs DRI

### B. Transportation Map Series

- (1) Map 2.1, Future Traffic Circulation – 2035 Functional Classifications
- (2) Map 2.2., Future Traffic Circulation – Number of Lanes 2015
- (3) Map 2.3, Future Traffic Circulation – Number of Lanes 2035
- (4) Map 2.4, Future Transportation Corridors 2035
- (5) Map 2.5, Existing Mass Transit
- (6) Map 2.6, Rail Corridors
- (7) Map 2.7, Existing and Future Bicycle and Pedestrian Network
- (8) Map 2.8, Coastal Evacuation Routes
- (9) Map 2.9, Airport Layout

### Sec. 3.2.3 Future Land Use Designations, Overlays, and Special Areas.

#### A. Resource Protection.

- (1) Conservation
- (2) Natural Reservation
- (3) Rural Preservation

#### B. Rural Land.

- (1) Rural Land
- (2) Rural Activity Center
- (3) Rural Village District
- (4) Rural Town DRI/FQD

#### C. Residential.

- (1) Very Low Density Residential
- (2) Low Density Residential
- (3) Moderate Density Residential

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- (4) Medium Density Residential
- (5) High Density Residential
- (6) Multi-Family Residential Medium
- (7) Multi-Family Residential High
- D. Non-Residential.
  - (1) Professional Office
  - (2) Limited Commercial
  - (3) Commercial
  - (4) Industrial
  - (5) Equine Commercial Support District
  - (6) Specialized Commerce District
- E. Mixed-Use.
  - (1) Urban Commerce District
  - (2) Urban Neighborhood District
- F. Other/Specialty.
  - (1) Public
  - (2) Recreation
  - (3) Commercial Recreation
- G. Overlay and Special Area Designations.
  - (1) Airport Overlay Zone (AOZ).
  - (2) Development of Regional Impact/Florida Quality Development
  - (3) Employment Activity Center (EAC).
  - (4) Environmentally Sensitive Overlay Zone (ESOZ).
  - (5) Land Use Blending Overlay (LUBO).
  - (6) Military Operating Area (MOA).
  - (7) Regional Activity Centers (RGAC).
  - (8) Springs Protection Overlay Zone (SPZ).
  - (9) Urban Growth Boundary (UGB).
  - (10) Well/Wellhead Protection Zone (W/WHPA).

### **Division 3 Land Use Designation Special Provisions and Design Criteria**

#### **Sec. 3.3.1** Development specific FLUM amendment requirements

- A. CPAA 2002-L11, Bent Tree Estates, Application PID #35625-000-00
- B. CPAA 2011-L03, Ashley Farms, Application PID #13693-000-00
- C. CPAA 2002-L21, Golden Ocala, Application PID #13668-000-02
- D. CPAA 2007-L27, Bahia Oaks Unit 5, Application PID #3541-000-000
- E. CPAA 2007-L17, Dozier, Application PID #49022-000-00
- F. CPAA 2005-L55, Hamilton Island, PID #39397-000-00
- G. CPAA 2006-L08, Summer Glen Phase 6, PID #44645-001-00

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### Sec. 3.3.2 Equine Commercial Support District

Equine Commercial Support Districts (ECSDs) are intended to provide commercial support facilities for equine-related activities for designated Equine Centers consistent with the following development provisions and designs requirements:

- A. Designated Equine Centers.
  - (1) Florida Horse Park at the Marjorie Harris Carr Cross-Florida Greenway, 11008 South Highway 475.
  - (2) Ocala Breeders and Sales Auction and Race Track Complex, 1701 SW 60th Avenue.
  - (3) Marion County Southeastern Livestock Pavilion at the Marion County Agricultural Extension Service Complex, 2232 NE Jacksonville Road.
- B. Authorization and implementation criteria
  - (1) Each ECSD shall be implemented and developed through a single coordinated Planned Unit Development (PUD) application and supporting Master Plan as provided in Articles 2 and 4.
  - (2) The ECSD PUD shall encompass the aggregate acreage of the respective ECSD and provide for a coordinated and continuous plan of development throughout the ECSD.
  - (3) The ECSD PUD shall analyze and demonstrate the following:
    - (a) The compatibility of the ECSD with adjacent rural or agricultural uses, if any; and
    - (b) The impact, if any, on environmentally sensitive land.
- C. Design Standards
  - (1) Natural open space
    - (a) The ECSD must be developed with not less than 20 percent natural open space, determined on an ECSD-wide basis, with a maximum buildable area of 80 percent.
    - (b) The natural open space shall comply with the natural open space criteria listed in Section 6.4.#.
  - (2) Maximum Development Intensity – floor area ratio
    - (a) For projects providing less than 50 percent natural open space, the maximum floor area ratio shall not exceed 25 percent calculated based on the ECSD’s buildable area.
    - (b) For projects providing greater than 50 percent natural open space, the maximum floor area ratio shall not exceed 25 percent calculated based on the gross land area of the ECSD.
  - (3) Development Form
    - (a) The buildable area within the ECSD shall be compact, clustered and provide a contiguous development pattern. Deviation from the reasonably compact requirement shall be allowed only when necessary for the protection of environmentally sensitive lands and locally significant resources.
    - (b) A compact centralized design providing a walk-able, non-automotive dependent environment shall be provided within the ECSD including passive facilities such as pedestrian, bicycle, golf cart, or equestrian facilities. Non-automotive connectivity to the respective Equine Center and related, similar or compatible surrounding development shall also be accommodated and provided.
    - (c) The buildable area for all non-agricultural development shall be internally located within the ECSD, and shall not be located along or focused towards the ECSD’s boundary.
    - (d) Parcels containing hotels, retail and office uses may not exceed 60 percent of the total acreage of the ECSD, in aggregate.

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- (e) All development within an ECSD shall be fully served by central water and central sewer service. The use of septic tanks is prohibited on a temporary or permanent basis.
- (4) Authorized uses within an ECSD
  - (a) Hotels and similar forms of resort/lodging facilities, and related accessory uses such as private recreational facilities including conference facilities and meeting rooms; restaurants and dining facilities; internal retail personal services, spa services, shops, boutiques, and galleries; swimming pools, tennis courts, shuffleboard, and other active and passive recreational facilities; maintenance and service buildings; management and administrative facilities including owner's or manager's apartments or residences; and other common facilities needed to provide a resort type development.
  - (b) Recreational vehicle (RV) parks for temporary accommodations of maximum uninterrupted stays of no more than 30 days such as: fifth wheel travel trailer, travel trailers, camping trailer, truck camper, motor home, and conversion van/truck type RVs, and related accessory use consistent with those listed above for hotels and lodging facilities.
  - (c) Riding academy, dude ranch, and other schools/training facilities primarily focused on horses and equine activities.
  - (d) Public parks, and recreational and entertainment facilities.
  - (e) Veterinary offices, clinics, or hospitals.
  - (f) Retail facilities and businesses for which sales include equine or agricultural related products, including tack, hardware, and farm and garden supplies, with no outside storage visible from public rights of way.
  - (g) Restaurants and dining facilities of a "sit down" or "family" nature, open to the general public, and focused on serving primarily those uses of the other facilities within the District (no fast food or drive-through/drive-thru restaurants).
  - (h) Specialty retail shops and boutiques purveying arts, antiques, crafts, books, clothing, gourmet foods and groceries, home décor and furnishings, sporting goods, jewelry, and other specialty items consistent with the tourism- and equine-related character of the District. Such retail shops and boutiques shall be internally oriented to the District.
  - (i) Professional offices housing support operations serving or primarily related to equine or agricultural activities,
  - (j) Accessory service uses including the parking of vehicles used for the permitted business purposes.

### Sec. 3.3.3 Rural Land - development density bonuses.

- A. Density Bonus Options. Properties subject to a rural land use designation located outside the Urban Growth Boundary and outside the Farmland Preservation Area as depicted on the Future Land Use Map Series Map 13, *Transfer of Rights*, may be eligible for development at an increased density in accordance with one of the following density bonus design programs:
  - (1) Residential Clustering Option.
    - (a) Authorization and approval to develop under this density bonus option shall be obtained through the Planned Unit Development (PUD) process as provided in **Article 4**.
    - (b) The following natural open space design standards shall be satisfied:
      - 1. A minimum of 60 percent of the gross land area of the development site shall be designated natural open space.
    - (c) The natural open space shall comply with the natural open space criteria listed in **Section 6.4.#** Design Points Schedule

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The bonus points in Table 3.3.3-1 apply to residential cluster developments. All other development requirements must be met in order to obtain the bonus. The various bonuses are additive except as noted. Total maximum bonus credits may not exceed 50 points. No other density bonuses may be applied to a Residential Cluster Option development.

