

1 INTRODUCTION

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3 *The Marion County Future Land Use Element Goals, Objectives and Policies are designed to provide a*
4 *comprehensive, area-wide vision for sustainable urban, suburban and rural growth that supports a*
5 *transportation network, variety of land uses, natural and agricultural resources, and open space. The 2045*
6 *Future Land Use Map and the Goals, Objectives and Policies established herein, shall guide the future*
7 *development of areas throughout the County to insure that such future development supports the vision*
8 *and development pattern of Marion County in a sustainable manner.*
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10 **GOAL 1: PURPOSE OF THE FUTURE LAND USE ELEMENT**

11 **To protect the unique assets, character, and quality of life in the County through the**
12 **implementation and maintenance of land use policies and a Land Development Code (LDC) that**
13 **accomplish the following:**
14

- 15 **1. Promote the conservation and preservation of natural and cultural resources;**
- 16 **2. Support and protect agricultural uses;**
- 17 **3. Protect and enhance residential neighborhoods while allowing for mixed-use**
18 **development within the county;**
- 19 **4. Strengthen and diversify the economic base of the County;**
- 20 **5. Promote development patterns that encourage an efficient mix and distribution of uses**
21 **to meet the needs of the residents throughout the county;**
- 22 **6. Ensure adequate services and facilities to timely serve new and existing development;**
23 **and**
- 24 **7. Protect and enhance the public health, safety, and welfare.**
- 25 **8. Protect private property rights.**
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27 **OBJECTIVE 1.1: PLANNING FRAMEWORK**

28 To create a planning and implementation strategy that will enhance the livability of the County and
29 preserve the County’s natural, cultural, physical and economic resources to discourage urban
30 sprawl, promote sustainable, energy-efficient land use patterns, and reduce pollution, and provide
31 for economic development opportunities.
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33 **Policy 1.1.1: Marion County Planning Principles**

34 The County shall rely upon the following principles to guide the overall planning framework for the County:
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- 36 1. Preserve, protect and manage the County’s valuable natural resources.
- 37 2. Recognize and protect the County’s rural, equestrian and agricultural areas as an asset to its
38 character and economy while providing clear, fair and consistent standards for the review and
39 evaluation of any appropriate future development proposals.
- 40 3. Support the livability of the existing cities and towns in the County by planning for the logical
41 extension of development in a manner that enhances the scale, intensity and form of these areas
42 through the introduction of sustainable smart growth principles and joint planning activities.

4. Support economic development through government practices that place a priority on public infrastructure necessary to attract such activities and that foster a local economic development environment that is conducive to the creation and growth of new businesses, the expansion of existing businesses, and is welcoming to private entrepreneur activities.

Policy 1.1.2: Adopted Future Land Use Map (FLUM Series) and 2045 Planning Horizon

The FLUM Series embodies strategies designed to build long-term community value, discourage urban sprawl and ensure that public facilities and services are provided in the most cost-effective, efficient and timely manner, and protect natural, cultural, and environmental resources that are unique to the County. The County provides appropriate goals, objectives, policies, data and analysis for a future land use, long-range planning horizon through the year 2045. The County adopts the FLUM Series as listed below:

<i>Map</i>	<i>Title</i>
1.	MARION COUNTY 2045 FUTURE LAND USE MAP
2.	WELLS & WELLHEAD PROTECTION AREAS
3.	COASTAL HIGH HAZARD AREAS AND EVACUATION ROUTES
4.	WATERBODIES (RIVERS AND LAKES)
5.	FLOODPLAINS PER 2008 FEMA MAPS
6.	WETLANDS
7.	MINERAL RESOURCES
8.	SOILS (GENERALIZED)
9.	TOPOGRAPHY (GENERALIZED)
10.	ARCHEOLOGICAL AND HISTORIC AREAS
11.	ENVIRONMENTALLY SENSITIVE OVERLAY ZONES
12.	TRANSFER OF RIGHTS
13.	SPRINGS PROTECTION OVERLAY ZONES
14.	REGIONAL ACTIVITY CENTERS (RGAC)
	a. MARION OAKS / MCGINLEY RGAC
	b. IRVINE / SUNNY OAKS RGAC
15.	DEVELOPMENT OF REGIONAL IMPACT (DRI), BINDING LETTERS OF VESTED RIGHTS/MODIFICAITONS (BLIM) AND FLORIDA QUALITY DEVELOPMENT (FQD) MAP 'H' MASTER PLANS (DRI/FQD)
	a. OAK RUN DRI
	b. ON TOP OF THE WORLD DRI
	c. SPRUCE CREEK GOLF & COUNTRY CLUB FQD
	d. SPRUCE CREEK SOUTH FQD
	e. STONECREST DRI
	f. THE VILLAGES OF MARION FQD
	g. VILLAGE OF RAINBOW SPRINGS DRI
	h. GOLDEN OCALA DRI
	i. ON TOP OF THE WORLD BLIM

Policy 1.1.3: Accommodating Growth

1 The County shall designate on the Future Land Use Map sufficient area in each land use designation to
2 distribute development to appropriate locations throughout the county. Changes to the Future Land Use
3 Map shall be considered in order to accommodate the existing and projected population and its need for
4 services, employment opportunities, recreation and open space while providing for the continuation of
5 agriculture activities and protection of the environment and natural resources.

6
7 **Policy 1.1.4: Private Property Rights**

8 The County shall recognize and protect private property rights in the creation and implementation of land
9 use regulations and other government actions; and shall provide compensation or other appropriate relief
10 as provided by law, for actions by the County that are determined to be unreasonable uses of the police
11 power so as to constitute a taking

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13 **Policy 1.1.5: Higher Density/Intensity Uses**

14 The County shall require higher densities and intensities of development to be located within the Urban
15 Growth Boundary and Planned Service Areas, where public or private facilities and services are required to
16 be available.

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18 **Policy 1.1.6: Buffering of Uses**

19 The County shall require new development or substantial redevelopment to provide buffering to address
20 compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined
21 in the LDC.

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23 **Policy 1.1.7: Discourage Strip Commercial and Isolated Development**

24 The County shall discourage scattered and highway strip commercial development by requiring the
25 development of such uses at existing commercial intersections, other commercial nodes, and mixed use
26 centers with links to the surrounding area.

27
28 **Policy 1.1.8: Antiquated Subdivision Strategy**

29 The County shall implement programs, such as the Transfer of Vested Rights (TVR), that encourage
30 antiquated subdivisions outside of the UGB to be set aside as preservation areas, used for agricultural
31 activities or redeveloped as large lot residential uses consistent with the Rural Area.

32
33 **Policy 1.1.9: Density and Intensity Averaging Allowance**

34 The County shall allow for residential density and non-residential intensity averaging over two or more
35 parcels with multiple Future Land Use designations. Where averaging occurs, projects will be subject to
36 development requirements of the urban area.

- 37 1. A PUD Zoning change shall be required to utilize this policy as follows, with criteria further defined
38 in LDC:

- 39
40 a. **Density Averaging:** The number of residential units in the combined parcels must be less
41 than or equal to the total residential units allowed based on the underlying future land use
42 designations and existing parcels of record within the project.

b. **Intensity Averaging:** The FAR of non-residential uses must be less than or equal to the FAR based on the underlying future land use designations and existing parcels of record within the project.

2. Where parcels proposed for density or intensity averaging are transected by the Urban Growth Boundary and include properties with a Rural Land future land use designation, the maximum allowable density of the areas outside of the UGB possessing the Rural Land designation shall not exceed one dwelling unit per acre or exceed a FAR of 0.35. The project shall be subject to LDC requirements of the Urban Area.

GOAL 2: ALLOCATION AND DISTRIBUTION OF LAND USES

Allow for a mix of uses to meet the population growth and economic development needs throughout the County by identifying appropriate areas for residential, commercial, industrial, public, recreation and open space, and conservation.

OBJECTIVE 2.1: FUTURE LAND USE DESIGNATIONS

To implement development patterns that promote a variety of residential, non-residential, and mixed use development to meet the needs of the community, the County shall adopt future land use designations that allow for mix of uses throughout the County.

Policy 2.1.1: Supply and Allocation of Land

The County shall designate future land uses on the Future Land Use Map to accommodate needs identified within the Comprehensive Plan supporting document (i.e., Data, Inventory & Analysis) and allow for a sufficient allocation of land and land uses to allow for development based on market potential.

Policy 2.1.2: Land Use Requirements

1. The Future Land Use Map Series shall designate areas for the uses listed in Table 2-1 and further described in Policy 2.1.13 through Policy 2.1.25. Density and intensity shall be calculated on a gross acreage basis unless otherwise noted. Outside of the UGB or PSAs, the Development Review Committee may grant a step-down density of one FLU designation where insufficient infrastructure exists to support development at the designated density. For example, parcels designated Medium Residential may be developed as Low Residential with DRC approval in these areas. The Future Land Use Map will be updated to reflect such approvals, coincident with recording the Final Plat.

2. Maximum density will not be exceeded except through density and/or intensity bonus programs including averaging, TDCs or Planned Service Area (PSA) incentives.

Policy 2.1.3: Density and/or Intensity Bonus

The County shall allow for density and intensity bonus to occur within all Future Land Use designations that are within the UGB, Planned Service Areas and existing Urban Areas consistent with the County’s Transfer of Rights Programs in Objective. 9.1.

1 **Policy 2.1.4: Open Space Requirement**

2 A minimum of 350 square feet of open space for each residential lot shall be required in either single or
3 linked multiple tracts, within residential development and the open space shall be accessible to all
4 residents within the development, as further defined in the LDC.
5

6 **Policy 2.1.5: Permitted and Special Uses**

7 The County shall identify permitted and special uses for each land use designation and zoning
8 classification, as further defined in the Comprehensive Plan, Zoning, and LDC.
9

10 **Policy 2.1.6 Protection of Rural Areas**

11 Rural and agricultural areas shall be protected from premature urbanization and a vibrant rural economy
12 shall be encouraged outside the UGB and Planned Service Areas. Urban and suburban uses incompatible
13 with agricultural uses shall be directed toward areas appropriate for urban development such as within
14 the UGB and PSAs.
15

16 **Policy 2.1.7 Conversion of Rural Lands**

17 Applications for conversion of agricultural properties designated as Rural Land on the Future Land Use
18 Map to a mixed use, industrial, commercial or residential future land use category shall demonstrate the
19 following:
20

- 21 1. The amendment will not result in urban sprawl as defined in Chapter 163, Part II, Florida Statutes;
- 22
- 23 2. Availability of public infrastructure, including public water and sewer and transportation facilities
24 to serve a more dense or intense use is available at the time of application; or will be available at
25 concurrently with development.
26
- 27 3. The relationship of the proposed amendment site to the UGB boundary and other more densely
28 or intensely designated or developed lands.

29 The Board of County Commissioners may require that such conversion is conducted through the Transfer
30 of Development Rights program.
31

32 **Policy 2.1.8: Community Facilities in Rural Areas**

33 Community facilities, such as schools, churches, synagogues, community centers and day-care centers
34 may be located in Rural Areas, Hamlet developments, and Cluster Density Bonus developments by means
35 of the Special Use Permit process, as further defined in the LDC.
36

37 **Policy 2.1.9: Landfills**

38 The County shall allow landfills under the following conditions:
39

- 40 1. **New Landfills:** As of January 1, 2002, no new landfills, except for Construction and Demolition
41 (C&D) landfills, shall be permitted in the County.
42

1 2. **Existing Landfills and Expansion:** As of January 1, 2007, no existing landfill, except for C&D
2 landfills, shall be allowed to expand in the County.

3
4 3. **Requirements:** All landfills shall require a Special Use Permit (SUP) and comply with the location
5 criteria identified in Policy 1.2.5 of the Solid Waste Element.

6 **Policy 2.1.10: Wells and Wellfields (> 100,000 GPD)**

7 The County shall implement and maintain a LDC to require all new and expansion of existing wells and/or
8 wellfields that supply water for qualified Community Water Systems (CWS), as specified in Future Land
9 Use Element (FLUE) Objective 7.6, to obtain a Special Use Permit (SUP) and other approvals as further
10 defined in the LDC. This provision functions as a means to reflect and provide public notice regarding the
11 establishment of the well/wellfield and its concurring Well/Wellfield Protection Area and is not intended
12 to, and shall not, be implemented in a manner that conflicts with the exclusive jurisdiction of the water
13 management districts to regulate the consumptive use of water under Chapter 373, FS. Upon satisfactory
14 conclusion to the SUP consideration, the well and/or wellfield shall be added to FLUE Series Map #2, *Well
15 & Wellhead Protection Areas*, with the next available administrative Comprehensive Plan Amendment
16 Cycle.