**Table 3.3.3-1: Residential Clustering Bonus Points**

Point	Criteria Item (not cumulative per criteria or sub-criteria)	Points
1	Proximity to existing development – Urban Growth Boundary (UGB)	
	Greater than five (5) miles of the UGB	0
	Greater than three (3) miles but less than five (5) miles of the UGB	1
	Greater than one (1 ) mile but less than three (3) miles of the UGB	2
	Within one (1) mile or less of the UGB	3
2	Proximity to fire and EMS protection	
	a. Fire protection water supply	
	No specific and fixed fire protection water supply provided within project	0
	Fixed fire protection water supply provided with below or above ground storage tanks within project meeting NFPA distance requirements	2
	Fixed fire protection water supply provided with central water system with hydrant(s) within the project meeting NFPA distance requirements	4
	b. Fire station	
	No fire station (volunteer or permanent/manned) within five (5) road miles as travelled by a fire truck	0
	Volunteer fire station within five (5) road miles as travelled by a fire truck	1
Permanent/manned fire station within five (5) road miles as travelled by a fire truck	2	
3	Proximity to sheriff protection as travelled by roadway to District or Sub-District Office from project entrance; however a stabilized emergency access shall not qualify as such an entrance.	
	District or Sub-District Sheriff Office ten (10) or more miles away	0
	District or Sub-District Sheriff Office five (5) or more miles but less than ten (10) miles	1
	District or Sub-District Sheriff Office less than five (5) miles	3
4	Access road characteristics	
	a. Project connectivity and through road access	
	Internal project roadways connect to a non-through road and form a functionally limited one-way in/out dead-end/cul-de-sac project	0
	Internal project roadways connect to a through road, but form a functionally limited one-way in/out dead-end/cul-de-sac project	1
	Internal project roadways provide, create, or establish through road access for a previously non-through road, but also form a functionally limited one-way in/out dead-end/cul-de-sac project	2
	Internal project roadways provide, create, or establish through road access for a previously non-through road, and do not form a functionally limited one-way in/out dead-end/cul-de-sac project	3
	c. Condition and maintenance of external road network	
	Internal project roadways connect to private road of any type not maintained by government	0
	Internal project roadways connect to stabilized road maintained by County or other municipal government	1
	Internal project roadways connect to asphalt paved road maintained by County or other municipal government	2
	Internal project roadways connect to asphalt paved road maintained by State	3

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Point Criteria Item (not cumulative per criteria or sub-criteria)		Points
	d. Classification of external road network	
	Internal project roadways connect to Arterial classified road	0
	Internal project roadways connect to Collector classified road	1
	Internal project roadways connect to local classified road	2
5	Access and utilization of central water and sewer	
	a. Central water	
	No central water systems provided	0
	Private central water system provided but does not meet fire flow requirements	1
	Private central water system meeting fire flow requirements provided	2
	Public central water system provided but does not meet fire flow requirements	3
	Public central water system meeting fire flow requirements provided	4
	b. Central sewer	
	Septic tanks with no centralized sewer systems of any type provided	0
	Septic tanks with centralized effluent treatment system	1
	Private central sewer system provided by package treatment plant	1
	Private central sewer system provided by full scale sewer plant	3
Public central sewer system provided by full scale sewer plant	5	
6	Proximity to schools	
	a. Elementary School	
	No elementary school within two (2) miles	0
	Elementary school within two (2) miles	1
	b. Middle School	
	No middle school within five (5)miles	0
	Middle school within five (5) miles	1
	c. High School	
	No high school within ten (10) miles	0
High school within ten (10) miles	1	
7	Reservation of natural open space	
	a. Extent of Reservation	
	Reservation of 60% of gross land area (minimum required)	0
	Reservation exceeding 70% of gross land area	3
	Reservation exceeding 80% of gross land area	6
	b. Type of Reservation	
	Reservation limited solely by plat designation	0
	Reservation limited by plat designation and conservation easement to Marion County	1
	Reservation limited by conservation easement to Marion County with fee title conveyance to HOA for management	2
	8	Provision of low and moderate income housing (up to a maximum of 10 points)
	a. Moderate income housing	
	For each moderate income housing unit provided	1
	b. Low income housing	
For each low income housing unit provided	2	

(d) Credit calculation example.

1. Standard density is 1 dwelling unit/10 acres.
2. Points achieved is 35, which becomes the percent bonus – 0.35.



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3. Adjusted density including bonus is 1.35 dwelling units/10 acres, or 1 dwelling unit/7.4 acres.

### (2) Hamlet Subdivision Option

#### (a) Authorization and implementation criteria

1. A hamlet subdivision shall be implemented through rezoning of the development site to A-3 (Agricultural Residential Estate) and obtaining a concurrent Special Use Permit as provided in Articles 2 and 4.
2. Creation of a hamlet shall be conducted through the subdivision processes as provided in Article 2, Divisions 13–15, upon completion of the rezoning and Special Use Permit process in Item (a).
3. No hamlet may be created within the Farmland Preservation Area (Sending Area) as shown on Marion County Comprehensive Plan Future Land Use Map Series Map 13, Transfer of Rights.

#### (b) The following provisions shall apply for the implementation of hamlet development projects:

##### 1. Size and phasing

- a. An individual hamlet shall include a minimum of forty (40) acres up to one hundred fifty-nine (159) acres.
- b. Authorization to create one or more hamlet projects as a coordinated and contiguous multiple phase project may be authorized subject to the following:
  1. A multiple phase plan shall be submitted as part of the authorization and approval process in Item (a), and
  2. Each phase shall comply with the design and development provisions for hamlets so that each hamlet functionally “stands-alone” and standards for compliance for one phase are not dependent upon another phase to be satisfied.

2. A maximum of 150 lots per year will be allotted for use in development projects utilizing the hamlet option.

3. Criteria used to review the Special Use Permit application for a hamlet development proposal shall include, but not be limited to, the following:

- a. Compatibility with and size of adjacent parcels.
- b. Proximity to commercial services.
- c. Proximity to emergency services.
- d. Vehicular access to arterial, collector and local roads.
- e. Traffic volume on potentially impacted roadways.
- f. Proximity to central water and sewer facilities.
- g. Extent of contiguous clustering.
- h. Provisions for implementation of farm best management practices

4. In the event a Preliminary Plat is not approved within 12 months of the approval of the Special Use Permit for a Hamlet, or if an approved Preliminary Plat expires prior to approval of the Final Plat, the Special Use Permit shall be void and use of the property shall be limited to those allowed under the A-3 zoning classification.

#### (c) The following design standards shall be satisfied for all hamlets:

1. All developable parcels in a hamlet shall have frontage upon and access to paved roads.
2. All hamlets shall provide natural open space consistent with the following provisions:

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- a. A hamlet development is required to cluster residential development on a maximum 40 percent of the gross land area and to protect a minimum of 60 percent of the gross land area as natural open space.
  - b. The natural open space shall comply with the natural open space criteria listed in **Section 6.4.#.**
  3. The net buildable area shall be reasonably compact, clustered and sited in the same general location of the land area. Deviation from the reasonably compact requirement shall be allowed only when necessary for the protection of environmentally sensitive lands and locally significant resources.
- (d) Hamlet options, densities and special design criteria:
1. Option 1.
    - a. The density shall not exceed one (1) dwelling unit per five (5) gross acres, wherein each lot or tract created must be a minimum of five (5) gross acres in size.
    - b. Water and sewer service shall be provided consistent with the provisions of **Article 7.**
    - c. A permanent fire protection water supply(s) shall be provided by one of the following methods consistent with **Article 7.**
      1. Fire flow and hydrants provided by the central water system, or
      2. Ground or surface storage tanks, including providing a fire hydrant/supply connection(s), consistent with the provisions of **Article 7.**
  2. Option 2.
    - a. The density shall not exceed one (1) dwelling unit per each 3.5 acres (calculated on the gross acreage).
    - b. The natural open space shall be delineated as a separate tract from the individual developable parcels and shall remain under the ownership of the developer, home or property owner's association, or conveyed as an undivided interest to the owners of developable land within the hamlet.
    - c. All development within the hamlet shall be connected to a central water system.
    - d. A permanent fire protection water supply(s) shall be provided by one of the following methods consistent with **Article 7.**
      1. Fire flow and hydrants provided by the central water system, or
      2. Ground or surface storage tanks, including providing a fire hydrant/supply connection(s), consistent with the provisions of **Article 7.**
    - e. Sanitary sewer service shall be provided as required in **Article 7**; however the connection distance measurement used in determining if connection to a central sewer system is required shall be measured from the hamlet's gross land area boundary to the nearest connection point, and not the developable area or area where the hamlet improvements are located.
- B. Development using more than one of the above density bonus design programs is prohibited.
- C. Properties resulting from the use of a density bonus program shall not be eligible for additional bonus densities, under other programs or development options, including, but not limited to, family/guest cottages.

### Sec. 3.3.4 Rural Village District.

Rural Village Districts (RVDs) are intended to provide for clustered mixed-use development in the Rural Lands in a manner which preserves natural open space including environmentally sensitive

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lands, and agricultural uses, establish a compact and clustered internally oriented non-automotive dependent community along the lines of "neo-traditional neighborhood design" concepts, and provide a physical and economic focal point for the surrounding Rural Lands, and discourage and prevent urban sprawl.

- A. Authorization and implementation criteria
  - (1) Each RVD shall be implemented and developed through a single coordinated Planned Unit Development (PUD) application and supporting Master Plan as provided in **Articles 2 and 4.**
  - (2) The RVD PUD shall encompass the aggregate acreage of the respective RVD and provide for a coordinated and continuous plan of development throughout the RVD.
  - (3) The RVD PUD shall analyze and demonstrate the following:
    - (a) The compatibility of the RVD with adjacent rural or agricultural uses, if any, and
    - (b) The impact, if any, on environmentally sensitive land.
- B. RVD options, natural open space, buildable area and gross density.
  - (1) RVDs shall comply with the development standards listed in Table 3.3.4-1 below:

**Table 3.3.4-1: Rural Village District Open Space, Buildable Area and Density Standards**

RVD Option	Minimum Natural Open Space	Maximum Buildable Area	Gross Maximum Density for all Residential Land Uses
1	80%	20%	1 dwelling unit per 5 acres
2	60%	40%	1 dwelling unit per acre

- (2) The gross maximum density for all residential land uses for the RVD shall be calculated on the gross acreage of the RVD. The resulting residential dwelling units shall then be allocated to the applicable residential land use areas as authorized for the RVD consistent with Item C.
- (3) Full build-out of the gross maximum density is not required; however RVDs are not eligible for bonus densities. Additional residential units above the gross maximum density may only be provided as a function of the commercial/residential and workplace land use types as provided in this Section.
- C. RVD buildable area land use types, standards, and intensities:
  - (1) Land use types
    - (a) RVD Residential: Land designated for residential unit development for single-family detached and attached housing, or multi-family housing consistent with the following densities:
      - 1. RVD-Low Density Residential: less than two dwelling units per net acre.
      - 2. RVD-Medium Density Residential: 2.1 to 5 dwelling units per net acre.
      - 3. RVD-High Density Residential: 5.1 to 10 dwelling units per net acre.
    - (b) RVD-Public: Land designated for public use shall contain community areas generally available and open to the public for gatherings and available for passive or active recreation purposes such as improved open space, parks, squares, and trails. Public land use areas may include open squares or other similarly designed open-air venues or areas incorporating furniture or amenities designed to accommodate the general public for outdoor dining space.
    - (c) RVD-Civic: Land designated for civic use shall contain public buildings or community facilities such as meeting halls, libraries, post offices, schools, child care centers, club houses, religious buildings, recreational facilities, museums, cultural societies, visual and

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performing arts buildings, utility facilities, and municipal buildings.

- (d) RVD-Commercial/Residential: Land designated for commercial retail and office uses, that include residential accommodations and/or units, such as retail, restaurant, club, corporate office, medical, entertainment, lodging, artisan, and residential. The residential units provided are eligible for any residential occupancy and not limited to accessory occupancy from the commercial land use, and the residential units provided are in addition to those residential units provided in the RVD-Low, RVD-Medium, and RVD-High land use areas.
  - (e) RVD-Workplace: Land designated for commercial and industrial uses, which are not required to provide for residential accommodations and/or units, such as corporate offices, light industry, artisan, warehousing, and automotive related businesses. The provision of residential units for workplace areas is not required or prohibited; however residential units may be provided in the workplace land use consistent with this Section, and any of the residential units provided are in addition to those residential units provided in the RVD-Low, RVD-Medium, and RVD-High land use areas.
- (2) RVD land uses types shall be provided within the RVD’s buildable area consistent with the following:

**Table 3.3.4-2: RVD Land Use Mix Standards**

RVD Land Use	Percentage of Buildable Area			
	Village Option 1		Village Option 2	
	Minimum	Maximum	Minimum	Maximum
RVD-Public	5	---	5	---
RVD-Civic	5	---	5	---
RVD-Low Density Residential	---	80	0	40
RVD-Medium Density Residential	N/P	N/P	20	60
RVD-High Density Residential	N/P	N/P	20	60
RVD-Commercial/Residential	2	30	2	30
RVD-Workplace	2	3	2	30

N/P = Not permitted.

- (3) Maximum Development Intensity
  - (a) RVD residential land uses
    - 1. Residential densities within each individual RVD residential land uses area, as listed in **Section 3.3.4.B(1)**, shall comply with the maximum density of that respective RVD land use.
    - 2. In aggregate, the total residential development of all the RVD residential land use areas shall not exceed the RVD Gross Maximum Density listed in **Section 3.3.4.B, Table 3.3.4-1**.
  - (b) Public land use
    - a. For projects providing a cumulative total of public land use areas less than or equal to five percent of the RVD buildable area, the maximum impervious surface area ratio shall be 0.35.
    - b. For projects providing a cumulative total of public land use areas exceeding five percent of the RVD buildable area, the maximum impervious surface area ratio shall be 0.70.

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- (c) Civic land use
  - 1. For projects providing a cumulative total of civic land use areas less than or equal to five percent of the RVD buildable area, the maximum floor area ratio shall be 0.35.
  - 2. For projects providing a cumulative total of civic land use areas exceeding five percent of the RVD buildable area, the maximum floor area ratio shall be 0.70.
- (d) Commercial/Residential land use
  - 1. The commercial/residential land use maximum floor area ratio shall be calculated based on the commercial component of the land use. Residential floor area shall be provided as listed, but shall not be calculated as part of the commercial floor area ratio, and shall be in addition to the commercial floor area.
  - 2. Commercial floor area ratios
    - a. For projects providing a cumulative total of commercial/residential land use areas less than or equal to five percent of the RVD buildable area, the maximum commercial floor area ratio shall be 0.30.
    - b. For projects providing a cumulative total of commercial/residential land use areas exceeding five percent of the RVD buildable area, the maximum commercial floor area ratio shall be 0.70.
  - 3. Residential square footage
    - a. A minimum of 25 percent of the overall building square footage, excluding square footage dedicated to parking garage space, shall be dedicated to residential use.
    - b. A maximum of 50 percent of the overall building square footage, excluding square footage dedicated to parking garage space, may be dedicated to residential use.
    - c. The residential square footage shall be provided as part of the same overall building as the commercial square footage. The RVD PUD Master Plan may allow for single-use buildings within an individual lot/tract/parcel within the RVD commercial/residential provided a minimum of one on-site building within the same lot/tract/parcel will include both commercial and residential square footage; however such a site shall be maintained and operated as a single lot/tract/parcel.
    - d. The rate of division or separation of the residential floor area into respective residential units shall be at the discretion of the Developer; however each residential unit provided shall be a complete stand-alone unit, including full kitchen and bathroom facilities, a minimum of 500 square feet in size.
    - e. The provision of residential units within commercial/residential land use areas is permitted and revisions or increases in the number of residential units provided shall not require revised or updated UND PUD Master Plan approval, subject to consistency with the other design standards previously listed.
    - f. In aggregate, the total residential development of the commercial/residential land use shall not be required to be counted as part of the RVD's gross residential development as listed in **Section 3.3.4.(B) Table 3.3.4-1.**
- (e) Workplace land use
  - 1. The workplace land use maximum floor area ratio shall be calculated based solely on the non-residential workplace component of the land use. Residential floor area may be provided, but shall not be calculated as part of the workplace floor area ratio, and shall be in addition to the non-residential workplace floor area.
  - 2. For projects providing workplace land use areas less than or equal to five percent of the RVD buildable area, the maximum non-residential floor area ratio shall be 0.30.

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3. For projects providing workplace land use areas exceeding five percent of the RVD buildable area, the maximum non-residential floor area ratio shall be 0.70.
4. Each residential unit provided shall be a complete stand-alone unit, including full kitchen and bathroom facilities, a minimum of 500 square feet in size.
5. Residential units may be provided as part of the workplace land use provided the residential units are part of the same overall building(s). The number of residential units is not limited; however, the number of residential units eligible for development within the workplace land use shall be based on the acquisition and use/redemption of Transfer of Development Rights credits created and available through Marion County's Transfer of Development Rights Program as provided in [Section 3.4.1](#). The provision of TDC based residential units within workplace land use areas shall be permitted without requiring revised or updated UND PUD Master Plan approval for the addition of TDC based residential units, provided the ability to use TDCs for the UND residential land use areas was declared in the effective RVD PUD Master Plan.
6. The residential square footage of the residential units shall be provided as part of the same overall building as the workplace square footage; however the residential square footage shall not included in the non-residential floor area ratio calculations. The RVD PUD Master Plan may allow for single-use buildings within an individual lot/tract/parcel within the RVD workplace provided a minimum of one on-site building within the same lot/tract/parcel will include both commercial and residential square footage; however such a site shall be maintained and operated as a single lot/tract/parcel.

### D. Design Standards

- (1) Affordable housing shall be provided within the RVD as follows:
  - (a) Twenty percent of the residential units within an RVD shall be affordable to low income households as defined by the State of Florida's and Marion County's annually established income thresholds as applied through Marion County's State Housing Initiatives Partnership (SHIP) and/or Community Development Block Grant (CDBG) Programs.
  - (b) The twenty percent shall be calculated based on the aggregate total of residential units provided in the residential land use areas (RVD-Low, RVD-Medium, and RVD-High, as applicable). Residential units within the commercial/residential or Workplace land uses shall not be part of the aggregate total used to determine the number of low income affordable housing units required; however, residential units provided in the commercial/residential and workplace land uses may be used to satisfy all or a portion of the low income housing requirement.
  - (c) The residential units established and provided to satisfy the low income housing requirement shall be maintained as low income housing units consist with the standards of the Marion County SHIP and/or CDBG Programs, including incorporating the residential units into the Program's administration and maintenance management systems.
  - (d) In the event the RVD PUD Master Plan establishes that the RVD's required affordable housing will be provided by all or a portion of the commercial/residential and/or workplace land use development, a recorded Developer's Agreement shall be provided to specifying and establish the minimum number of required affordable housing units for those land uses so as to clearly establish the obligation for provision of affordable housing for the respective sites.
  - (e) A RVD project proposed as a time-share condominium may be exempted from this affordable housing requirement, provided the declaration of time-share is made with the filing of the RVD PUD Master Plan and all necessary filings with the State of Florida to establish the time-share operation are filed prior to or concurrent with the filing and

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recording of the RVD PUD Final Plat. In the event the filing to establish the time-share operation are not completed or abandoned by the applicant, the RVD project may not proceed to filing and recording of the Final Plat without complying with the affordable housing requirement as listed previously, up to and including obtaining a revised RVD PUD Master Plan approval consistent with **Article 4.???** (PUD Amendment through BCC)

- (2) Natural open space
  - (a) The minimum natural open space shall be provided within the RVD consistent with **Section 3.3.4.b(1) Table 3.3.4-1.**
  - (b) The natural open space shall comply with the natural open space criteria listed in **section 6.4.#.**
- (3) Development form.
  - (a) The buildable area shall be compact and clustered to provide a contiguous development pattern within the RVD. Deviation from the reasonably compact requirement shall be allowed only when necessary for the protection of environmentally sensitive lands and locally significant resources.
  - (b) The RVD shall reflect a compact centralized design providing a walk-able, non-automotive dependent environment within the RVD, including facilities such as pedestrian, bicycle, golf cart, and equestrian facilities.
  - (c) All development within an RVD shall be fully served by central water and central sewer service. The use of septic tanks is prohibited on a temporary or permanent basis.
  - (d) Residential land use development
    - 1. Residential areas may consist of a variety of residential unit or housing types.
    - 2. Residential areas may be provided in neighborhoods with the residential areas or neighborhoods focused around common public or civic land uses; such public or civic uses should serve to provide focus for and reinforce the identity of the surrounding neighborhood(s).
  - (e) Public and civic land use development.
    - 1. Public and civic land uses should be located along streets and visually apparent to surrounding areas, except to screen loading/unloading and refuse collection areas.
    - 2. The placement of buildings in the residential, commercial/residential and workplace land uses should generally surround the public and civic land uses wherein visual connectivity with the public and civic spaces is encouraged and maintained.
    - 3. The RVD PUD application shall specify the methods of ownership and maintenance of the public and civic land uses. The focus of the RVD is for such facilities to be owned and operated by the RVD community; however, such facilities may be conveyed to governmental organizations and/or to quasi—governmental/special district operations upon approval by the Board.
  - (f) Commercial/residential and workplace land use development
    - 1. Commercial/residential uses shall be centrally located within and generally surrounded by the RVD buildable area to provide a focus and town/village center effect for the surrounding RVD buildable area.
    - 2. Workplace uses within the RVD buildable area may extend to the RVD buildable area perimeter; however the perimeter distance exposure of the workplace uses shall not exceed 20 percent of the RVD buildable area perimeter.