17
18 **Policy 2.1.11: School Siting Criteria**

19 The County shall allow public schools in all future land use designations, except Commerce District and
20 Preservation. Private schools may be permitted or require a Special Use Permit (SUP) in the same land use
21 designations as public schools as well as in the Commerce District land use designation as established by
22 the LDC. The County may establish design and development criteria for private schools depending on the
23 school type, student population, and other unique characteristics of the school and the surrounding area
24 to ensure potential impacts are addressed, as further defined in the LDC. In the planning, siting, land
25 acquisition, and development of the schools, evaluation of factors shall include consideration of the
26 following criteria for private schools, and the County shall consider the factors when addressing public
27 school facilities with the Marion County School Board consistent with the Interlocal Agreement for public
28 school facilities with the School Board, municipalities, and County:

- 29
30 1. The location of schools proximate to urban residential development and contiguous to existing
31 school sites, which provide logical focal points for community activities and serve as the
32 cornerstone for innovative urban design, including opportunities for shared use and collocation
33 with other community facilities;
- 34 2. The location of elementary schools proximate to and within walking distance of the residential
35 neighborhoods served;
- 36 3. The location of high schools on the periphery of residential neighborhoods, with access to major
37 roads;
- 38 4. Compatibility of the school site with present and projected uses of adjacent property;
- 39 5. Whether existing schools can be expanded or renovated to support community redevelopment
40 and revitalization, efficient use of existing infrastructure, and the discouragement of urban
41 sprawl;
- 42 6. Site acquisition and development costs;
- 43 7. Safe access to and from the school site by pedestrians and vehicles;

- 1 8. Existing or planned availability of, or cost to provide, adequate public facilities and services to
- 2 support the school, including water and sewer service and transportation facilities;
- 3 9. Environmental constraints that would either preclude or render cost infeasible for the
- 4 development or significant renovation of a public school site;
- 5 10. Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places
- 6 or designated by the affected local government as a locally significant historic or archeological
- 7 resource;
- 8 11. The site is well drained and the soils are suitable for development or are adaptable for
- 9 development and outdoor educational purposes with drainage improvements;
- 10 12. The proposed location is not in conflict with the local government comprehensive plan, storm
- 11 water management plans, or watershed management plans;
- 12 13. The proposed location is not within a velocity flood zone or floodway, as delineated in the
- 13 applicable comprehensive plan;
- 14 14. The proposed site can accommodate the required parking, circulation and queuing of vehicles;
- 15 and
- 16 15. The proposed location lies outside the area regulated by Section 333.03(3), F.S., regarding the
- 17 construction of public educational facilities in the vicinity of an airport.

18
 19 **Policy 2.1.12: Agricultural Uses Within an Urban Area**
 20 The County may allow the continuation of existing agricultural uses on urban designated lands within the
 21 Urban Areas, including UGB and PSAs until the property is utilized for types of development allowed by
 22 the Future Land Use designation, as further defined in the LDC. However, such uses shall not be construed
 23 to limit urban development of the surrounding area as authorized within this policy.

24
 25 **Policy 2.1.13: Protection of Rural Neighborhoods**
 26 Marion County shall recognize “rural neighborhoods” that occur within or outside of the UGB deserve
 27 special protection from the intrusion of urban uses, densities and intensities where new development
 28 occurs within the immediate vicinity. For the purpose of this policy, a rural neighborhood is an existing
 29 recorded or unrecorded subdivision where the overall density does not exceed one unit per three acres
 30 and the subdivision has a predominant Future Land Use Designation of Rural Land or Low Residential.

31
 32 **Policy 2.1.14: General definitions for uses:**
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 34 1. **Agricultural Use:** Any generally accepted, reasonable, and prudent method for the operation of
 35 a farm, including, but not limited to, horticulture; floriculture; viticulture; forestry; dairy;
 36 livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical
 37 fish; aquaculture, including algaculture; sod farming; all forms of farm products as defined in
 38 Section 823.14(3), F.S. and farm production. Agricultural Lands are classified as such pursuant to
 39 Section 193.461, F.S.
 40
 41 2. **Commercial Use:** Any establishment providing goods and services, including but not limited to,
 42 retail stores, restaurants/bars, personal services, business services, healthcare facilities and
 43 services, professional offices, medical offices, transient travel and lodging facilities, and similar
 44 types of uses as further defined by the LDC.

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- 3. **Industrial Use:** Any site or establishment involved in processing, assembly or manufacturing of goods, warehousing, distribution, research and development, resource extraction or processing, transportation, fabrication or similar uses as further defined by the LDC. Industrial uses do not generally involve the direct sale of goods and services to the general public.
- 4. **Residential Use:** One-family dwellings, two-family dwellings, multi-family dwellings, and various forms of group living and long term care facilities, and similar types of uses as further defined by the LDC.
- 5. **Permanent Open Space:** For land use designs or designations required to provide permanent open space, open space is defined as undeveloped lands suitable for passive recreation, conservation, and agricultural uses. All portions of the open space shall be maintained in a healthy vegetative state and all agricultural uses and activities shall be consistent with the current best management practices adopted by FDEP, FDACS, and/or the Marion County Board of County Commissioners, whichever is more stringent. The open space shall include at a minimum environmentally sensitive lands and locally significant resources required to be conserved and/or protected when practicable. The open space should be provided in a form which buffers the increased development densities from surrounding lands and supports and/or encourages the formation of wildlife and habitat connections when possible.

Policy 2.1.15: Neighborhood Commercial

Neighborhood commercial uses may be permitted within urban residential land use designations (Low, Medium, High, and Urban Residential) as shown on the Future Land Use Map Series provided the commercial uses are compatible with surrounding land uses and do not adversely affect adjacent areas or disrupt traffic patterns. These uses are limited to low intensity land usage and site coverage. Allowable neighborhood commercial uses are those that utilize existing residential structures for professional offices or new construction that resembles the appearance of a residential structure, as further defined in the LDC. All neighborhood commercial uses must be located along collector roads or minor arterials. Non-office commercial uses shall be restricted to those uses that primarily are to serve the immediate residential areas, promote non-automotive travel, and reduce trip lengths.

AGRICULTURAL USES

Policy 2.1.16: Rural Land (RL)

This land use designation is intended to be used primarily for agricultural uses, associated housing related to farms and agricultural-related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the designation is a Rural Area land use. The following special provisions shall apply for new development not meeting the base density, as further defined in the LDC:

- 1. **Family Division:** A parcel of record within Rural Land may be permitted to be subdivided up to three times, provided that no resulting lot is less than one acre outside of the FPA and not less than three (3) acres inside the FPA consistent with Section 163.3179, F.S. and as further defined in the LDC.

- 2. **Cluster Density Bonus:** Rural Areas outside the UGB and not within the Farmland Preservation Area may develop as a cluster density bonus development under the PUD process up to a maximum of one (1) dwelling unit per seven (7) gross acres with a required minimum of 60% permanent open space set aside, as further defined in the LDC.
- 3. **Hamlets:** Residential uses in the Rural Areas outside the UGB and not within the FPA may develop as a hamlet development under the PUD process and shall provide a minimum of 60% permanent open space with cluster development in one of the following forms, and as further defined in the LDC:
 - a. one (1) dwelling unit per five (5) acres
 - b. one (1) dwelling unit per 3.5 acres with the permanent open space delineated as a separate tract from the individual developable parcels and shall remain under common ownership by the developer, property owner association, undivided property interest of the developable land within the hamlet, or a third party approved by the County Commissioners.

RESIDENTIAL USES

Policy 2.1.17: Low Residential (LR)

This land use designation is intended to recognize areas suited for primarily single-family residential units for existing and new development within the UGB, a PSA or Urban Area. Parcels outside of, but contiguous to the UGB and outside of the FPA are eligible for conversion to Low Residential designation through density bonus programs consistent with FLU Policy 2.1.3. The density range shall be up to one (1) dwelling unit per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.

Where Low Residential abuts the Farmland Preservation Area or other Rural Area, hamlet, clustered or other development methods to preserve large tracts of open space are encouraged.

Policy 2.1.18: Medium Residential (MR)

This land use designation is intended to recognize areas suited for primarily single-family residential units within the UGB, PSAs and Urban Area. However, the designation allows for multi-family residential units in certain existing developments along the outer edges of the UGB or Urban Area. The density range shall be from one (1) dwelling unit per one (1) gross acre to four (4) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.

Policy 2.1.19: High Residential (HR)

This land use designation is intended to recognize areas suited for a mixture of single-family and multi-family residential units to recognize existing and new development that is located within the UGB or Urban Area. The density range shall be four (4) dwelling units to eight (8) dwelling units per one (1) gross acre, as further defined in the LDC. This land use designation is an Urban Area land use.

Policy 2.1.20: Urban Residential (UR)

This land use designation is intended to recognize areas suited primarily for multi-family residential units, but allows for single-family residential units to provide for a mix of various housing types to meet the community needs within the UGB or Urban Area. The density range shall be eight (8) dwelling units to sixteen (16) dwelling units per one (1) gross acre and commercial uses shall be permitted as accessory

1 uses within this land use designation, as further defined in the LDC. This land use designation is an Urban
2 Area land use.

3

4 **MIXED USES**

5 **Policy 2.1.21: Rural Activity Center (RAC)**

6 This land use designation allows for mixed use nodes of residential (single-family and multi-family) and
7 commercial uses, including agricultural-related commercial uses to meet the daily needs of residents in
8 the Rural Area to reduce trips to the Urban Areas of the county for daily needs and services. This
9 designation shall be located at intersections of arterial, collector, and/or major roads and extend no
10 greater than one-quarter (1/4 mile) or 1,320 linear feet from the center of the RAC for a maximum of 96
11 acres. For the Summerfield RAC which includes an off-set major road intersection pair (S. Hwy 301/SE
12 145th Street & S. Hwy 301/SE 147th Street) and lies west of the CSX Railroad Line, the one-quarter (1/4
13 mile) or 1,320 linear feet from the center may be measured from either major road intersection and
14 extend east along SW 147th Street to the CSX Railroad Line The maximum acreage of the Summerfield
15 RAC is not to exceed 125 acres. New RACs shall have at least three existing businesses and be at least five
16 (5) miles from other RACs, as measured from the center of the RAC, unless it can be demonstrated that
17 eighty-five (85) percent of the RAC is developed. In order to minimize development impacts to the
18 surrounding Rural Area, properties in the RAC shall be designed to provide shared access, obtain access
19 from the lesser road class, and minimize impacts to the operations of the intersection, and compatibility
20 concerns for the surrounding properties. The density range shall be up to two (2) dwelling units per one
21 (1) gross acre and maximum Floor Area Ratio of 0.35, as further defined by the LDC. This land use
22 designation is a Rural land use.

23

24 **Policy 2.1.22: Commercial (COM)**

25 This land use designation is intended to provide for mixed-use development focused on retail, office, and
26 community business opportunities to meet the daily needs of the surrounding residential areas; and
27 allows for mixed residential development as a primary use or commercial uses with or without residential
28 uses. The density range shall be up to eight (8) dwelling units per one (1) gross acre and a maximum Floor
29 Area Ratio of 1.0, as further defined in the LDC. This land use designation is allowed in the Urban Area
30 and allows for campgrounds and recreational vehicle parks (RVP). This land use designation is an Urban
31 Area land use.

32

33 **Policy 2.1.23: Employment Center (EC)**

34 This land use is intended to provide a mix of business, enterprise, research and development, light to
35 moderate intensity commercial, and light industrial, activities. This designation also allows residential
36 uses, campgrounds and recreational vehicle parks (RVP). - This land use designation will allow for and
37 encourage mixed use buildings. The density range for residential units shall be up to sixteen (16) dwelling
38 units per one (1) gross acre and a maximum Floor Area Ratio of 2.0, as further defined by the LDC. This
39 land use designation is an Urban Area land use.

40

41 **NON-RESIDENTIAL**

42 **Policy 2.1.24: Commerce District (CD)**

43 This land use is intended to provide for more intense commercial and industrial uses than may be suitable
44 in the Employment Center (EC) designation due to noise, odor, pollution, and other nuisance issues. A

1 maximum Floor Area Ratio of 2.0 is allowed, as further defined by the LDC. This land use designation an
 2 Urban land use.

3
 4 **Policy 2.1.25: Public (P)**

5 This land use is intended to recognize publicly owned properties for the use of the general public or
 6 portions of the community infrastructure and services, which includes items such as parks, government
 7 buildings, water treatment plants, public safety facilities, schools, etc. with a maximum Floor Area Ratio
 8 is 1.0, as further defined in the LDC. This land use designation is allowed in the Urban and Rural Area.
 9

10 **Policy 2.1.26: Preservation (PR)**

11 This land use is intended to recognize publicly or privately owned properties intended for conservation
 12 purposes and operated by contractual agreement with or managed by a federal, state, regional or local
 13 government or non-profit agency. Development for recreation, scientific research, education and training
 14 facilities, public facilities or services, etc. in this designation shall be limited to result in minimal impact to
 15 the preservation of the area as allowed under the contractual agreement or management plan, as further
 16 defined in the LDC. This land use designation is allowed in the Urban and Rural Area.
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18 **Policy 2.1.27: Municipality (M)**

19 This land use is intended to identify properties that are located within municipalities in the County.
 20
 21

Table 2-1: Summary of Future Land Use Designations *

FLU	DENSITY	FAR	USES
RURAL AREAS (Outside UGB)			
AGRICULTURAL USES			
Rural Land (RL)	0 – 1 du/10 ac	N/A	Agriculture, residences associated with agriculture, or Conservation.
NON-RESIDENTIAL / MIXED USES			
Rural Activity Center (RAC)	0 - 2 du/ac	0 – 0.35	Office, Commercial, Public, Recreation, Residential
URBAN AREAS (Inside and Outside UGB)			
RESIDENTIAL USES			
Low Residential (LR)	0 - 1 du/ac	N/A	Residential, Public, Recreation, Conservation
Medium Residential (MR)	1 – 4 du/ac	N/A	Residential, Public, Recreation, Conservation
High Residential (HR)	4 - 8 du/ac	N/A	Residential, Public, Recreation, Conservation
Urban Residential (UR)	8 - 16 du/ac	N/A	Residential, Public, Recreation, Conservation, Commercial (accessory)
NON-RESIDENTIAL / MIXED USES			
Commercial (COM)	0 – 8 du/ac	0 – 1.0	Office, Commercial, Public, Recreation, Residential, Campgrounds, RVP

Employment Center (EC)	0 - 16 du/ac	0 – 2.0	Office, Commercial, Industrial, Public, Recreation, Residential, Campgrounds, Recreational Vehicle Park (RVP)
Commerce District (CD)	N/A	0 – 2.0	Office, Commercial, Industrial, Public
ALLOWED IN RURAL AND URBAN AREAS (Inside or Outside UGB)			
NON-RESIDENTIAL / MIXED USES			
Public (P)	N/A	0 – 1.0	Public, Office, Commercial, Recreation, Golf Course
Preservation (PR)	N/A	N/A	Preservation, Conservation
Municipality (M)	N/A	N/A	Municipality