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3. Neither commercial/residential or workplace land uses shall be located on the gross perimeter of the overall RVD development; however, in the event a new public Marion County Functional Classification roadway network connection or Section/Quarter-Section Line collector roadway system is created and provided by the RVD development through the RVD buildable area, the commercial/residential and workplace land uses may front on the newly created roadway(s) within the RVD buildable area.
  4. Commercial/residential and workplace land use development shall be provided in a form which promotes visual connectivity to street/sidewalk activities, particularly for ground level areas. Outdoor shopping and dining spaces are encouraged, especially providing them as open-air canopy or colonnade covered “front porch/yard” facilities contributing to a pedestrian environment providing all weather cover.
- (g) Streets and parking
1. The RVD PUD application will provide operating classifications for all roadways created within the RVD. All roadways within an RVD may be used to provide on-street parking, except for roadways which will extend, complete, or connect the Marion County Functional Classification roadway system or Section/Quarter-Section Line collector roadway system; however, such a roadway which is wholly internal to the RVD buildable area may be proposed to allow on-street parking as part of the RVD PUD application process and subject to the final RVD PUD application approval. Reductions in the number of parking spaces are encouraged such as using shared and coordinated parking, and providing for multi-modal access within the RVD.
  2. On-street parking directly fronting a lot/tract/parcel may be counted toward fulfilling the parking requirement of the fronting use, regardless of the use; however such on-street parking may not be credited to more than one use except when shared parking systems are approved.
  3. Parking lots and/or parking garages.
    - a. Parking lots shall provide parking spaces equal to or less than the number of required parking spaces based on the site use(s). When parking spaces will exceed the number of required parking spaces, all excess parking must occur within a multi-story parking garage, which may be a stand-alone structure or be integrated into the respective building generating the parking need.
    - b. Parking lots/garages shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by year-round opaque materials.
    - c. Parking lots/garages shall not abut more than one street intersection or occupy any lot which terminates a street vista; however the RVD PUD application may propose a “community” parking garage that serves multiple/surrounding sites which encompasses all or a portion of a lot/tract/parcel; however mechanisms must be established to ensure ownership and maintenance of the garage by the surrounding property owners allotted space within the garage.
    - d. Parking garage square footage is exempt from inclusion when determining floor area ratios for commercial/residential or workplace land uses; however the parking garage square footage may not be used for non-vehicle parking such as storage or other uses either permanently or temporarily.
  4. Parallel, interconnected, and/or alternative access for parking lots and/or parking garages is required in order to enhance opportunities for vehicle circulation and providing access management, especially in coordination with pedestrian and non-automotive access activities.



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## Sec. 3.3.5 Rural Town.

Rural Towns (RTs) provide an opportunity to create a new and independent mixed-use community/town within the Rural Land which does not create or establish dependency on existing or new Urban Areas or rural communities, while providing a compact and clustered internally oriented non-automotive dependent community along the lines of “neo-traditional neighborhood design”.

### A. Authorization and implementation criteria

- (1) Each RT shall be implemented and developed through a single coordinated Planning Unit Development (PUD) application and supporting Master Plan as provided in **Articles 2 and 4**.
- (2) The RT PUD shall encompass the aggregate acreage of the respective RT and provide for a coordinated and continuous plan of development throughout the RT.
- (3) The RT PUD shall demonstrate it complies with all terms and conditions of the applicable and corresponding Development of Regional Impact/Florida Quality Development Development Order and its included Master Plan Map “H”.
- (4) The RT PUD Master Plan shall analyze and demonstrate and demonstrate the following:
  - (a) The compatibility of the RT with adjacent rural or agricultural uses, in any, and
  - (b) The impact, if any, on environmentally sensitive land.

### B. RT types, natural open space, buildable area, and gross density.

- (1) RTs shall comply with the development standards listed in Table 3.3.5-1 below:

**Table 3.3.5-1: Rural Town Open Space, Buildable Area and Density Standards**

RT Type	Minimum Natural Open Space	Maximum Buildable Area	Gross Maximum Residential Density
DRI	65%	35%	2 dwelling units per acre
FQD	55%	45%	3 dwelling units per acre

- (2) The gross maximum density for the RT shall be calculated on the gross acreage of RT.
- (3) Full build-out of the gross maximum density is not required; however RTs are not eligible for bonus densities.

### C. Rural Town Design Standards

- (1) Affordable housing shall be provided within the RT as follows:
  - (a) Twenty percent of the residential units shall be affordable to moderate or low income households as defined by the State of Florida’s and Marion County’s annually established income thresholds as applied through Marion County’s State Housing Initiatives Partnership (SHIP) and/or Community Development Block Grant (CDBG) Programs.
  - (b) The twenty percent shall be calculated based on the aggregate total of residential units provided.
  - (c) The residential units established and provided to satisfy the low or moderate income housing requirement shall be maintained as such affordable housing units consist with the standards of the Marion County SHIP and/or CDBG Programs, including incorporating the residential units into the Program’s administration and maintenance management systems.
- (2) Natural open space
  - (a) The minimum natural open space shall be provided within the RVD consistent with **Section 3.3.5.B(1) Table 3.3.5-1**.

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- (b) The natural open space shall comply with the natural open space criteria listed in **Section 6.4.#.**
- (3) Development Form
  - (a) The design shall be consistent with a compact mixed-use type development. The RT buildable area shall be compact and clustered to provide a contiguous development pattern within the RT. Deviation from the reasonably compact requirement shall be allowed only when necessary for the protection of environmentally sensitive lands and locally significant resources.
  - (b) Residential densities shall be linked to a pedestrian-oriented town center, with the higher density development generally occurring in the core of the town center.
  - (c) Pedestrian, bicycle, and other multi-modal forms of access shall be provided to link the various elements of the RT together, and provide for access to areas outside the RT when suitable.
  - (d) Project design shall include a mix of development that potentially meets 100 percent of the neighborhood and public shopping needs and 50 percent of the employment needs for the residents.
  - (e) The land use mix shall complement the single use developments that already exist in the area of the RT.
  - (f) All development within the RT shall be served by central water and central sewer service. The use of septic tanks is prohibited on a temporary or permanent basis.
  - (g) The RT development shall bear all costs for the extension of services and facilities needed to serve the development.
  - (h) Financial assurances that the level of service for any county or state infrastructure facility will not be lowered by the proposed rural town development below the adopted level of service (LOS) standard are to be provided in order to secure project approval.
  - (i) Streets and parking
    - 1. The RT PUD will provide operating classifications for all roadways created within the RT. All roadways within an RT may be used to provide on-street parking, except for roadways which will extend, complete, or connect the Marion County Functional Classification roadway system or Section/Quarter-Section Line collector roadway system; however, such a roadway which is wholly internal to the RT may be proposed to allow on-street parking as part of the RT PUD consideration and review process and subject to the RT PUD approval. Reductions in the number of parking spaces are encouraged such as using shared and coordinated parking, and providing for multi-modal access within the RT.
    - 2. On-street parking directly fronting a lot/tract/parcel may be counted toward fulfilling the parking requirement of the fronting use, regardless of the use; however such on-street parking may not be credited to more than one use except when shared parking systems are approved.
    - 3. Parking lots and/or parking garages.
      - a. Parking lots shall provide parking spaces equal to or less than the number of required parking spaces based on the site use(s). When parking spaces will exceed the number of required parking spaces, all excess parking must occur within a multi-story parking garage, which may be a stand-alone structure or be integrated into the respective building generating the parking need.
      - b. Parking lots/garages shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by year-round opaque materials.

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- c. Parking lots/garages shall not abut more than one street intersection or occupy any lot which terminates a street vista; however the RVD PUD application may propose a "community" parking garage that serves multiple/surrounding sites which encompasses all or a portion of a lot/tract/parcel; however mechanisms must be established to ensure ownership and maintenance of the garage by the surrounding property owners allotted space within the garage.
  - d. Parking garage square footage is exempt from inclusion when determining floor area ratios for commercial/residential or workplace land uses; however the parking garage square footage may not be used for non-vehicle parking such as storage or other uses either permanently or temporarily.
4. Parallel, interconnected, and/or alternative access for parking lots and/or parking structures/garages is required in order to enhance opportunities for vehicle circulation and providing access management, especially in coordination with pedestrian and non-automotive access activities.
- (4) Development Timing and Phasing
- (a) Project design shall include development that potentially meets 100 percent of the neighborhood and public shopping needs and 50 percent of the employment needs for the residents must be included.
  - (b) Each building phase of the rural town is to include a balance of residential and non-residential uses, such as commercial uses, so that the proposed rural town develops and retains the characteristics of a mixed-use development. The rural town must provide for public facilities and institutional uses such as cultural and religious facilities, and active and passive recreational facilities, as needed by the residents of the proposed rural town.

### Sec. 3.3.6 Urban Neighborhood District.

Urban Neighborhood Districts (UNDs) are intended to provide for a mixed-use development which is a compact, internally oriented, non-automotive dependent community along the lines of "neo-traditional neighborhood design" concept while integrating the UND within the surrounding and adjoining Urban Areas as a physical and economic focal point for the surrounding urban area. The preservation of environmentally sensitive lands as open space is to enhance the design form, economic, and social functions of the UND by providing areas for habitat preservation, passive and active recreational opportunities, and access to nature.

- A. Authorization and implementation criteria
- (1) Each UND shall be implemented and developed through a single coordinated Planned Unit Development (PUD) application and supporting Master Plan as provided in Articles 2 and 4.
  - (2) The UND PUD shall encompass the aggregate acreage of the respective UND and provide for a coordinated and continuous plan of development throughout the UND.
  - (3) The UND PUD shall analyze and demonstrate the following:
    - (a) The compatibility of the UND with adjacent uses, if any, and
    - (b) The impact, if any, on environmentally sensitive land.
- B. UND buildable area land use types, standards, and intensities:
- (1) Land uses
    - (a) Residential:
      - 1. UND-Low Density Residential: less than one dwelling unit per net acre.
      - 2. UND-Medium Density Residential: 1.1 to 4 dwelling units per net acre.
      - 3. UND-High Density Residential: 4.1 to 8 dwelling units per net acre.