1 **NOTE:**
 2 * Existing Future Land Use designations that do not comply with the table above are either properties that were
 3 recognized by the prior Comprehensive Plan or may be the creation of a new Urban or Rural Area, as further defined
 4 in this and other elements of this Plan.
 5 ** Lower densities may be allowed as applicable to a specific parcel and included in Policy 10.5.1 or as further
 6 defined in other elements of this plan.
 7

8 **OBJECTIVE 2.2: DENSITY REQUIREMENTS IN ENVIRONMENTALLY SENSITIVE AREAS**
 9 Marion County shall specify the land use and density allowed in wetlands, floodplains, contiguous
 10 uplands of lakes and rivers, and other environmentally sensitive areas as follows, consistent with
 11 this Plan and as further defined in the LDC:
 12

13 **Policy 2.2.1: Wetlands**
 14 For areas designated as Urban Area on the Future Land Use Map that are wetlands the base density shall
 15 be one (1) unit per five (5) acres.
 16

17 **Policy 2.2.2: 100-Year Flood Plain**
 18 For areas designated as Urban Area on the Future Land Use Map that are within 100-year flood plain, the
 19 base density shall be one (1) unit per acre.
 20

21 **Policy 2.2.3: Uplands Adjacent to Waterbodies**
 22 For areas that are contiguous uplands of lakes, rivers, and other water bodies - as designated on the Future
 23 Land Use Map, densities in these areas shall be at no more than two dwelling units per gross acre if aerobic
 24 septic systems are used and no more than one dwelling unit per gross acre if conventional septic systems
 25 are used. In upland areas where central wastewater systems are available and utilized, density may be at
 26 the density allowed by the underlying land use category.
 27

28
 29 **Policy 2.2.4: Aggregation of Parcels in Wetlands & 100-Year Flood Plain:** Contiguous parcels of record
 30 under common ownership shall be considered in the aggregate and shall be required to aggregate to meet
 31 the wetland or floodplain density requirements.
 32

33 **GOAL 3: PRIORITY DEVELOPMENT AREA(S)**

1 **To direct new development and redevelopment activities to appropriate areas of the County**
2 **in order to provide the necessary public facility and service infrastructure in a cost-effective**
3 **and efficient manner.**

4
5 **OBJECTIVE 3.1: URBAN GROWTH BOUNDARY (UGB)**

6 To establish one or more boundaries that clearly identifies Urban Areas where long-term capital
7 improvements shall be directed to create compact and efficient development patterns and allow
8 for sufficient growth opportunities to maintain the County's long-term viability.

9
10 **Policy 3.1.1: Establishment of UGB**

11 The County FLUM Series, Map #1, *Marion County 2045 Future Land Use Map*, designates an UGB that
12 reinforces the preferred land use patterns of Marion County through policies that are designed to effectively
13 discourage the proliferation of urban sprawl. The establishment and maintenance of the UGB shall be
14 accomplished through the following standards:

- 15
- 16 1. The UGB shall encompass a sufficient supply of urban designated land to support projected demand
17 for the horizon of the plan, less the supply generated from vested subdivisions (DRIs, FQDs, etc.)
18 and Rural Land
- 19 2. All new development within the UGB shall be served by central water and wastewater, whether it
20 is provided by the county, municipality, or private provider;
- 21 3. All land contained within an UGB delineated on the Future Land Use Map shall be treated as one
22 single urban area for the purposes of these policies;
- 23 4. Any parcel of land that overlaps the UGB by more than 50% by area shall be considered inside the
24 Boundary. Likewise, any parcel that overlaps the UGB by 50% or less shall be considered outside
25 the Boundary;
- 26 5. The County shall conduct a review at least every seven (7) years to assess the need to modify the
27 UGB and evaluate the need for public facilities and services within the UGB; and
- 28 6. The County shall encourage development to be concentrated within the UGB.
- 29

30 **Policy 3.1.2: Planning Principles within UGB**

31 The County shall implement long-term planning principles to guide the creation of land use policy and
32 development regulations within the County, which shall be implemented through the policies contained in
33 the County Comprehensive Plan and as further defined in the LDC. These principles shall include:

- 34
- 35 1. Preserve open space, natural beauty and critical environmental areas.
- 36 2. Allow for a mix of land uses to create compact residential, commercial, and employment hubs.
- 37 3. Strengthen and direct development towards existing communities and development.
- 38 4. Encourage compact and mixed use building design.
- 39 5. Foster distinctive, attractive communities with a strong sense of place.
- 40 6. Create walkable and linked neighborhoods.
- 41 7. Create a range of housing opportunities and choices.
- 42 8. Provide a variety of transportation choices.
- 43 9. Encourage community and stakeholder collaboration.
- 44 10. Make development decisions predictable, fair and cost effective

- 11. Encourage interconnected development, multi-modal transportation opportunities, links to the surrounding neighborhoods, and alternative transportation routes.
- 12. Establish priority areas for public facility and service infrastructure.

Policy 3.1.3: Modification of UGB

The County finds that the development rights assigned within this Plan and the development forms allowed by this Plan provide adequate development opportunities within and outside the UGB. To modify the UGB the following standards must be affirmatively met:

- 1. **Market Demand:** An analysis of the requested expansion or reduction of the UGB shall be provided to show why a change in development form is required to accommodate the population, housing or employment needs of the County projected over the planning horizon of this Plan or adjustments that may be needed due to market conditions.
- 2. **Contiguity to Existing Urban Development Patterns:** It must be demonstrated that the expansion area is contiguous to existing urban patterns of development.
- 3. **Availability of Urban Infrastructure:** A projection of requirements for public facilities and services must be completed and the ability to provide those facilities and services to serve the proposed development through private or public means shall be demonstrated.
- 4. **Compatibility:** An evaluation of existing land uses and environmentally sensitive areas within the expansion area must be completed. Appropriate policies shall be written and adopted into this Plan to provide appropriate protections for the transition of land uses adjacent to rural development, to provide for non-interference with agricultural or conservation activities, and to provide for protection of environmentally sensitive lands.
- 5. **Urban Sprawl:** It must be demonstrated that the expansion area and development within it will discourage urban sprawl.
- 6. **Water Supply:** It must be demonstrated that there is available water supply for the proposed expansion area.

Policy 3.1.4: Rural Area Outside of UGB

The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:

- 1. Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
- 2. Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
- 3. Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.
- 4. Create a focused strategy for the regulation of mining and resource extraction activity.

- 1 5. Allow for new Rural Land and Rural Activity Center Future Land Use designations with a
- 2 Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the
- 3 LDC.

4

5 **Policy 3.1.6: Urban Areas Outside of UGB**

6 The County shall maintain existing Future Land Use designations that have been previously adopted that

7 are outside of the UGB to recognize vested development rights. Any expansion or creation of new

8 Urban Areas outside the UGB shall require a Comprehensive Plan Amendment, analysis to demonstrate

9 the potential need for the creation of such new Urban Areas, and other appropriate documentation in

10 accordance with Policy 3.1.3. It shall not be necessary to modify the UGB to expand or create Urban

11 Areas outside the UGB unless the expansion or creation of new urban area is within the FPA.

12 **OBJECTIVE 3.2: PLANNED SERVICE AREAS**

13 By June 30, 2020, Planned Service Areas (PSAs) shall be established on the Future Land Use Map to

14 promote the efficient and cost effective development of utility services and to discourage urban

15 sprawl.

- 16 1. The county shall develop PSA’s within certain areas designated for higher density development
- 17 and establish priorities for extension of services to each area.
- 18 2. Represents designated areas where regional utility service (water and sewer) will be available.
- 19 Development is encouraged in the PSA because of the availability or future availability of
- 20 infrastructure to accommodate development.
- 21 3. Higher density development is permitted and encouraged within the PSA.
- 22 4. The county shall not subsidize development beyond the boundaries of the Planned Service Area.
- 23 5. New development proposed in the PSA shall be allowed only when central water and sewer are
- 24 provided.

25 **Policy 3.2.1: Incentive Programs**

26 The County will create incentives to make development within the PSA desirable and cost affordable.

27 Such incentives may include but are not limited to expedited review processes, retrofitting existing

28 development, increased density bonuses, tax incentives, impact fee structuring and pre-zoning of

29 vacant, underutilized lands to achieve planned densities.

30

31 **Policy 3.2.2: Limitation on the Extension of Central Utilities**

32 The County shall limit the extension of central potable water and sanitary sewer service outside of the

33 UGB and PSAs except (a) where existing urban densities (e.g. subdivisions) were constructed without

34 central water and sewer, and for which the County determines the provision of central utilities is desirable

35 to promote water conservation or aquifer and springs protection or (b) to connect to an existing urban

36 area. Extension of centralized water or sewer systems outside of the Urban Growth Boundary or Planned

37 Service Areas in order to provide services to existing urban areas or redundancy in the system shall not

38 be construed as justification for increased densities or intensities adjacent to such systems, or otherwise

39 outside of the Urban Growth Boundary.

40

41 **Policy 3.2.2 Periodic Review**

1 The County will review and update PSAs based on capital improvement plans at least one time every five
2 years.

4 **OBJECTIVE 3.3: FARMLAND PRESERVATION AREA**

5 The Farmland Preservation Area is intended to encourage preservation of agriculture as a viable
6 use of lands and an asset of Marion County's economy and to protect the rural character of the
7 area. Planning principles within this area are designed to protect significant natural resources,
8 including prime farmland and locally important soils as defined by the United States Department
9 of Agriculture and unique karst geology that provides high recharge to the Floridan Aquifer, a key
10 source of freshwater for central Florida. The County establishes this area as critical to the
11 enhancement and preservation of its designation as the Horse Capital of the World.

13 **Policy 3.3.1: Elements of Rural Character**

14 The County shall preserve and protect rural and equestrian/agricultural character within the Rural Lands,
15 specifically the Farmland Preservation Area, by requiring that all appropriate future development activities
16 within this Area preserve, support, and enhance the fundamental elements of rural character:

- 17 1. *Scenic Views:* The viewshed of arterial and collector roadways in the Rural Area shall be protected from
18 land clearing and other visual intrusions associated with development; such protections, however, shall
19 not restrict the fundamental agricultural uses permitted within this Area.
- 20 2. *Open Space Protection:* Residential development options shall include incentives to promote the
21 protection of open spaces.
- 22 3. *Rural Lighting:* In order to preserve the rural character of the area, artificial illuminating devices,
23 emission of undesirable rays into the night sky, glare to oncoming traffic and intrusion of light onto
24 adjacent properties shall be prevented to the greatest extent possible, as further defined in the LDC.
- 25 4. *Transportation:* Roadway design within the Rural Area shall be consistent with the principles of context
26 sensitive design, which considers the relationship of land uses and all aspects of roadway design,
27 including speed, travel lane width, access management, and landscaping. Where feasible, expansion or
28 alteration of existing roadway corridors, including State Facilities, will be the preferred method to meet
29 long-range transportation needs. New transportation corridors intended to be used specifically for the
30 construction of expressways or limited access roadways within the Farmland Preservation Area shall be
31 developed in such a way as to avoid negative impacts to vital farmlands, key environmental areas, and
32 valuable open space so that transportation and land use are compatible with the rural character of the
33 area. The development of any such corridor shall be closely coordinated with the Board of County
34 Commissioners and County Staff.
- 35 5. *Infrastructure:* Other infrastructure including water and sewer utilities and stormwater facilities within
36 the Rural Area shall reflect a rural level of service and shall not be modified to the point that it
37 encourages or allows for urban development.

39 **Policy 3.3.2: Establishment of Sending Areas**

40 The FPA is an area that automatically qualifies properties designated Rural Land as being within the Transfer
41 of Development Rights Sending Area due to the concentration of agricultural activities and designated locally
42 important and prime farmland areas.

Policy: 3.3.3 Standards for Amending the Farmland Preservation Area

Any Comprehensive Plan amendment that would increase development intensity or density within the FPA, or that would remove one or more parcels from the FPA, shall be required to be accompanied by a concurrent Comprehensive Plan amendment to extend the Urban Growth Boundary, or create a new Urban Growth Boundary, to include the parcel(s) under consideration. Comprehensive Plan amendments to expand existing Rural Activity Centers are exempted from this requirement if the Rural Activity Center and the proposed amendment comply with the size, density, and other requirements set forth in Policy 2.1.19.

GOAL 4: IMPLEMENTATION OF THE COMPREHENSIVE PLAN

To enable the public to know and understand how the County will implement the goals, objectives, and policies of the Comprehensive Plan.

OBJECTIVE 4.1: ADMINISTRATION OF THE COMPREHENSIVE PLAN

The County shall administer and interpret the Comprehensive Plan, Zoning, and LDC and resolve issues that may arise during the development review process in a cost effective, efficient, and timely manner in order to reduce barriers that may unnecessarily discourage economic development activities.

Policy 4.1.1: Consistency between Comprehensive Plan, Zoning, and LDC

The County shall amend and maintain an official land use and zoning map, appropriate land use designations and zoning classifications, and supporting LDC that shall be consistent with each other.

Policy 4.1.2: Conflicts between Comprehensive Plan, Zoning, and LDC

The Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance to the Comprehensive Plan, Zoning, or LDC.

Policy 4.1.3: Interpretation of Boundaries for the Comprehensive Plan

Whenever possible, Comprehensive Plan boundaries shall be interpreted as coinciding with manmade boundaries, such as rights-of-way lines, property lines, section lines, or with natural boundaries such as water bodies in effect at the time of establishment. In the event that any Comprehensive Plan boundary shown on the FLUM cannot be determined to coincide with any such boundary, the affected party may request an official interpretation from the Growth Services Director or his designee; these interpretations may be appealed to the Board of County Commissioners whose decision shall be final.

Policy 4.1.4: Select Uses or Activities with Special Requirements

The County shall implement and maintain a LDC that identifies special requirements for select uses and activities, based on issues that may potentially impact the surrounding area and/or environment sensitive areas.

Policy 4.1.5: Review of Development and Building Permits

The County shall review all development and building permits during the development review process to ensure that new development or redevelopment is consistent and complies with all requirements of the Comprehensive Plan, Zoning, and LDC prior to issuing final approval for development within the county.

Policy 4.1.6: Inapplicability of Policy 2.1.13 to the On Top of the World Development of Regional Impact, Circle Square Woods Vested Development of Regional Impact and Golden Ocala Development Order.

Policy 2.1.13 (Protection of Rural Neighborhoods) shall not apply to the following properties, including any development orders and permits issued for development within the properties:

1. The On Top of the World Development of Regional Impact (“OTOW DRI”), which is governed by the OTOW DRI Amended and Restated Development Order, as amended by Marion County on November 20, 2018, and as may be amended from time to time in the future (“ARDO”).
2. The Circle Square Woods Binding Letter of Interpretation for Modification to a Development of Regional Impact with Vested Rights, as amended by Marion County on November 20, 2018 and as may be amended from time to time in the future (BLIM).
3. Marion County Ordinance No. 17-28 adopted by the Marion County Board of County Commissioners on October 17, 2017, as supplemented by the Settlement Agreement Concerning Golden Ocala Approvals dated February 20, 2018, as may be amended from time to time in the future (‘collectively the Golden Ocala Development Order’).

In the event of a conflict between Policy 2.1.13 of the Comprehensive Plan and the ARDO, the BLIM or the Golden Ocala Development Order, the ARDO, BLIM or Golden Ocala Development Order, as applicable, shall be deemed to prevail.

GOAL 5: CHANGING THE DEVELOPMENT REGULATIONS

To identify criteria and documentation necessary for the County to evaluate and make recommendations on requested changes to the County’s development regulations and process for reviewing and approving requested changes

OBJECTIVE 5.1: COMPREHENSIVE PLAN AND ZONING CHANGES

To identify criteria and documentation necessary for the County to evaluate requested changes to following development regulations: Comprehensive Plan policies, Future Land Use Map, and FLUM Series; and Zoning Changes (ZC) and Special Use Permits (SUPs).

Policy 5.1.1: Application Requirements

The County shall require an application with sufficient details of a request for an amendment to the Comprehensive Plan and the Official Zoning Map, consistent with Chapter 163, F.S., the Comprehensive Plan, Zoning, and LDC.

Policy 5.1.2: Review Criteria - Changes to Comprehensive Plan and Zoning

Before approval of a Comprehensive Plan Amendment (CPA), Zoning Change (ZC), or Special Use Permit (SUP), the applicant shall demonstrate that the proposed modification is suitable. The County shall review, and make a determination that the proposed modification is compatible with existing and planned development on the site and in the immediate vicinity, and shall evaluate its overall consistency with the Comprehensive Plan, Zoning, and LDC and potential impacts on, but not limited to the following:

1. Market demand and necessity for the change;
2. Availability and potential need for improvements to public or private facilities and services;
3. Allocation and distribution of land uses and the creation of mixed use areas;
4. Environmentally sensitive areas, natural and historic resources, and other resources in the County;
5. Agricultural activities and rural character of the area;
7. Prevention of urban sprawl, as defined by Ch. 163, F.S.;
8. Consistency with the UGB;
9. Consistency with planning principles and regulations in the Comprehensive Plan, Zoning, and LDC;
10. Compatibility with current uses and land uses in the surrounding area;
11. Water Supply and Alternative Water Supply needs; and
12. Concurrency requirements.

Policy 5.1.3: Planning & Zoning Commission (P&Z)

The County shall enable applications for CPA, ZC, and SUP requests to be reviewed by the Planning & Zoning Commission, which will act as the County’s Local Planning Agency. The purpose of the advisory board is to make recommendations on CPA, ZC, and SUP requests to the County Commissioners. The County shall implement and maintain standards to allow for a mix of representatives from the community and set standards for the operation and procedures for this advisory board.

Ex-officio members shall be appointed to the commission consistent with Florida Statutes and other members may be appointed as the County Commissioners deem suitable, such as: Marion County School Board, U.S. Military, Department of Health, and Public Safety (Fire, EMS, Sheriff)

Policy 5.1.4: Notice of Public Hearings

The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.

GOAL 6: PUBLIC INFRASTRUCTURE PLANNING

The County shall implement and maintain short and long-term strategies in collaboration with other local, state, and federal agencies in order to provide public infrastructure to meet the population growth and economic developments needs throughout the County.

OBJECTIVE 6.1: COORDINATION OF PUBLIC FACILITIES AND SERVICES

To ensure the provision of public facilities and services in a timely, efficient, and cost-effective manner, that is in coordination with this element. These policies are general summaries of the

1 requirements, which are further specified in their respective elements and capital improvements
2 element.

3 **Policy 6.1.1: Public Facilities Guidelines**

4 The County shall locate public facilities and services so as to maximize the efficiency of services provided and
5 minimize their cost, impacts on natural environment and resources, and surrounding uses and land uses.

6
7 **Policy 6.1.2: Concurrency of Services**

8 The County shall require that the development of land be timed and staged in conjunction with the provision
9 of supporting public facilities and services to meet the community needs, consistent with this Plan and LDC.

10
11 **Policy 6.1.3: Central Water and Wastewater Service**

12 The County shall require development within the UGB, Urban Areas, and other developments consistent
13 with this Plan and as required in the LDC to use central water and wastewater. Central water and
14 wastewater treatment facilities shall be constructed in accordance with the Wastewater and Potable Water
15 Elements of this Plan and as further defined in the LDC.

16
17 **Policy 6.1.4: Private Water and Wastewater Service**

18 The County shall not prohibit the provisions of potable water, septic tanks and other wastewater treatment
19 facilities by private developers as allowed and regulated in the LDC.

20
21 **Policy 6.1.5: Individual Water and Wastewater Service**

22 The County shall require that all development in areas not providing public water and wastewater services
23 shall utilize individual well and on-site treatment and disposal (OSTDS) facilities in accordance with state law,
24 this Plan, and as further defined in the LDC. Within the UGB, where centralized wastewater is not available
25 and individual OSTDS are utilized, they shall be located in the front yard or street side of all structures to
26 allow for future connection to centralized wastewater when available, but exceptions may be granted due
27 to conditions on the site.

28
29 **Policy 6.1.6: Water Supply Plan**

30 The County shall require that all development be able to demonstrate that there is sufficient water supply,
31 including alternative water supplies if necessary, available to meet the needs of the proposed development,
32 whether provided by public or private centralized utilities or private individual sources, consistent with the
33 Southwest Florida Water Management District (SWFWMD), St. John's River Water Management District
34 (SJRWMD), and Withlacoochee Regional Water Supply Authority (WRWSA) Regional Water Supply Plans
35 (RWSP) and the County's Water Supply Plan (WSP), and other plans or entities that may be necessary for
36 the provision of water for the County to meet the needs of existing and future residents and businesses.

37
38 **Policy 6.1.7: Transportation Network**

39 The County shall require all development to be designed to include an efficient system of internal circulation
40 and address the impacts of development, including multi-modal transportation for surrounding areas and
41 distribution of traffic flow in the transportation network within the county. Individual lots shall be designed
42 with access to the internal street system and utilize shared access where suitable.

43
44 **Policy 6.1.8: Stormwater Run-off**

1 The County shall require the developer/owner of any site to be responsible for the management of runoff
2 in a manner so that post-development runoff rates and volumes do not exceed pre-development conditions
3 consistent with this Plan and as further defined in the LDC.

4
5 **Policy 6.1.9: Public Schools**
6 The County shall collaborate with the School Board and municipalities to ensure there are adequate school
7 facilities throughout the county to meet the education needs of the children within the community as further
8 defined in the Interlocal Agreement for Public School Facilities. This policy shall not be construed so as to
9 cause the Marion County School District to be in conflict with the State Requirements for Educational
10 Facilities (SREF) in Chapter 1013, F.S., or the Stipulated Agreement regarding school desegregation between
11 the Marion County School Board and the U.S. Department of Justice.

12
13 **Policy 6.1.10: Confirmation of Availability of Services**
14 The County shall require developers to assess their needs regarding essential services (electric, gas, etc.) and
15 seek confirmation of future availability from appropriate utility suppliers. Confirmation shall be provided by
16 the utility to the County during the development review process, but no later than the issuance of a
17 development order.

18
19 **Policy 6.1.11: Location of Public Facilities and Services**
20 Public facilities and services needed to provide essential service to existing and future development shall be
21 allowed in all land use designations with the appropriate Zoning classification or SUP, as further defined in
22 the LDC.

23
24 **Policy 6.1.12: Coordination with Other Entities**
25 The County shall coordinate long-term planning efforts for public facilities and services with the
26 municipalities, private service providers, and other entities within the county that may provide similar
27 services or participate in the process to meet the needs of the community.

28
29 **Policy 6.1.13: Capital Improvements Program**
30 The County shall implement and maintain a Capital Improvements Program for public facilities and
31 services, as further defined in the Capital Improvements Element of this Plan.

32
33
34 **GOAL 7: OVERLAY ZONES AND SPECIAL AREAS**
35 **The County shall utilize overlay zones and special areas to identify unique spaces which require**
36 **additional development regulations to maintain and protect their unique characteristics or**
37 **purposes. Each zone or area is described with its respective regulations, and sites may be**
38 **subject to multiple zones and/or areas. The land use designation and/or Zoning classification**
39 **for any site remains undisturbed by the creation of a zone or area, but may require enhanced**
40 **development standards than those that would otherwise apply.**

41
42 **OBJECTIVE 7.1: AIRPORT OVERLAY ZONE (AOZ)**

1 To ensure compatibility of uses adjacent to and allow the continued operations of public airports
2 in accordance with Chapter 163 and 333, FS.

3
4 **Policy 7.1.1: Establishment of AOZ**

5 The AOZ shall be established as an overlay around publicly owned major airports within the county and
6 shall address the following criteria, but not limited to, as further defined in the LDC:

- 7
8 1. Obstructions due to building or other structure height.
9 2. Noise, odor, animal congregation, and other nuisances
10 3. Runway clearance zones at the ends of and extended beyond the runways

11
12 **Policy 7.1.2: Airport Master Plans in AOZ**

13 Each public airport shall have a plan for the proposed uses of the airport, as adopted in the Transportation
14 Element and Maps.

15
16 **OBJECTIVE 7.2: ENVIRONMENTALLY SENSITIVE OVERLAY ZONE (ESOZ)**

17 To provide a focused effort for the protection of surface waters by improving stormwater quality
18 by better managing stormwater run-off due to development activities.

19
20 **Policy 7.2.1: Establishment of ESOZ**

21 The County shall regulate intensity of development where environmentally sensitive lands may be subject
22 to the adverse impacts of development or where a specific natural feature or area requires protection.
23 The ESOZ shall be established as an overlay around those areas of the county as adopted in the FLUM
24 Series, Map #11 *ESOZ*, as further defined in the LDC. The following are a list of areas included in the ESOZ:

- 25
26 1. **Waterbodies**
27 a. **Springs** – Silver and Rainbow Springs
28 b. **Lakes** – At least 200 acres or larger, as further identified in the LDC
29 c. **Spring Runs** – Silver, Rainbow, Salt, Glen, and Juniper Springs
30 d. **Rivers and Streams** – 500 feet landward of the water/wetland edge of perennial wetlands and
31 primary tributaries, as further identified in the LDC
32
33 2. **Silver River State Park** - The ESOZ shall include the entire Silver River State Park property.

34
35 **Policy 7.2.2: Permitted Uses**

36 The County shall implement and maintain a LDC to identify permitted and special uses to ensure that the
37 function of a protected natural feature will not be materially impaired, diminished, or harmed by
38 development activities and that the quality of the surface waters or groundwater will not be adversely
39 impacted by the development activities.

40
41 **Policy 7.2.3: Required Site Analysis**

42 The County shall require a site analysis of soil conditions, geologic characteristics, topographic relief,
43 stormwater run-off, identification of existing natural systems on the site, and other pertinent site
44 characteristics to identify the effects of any proposed development or any changes to existing

1 development that increase density or intensity of use as part of the development review process.
2 Additional requirements shall be required for development that is in excess of forty (40) acres, consists of
3 twenty (20) or more residential units, involves non-residential development, occurs on property with
4 water frontage, or additional information is requested by another local, state, or federal agency, for which
5 the applicant shall comply with such requests prior to approval from the County.
6

7 **Policy 7.2.4: Buffer and Setback Requirements**

8 In order to retain vegetated buffers and adequate setbacks to control erosion and sedimentation into a
9 lake, river, spring, spring run, stream, karst features, and wetlands and thereby protect water quality,
10 promote proper function of septic systems, attenuate flood waters, lessen effects of strong winds, provide
11 privacy, enhance views, and reduce noise and buffers.
12

13 1. **Karst Topography/Features:**

14 Buffer and setback requirements shall be established based on criteria and standards in Policies
15 8.2.8 and 8.2.9 of this element, and as further defined in the LDC.
16

17 2. **Water Boundary Setback Line:**

18 Buffer and setback requirements below shall be applied landward from the water boundary
19 setback line, as further defined in the LDC.
20

21 **Policy 7.2.5: Protection of Littoral Zone Vegetation**

22 The County shall require the protection of the littoral zone vegetation to limit shoreline erosion and limit
23 potential adverse water quality impacts due to development consistent with Florida Department of
24 Environmental Protection (FDEP) and Florida Fish and Wildlife Commission (FWC) requirements.
25 Protection of such areas is the responsibility of the property owner, and shall be identified on approved
26 site plans.
27

28 **Policy 7.2.6: Stormwater Management**

29 Optimum design of a stormwater management system shall mimic and use the features and functions of
30 natural drainage systems, such as: natural drainage ways, depressions, wetlands, floodplains, highly
31 permeable soils, and vegetation. The use of swales, berms, or detention/retention areas will be required
32 when necessary to prevent direct flow of stormwater runoff to a receiving water body.
33

34 **Policy 7.2.7: Development within the Flood Plain**

35 In order to reduce flooding potential for property developed in the ESOZ, the following requirements shall
36 be implemented for development within the flood plain:
37

38 1. **Structures** – All structures within the flood plain shall be developed consistent with Policy 7.3.4
39 of this element.