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- (b) **UND-Public:** Land designated for public use shall contain community areas generally available and open to the public for gatherings and available for passive or active recreation purposes such as improved open space, parks, squares, trails. Public land use areas may include open squares or other similarly designed open-air venues or areas incorporating furniture or amenities designed to accommodate the general public for outdoor dining space.
  - (c) **UND-Civic:** Land designated for civic use shall contain public buildings including meeting halls, libraries, post offices, schools, child care centers, club houses, religious buildings, recreational facilities, museums, cultural societies, visual and performing arts buildings, municipal buildings.
  - (d) **UND-Commercial/Residential:** Land designated for commercial retail and office uses that include residential accommodations and/or units, such as retail, restaurant, club, corporate office, medical, entertainment, lodging, artisan, and residential. The residential units provided are eligible for any residential occupancy and not limited to accessory occupancy from the commercial land use, and the residential units provided are in addition to those residential units provided in the UND-Low, UND-Medium and UND-High land use areas.
  - (e) **UND-Workplace:** Land designated for commercial and industrial uses which are not required to provide for residential accommodations and/or units, such as corporate offices, light industry, artisan, warehousing, and automotive related businesses. The provision of residential units for workplace areas is not required or prohibited; however residential units may be provided in the workplace land use consistent with this Section, and any of the residential units provided are in addition to those residential units provided in the UND-Low, UND-Medium, and UND-High land use areas.
- (2) UND land uses types shall be provided within the UND consistent with the following:

**Table 3.3.6-1: UND Land Use Mix Standards**

UND Land Use Area	Minimum %	Maximum %	Minimum Development Intensity	Maximum Development Intensity
UND-Public	15	---	---	---
UND-Civic	5	---	---	---
UND-Low Density Residential	0	36	1du/3 ac	1 du/ac
UND-Medium Density Residential	20	60	2 du/ac	4 du/ac
UND-High Density Residential	20	60	5 du/ac	8 du/ac
UND-Commercial/Residential	2	30		
UND-Workplace	2	30		

- (3) **Maximum Development Intensity**
  - (a) **Residential land uses**
    - 1. Residential densities within each individual UND residential land uses area, as listed in **Section 3.3.6.B (1)(a)**, shall comply with the minimum and maximum densities of that respective UND residential land use.
    - 2. Additional residential units may be added to each residential land use area based on the acquisition and use/redemption of Transfer of Development Credits (TDCs) created and available through Marion County’s Transfer of Development Rights Program as provided in **Section 3.4.1**. The use of TDCs may increase a residential land use area’s gross density

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by up to, but not more than, 2 du/ac above that land use standard maximum density. Such an increase in density shall be permitted without requiring revised or updated UND PUD Master Plan approval for the addition of TDC based residential units in a UND residential land use area, provided the ability to use TDCs for the UND residential land use areas was declared in the effective UND PUD Master Plan.

### (b) Public land use

1. Public land use areas are intended to remain visually open areas providing public gathering space; accessory supporting facilities such as restrooms, outdoor stages, viewing stands, and concessions may be provided. Such accessory supporting facilities shall comply with the following impervious surface area ratio standards:
  - a. For projects providing gross public land use areas less than or equal to 20 percent of the UND, the maximum impervious surface area ratio shall be 0.60.
  - b. For projects providing gross public land use areas exceeding 20 percent of the UND, the maximum impervious surface area ratio shall be 0.80.
  - c. For projects which preserve and maintain environmentally sensitive lands as open space in one or more public land use areas, the following will apply:
    1. The maximum impervious surface amount of the gross public land use areas shall be calculated in aggregate among all public use areas.
    2. The commercial/residential and workplace land use floor area ratios listed in this Section may be increased by up to an additional 0.20 FAR as part of the UND PUD Master Plan review and approval.

### (c) Civic land use

1. For projects providing civic land use areas less than or equal to five percent of the UND, the maximum floor area ratio shall be 0.45.
2. For projects providing civic land use areas exceeding five percent of the UND, the maximum floor area ratio shall be 0.80.

### (d) Commercial/Residential land use

1. The commercial/residential land use maximum floor area ratio shall be calculated based on the commercial component of the land use. Residential floor area shall be provided as listed, but shall not be calculated as part of the commercial floor area ratio.
2. Commercial floor area ratios
  - a. For projects providing commercial/residential land use areas less than or equal to five percent of the UND, the maximum commercial floor area ratio shall be 0.35.
  - b. For projects providing commercial/residential land use areas exceeding five percent, but less than or equal to 10 percent of the UND, the maximum commercial floor area ratio shall be 0.50.
  - c. For projects providing commercial/residential land use areas exceeding 10 percent of the UND, the maximum commercial floor area ratio shall be 0.70.
3. Residential square footage
  - a. A minimum of 25 percent of the overall building square footage, excluding square footage dedicated to parking garage space, shall be dedicated to residential use.
  - b. A maximum of 50 percent of the overall building square footage, excluding square footage dedicated to parking garage space, may be dedicated to residential use.

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- c. The residential square footage shall be provided as part of the same overall building as the commercial square footage. The UND PUD Master Plan may allow for single-use buildings within an individual lot/tract/parcel within the RVD commercial/residential provided a minimum of one on-site building within the same lot/tract/parcel will include both commercial and residential square footage; however such a site shall be maintained and operated as a single lot/tract/parcel.
  - d. The rate of division or separation of the residential floor area into respective residential units shall be at the discretion of the Developer; however each residential unit provided shall be a complete stand-alone unit, including full kitchen and bathroom facilities, a minimum of 500 square feet in size.
  - e. The provision of residential units within commercial/residential land use areas is permitted and revisions or increases in the number of residential units provided shall not require revised or updated UND PUD Master Plan approval, subject to consistency with the other design standards previously listed.
- (e) Workplace land use
- 1. The workplace land use maximum floor area ratio shall be calculated based solely on the non-residential workplace component of the land use. Residential floor area may be provided as listed, but shall not be calculated as part of the workplace floor area ratio.
  - 2. Non-residential workplace floor area ratios
    - a. For projects providing workplace land use areas less than or equal to five percent of the UND, the maximum floor area ratio shall be 0.30.
    - b. For projects providing workplace land use areas exceeding five percent of the UND, the maximum non-residential floor area ratio shall be 0.70.
    - c. For projects providing workplace land use areas exceeding 10 percent of the UND, the maximum non-residential floor area ratio shall be 1.00.
  - 3. Residential square footage
    - a. Residential units may be provided as part of the workplace land use provided the residential units are part of the same overall building(s).
    - b. Each residential unit provided shall be a complete stand-alone unit, including full kitchen and bathroom facilities, a minimum of 500 square feet in size.
    - c. The number of residential units which may be provided is not limited; however, the number of residential units eligible for development within the workplace land use shall be based on the acquisition and use/redemption of Transfer of Development Rights Credits created and available through Marion County's Transfer of Development Rights Program as provided in [Section 3.4.1](#). The provision of TDC based residential units within workplace land use areas shall be permitted without requiring revised or updated UND PUD Master Plan approval for the addition of TDC based residential units, provided the ability to use TDCs for the UND residential land use areas was declared in the effective UND PUD Master Plan.
- C. Design Standards
- (1) Environmentally sensitive lands located on-site should be preserved and incorporated in to the UND development by including such lands within public or civic land uses or as unique characteristics or focal areas for other UND land uses.

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- (2) Development Form.
- (a) The UND development shall be compact and provide a contiguous development pattern within the UND. Deviation from the reasonably compact requirement shall be allowed only when necessary for the protection of environmentally sensitive lands and locally significant resources.
  - (b) The UND shall reflect a compact centralized design providing a walk-able, non-automotive dependent environment within the UND including facilities such as pedestrian, bicycle, and transit access.
  - (c) All development within an UND shall be fully served by central water and central sewer service. The use of septic tanks is prohibited on a temporary or permanent basis.
  - (d) Residential development
    1. Residential areas may consist of a variety of residential unit or housing types.
    2. Residential areas may be provided in neighborhoods with the residential areas or units focused around common public or civic land uses; such public or civic uses should serve to provide focus for and reinforce the identity of the surrounding neighborhood(s).
  - (e) Public and civic development.
    1. Public and civic land uses should be located along streets and visually apparent to surrounding areas, except to screen loading/unloading and refuse collection areas.
    2. The placement of other buildings from the residential, commercial/residential and workplace land uses should generally surround the public and civic land uses wherein visual connectivity with the public and civic spaces is encouraged and maintained.
    3. The UND PUD shall specify the methods of ownership and maintenance of the public and civic land uses. The focus of the UND is for such facilities to be owned and operated by the UND community; however, such facilities may be conveyed to governmental organizations and/or to quasi-governmental/special district operations upon approval by the Board.
  - (f) Commercial/Residential and Workplace development
    1. Commercial/residential land uses shall be centrally located within and generally surrounded by the overall UND to provide a focus and town/village center effect for the surrounding UND.
    2. Commercial/residential development should be provided in a form which promotes visual connectivity to street/sidewalk activities, particularly for ground level areas. Outdoor shopping and dining spaces are encouraged, especially providing them as canopy or colonnade covered "front porch/yard" facilities contributing to a pedestrian environment providing all weather cover.
    3. Workplace land use development should be provided in a form which promotes visual connectivity to street/sidewalk activities, particularly for ground level areas, and provides for non-automotive connectivity to the UND town/village center.
    4. Workplace land use development which may attract intense, disturbing or disruptive service and/or delivery traffic from outside the UND should be located readily accessible to the major roadway network within and surrounding the UND as well as be buffered to avoid impacts which may disturb or disrupt the UND town/village center and neighborhoods as well as surrounding areas.