40 2. **Compensatory Storage:** One to one compensatory storage is required.

41 3. **Sewage:** No sewage effluent disposal shall be permitted within the 100-year floodplain.
42

43 4. **Density:** Density shall not exceed one dwelling unit per acre.
44

- 5. **Clearing of Vegetation:** Clearing vegetation within the 100-year flood plain shall be consistent with Objective 7.2 and 7.3 and their policies in this element.

Policy 7.2.8: Centralized Utilities

Central wastewater facilities shall be the preferred method of wastewater treatment for all development in an ESOZ. If publicly or privately owned central wastewater facilities are available within a quarter mile of the property line of a development project, then all development within that project will be required to hook up to the central wastewater system.

Where regional and sub-regional centralized wastewater facilities are not available, alternative wastewater facilities, including package plants and community cluster systems, may be used. The County shall establish criteria in its LDC for determining when connection to an existing centralized facility is required, and when construction of an alternative wastewater facility may be permitted. Consideration shall be given to such factors as project type, size, density, location and other relevant factors. All new and expanded facilities shall comply with the treatment and disposal standards established pursuant to Policy 1.6.1 of the Wastewater Element.

Policy 7.2.9: On-Site Treatment Disposal Systems (OSTDS)

On-site sewage disposal systems (OSTDS), including aerobic and anaerobic systems, which will create an effluent quality comparable to that from a central wastewater treatment system or treatment systems to remove nutrients to be determined by site conditions and density may be allowed when built to County specifications and where density requirements are met.

- 1. **Enhanced Septic System Requirements:** Within Springs Protection Areas and where site conditions, such as, slope, soil conditions, infiltration rates, or natural drainage features so require, enhanced septic systems may be required. These system modifications can include, but are not limited to: lift pumps to remove effluent farther from the high-water line to a safe upland treatment and disposal site, effluent sand filters, and aerobic systems.
- 2. **Placement of OSTDS:** All septic tanks and drainfields shall be located in the front yard or street side of all structures to allow for future connection to centralized wastewater when available, but exceptions may be granted due to conditions on the site.
- 3. **Variance for OSTDS:** A variance may be requested for existing parcels, which are too small to allow for a residential dwelling or when replacement of an existing septic systems fails, and the requirements of this policy cannot be met. The setback and buffer requirements may be reduced proportionately with the parcel dimensions, as further defined in the LDC.

Policy 7.2.10: Density and Intensity Limitations

In order to limit stormwater flow and discharge from septic tanks which pose a threat to groundwater and surface water quality through discharges that contain pathogens, toxic materials, phosphorous and nitrogen which can increase eutrophication in surface waters and contaminate groundwater, density restrictions will ensure adequate assimilation and dilution of the contaminants to acceptable

1 concentrations. Density shall be determined by the lesser of the Future Land Use designation or other
2 density restrictions as further stated within this policy, based on the utilization of central or non-
3 centralized water and sewer systems, including use of OSTDS, to meet the development standards within
4 the ESOZ.

5
6 1. **Centralized Utilities Available:** Where central wastewater systems are available and utilized,
7 density may be at that of the underlying land use category, except for the ESOZ around Lake Weir
8 as follows:

9
10 a. **Three (3) Dwelling Units per One (1) Gross Acre:** Within the ESOZ and the road network
11 surrounding Lake Weir comprised of County Road 25, Sunset Harbor Road, Southeast 105th
12 Avenue, Southeast 100th Avenue, SE 132nd Place, and Southeast 115th Avenue or one
13 thousand (1,000) feet from the mean annual water line of Lake Weir, whichever is farther
14 from Lake Weir.

15
16 b. **Four (4) Dwelling Units per One (1) Gross Acre:** Within the ESOZ and beyond the road
17 network described above or one thousand (1,000) feet from the mean annual water line of
18 Lake Weir.

19
20 2. **OSTDS are Available:** Density of the development is allowed as follows, until such time as
21 centralized water and wastewater are available for development:

22
23 a. **Within One-Thousand (1,000) feet of a Waterbody:** The maximum density shall be one
24 dwelling unit per gross acre when a conventional or aerobic septic system with on-site
25 secondary sewage treatment such as rapid sand filters and enhanced drainfields are utilized.

26
27 b. **Beyond 1,000 feet from a Waterbody and within the ESOZ:** A maximum of two dwelling units
28 per gross acre will be allowed when appropriate septic systems, either enhanced conventional
29 or enhanced aerobic are utilized.

30
31 c. **Stressed Waterbodies:** Densities, intensities of use, or rate of development may be reduced
32 in areas where bodies of water are under stress. The Trophic State Index (TSI) shall be used
33 as a means for indicating the stress from nutrient loading placed upon a water body. When
34 the TSI number increase by ten (10) points in two (2) years, it shall be presumed that this
35 water body is under stress due to excess nutrient loading.

36
37 d. **Lake Weir:** For the Urban Area and Rural Area surrounding Lake Weir that are within the
38 ESOZ, the following density standards shall apply:

39 (1) **Urban Area / Uses**

40
41 (a) **One (1) Dwelling Unit per Two (2) Gross Acres:** Within the ESOZ and the road
42 network surrounding Lake Weir comprised of County Road 25, Sunset Harbor Road,
43 Southeast 105th Avenue, Southeast 100th Avenue, SE 132nd Place, and Southeast
44 115th Avenue or one thousand (1,000) feet from the mean annual water line of Lake

Weir, whichever is farther from Lake Weir, the allowable density shall be one dwelling unit per two (2) gross acres when a conventional or aerobic septic system with on-site secondary sewage treatment such as rapid sand filters and enhanced drainfields are used.

(b) **One (1) Dwelling Unit per One (1) Gross Acre:** Within the ESOZ and beyond the road network described above or one thousand (1,000) feet from the mean annual water line of Lake Weir, the allowable density shall be one unit per gross acre when a conventional or aerobic septic system with on-site secondary sewage treatment such as rapid sand filters and enhanced drainfields are used.

(2) **Rural Area / Uses**

The density may be at that of the underlying land use category and clustering shall be encouraged, consistent with Policy 10.1.4 of this element.

Policy 7.2.11: Use of Best Management Practices (BMP)

The County shall require the implementation of Best Management Practices (BMPs) in the ESOZ to protect surface water from contamination due to silvicultural and agricultural activities on properties within the ESOZ, unless otherwise not required and consistent with Policy 8.1.9 of this element.

Policy 7.2.12: Waterfront Lot Tract Width

Waterfront lots within the ESOZ shall have a minimum tract width of 125 feet, but existing lots not meeting this requirement, as of January 1, 1992, are vested from this minimum tract width requirement.

OBJECTIVE 7.3: FLOOD PLAIN OVERLAY ZONE (FPOZ)

To reduce the exposure of people and property to flooding events.

Policy 7.3.1: Establishment of FPOZ / FEMA Flood Insurance Rate Maps (FIRM)

The County shall adopt by reference the Flood Insurance Study, dated August 28, 2008, as amended, from the Federal Emergency Management Agency (FEMA) to implement the National Flood Insurance Program in the county. These maps are adopted as part of the FLUM Series, Map #5: *Floodplains per 2008 FEMA Maps*.

Policy 7.3.2: Modification of FPOZ

The County shall update the flood plain zones based on map amendment revisions that are made due to FEMA map amendments due to requested changes or identification of errors, consistent with the requirements of Objective 7.3 and its policies of this element.

Policy 7.3.3: Protection of FPOZ

The County shall implement and maintain a LDC that require the identification of the flood plain on any proposed development site prior to the issuance of a development order and address public health, safety, and welfare issues to prevent and reduce potential public and private losses due to flooding. Development may be limited within the floodplain in order to minimize property flood damage from a storm event. These restrictions and limitations shall include:

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- 1. Uses and structures within the flood plains;
- 2. Land filling, grading, and clearing that may cause erosion or inhibit flood waters;
- 3. Development shall comply with the rules of the National Flood Insurance Program;
- 4. Septic systems shall comply with the Florida Department of Health rules and other policies of this Plan and the LDC; and
- 5. Require all subdivisions and site plans to maintain pre-development run-off characteristics and provide compensating storage.

Policy 7.3.4: Structures in the FPOZ

The County shall require all structures to be elevated at least one foot above the 100-year flood elevation, except for water-related and non-habitable accessory structures in accordance to and support of FEMA regulations, Title 44, Code of Federal Regulations (CFR) 60.1 and as further defined in the LDC.

OBJECTIVE 7.4: SPRINGS PROTECTION OVERLAY ZONE (SPOZ)

To provide an additional level of water quality protection for springs and groundwater throughout the county by reducing and managing potential groundwater contamination for water supplies.

Policy 7.4.1: Establishment of SPOZ

The County established the boundaries of the SPOZ, which includes both a Primary and Secondary Springs Protection Zone (SPZ), as adopted in the FLUM Series, Map #14 Springs Protection Overlay Zones (SPOZ).

- 1. **Primary SPZ:** The Primary SPZ shall be based on the 0 to 10 year recharge travel time
- 2. **Secondary SPZ:** The Secondary SPZ shall be the remainder of the county to provide additional protection to surface waterbodies and groundwater and provide protection of other Spring Primary SPZ until such time as the County or other entity completes studies of the remaining springs in the County.

Policy 7.4.2: Modification of SPOZ

The County may update the Primary and Secondary SPZ as additional studies are performed by the county or other entities that demonstrate a need for additional protection standards for either the Silver Springs and Rainbow Springs, for which were the basis of the SPOZ, or other existing or new springs that may be identified.

Policy 7.4.3: Permitted Uses

The County shall implement and maintain a LDC to identify permitted and special uses to ensure that the function of a protected natural feature will not be materially impaired, diminished, or harmed by development activities and that the quality of the surface waters or groundwater will not be adversely impacted by the development activities.

Policy 7.4.4: Required Site Analysis

1 In addition to the ESOZ site analysis requirements of Policy 7.2.3 of this element, an assessment of the
2 development impacts on recharge volume and groundwater quality, with emphasis on nitrogen, to assess
3 whether additional measures are needed and can be provided to mitigate potential impacts shall be
4 required for any new development that increases density or intensity of use within the Primary and
5 Secondary SPZ, as applicable to the site.

6
7 **Policy 7.4.5: Required Buffer Area**

8 Buffer and setback requirements shall be established based on criteria and standards in Policies 8.2.8 and
9 8.2.9 of this element, and as further defined in the LDC.

10
11 **Policy 7.4.6: Stormwater Management**

12 Stormwater management systems within the SPOZ shall incorporate low-impact development principles,
13 innovative technology to enhance removal and attenuation of nutrients and other pollutants, and sinkhole
14 formation and contamination reduction methods to reduce surface water and groundwater
15 contamination, as further implemented by other policies of this Plan and defined in the LDC.

16
17 **Policy 7.4.7: Centralized Utilities**

18 Central wastewater facilities shall be the preferred method of wastewater treatment for all development
19 in an SPOZ in accordance to Policy 7.2.8 of this element and central water facilities shall be the preferred
20 method of providing water supply.

21
22 **Policy 7.4.8: On-Site Treatment Disposal Systems (OSTDS)**

23 For development where connection to a regional, sub-regional, or alternative wastewater system is not
24 required, then an OSTDS will be required.-Within the Primary SPOZ, enhanced OSTDS able to reduce total
25 nitrogen by a minimum of 65% are required if central sewer connection is not available. Where an area
26 or parcel is included in an adopted five-year capital improvement plan for provision of central wastewater,
27 or otherwise included in an area prioritized for sewer expansion, an exception to use conventional OSTDS
28 may be granted by the Board of County Commissioners. Under this exception, connection will be required
29 when sewer becomes available, as further defined in the LDC.

30
31 **Policy 7.4.9: Use of Best Management Practices (BMP)**

32 The County shall require the implementation of Best Management Practices (BMPs) in the SPOZ to protect
33 groundwater quality from contamination due to silvicultural and agricultural activities on properties
34 within the ESOZ, unless otherwise not required and consistent with Policy 8.1.9 of this element.

35
36 **OBJECTIVE 7.5: MILITARY OPERATING AREA (MOA)**

37 To ensure that future development within the adopted MOA will not negatively impact current
38 and long-term use of the military installation, as listed in the OPNAVINST 3550.1 series, the
39 County will promote health and welfare by limiting incompatible land uses, and allow compatible
40 land uses within such areas.