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### (g) Streets and parking

1. The UND PUD will provide operating classifications for all roadways created within the UND. All roadways within a UND may be used to provide on-street parking, except for roadways which will extend, complete, or connect the Marion County Functional Classification roadway system or Section/Quarter-Section collector roadway system; however, such a collector roadway which is wholly internal to the UND may be proposed to allow on-street parking as part of the UND PUD Master Plan consideration and review process. On-street parking directly fronting a lot/tract/parcel may be counted toward fulfilling the parking requirement of the fronting use, regardless of the use.
2. Reductions in the number of parking spaces are encouraged such as by shared and coordinated parking.
3. Parking lots and/or parking garages
  - a. Parking lots shall provide parking spaces equal to or less than the number of required parking spaces based on the site use(s). When parking spaces will exceed the number of required parking spaces, all excess parking must occur within a multi-story parking garage, which may be a stand-alone structure or be integrated into the respective building generating the parking need.
  - b. Parking lots/garages shall generally be located at the rear or at the side of buildings and shall be screened from the sidewalk by year-round opaque materials.
  - c. Parking lots/garages should be strategically located so as to provide walk-able access to surrounding UND development and shall not constitute more than 50 percent of the outer perimeter of the UND.
  - d. Parking garage square footage is exempt from inclusion when determining floor area ratios for commercial/residential or workplace land uses; however the parking garage square footage may not be used for non-vehicle parking such as storage or other uses either permanently or temporarily.
4. Parallel, interconnected, and/or alternative access for parking lots and/or parking garages is required in order to enhance opportunities for vehicle circulation and providing access management, especially in coordination with pedestrian and non-automotive access activities.

### Sec. 3.3.7 Urban Commerce District.

Urban Commerce Districts (UCDs) are intended to provide for a mix of non-residential uses which may be complementary and/or supportive to each other while allowing for the provision of limited residential development in conjunction with commercial uses within the UCD.

#### A. Authorization and implementation criteria

- (1) The implementation and development of a UCD designated site solely for non-residential uses may be implemented by obtaining one or more of the commercial or industrial zoning categories as listed in Article 4.
- (2) The implementation and development of a UCD designated site to include residential use shall be implemented through a single coordinated Planned Unit Development (PUD) application and supporting Master Plan for the proposed project site as provided in **Articles 2 and 4**.
- (3) A UCD PUD shall encompass the aggregate acreage of the respective UCD site and provide for a coordinated and continuous plan of development throughout the UCD site.
- (4) A UCD PUD shall analyze and demonstrate the following:
  - (a) The compatibility of the UCD site with adjacent uses, if any, and
  - (b) The impact, if any, on environmentally sensitive land.



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B. UCD buildable area land use types, standards, and intensities:

(1) Land uses

- (a) Commercial/Residential: Land designated for commercial retail and office uses that include residential accommodations and/or units, such as retail, restaurant, club, corporate office, medical, entertainment, lodging, artisan, commercial trades, transportation, and residential. Residential units provided are eligible for any residential occupancy and not limited to accessory occupancy from the commercial land use.
- (b) Industrial: Land designated for industrial uses such as light and heavy industry, heavy commercial uses accessory to an industrial use within the UCD are permitted, such as transportation operations for a production facility.

(2) UCD land use types and development standards shall be consistent with the following:

**Table 3.3.7-1: UCD Land Use Mix Standards**

UCD Land Use Area	Minimum %	Maximum %	Maximum Floor Area Ratio
Commercial/Residential	0	10	1.0
Commercial	25	100	2.0
Industrial	0	75	0.75

(3) Maximum Development Intensity and design

(a) Commercial/Residential land use

- 1. The commercial/residential land use maximum floor area ratio shall be calculated based on the commercial component of the land use. Residential floor area, if provided, shall not be calculated as part of the commercial floor area ratio.
- 2. The maximum floor area ratio shall be 1.00.
- 3. Residential development density and square footage
  - a. Residential units developed as part of a UCD site shall not exceed a gross maximum density of 8 du/acre.
  - b. Cumulative, not more than 10 percent of the gross UCD land area shall be developed for with residential development.
  - c. Additional residential units may be added based on the acquisition and use/redemption of Transfer of Development Credits (TDCs) created and available through Marion County's Transfer of Development Rights Program as provided in **Section 3.4.1**. The use of TDCs may increase the gross density by up to, but not more than, 2 du/ac above 8 du/acre. Such an increase in density shall be permitted without requiring revised or updated UCD PUD Master Plan approval for the addition of TDC based residential units in a UCD residential land use area, provided the ability to use TDCs for the UCD residential land use areas was declared in the effective UCD PUD.
  - d. The residential square footage shall be provided as part of the same overall building as the commercial square footage. The UCD PUD may allow for single-use buildings within an individual lot/tract/parcel within the UCD commercial/residential land use provided a minimum of one on-site building within the same lot/tract/parcel will include both commercial and residential square footage; however such a site shall be maintained and operated as a single lot/tract/parcel.

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- e. The provision of residential units within commercial/residential land use areas is permitted and revisions or increases in the number of residential units provided shall not require revised or updated UCD PUD approval, subject to consistency with the other design standards previously listed.
- (b) The commercial land use maximum floor area ratio shall be 2.0.
- (c) The industrial land use maximum floor area ratio shall be 0.75.
- (d) Parallel, interconnected, and/or alternative access for parking lots and/or parking garages is required in order to enhance opportunities for vehicle circulation and providing access management, especially in coordination with pedestrian and non-automotive access activities, as well as intensive, heavy truck traffic.

### **Division 4      Transfer of Rights Programs (TRPs)**

#### **Sec. 3.4.1      Purpose and Intent.**

- A. The Marion County TRPs are intended to protect, maintain, and preserve natural resources, environmentally sensitive lands, locally significant natural resources to maintain agricultural and natural open spaces while encouraging opportunities for increased densities to efficiently utilize public facilities and services in compact, contiguous, and when possible mixed-use development patterns.
- B. The TRPs establish Sending and Receiving Areas wherein Transferrable Development Credits (TDCs) may be issued to a property owner, transferred between properties and/or parties, and then subsequently redeemed subject to additional development requirements.
- C. The issuance of TDCs occurs when a Conservation Easement for the sending lands is recorded and a Statement of Issuance for Transferrable Development Credits is issued.
- D. All issuance, transfer, and use/redemption of TDCs requires approval by the Board consistent with the provisions of their respective program.

#### **Sec. 3.4.2      Transfer of Rights Programs descriptions.**

- A. Transfer of Development Rights (TDR) Program is designed to protect natural resources, especially those listed in Policy 1.1.2 of the Conservation Element and locally important and prime farmlands within Marion County. These resources include, but are not limited to, the preservation of high water recharge and underground drainage basins, springs, karst areas, sinkholes, sinks, sinkhole ponds, and other karst features.
- B. Transfer of Vested Rights (TVR) Program is designed to minimize dense development of vested properties without central water, and sewer systems, and/or other supporting infrastructure, and thereby protect natural resources, encourage and enhance the development of larger parcels, reduce the County's inventory of vested properties, and permit the County to better plan for future growth.

#### **Sec. 3.4.3      Applications to obtain Transferrable Development Credits (TDCs)**

- A. An applicant shall apply to the Marion County Growth Services Department, as indicated in Article 2, using the appropriate program application form and owner authorizations.
- B. Upon approval by the Board, a Conservation Easement shall be recorded for the approved area. The Conservation Easement shall comply, at a minimum, with the provisions of **Section 6.7.7** and the following criteria:
  - (1) Prohibit construction of more than one dwelling unit within the Conservation Easement, or no additional dwelling units if the Conservation Easement already has a dwelling unit. In the case of a Conservation Easement created under the Transfer of Vested Rights Program wherein

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individual blocks remain as single contiguous parcels as described in **Section 3.4.4.B (4)**, each resulting parcel/block is eligible for one (1) dwelling unit as provided in this item.

- (2) In the event the Conservation Easement contains more than one (1) dwelling unit, the additional dwelling unit(s) is permitted to remain as a non-conforming use and structure; however it shall not be expanded or increased in size regardless of circumstance.
  - (3) Prohibit non-residential development within the Conservation Easement other than bona fide agriculture-related structures. Human occupancy for residential or non-residential purposes outside the provision of Item (1) above is not permitted unless expressly approved by the Conservation Easement.
  - (4) Prohibit family divisions for residential development within the Conservation Easement.
  - (5) Prohibit family or guest cottage, apartment, or any other residential dwellings within the Conservation Easement.
  - (6) Provide that the owner of the property shall be deemed to have consented to the imposition of assessments on the property in connection with any municipal service taxing unit or municipal service benefits unit.
- C. The Growth Services Department will issue a Statement of Issuance for Transferrable Development Credits to the owner/applicant following recording of the corresponding Conservation Easement.

### **Sec. 3.4.4** Transferrable Development Credits (TDCs) Sending Areas.

- A. Transfer of Development Rights Program
- (1) Location Criteria
    - (a) Lands designated as Rural Lands by Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended which are located within the Farmland Preservation Area shown on Marion County Comprehensive Plan Future Land Use Map Series Map 13, Transfer of Rights; or
    - (b) Lands designated as Rural Lands by Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended, outside the boundaries of the Farmland Preservation Area shown on Marion County Comprehensive Plan Future Land Use Map Series Map 13, Transfer of Rights which demonstrate the presence of, and are accepted by the County as having locally significant resources.
  - (2) Lands already subject to Conservation Easements conveyed to Marion County or other regulatory or private entities, or that have been set aside as natural open space while being used in the calculation of development entitlements for other development options within this Code, shall not be eligible for obtaining TDCs.
  - (3) Lands subject to restricted development conditions due to environmental or jurisdictional regulations may be eligible for obtaining TDCs; however the TDCs may be limited reflecting the limited and/or ineligible development nature of those affected lands.
  - (4) No sending area property shall be less than 30 acres in size and the corresponding Conservation Easement must be a minimum of 30 acres in size.
  - (5) TDCs may be issued to a participating property owner based on a maximum transfer rate of 10 TDCs per each full 10 acres encumbered by the corresponding Conservation Easement. The Board may elect to award TDCs in increments less than 10 TDCs to reflect acreage amounts of less than 10 acres at a maximum ratio of one TDC per acre, provided the Conservation Easement encumbers a minimum of 30 acres plus the additional acreage for which partial TDC credits are awarded. The number of TDCs awarded shall include a deduction for each existing or potential dwelling unit authorized by the Conservation Easement.