41
42 **Policy 7.5.1: Establishment of MOA**

1 The MOA shall be established as an overlay for military installations and surrounding area within the
 2 County in the following Sections, Townships, Ranges:
 3

T11S, R24E, Sections 25-36; T12S, R23E, Sections 1, 11-15, 22-28, 32-36; T12S, R24E, all Sections; T12S, R25E, all Sections; T13S, R23E, Sections 1-5, 7-30, 32-36; T13S, R24E, all Sections; T13S, R25E, all Sections; T13S, R26E, all Sections; T14S, R23E, Sections 1-3, 11-13, 25; T14S, R24E, Sections 1-30, 32-36;	T11S, R23E, Section 36; T14S, R25E, all Sections; T14S, R26E, all Sections; T15S, R24E, Sections 1-3, 10-14, 24; T15S, R25E, Sections 1-30, 32-36; T15S, R26E, all Sections; T15S, R261/2E, all Sections; T16S, R25E, Sections 1-4, 9-16, 21-28, 33-36; T16S, R26E, all Sections; T17S, R25E, Sections 1-3, 12; and T17S, R26E, Sections 1-18, 20-27, 35-36.
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 5 **Policy 7.5.2: Review of Development and Changes to MOA Regulations**

6 The County shall enable input from relevant entities regarding the potential impact development may
 7 have to the operations of existing and future military installations within the County during the
 8 development review process as follows:
 9

- 10 1. **Review and Comments on Development:** The County shall request comments from the
 11 appropriate Department of Defense or U.S. Navy officials for any proposed changes to the
 12 Comprehensive Plan, Zoning, LDC, building permits, and other requests that may adversely impact
 13 military facilities and operations. Applicants shall be required to address any issues that may arise
 14 that adversely impact the operations of military installations within the County.
 15
 16 2. **Ex-Officio Membership on Advisory Boards:** The Planning and Zoning Commission and the Land
 17 Development Regulation Commission shall include, as ex-officio members, appropriate
 18 Department of Defense or U.S. Navy representatives, to advise them regarding land use and
 19 zoning issues with the potential to impact military facilities and operations.
 20

21 **OBJECTIVE 7.6: WELLHEAD / WELLFIELD PROTECTION AREA (WHPA)**

22 To protect public water supply wells from incompatible uses.
 23

24 **Policy 7.6.1: Establishment of WHPA**

25 Well/Wellhead Protection Area (WHPA) requirements for a qualified Community Water Systems (CWS),
 26 as defined by Chapter 62-521.200(1), FAC and operated by local governments, community or special
 27 districts, or private utility providers regulated by the Florida Public Service Commission (PSC), shall be
 28 maintained to provide protection of existing and proposed wells and from contamination for the design
 29 life of a the facility. When multiple wells are existing and/or suitably planned for future service, in lieu of
 30 a WHPA for each individual well, a wellfield protection area approach may be used provided the identified
 31 Wellfield Protection Area encompasses all existing and planned wells to be used by the qualified CWS.
 32 Qualified CWS WHPAs are defined and established as listed below and as adopted on the FLUM, Series
 33 Map #2 Well & Wellhead Protection Area:
 34

ZONE	Qualified Community Water System (CWS), Chapter 62-521.200(1), FAC (Municipal/Local Government, Community or Special District, FPSC Regulated Utility)
Primary	≤ 100'
Secondary	> 100' to ≤ 500'
Tertiary	> 500' to ≤ 1,000'

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Policy 7.6.2: Zone Requirements

The County shall implement and maintain a LDC regarding the placement and establishment of new land uses and development for WHPAs, at a minimum consistent with Chapters 62-521, 62-532, 62-555.312, and 62-610.200, FAC, as amended.

Policy 7.6.3: Land Use and Development Tracking in WHPA

The Marion County shall implement and maintain a LDC regarding land use and development which require the identification and designation of qualified CWS and WHPAs through development review processes, whether for new development or uses within existing WHPAs or new qualified CWS, which will establish corresponding WHPAs, as determined appropriate.

Policy 7.6.4: Identification and Designation of Wells in WHPA

The County shall coordinate with the appropriate local, regional, and state agencies to maintain a qualified CWS inventory using the best available data and providing information, including at a minimum, geographic location, capacity, service type, and owner, as well as other information deemed appropriate by the County.

GOAL 8: RESOURCE PROTECTION STRATEGIES

To protect the unique assets, character, and quality of life throughout the county, the County will implement and maintain appropriate strategies that minimize potential adverse impacts to the surrounding area created by development through the implementation of land use policies and LDC.

OBJECTIVE 8.1: PROTECT AGRICULTURE, EQUESTRIAN, AND RURAL CHARACTER

To establish a framework for addressing development within the Rural Areas that will encourage the preservation of agriculture as a viable short- and long-term use of lands and as an asset of the County's economy, and that will provide clear, fair and consistent standards for the review and evaluation of future development proposals.

Policy 8.1.1: Protection of Existing Residential Development

The County shall recognize existing residential development and require that new development address issues of compatibility through implementation and maintenance of LDC that address density and intensity impacts of new development to the surrounding area and uses.

Policy 8.1.2: Support Economic Viability of Agricultural Lands

The County shall preserve the economic viability of agricultural lands and prevent the premature conversion of these lands to other uses.

Policy 8.1.3: Support Agricultural Production

Through the resources of the Agricultural Extension Service, the County shall actively promote the conservation of bona fide agricultural uses, and will provide information to agricultural producers to improve production and methods.

Policy 8.1.4: Protection of Scenic Views and Vistas

All non-agricultural development or uses shall be designed to maintain open vistas and protect the integrity of the rural character of the major roadways within the Rural Area.

Policy 8.1.5: Context Sensitive Transportation Design

The County shall require that all future roadway projects outside of the UGB be designed consistent and compatible with the land use context of the area and shall reinforce landscape and habitat preservation by limiting access and roadway intersections. The design shall also incorporate signage and design features to accommodate wildlife crossings near wildlife habitat areas.

Policy 8.1.6: Central Utilities in Rural Area Outside UGB

The County shall limit the extension of central potable water and wastewater service within the Rural Area outside of the UGB or PSAs as follows:

1. Individual on-site wells may be allowed as the method of providing potable water;
2. Individual on-site septic systems may be allowed as the method of disposal of wastewater;
3. New development shall neither be designed nor constructed with centralized water or wastewater systems with the exception of:
 - a. Serving areas with existing urban FLU designations, as of January 1, 2014, that are outside of the UGB;
 - b. Future Land Use designations, specialized development, and/or overlays allowed in accordance with this element;
 - c. Existing Developer's or Settlement Agreement approved by the County prior to January 1, 2014; or
 - d. Clear and convincing evidence that demonstrates by the proponents of the system expansion that a health or safety problem exists in a built but un-served area for which there is no other feasible solution or to promote water conservation, aquifer, or springs protection in instances where significant adverse impacts are demonstrated to occur by not utilizing centralized water and wastewater. In such cases, the service area expansion plans will be updated concurrent with an administrative land use update, as necessary based on the use, density, and intensity of the development on the property.
 - e. Extension of centralized water and wastewater shall be at the applicant's expense.

Policy 8.1.7: Central Utilities in Rural Area within UGB

The County shall permit the extension of centralized water and wastewater within the Rural Area within the UGB, but costs associated with the extension of services shall be at the property owner's expense, and the service area expansion plans will be updated concurrent with an administrative land use update, as necessary based on the use, density, and intensity of the development on the property.

Policy 8.1.8: Lighting Standards

The County shall implement and maintain lighting standards in the LDC that address outdoor artificial illuminating devices and limit the emission of undesirable rays into the night sky, glare to on-coming traffic, intrusion of light onto adjacent properties, and light pollution in general, which may have a detrimental effect on the welfare and safety of the community, as well as the ambiance and rural character.

Policy 8.1.9: Silvicultural and Agricultural Activities BMPs

The County shall protect surface water and groundwater quality through the use of BMPs by encouraging use on a voluntary basis, except where BMPs shall be mandatory to protect environmentally sensitive areas or resources that may potentially be impacted by these activities, consistent with Objective 1.2 and policies of the Conservation Element and as further defined in the LDC.

OBJECTIVE 8.2: PROTECTION OF NATURAL AND HISTORIC RESOURCES

To preserve and prevent the degradation of natural and historic resources.

Policy 8.2.1: Contamination - Standards and Regulations

The County shall provide performance standards for and regulate development activities which contaminate air, water, soil or crops in the LDC.

Policy 8.2.2: Mining

The County shall provide criteria and regulate the extraction of natural mineral resources by addressing the following at a minimum, as further defined in the LDC:

1. Requiring mines to meet all Department of Environmental Protection requirements;
2. Buffering to ensure compatibility with surrounding properties and reduce off-site impacts;
3. Address impacts to surface and groundwater;
4. Identify habitat protection areas and listed species on the site;
5. Phasing schedule and map for the mining activities;
6. Reclamation plan after mining activities end.

Policy 8.2.3: Archeological and Historic Resources

The County shall identify and maintain information about archeological and historic resources which are in need of protection, as specified in associated policies of the Housing Element of this Plan and as shown in the FLUM Series, Map # 10, Archeological and Historic Areas, which is based on information from the Florida Division of Historic Resources.

Policy 8.2.4: Wetlands

The County shall implement and maintain a LDC to preserve and protect wetlands in the County and utilize the National Wetlands Inventory, as adopt by the FLUM Series, Map #6 Wetlands, and consistent with the Florida Statutes wetland definition.

Policy 8.2.5: Environmental Assessment for Listed Species (EALS) / Listed Species Review

1 The County shall implement and maintain a LDC that address how the county will assess and protect
2 threatened and endangered plants and animals on properties during land clearing and the development
3 review process. Areas identified for protection shall be required to incorporate measures such as, but not
4 limited to: clustering, increased open space requirements, low density land use and zoning, and mitigation
5 of impacts. The land development review process shall, at a minimum, provide for review under the
6 following instances, as further defined in the LDC:
7

8 1. **Development and Land Clearing:** All development or land clearing, except for bona fide silvicultural
9 or agricultural activities, for properties containing more the 40 acres, involving twenty (20) or more
10 residential units, or is located within the ESOZ.

11
12 2. **Exemptions from Listed Species Review:** A wildlife and plant survey shall not be required under
13 the following circumstances:
14

15 a. Lands depicted on 1986/87 LANDSAT Satellite Imagery Map or the Cooperative Land Cover
16 SPOT imagery (2010-2013), whichever is more recent, produced by the Florida Fish and Wildlife
17 Conservation Commission (FWC) as: exotic plant communities or barren land.

18
19 b. Silvicultural activities that are part of a resource management plan approved by the appropriate
20 state agency.

21
22 c. Credible information is presented to the County and relevant state agencies that no listed
23 species or important habitat exists on the development site. Such evidence shall be reviewed
24 and comments shall be provided for a final determination on the need or lack of listed species
25 review being required for the development site within 45 days of receiving a request for
26 comment upon a particular exemption. Relevant state agencies shall include, but not limited
27 to, the following:
28

29 (1) Florida Fish and Wildlife Conservation Commission (FWC)

30 (2) U.S. Fish and Wildlife Service (USFWS)

31 (3) Division of Forestry (DOF) of the Florida Department of Agriculture and Consumer Services

32 (4) U.S Forest Service (USFS)
33

34 3. **Survey of Listed Plant and Animal Species or Communities:** A survey shall be required to address
35 the types of animals and vegetation, as specified in the LDC, and it shall be conducted by an
36 ecologist, biologist, or similar professional, and include an inventory of listed animals and plants,
37 endangered and threatened species, and species of special concern on the site, including following
38 protocols established by the FWC and USFWS, as follows:
39

40 a. Size and distribution of native habitat

41 b. Listed species' populations

42 c. Feasibility and viability of on-site protection and management of listed species

43 d. Whether or not a wildlife corridor or conservation area exists on-site and evaluate the feasibility
44 of maintaining them

e. Appropriateness of mitigating the impacts of development by relocation and/or on-site protection measures for listed species

4. **Findings of Listed Species on Development Site and Required Actions:** The County and the relevant federal and/or state agencies noted within this policy shall implement the following requirements when listed species are determined to be on the development site during land clearing, development review, and construction processes, including maintaining consistency with Chapter 68A-27 FAC.:

a. **Protection of Listed Species:** When a site proposed for development or clearing is determined to contain listed species, those listed species and their habitat shall be protected by creating a habitat management plan, inclusive of a conservation easement as required by Section 704.06, FS. or by the designation of a site as permanent open space under an approved management plan, to protect the listed species from the impacts of development or land clearing and demonstrate how viable, sustainable populations shall be maintained. The plan must be prepared by a qualified professional; reviewed by the appropriate regulatory or management agency such as FWC, USFS, USFWS, or DOF; and approved by the County prior to the issuance of a permit or development order.

b. **Mitigation for Listed Species:** If protection would result in the taking of private property or, if after consulting the relevant federal and/or state agencies, the County Commissioners determine that mitigation will result in a greater benefit to the relevant species and habitat, mitigation shall be required as a condition of a development order or permit. The method of protection required by the County shall be determined on a case-by-case basis and shall be directly related to the following criteria, whether on or off-site:

- (1) Number and types of listed species present or presumed to be present on the site as determined by a site survey;
- (2) Size, type, quality, and location of habitat;
- (3) Life cycle needs supplied by the habitat, i.e., nesting, roosting, breeding, foraging, etc.;
- (4) Size of the habitat in relation to the size of the site proposed for development or land clearing; and
- (5) Location of the site and habitat in relation to existing or proposed wildlife corridors, designated conservation areas, lands with conservation easements, or natural reservations;

c. **Additional Requirements for Off-Site Mitigation:** When it is determined by the County that alternative off-site actions will provide equivalent or better protection or viability for affected listed species or habitat, the County has the option of allowing an applicant to meet the requirements of one or more of the following options:

- (1) Monetary contribution to the Parks and Environmental Land Acquisition Program (PELAP) for the acquisition of environmentally sensitive lands within the County, and the funds shall be applied to lands that are known to contain viable populations of listed species or

- 1 habitat similar in type and quality to that on the site proposed for development or
- 2 clearing.
- 3 (2) Species relocation to similar habitat on protected lands, which must be approved by the
- 4 appropriate state regulatory or management agency.
- 5
- 6 (3) Land that is within or contiguous with the Ocala National Forest, Cross Florida Greenway,
- 7 Silver River State Park, Rainbow River State Park, St. Johns River Water Management
- 8 District lands, or other Preservation designated land within the County can be acquired
- 9 and donated to the appropriate managing agency. Lands donated under this option must
- 10 be of equivalent acreage and contain listed species habitat of the same type and value as
- 11 that upon the proposed development site.
- 12
- 13 (4) Off-site mitigation options shall satisfy the habitat requirements of listed species.
- 14 Monetary contributions and land donations shall be sufficient to replace the habitat
- 15 functions of the area to be protected and managed as required in this policy. A minimum
- 16 of one-for-one replacement value of habitat shall be required for monetary contributions
- 17 or land donations.
- 18
- 19 d. **Requirements for Conservation Easement and Permanent Open Space:** The conservation
- 20 easement or permanent open space per the habitat management plan shall be dedicated to
- 21 the County, or to a public or non-profit conservation agency or organization; or by virtue of
- 22 designation of the protected area as Preservation on the Future Land Use Map Series (FLUM).
- 23 Final development orders, when issued, will identify protected areas that are to be designated
- 24 as Natural Reservation on the FLUM. These areas will be designated as Preservation on the
- 25 FLUM during the next ensuing plan amendment cycle after issuance of a development order
- 26 or permit. Acceptance of land dedication or conservation easements, or dedication as open
- 27 space under an approved management agreement shall satisfy the habitat requirements of
- 28 the listed species. The County has the final authorization to accept or reject a particular
- 29 conservation easement or permanent open space area.
- 30
- 31 e. **Release of Conservation Easements and Permanent Open Space:** Conservation easements
- 32 or permanent open space per the habitat management plan may be released only when it is
- 33 shown by competent substantial evidence that the purpose for which such easements or
- 34 permanent open were dedicated have been completed, or are no longer capable of being
- 35 accomplished because no listed species utilize the site. Landowners shall not be held
- 36 responsible for ongoing management activities other than those that are required under the
- 37 habitat management plans specified in section E. of this policy.
- 38
- 39 f. **Maintenance of Files:** Information, data, agreements, and agency comments associated with
- 40 this Policy shall be maintained at a central location by the County and shall be available for
- 41 inspection.
- 42

43 **Policy 8.2.6: Open Space**

1 The County shall encourage open space areas for properties being developed to be clustered to conserve
2 and preserve natural and historic resources within the development to the greatest extent possible during
3 the development review process.