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### B. Transfer of Vested Rights Program

- (1) Location Criteria
  - (a) Lands issued Vested Rights pursuant to Objective 1.6 of the Marion County Comprehensive Plan Future Land Use Element and Article 1 of this Code, or
  - (b) Lands identified as a “parcel of record” eligible for the purpose of constructing one single-family residence thereon pursuant to Appendix A, Section 4 of the Marion County Comprehensive Plan Future Land Use Element and Article 4 of this Code which are part of an antiquated subdivision identified by Marion County.
- (2) Marion County’s antiquated subdivisions eligible for obtaining Transferrable Development Credits through the Transfer of Vested Rights Program shall be established by Board resolution. That list shall be maintained by the Growth Services Department.
- (3) Lands identified as not likely to have central water and wastewater service in the most recent Marion County Water and Wastewater Master Plan, or are determined by the County Utility Department as being unlikely to have central water and wastewater service within the next 10 years.
- (4) Lands already subject to Conservation Easements conveyed to Marion County, or other regulatory or private entities, shall not be eligible for obtaining TDCs.
- (5) Lands subject to restricted development conditions due to environmental or jurisdictional regulations not in effect at the time the subject property was established consistent with Section 3.4.4.B(1) may be eligible for obtaining TDCs; however the TDCs may be limited reflecting the limited and/or ineligible development nature of those affected lands.
- (6) Properties resulting following the issuance of the TDCs shall:
  - (a) Be a minimum of 10 contiguous acres of real property.
  - (b) Lots/tracts/parcels separated only by road right-of-way shall be an exception, provided the whole block is combined into a single remaining parcel isolated and surrounded by the road right-of-way; however an applicant may propose elimination of the dividing road right-of-way to result in a larger unified conservation area wherein the road right-of-way acreage is awarded TDCs under the provisions of the Transfer of Development Rights Program provided the final resulting parcels are not less than 10 acres in size.
  - (c) Not create an isolated area or enclave within the same or an adjoining antiquated subdivision.
- (7) TDCs may be issued to a participating property owner based on one TDC for each dwelling unit which is prohibited by the corresponding Conservation Easement. The number of TDCs awarded shall include a deduction for each existing or potential dwelling unit authorized by the Conservation Easement.

### Sec. 3.4.5 Transferrable Development Credits (TDCs) Receiving Areas.

#### A. Transfer of Development Rights Program

TDR TDCs may be transferred to and used on lands identified on Marion County Comprehensive Plan Future Land Use Map Series Map 13, Transfer of Rights, in one of the following receiving categories:

- (1) LEVEL I – The resulting gross density shall not exceed a rate of two dwelling units per acre above the maximum residential land use designation of the development site.
- (2) LEVEL II – The resulting gross density shall not exceed 3 dwelling units per acre.
- (3) LEVEL III – The resulting gross density shall not exceed one dwelling unit per acre.

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- (4) Lands subject to the following land use designations on the Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended, consistent with the provisions applicable to those land use designations and the provisions within this Article:
  - (a) Very Low Density Residential
  - (b) Rural Village District
  - (c) Rural Town
  - (d) Urban Neighborhood District

### B. Transfer of Vested Rights Program

TVR TDCs may be transferred to and used on lands identified on Marion County Comprehensive Plan Future Land Use Map Series Map 13, Transfer of Rights, in one of the following receiving categories:

- (1) LEVEL I – The resulting gross density shall not exceed a rate of one dwelling unit per acre above the maximum residential land use designation of the development site.
- (2) LEVEL II – The resulting gross density shall not exceed one dwelling unit per acre.
- (3) Lands subject to the following land use designations on the Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended, consistent with the provisions applicable to those land use designations and the provisions within this Article:
  - (a) Very Low Density Residential
  - (b) Urban Neighborhood District

### Sec. 3.4.6 Transfers and use/redemption of Transferrable Development Credits (TDCs).

#### A. Transfers of TDCs

An applicant shall apply to the Marion County Growth Services Department, as indicated in Article 2, to convey TDCs between the Grantor and Grantee. The parties shall submit to the appropriate application forms and owner authorizations as indicated in Article 2.

#### B. Use/redemption of TDCs

- (1) Authorization and implementation to use/redeem TDCs shall occur by submitting for review and approval through the Planned Unit Development process as provided in **Articles 2 and 4**.
- (2) The use or redemption of TDCs acquired for a development site is not required and is not subject to a minimum amount of use. In the event a resulting development project does not use all of the TDCs originally acquired, the current holder of the TDCs is eligible to transfer/exchange the unredeemed TDCs.
- (3) The acquisition of TDCs or not using all TDCs acquired does not exempt a development from compliance with any minimum density provisions applicable to the development site due to its corresponding land use designation on the Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended.
- (4) Development projects using/redeeming TDCs shall provide for water and wastewater services consistent with the following:
  - (a) Level I and Level II Areas – all development shall be served by central water and central sewer service.
  - (b) Level III Areas - shall comply with applicable water and sewer service criteria provided within this Code at the time of development approval.

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- (c) Lands subject to the following land use designations on the Marion County Comprehensive Plan Future Land Use Map Series Map 1, Marion County 2035 Future Land Use Map, as amended, shall be developed consistent with the provisions applicable to those land use designations and the provisions within this Article:
  - a. Very Low Density Residential
  - b. Rural Village District
  - c. Rural Town
  - d. Urban Neighborhood District

### Division 5 Comprehensive Plan Amendment Process

#### Sec. 3.5.1 Applicability.

- A. Amendments, modifications, or changes to the Marion County Comprehensive Plan may be initiated in one of two forms:
  - (1) The public may request or propose to amend, modify, or change a component of the adopted Marion County Comprehensive Plan by the filing of the appropriate Comprehensive Plan Amendment Application (CPAA) as provided in **Article 2, Division 3**.
  - (2) The Board may initiate proposals to amend, modify, or change a component of the adopted Marion County Comprehensive Plan. Such Board initiated changes shall not require the filing of a formal CPAA as provided in **Article 2, Division 3**.
- B. The timing for the submission and general processing of all amendments, modifications, or changes to the Marion County Comprehensive Plan shall be established at the determination and discretion of the Board, consistent with the provisions of FS 163.
- C. Any amendment initiated by CPAA or the Board shall be reviewed consistent with the provisions of **Article 2, Division 3**, this Article, the Marion County Comprehensive Plan, and FS 163.

#### Sec. 3.5.2 Growth Services Department staff review and recommendation

- A. For a complete CPAA or a Board initiated amendment which applies to specific real property in order to change that property's land use designation as depicted on the Marion County Future Land Use Map Series Map 1, Marion County 2035 Future Land Use, the Growth Services Department Director may initiate a visit to the amendment site by a Growth Services Department staff member.
- B. The Growth Services Department staff shall review each complete CPAA or Board initiated amendment and prepare a written staff report listing the Department's analysis and recommendation regarding the amendment.
- C. The Department's staff report shall address the amendment's consistency with the Marion County Comprehensive Plan and FS 163.
- D. The completed Department staff report shall be made available to the applicant, site owner if applicable, and public prior to the public hearing(s) regarding the amendment, as provided in **Sections 3.5.4-6**.
- E. In the event the Department does not prepare a written staff report by the date the P&Z has set to officially act on the amendment, the Department shall be deemed to have recommended approval of the amendment. The P&Z shall not be required to make a recommendation on any such application as provided in **Section 3.5.4**.
- F. In the event the Department does not prepare a written staff report by the date the Board has set to officially act on the amendment, the Department shall be deemed to have recommended approval of the amendment. The Board shall not be required to act in the affirmative in regards to the amendment due to the lack of a written staff report and recommendation by the Department as provided in **Sections 3.5.5 and 3.5.6**.

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### Sec. 3.5.3 Public notice for amendments

- A. For all amendments, advertisement and notice of the public hearing(s) for consideration shall be provided consistent with the provisions of FS 163 and 125, in the advertising of an ordinance to consider an amendment to the Marion County Comprehensive Plan.
- B. For CPAAs, submitted by an applicant and not initiated by the Board, which apply to specific real property in order to change that property's land use designation as depicted on the Marion County Future Land Use Map Series Map 1, Marion County 2035 Future Land Use, the following notice requirements shall also be met:
  - (1) Posting of public notice
    - (a) A public notice shall be posted on the property giving the particulars of the proposed amendment and the date, time and place of the public hearing(s).
    - (b) Growth Services Department staff will post this public notice within 5 working days of the appearance of the advertisement and notice of the public hearing(s) listed in Item A.
    - (c) The location and placement of the notice shall be in a manner determined by the Growth Services Director.
    - (d) The placement and posting of the public notice 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.
  - (2) Notice to surrounding property owners
    - (a) All property owners within 300 feet of the boundary of the property which is the subject of the amendment shall be notified by mail of the proposed amendment with said notice giving the particulars of the amendment including, but not limited to, the date, time and place of the required public hearings, and a phone number which may be called for additional information.
    - (b) The latest data from the Property Appraiser's Office obtained within the 60 calendar day period preceding the public hearing, giving the name and address of adjacent property owners within 300 feet of the boundaries of the property to be included in the amendment shall be used for mailing the written notifications of the proposed amendment.
  - (3) Assessment of Costs
    - (a) The applicant may be required, as determined by the Board, to fund the costs necessary to comply with this sub-section B.
    - (b) The applicant may also be required, as determined by the Board, to fund the costs necessary to conduct any re-advertising and/or re-noticing in the event consideration of a CPAA is continued or deferred at the request of the applicant.