4
5 **Policy 8.2.7: Density and Intensity of Development**

6 The County shall consider the appropriate density and intensity of development based on the conditions
7 of the site, including the impact on natural and historic resources, as further defined in the LDC.

8
9 **Policy 8.2.8: Karst Topography/Features and High Recharge Area (HRA)**

10 The County shall implement and maintain a LDC that address identification and development review
11 processes and required buffers related to karst and high recharge areas that may adversely impact surface
12 and groundwater during the development of property. This policy will address the county's circumstances
13 of being situated in a geologic area featuring limestone and rock characteristics identified as karst,
14 promoting the quick and rapid movement of water between the surface and the aquifer. As the aquifer is
15 the vital source of the County's potable water, as well as much of the State of Florida, its protection and
16 preservation is essential. The LDC shall include, but not limited to the following:

- 17
18 1. Impervious surface area
19 2. Stormwater management
20 3. Hazardous materials
21 4. Vegetation and buffering requirements
22 5. Alternative and innovative designs
23 6. Inadequate sediment coverage
24 7. Wastewater effluent
25 8. Permitted and prohibited uses
26 9. Landscape and open space practices, including fertilization and irrigation
27 10. Solid waste
28 11. Construction and Demolition (C&D) landfill

29
30 **Policy 8.2.9: Buffers for Karst Topography/Features**

31 The County shall require buffers to address potential groundwater contamination that could occur due to
32 development near karst features. These minimum buffer widths may be reduced if the applicant
33 demonstrates that: a) a narrower buffer can be calculated using the "Design Methodology for Calculating
34 Buffer Width Based on Infiltration", as set forth in the *Applicant's Handbook for Regulation of Stormwater
35 Management Systems*, SJRWMD 2005, as amended, in which case the width shall be at least the calculated
36 value; or b) for lots of record, the lot size is too small to accommodate permitted development in compliance
37 with the minimum width, in which case the applicant shall, as an alternative, design and construct a
38 vegetated swale and or berm that effectively prevents drainage to the karst feature. Karst buffers shall be
39 maintained in permanent natural vegetative cover.

40 **Policy 8.2.10: Setback from Cross Florida Greenway**

41 Additional setbacks shall be required that are in proportion to the density and intensity of development
42 adjacent to the Cross Florida Greenway, as further defined in the LDC.

43
44 **GOAL 9: PROTECTION OF FARMLAND IN THE RURAL AREA**

1 **To protect farmland in the Rural Area by allowing properties to continue to be utilized for**
2 **agricultural activities while providing opportunities for property owners to obtain transferrable**
3 **development credits that can be utilized to encourage development within the UGB and Urban**
4 **Areas that are more suitable for higher density and intensity development.**

5
6 **OBJECTIVE 9.1: TRANSFER OF RIGHTS PROGRAMS**

7 The County shall implement transfer of rights programs designed to protect natural resources,
8 especially those identified in the Conservation Element and locally important and prime farmlands
9 within the County. These resources include, but are not limited to, the preservation of high water
10 recharge and underground drainage basins, springs, karst areas, sinkholes, sinks, sinkhole ponds,
11 and other karst features.

12
13 **Policy 9.1.1: Transfer of Development Rights (TDR) Program**

14 The County shall implement and maintain a TDR Program that allows the conservation of designated lands
15 in exchange for Transfer of Development Credits (TDC) that can be utilized in Urban Areas within and outside
16 the UGB and other areas as allowed by this program or Plan.

17
18 **Policy 9.1.2: Transfer of Vested Rights (TVR) Program**

19 The County shall implement and maintain a TVR Program that allows the conservation of Rural Land
20 designated lands that have been platted into residential subdivision prior to the implementation of the
21 Comprehensive Plan, Zoning, and/or LDC by abandoning wholly or partially of development rights in
22 exchange for TDCs that can be utilized in Urban Areas within and outside the UGB and other areas as allowed
23 by this program or Plan.

24
25 **Policy 9.1.3: Maximum Density and Intensity Bonus with Transfer of Rights Programs**

26 The County shall allow for density and intensity increases with the Transfer of Rights Programs as follows:

- 27
28 1. **Residential Density Bonus:** A maximum of two (2) dwelling units per one (1) gross acre is
29 permitted. If property developed with the density bonus cannot meet the appropriate Land
30 Development Code standards, such as setbacks, minimum lot size, etc., then a PUD zoning shall
31 be required.
32
33 2. **Non-Residential Bonus:** A maximum increase of the maximum Floor Area Ratio (FAR) of 0.25 is
34 permitted. A maximum decrease of 0.25 of a development's open space requirement is
35 permitted. If property developed with the non-residential bonus cannot meet the appropriate
36 Zoning development standards, such as setbacks, minimum lot size, etc., then a PUD zoning shall
37 be required.
38
39 3. **Combination of Residential and Non-Residential Bonus:** If both residential and non-residential
40 bonuses are utilized, then a PUD zoning shall be required to develop the site consistent with the
41 above requirements of this policy.
42

43 **Policy 9.1.4: Establishment of Sending Areas**

1 The County shall designate the following as Sending Areas:

2
3 1. **TDR Program**

4
5 a. **Farmland Preservation Area (FPA):** The FPA is a boundary that automatically qualifies
6 properties designated Rural Land as being within the Sending Area due to the concentration of
7 agricultural activities and designated locally important and prime farmland areas. The FPA is
8 shall be shown on the FLUM Series, Map #13, *Transfer of Rights*.

9
10 b. **Rural Land Properties Outside of FPA:** Rural Lands outside the FPA and UGB that are shown on
11 FLUM Series Map #1, *Marion County 2045 Future Land Use Map* and within an unincorporated
12 area. The lands must demonstrate the presence of, and be accepted by the County as having
13 one or more resources listed in Policy 1.1.2 of Conservation Element, and are a minimum of 30
14 acres in size. The applicant shall be required to demonstrate that the property meets the intent
15 for conservation for this program.

16
17 2. **TVR Program**

- 18 a. Parcels of record; or
19 b. Antiquated subdivisions; or
20 c. Property not identified by the County, other local, or private provider for the provision of
21 centralized water and wastewater within the next ten (10) years, based on a short or long-term
22 capital improvements program or long-term County master utility plan.
23

24 3. **Exceptions:**

- 25
26 a. Rural Land designated properties within the UGB are considered Receiving Areas.
27 b. Rural Land designated properties outside the UGB that were formerly designated Urban
28 Reserve prior to February 10, 2011, are considered Receiving Areas consistent with Objective
29 9.1 and its policies of this element.
30

31 **Policy 9.1.5: Density Limitations within FPA**

32 The County shall implement and maintain density intensity increases within the FPA as follows:

- 33
34 1. Hamlet and Cluster Density Bonus developments shall not be permitted within the FPA.
35 2. Family Division of properties with a minimum of one (1) dwelling unit per three (3) gross acre shall
36 be permitted as allowed in this element and as further defined in the LDC.

37 **Policy 9.1.6: Minimum Requirements to Obtain TDCs**

38 Property owners interested in participating in the Transfer of Rights Programs shall submit an application
39 that meets, but not limited to, the following requirements:

- 40
41 1. **Conservation Easement:** A conservation easement shall be encumbered on the property and the
42 following additional requirements shall apply:

- 1
- 2 a. **TDR Program:** Residential dwelling units, including family divisions, and non-residential uses,
- 3 except for bona fide agriculture-related structures or those approved by the conservation
- 4 easement shall be prohibited.
- 5
- 6 b. **TVR Program:** An existing residence in the conservation area may be permitted, but no
- 7 additional development of the site shall be permitted.
- 8
- 9 **2. Minimum Parcel Size:**
- 10
- 11 a. **TDR Program:** A parcel of land must be a minimum of 30 acres in size and the associated
- 12 conservation easement must include a minimum of 30 acres in order for a parcel to be included
- 13 in the TDR program. Land utilized for this program shall be contiguous and appreciable size,
- 14 not spread out or consist of multiple isolated small partial or full parcels.
- 15
- 16 b. **TVR Program:** The lands must consist of a minimum of ten contiguous acres of real property.
- 17 Parcels or blocks of lots separated only by road right-of-way shall be considered as being
- 18 contiguous.
- 19
- 20 **3. Transfer Rate:** The Transfer of Development Credits (TDC) transfer rate shall be as follows:
- 21 a. Transfer of Development Rights Program: One (1) TDC per one (1) gross acre of qualifying area.
- 22 b. Transfer of Vested Rights Program:
- 23 1. One (1) TDC per one (1) vested residential unit or lot.
- 24 2. One (1) TDC per acre of vested commercial/non-residential entitlement. If the
- 25 entitlement is expressed as a total area of non-residential development, the calculation
- 26 applies to the entitled development potential, not the land area.
- 27
- 28 **4. County Commissioner Approval:** Transfer Development Credits (TDCs) may only be approved by
- 29 the Board of County Commissioners through the petition process and the Board may reject any
- 30 petition, including, but not limited to, those petitions associated with parcels where conservation
- 31 easements are, or have been purchased or were otherwise granted prior to petitioning the County
- 32 for development credits. This process applies to both the TDR and TVR Programs.

33
34 **Policy 9.1.7: Receiving Areas**

35 The receiving areas shall include unincorporated areas as shown in FLUM Series Map #12, *Transfer of Rights*,

36 as further described below for the TDR and TVR Programs:

37

- 38 1. LEVEL I – All residential and non-residential properties within the UGB;
- 39 2. LEVEL II – All properties designated Rural Land and located within the UGB; and
- 40 3. LEVEL III – All properties formerly designated as Urban Reserve, as of January 1, 2010, that are
- 41 located outside the UGB, except where all or a portion of the property lies within an Environmentally
- 42 Sensitive Overlay Zone.

43
44 **Policy 9.1.8: Utilization of TDCs**

1 Transfer rates for the Receiving Areas shall be assigned as follows for the TDR and TVR Programs:
2

- 3 1. **Receiving Areas:** TDCs may only be utilized within the designated Receiving Areas.
4
- 5 2. **Use of TDCs in Receiving Areas:** TDCs may be used for either to add residential units and/or FAR to
6 non-residential development as follows:
7
- 8 a. **For Residential Units:** One (1) TDC equals one (1) dwelling unit with a maximum of two (2)
9 dwelling units above the allowable density of land use designations in the policies of Objective
10 2.1.
11 b. **For Non-Residential Area:** One (1) TDC equals 0.05 acre of non-residential development with a
12 maximum increase in FAR of 0.25 above the allowable FAR in the policies of Objective 2.1.
13 c. **Open Space:** One TDC equals 0.05 acre of open space. TDCs may be used to meet a maximum
14 of 0.25 of a development's required open space.
15
- 16 3. **Verification of TDCs:** The County will verify the validity of the TDCs and their usage on the property
17 within the Receiving Area. Owners of TDCs will identify to the County the specific parcel(s) of land
18 within the Receiving Area where the TDCs are to be utilized.
19
- 20 4. **Allowances in Receiving Areas:** The TDCs may be utilized to the residential and non-residential
21 development densities and intensities in accordance to Objective 2.1 of this element:
22
- 23 a. **LEVEL I** – Residential densities and non-residential intensities within the UGB can utilize TDCs as
24 allowed by this element.
25
- 26 b. **LEVEL II** – Rural Land designated properties may increase residential densities up to that allowed
27 under the Low Residential designation and non-residential intensities as allowed by Commercial
28 or less intense non-residential designation.
29
- 30 c. **LEVEL III** – Rural Land designated properties that were formerly designated Urban Reserve prior
31 to January 1, 2010, may increase residential densities to that allowed under the Low Residential
32 designation and non-residential intensities as allowed by Commercial or less intense
33 non-residential designation, provided that central water and sewer services are available and
34 utilized.
35
- 36 d. **Higher Density or Intensity** - Additional density or intensity for properties that utilize the
37 Transfer of Rights Programs shall require a Comprehensive Plan Amendment beyond the above
38 allowances.
39
- 40 5. **Application and Processing Fees:** All costs, including costs associated with determining the size and
41 location of the specific Sending and Receiving Area parcels and all recording costs associated with
42 recording the conservation easement and utilization of the TDCs form shall be the responsibility of
43 the owner.
44

6. **Development of Property Utilizing TDCs:** Property developed that utilizes the Transfer of Rights Programs shall be required to meet all applicable requirements of Florida Statutes, the County’s Comprehensive Plan, Zoning, and LDC during the development review process.