### Sec. 3.5.4 Planning and Zoning Commission (P&Z) Recommendation.

- A. Meetings.
  - (1) The P&Z shall hold a public hearing to consider the amendment(s) as set forth in FS 163. Due public notice shall be provided for the public hearing consistent with the provisions of FS 163 and 125, and **Article 1, Division 3**.
  - (2) The P&Z may conduct a workshop to discuss the amendment(s) prior to the public hearing(s) subject to the workshop notice requirement(s) established by the Board. Any workshop discussion by the P&Z shall not constitute a determination regarding the amendment(s) nor shall it be considered to serve as or set precedent for the public hearing consideration to be conducted pursuant to **Item (1)**.

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- B. The P&Z shall not review or consider any amendment submitted concurrently and in conjunction with the filing of a Development of Regional Impact project related application consistent with FS 163 and 380.
- C. P&Z Findings: In the public hearing for the amendment(s), the P&Z shall review the Growth Services Department staff report, receive input provided by the applicant as applicable, receive public input regarding the amendment, and consider the amendment(s) in regards to the following findings:
  - (1) If granting the amendment is compatible with land uses in the surrounding area for amendments which apply to specific real property in order to change that property's land use designation as depicted on the Marion County Future Land Use Map Series Map 1, Marion County 2035 Future Land Use.
  - (2) If granting the amendment will not adversely affect the public interest,
  - (3) If granting the amendment is consistent with the Marion County Comprehensive Plan, and
  - (4) If granting the amendment is consistent with FS 163.
- D. P&Z Action
  - (1) The P&Z shall act on one of the following motions effecting a recommendation for the amendment(s) in regard to **Items C (1)-(4)**, as applicable, as follows:
    - (a) A recommendation for approval shall be provided in a written form and may be accompanied by reasons for the recommendation of approval.
    - (b) A recommendation for denial shall be provided in a written form and shall be accompanied by reasons for the recommendation of denial.
    - (c) In the event the Commission action results in a tie vote, the Commission may deem its consideration of the amendment complete and the amendment shall proceed to its subsequent consideration(s) without a formal recommendation.
  - (2) In the event the applicant, for any reason, does not appear before for the P&Z at the time the amendment(s) undergoes consideration and action, the P&Z may proceed with consideration and action regarding the amendment(s). It is the applicant's responsibility and obligation to ensure representation is provided before the P&Z.
  - (3) In the event no member of the public participates in the public comment portion of the public hearing, the P&Z may proceed with consideration and action regarding the amendment(s), and the P&Z is not obligated to determine the lack of participation is a form of support or disfavor in regard to the amendment(s).
- E. The P&Z 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 an amendment(s) by the P&Z; however, the P&Z action and recommendation is considered complete as any functional appeal is the responsibility of the Board as provided for in **Sections 3.5.5 and/or 3.5.6**.

### Sec. 3.5.5 Board of County Commissioners Transmittal

- A. Meetings.
  - (1) The Board shall hold a public hearing to consider a Large Scale Amendment(s) to the Marion County Comprehensive Plan as set forth in FS 163 and 380. Due public notice shall be provided for the public hearing consistent with the provisions of FS 163 and 125, and **Article 1, Division 3**.
  - (2) The Board may conduct a workshop to discuss the amendment(s) prior to the public hearing(s) subject to the workshop notice requirement(s) established by the Board. Any workshop discussion by the Board shall not constitute a determination regarding the amendment(s) nor shall it be considered to serve as or set precedent for the public hearing consideration to be conducted pursuant to **Item (1)**.



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- B. The Board shall review and consider for transmittal an amendment(s) submitted concurrently and in conjunction with the filing of a Development of Regional Impact project related application consistent with FS 163 and 380.
- C. Board Findings: In the public hearing for the amendment(s), the Board shall review the Growth Services Department staff report, review the findings and recommendation of the P&Z, receive input provided by the applicant as applicable, receive public input regarding the amendment, and consider the amendment(s) in regards to the following findings:
  - (1) If granting the amendment is compatible with land uses in the surrounding area for amendments which apply to specific real property in order to change that property's land use designation as depicted on the Marion County Future Land Use Map Series Map 1, Marion County 2035 Future Land Use.
  - (2) If granting the amendment will not adversely affect the public interest,
  - (3) If granting the amendment is consistent with the Marion County Comprehensive Plan, and
  - (4) If granting the amendment is consistent with FS 163,
- D. Board of County Commissioners Transmittal Action
  - (1) The Board shall act on one of the following motions effecting a determination for the amendment(s) in regard to transmitting the amendment(s) to the DEO in regard to **Items C (1)-(4)**, as follows:
    - (a) Motion to approve transmitting the amendment(s) to DEO for agency review with said motion provided in a written form which may be accompanied by reasons for the recommendation of transmittal.
    - (b) Motion to deny transmitting the amendment(s) to DEO for agency review with said motion provided in a written form and shall be accompanied by reasons for the recommendation of denial.
    - (c) Tie Vote.
      - 1. If the vote of the Board results in a tie vote, the tie vote shall serve as a denial of the amendment(s) as the motion did not achieve a majority vote of the voting members. For the purposes of a denial resulting from a tie vote, the Board shall provide supportive findings of the effective denial as provided in **Items C (1)-(4)**.
      - 2. The Board may act to continue the amendment(s) consideration to the next Board public hearing or another date and time designated by the Board; however the Board is under no obligation to continue the amendment(s) consideration.
  - (2) In the event the applicant, for any reason, does not appear before for the Board at the time the amendment(s) undergoes consideration and action, the Board may proceed with consideration and action regarding the amendment(s). It is the applicant's responsibility and obligation to ensure representation 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 amendment(s), and the Commissioners is not obligated to determine the lack of participation is a form of support or disfavor in regard to the amendment(s).
- E. Denial and appeal.
  - (1) An appeal of a Board vote to approve or deny the transmittal of an amendment(s) to DEO for agency review shall be in accordance with **Article 2**.

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- (2) An applicant for an amendment(s) subject to a Board vote to deny transmittal of the amendment(s) may elect to enter the Alternative Dispute Resolution as set forth in FS 718.1255. In the event an applicant files for Alternative Dispute Resolution for an amendment(s), the appeal process initiated by Item (1) shall be held in abeyance as provided in FS 120 and 718.
  - (3) When the Board has denied an application for an amendment(s), no applicant shall submit an application for amendment for any portion or all of the same property for a period of 12 months from the date of denial unless the property is incorporated or annexed.
- F. Action by the Board to transmit an amendment(s) to DEO for agency review is not classified as a final action or the equivalent of a final development order. An applicant may request reconsideration of an amendment(s) by the Board; however, an affirmative Board action is subject to final Board action and consideration as provided for in **Section 3.5.6**.

### Sec. 3.5.6 Board of County Commissioners adoption.

- A. Meetings.
- (1) The Board shall hold a public hearing to consider each amendment(s) to the Marion County Comprehensive Plan as set forth in FS 163 and 380. Due public notice shall be provided for the public hearing consistent with the provisions of FS 163 and 125, and **Article 1, Division 3**.
  - (2) The Board may conduct a workshop to discuss the amendment(s) prior to the public hearing(s) subject to the workshop notice requirement(s) established by the Board. Any workshop discussion by the Board shall not constitute a determination regarding the amendment(s) nor shall it be considered to serve as or set precedent for the public hearing consideration to be conducted pursuant to **Item (1)**.
- B. Board Findings: In the public hearing for the amendment(s), the Board shall review the Growth Services Department staff report, review the findings and recommendation of the P&Z, review any comments received from state, regional, and district related agencies, receive input provided by the applicant as applicable, receive public input regarding the amendment, and consider the amendment(s) in regards to the following findings:
- (1) If granting the amendment is compatible with land uses in the surrounding area for amendments which apply to specific real property in order to change that property's land use designation as depicted on the Marion County Future Land Use Map Series Map 1, Marion County 2035 Future Land Use.
  - (2) If granting the amendment will not adversely affect the public interest,
  - (3) If granting the amendment is consistent with the Marion County Comprehensive Plan, and
  - (4) If granting the amendment is consistent with FS 163.
- C. Board of County Commissioners Adoption Action
- (1) The Board shall act on one of the following motions effecting a determination for the amendment(s) in regard to adopting the amendment(s) to the Marion County Comprehensive Plan in regard to **Items B (1)-(4)**, as follows:
    - (a) Motion to adopt the amendment(s) with said motion provided in a written form which may be accompanied by reasons for the recommendation of transmittal.
    - (b) Motion to deny adopting the amendment(s) with said motion provided in a written form and shall be accompanied by reasons for the recommendation of denial.
    - (c) Tie Vote.
      1. If the vote of the Board results in a tie vote, the tie vote shall serve as a denial to adopt the amendment(s) as the motion did not achieve a majority vote of the voting members. For the purposes of a denial resulting from a tie vote, the Board shall provide supportive findings of the effective denial as provided in **Items B (1)-(4)**.

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2. The Board may act to continue the amendment(s) consideration to the next Board public hearing or another date and time designated by the Board; however the Board is under no obligation to continue the amendment(s) consideration.
  - (2) In the event the applicant, for any reason, does not appear before for the Board at the time the amendment(s) undergoes consideration and action, the Board may proceed with consideration and action regarding the amendment(s). It is the applicant's responsibility and obligation to ensure representation 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 amendment(s), and the Commissioners is not obligated to determine the lack of participation is a form of support or disfavor in regard to the amendment(s).
- D. Denial and appeal.
- (1) An appeal of a Board vote to approve or deny the adoption of an amendment(s) to DEO for agency review shall be in accordance with **Article 2** and/or FS 120 and 163.
  - (2) An applicant for an amendment(s) subject to a Board vote to deny adoption of the amendment(s) may elect to enter the Alternative Dispute Resolution as set forth in FS 718.1255. In the event an applicant files for Alternative Dispute Resolution for an amendment(s), the appeal process initiated by **Item (1)** shall be held in abeyance as provided in FS 120 and 718.
  - (3) When the Board has denied an application for an amendment(s), no applicant shall submit an application for amendment for any portion or all of the same property for a period of 12 months from the date of denial unless the property is incorporated or annexed.
- E. Adoption of an amendment(s) the Marion County Comprehensive Plan by the Board shall serve as a final action in regards to amending the Marion County Comprehensive Plan; however the adoption shall not be classified as a final or local development order.