Policy 9.1.9: Land Use Amendment to Recognize Increased Density and Intensity

The County shall amend the Comprehensive Plan FLUM identifying the specific parcel(s) having a new land use designation due to an increase in density or intensity due to utilizing TDCs, as part of the TDR or TVR Programs, on properties during the next available Large Scale Amendment Cycle, as necessary.

Policy 9.1.10: Methods to Increase Development Density and Intensity

Both Transfer of Rights programs may be utilized to increase density and/or intensity for property or a Comprehensive Plan Amendment may be applied for as allowed in this element.

Policy 9.1.11: Tracking System

The County shall maintain an internal Transfer of Rights Programs tracking system. The tracking system shall list the parcels within the unincorporated area where TDCs have been issued, where TDCs are available for use, and where the TDCs have been utilized to increase density and intensity of properties.

Policy 9.1.12: Evaluation of the Transfer of Rights Programs

The County shall assess the Transfer of Rights Programs and consider ways to enhance the utilization of the programs at least once during the Evaluation and Appraisal Report (EAR) process that is required by the State every seven (7) years.

GOAL 10: SPECIAL COMMUNITY PLANNING

To allow for recognition of existing and future development areas where the County may implement and maintain various strategies to enhance neighborhood, community, or regional planning areas through specific policies that may be suitable for select areas, and they may not apply countywide in all instances.

OBJECTIVE 10.1: PRE-EXISTING USES, STRUCTURES, AND VESTED RIGHTS

To ensure that existing rights of property owners are preserved in accordance with the Constitution of the State of Florida and the United States. The County shall maintain vested rights regulations within its LDC, which shall generally be guided by principles of statutory vesting and common law vesting.

Policy 10.1.1: Vested Rights Determinations and Process

The County shall implement and maintain vested rights regulations in the LDC, based on such items as, completion of development, common law vesting, and other documentation that demonstrates that significant steps have been taken to secure development rights on properties within the unincorporated area of the County.

Policy 10.1.2: Vesting of DRI-Scale Developments

1 Within those areas identified as Vested DRI-Scale Developments in possession of and subject to a valid
2 Binding Letter of Interpretation for Vested Rights (BLIVR), and/or Binding Letter of Modification for Vested
3 Rights (BLIM), issued by the Florida Department of Economic Opportunity pursuant to Chapter 380.06 (20),
4 F.S., prior to the adoption date of this Plan, the continued development of residential and non-residential
5 densities and intensities of use shall be permitted consistent with the project's development plan as
6 acknowledged by the corresponding BLIVR, and/or BLIM, for each development. The BLIM Map
7 H/Development Plan may be adopted as part of the FLUM Series, Map # 15 wherein the BLIM Map
8 H/Development Plan is the effective Future Land Use Map applicable to the BLIM. For BLIMs existing on the
9 effective date of this section, land use allocations may be allocated in accordance with the BLIM provisions
10 without the need to amend the Comprehensive Plan. If the approved BLIM Map H/Development Plan is
11 amended or modified consistent with the provisions of the existing BLIM, the Future Land Use Map shall be
12 amended in a timely manner at no cost to the existing BLIM developer; and the County shall allow for
13 development of the property to proceed as allowed by the amended BLIM and BLIM Map H/Development
14 Plan prior to the land use map being updated by the County.

15

16 **Policy 10.1.3: DRI/FQD Development of Regional Impact or Florida Quality Development**

17 This provision identifies and relates to development projects formerly approved consistent with Chapter
18 380, F.S, with a current Development Order or Amended Development Order (DO/ADO) and approved
19 Master Plan Map H (Map H) that is adopted as part of the FLUM Series, Map #15; wherein the Map H is the
20 effective Future Land Use Map applicable to the DRI/FQD and any depiction of the DRI/FQD within the
21 overall Future Land Use Map (Map #1) is provided solely for general reference purposes. Lands newly
22 designated DRI/FQD or amendments to an existing DRI/FQD shall be developed consistent with the
23 corresponding project's current DO/ADO and Map H, as well as the County's Comprehensive Plan and LDC
24 including, but not limited to, land use densities and intensities, and development standards established
25 therein. Newly designated or amended DRI/FQDs shall designate the land use categories permitted in the
26 DRI/FQD consistent with the categories provided in this element. Any newly designated or amended
27 DRI/FQD that is not consistent with the established Map H and/or underlying land uses shall require a plan
28 amendment concurrent with the approval of the DRI/FQD DO/ADO. An amendment to a DRI shall not
29 require an amendment to the Comprehensive Plan unless the DRI amendment application proposes to
30 change the land use allocations on Map H. For DRIs existing on the effective date of this section, land use
31 allocations may be located in accordance with DRI DO conditions without the need to amend the
32 Comprehensive Plan. If the approved Map H is amended or modified consistent with provisions of the
33 existing DO/ADO, the Future Land Use Map shall be amended in a timely manner at no cost to the existing
34 DRI/FQD; and the County shall allow for development of the property to proceed as allowed by the and
35 amended Map H prior to the land use map being updated by the County.

36

37 **Policy 10.1.4: Aggregation of Parcels of Record or Residential Lots**

38 Exceptions to the densities required in the Future Land Use Element shall be allowed for parcels meeting
39 the following criteria:

40

- 41 1. **Parcel of Record:** A designated parcel, tract, or area of land established by plat, metes and bounds
42 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which
43 complies with the applicable building codes and zoning regulations, and which existed on or
44 before January 1, 1992, and under one ownership as of August 11, 1993, as defined below:

- 1
- 2 a. Parcels recorded or registered and parcels shown on all other unrecorded subdivisions, plats,
- 3 or surveys in existence as of August 14, 1970, as provided in Chapter 70-803, Laws of Florida
- 4 (1970); or
- 5 b. Parcels shown as a specific lot, parcel, or tract which parcel was created on or before January
- 6 1, 1992 and recorded in the public records of Marion County, Florida; or
- 7 c. Parcels in subdivisions approved by the Board of County Commissioners and recorded prior
- 8 to January 1, 1992; or
- 9 d. Parcels located in unrecorded subdivisions or registered divisions of land into "flag lots", as
- 10 that term is commonly known in the County, where parcels were filed and accepted by the
- 11 County and existing as of January 1, 1992.

12

13 2. **Non-Contiguous Parcels of Record:** An exception to the densities required in this element shall

14 be allowed for parcels created on or before January 1, 1992, under one ownership, and evidenced

15 by a properly executed deed or contract for deed held by the purchasing party, as of August 11,

16 1993 for the purpose of constructing one single-family residential unit. The deed or contract for

17 deed shall be recorded in the public records on or before August 11, 1993 or proven by clear and

18 convincing evidence to have been in existence on or before August 11, 1993. Clear and convincing

19 evidence shall require a copy of the document, properly executed, and copies of canceled checks

20 or other proof of payments having been made prior to August 11, 1993.

21

22 Non-contiguous parcels means parcels that do not have any common property lines, including

23 parcels which have common property lines and would otherwise be considered contiguous but

24 are separated by unplatted roads or streets which have been dedicated for public use or

25 prescriptive easements for road right-of-way purposes.

26

27 3. **Contiguous Parcels of Record:** In limited cases, an exception to the densities required in this

28 element shall be allowed for parcels created on or before January 1, 1992 and under one

29 ownership, as described above, under 1. Parcels of Record, as of August 11, 1993 may qualify for

30 an exception.

31 Contiguous parcels means parcels with at least one common property line. If a parcel is

32 contiguous to other parcels owned by the same owner or entity, then such owner or entity must

33 aggregate the parcels to meet the underlying density established in this Comprehensive Plan to

34 the greatest extent possible.

35

36 4. **Recorded and Unrecorded Subdivisions:** An exception to the densities required in this element

37 shall be allowed for parcels as follows, consistent with the contiguous and non-contiguous parcels

38 of record requirements above:

- 39
- 40 a. Parcels within a phase of the subdivision which have met the applicable conditions set forth
- 41 below prior to January 1, 1992 shall be permitted to develop at the density established for
- 42 that subdivision, provided that all Chapter 10D-6, F.A.C. requirements and all other
- 43 requirements of this Comprehensive Plan are met. Those subdivisions not meeting the

requirements listed below will be required to aggregate parcels to meet the density requirements of this Plan; or

b. Subdivisions that have direct access to a County paved road and in which all parcels front on a continually maintained paved or stabilized road that meets the standards established by the County; or

c. Parcels within subdivisions in which all parcels are served by a storm water management system that functions at the standards established by the County; or

d. Parcels within subdivisions in which the sale of individual lots to persons by the original sub-divider has occurred at the following rates prior to August 11, 1993 if:

(1) At least 85 percent of the total number of lots are sold if the subdivision was created in 1982 or before;

(2) At least 60 percent of the total number of lots are sold if the subdivision was created from 1983 to 1987 inclusive;

(3) For subdivisions created after 1987 the following conditions apply in order for no aggregation requirements to be placed upon contiguous lots within the subdivision:

(a) At least 50 percent of the total number of lots are sold if the subdivision was created in 1988; or

(b) At least 50 percent (50%) of the total number of lots are sold by 1994 if the subdivision was created in 1989; or

(c) At least 50 percent (50%) of the total number of lots are sold by 1995 if the subdivision was created in 1990; or

(d) At least 50 percent (50%) of the total number of lots are sold by 1996 if the subdivision was created in 1991; or

(e) At least 50 percent (50%) of the total number of lots are sold by 1997 if the subdivision was created in 1992.

The percentage of lots sold is meant to reflect the good faith sale of individual lots to many individuals and not the transfer of large number of lots to investors. The County shall deny this exception if the sale of lots as indicated above does not reflect this intent.

5. **Compliance with Comprehensive Plan, Zoning, and LDC:** Property granted a density exception pursuant to this policy may be subject to all other appropriate Comprehensive Plan, Zoning, and LDC.

6. **Appeals:** The County shall implement an appeal procedure, as further defined in the LDC.

Policy 10.1.5: County Recognition of Pre-Existing Development

The County shall insure that conforming commercial and industrial uses existing as of April 7, 1994, the initial adoption date of the plan, shall be considered conforming uses.

- 1 1. **Proof of Development:** Property owners shall be required to provide sufficient documentation to
2 the County to obtain a conformity letter for such existing development.
3
- 4 2. **Permitted Use(s):** The pre-existing use(s) may expand onto any property with the same ownership,
5 properly zoned and contiguous to the existing commercial or industrial use as of the referenced
6 date. The pre-existing use shall be limited to the number of use(s) on the site and was developed
7 in conformity with the Zoning classification at that time. The recognized pre-existing use may
8 change as long as the use is allowable within the Zoning classification.
9
- 10 3. **Subdivision of Property with Pre-Existing Use(s):** Should the property which includes a pre-existing
11 use recognized under this policy be legally subdivided, then the conforming use letter shall apply
12 only to the portion of the property which historically included the majority of the pre-existing use
13 with primary consideration for the hard improvements such as structures, public water and sewer,
14 driveway and parking supporting the recognized use.
15
- 16 4. **Property Compliance:** If a property with a vested letter obtains a Comprehensive Plan amendment
17 and Zoning Change for consistency purposes, then the vested letter shall be void and the property
18 shall comply with all applicable Comprehensive Plan, Zoning, and LDC requirements.
19
- 20 5. **Appeals:** The County shall implement an appeal procedure as further defined in the LDC.
21

22 **Policy 10.1.6: Non-Conforming Uses and Structures**

23 The County shall implement and maintain a LDC that address the continued use of or redevelopment of uses
24 or structures that were legally established and in compliance with regulations at the time of establishment,
25 but no longer comply with Comprehensive Plan, Zoning, and/or LDC due to changes in regulations, right-of-
26 way or land acquisition by government agencies, etc. The County will establish performance criteria with
27 regards to continued use and redevelopment of the uses and structures, as further defined in the LDC:
28

- 29 1. **Improvement and Expansion of Structure:** The structure with the non-conforming use may be
30 repaired or expanded to continue the operation of the non-conforming use, provided the
31 improvement cost does not exceed fifty percent (50%) of the assessed value of the structure.
32
- 33 2. **Compliance with LDC for Uses and/or Structures:** Legally established non-conforming uses and/or
34 structures can continue to operate or be utilized for the use(s) as follows:
35
 - 36 a. **Existing / No Changes:** LDC that require additional site requirements beyond the existing site
37 shall not be required to be addressed, unless determined necessary by the County to address
38 public safety, welfare, or health issues or compliance with other government agency
39 regulations.
40
 - 41 b. **Expansion / Redevelopment:** If the non-conforming use and/or structure is expanded as
42 provided in this policy, then the property shall be required to be brought into compliance with
43 the current LDC, but these requirements may be reduced in accordance with the County's
44 waiver and variance processes.

- 1
- 2 3. **Use of Non-Conforming Structure:** A non-conforming use may not operate within a non-
- 3 conforming structure.
- 4
- 5 4. **Change of Use:** Any change of the non-conforming use shall not further the non-conformity, and
- 6 shall be consistent with the Comprehensive Plan. A lesser intense use than the existing non-
- 7 conforming use is permitted, however, any future change of use shall be required to be consistent
- 8 with or less intense than the last non-conforming use.
- 9
- 10 5. **Abandonment of Use:** The re-establishment of non-conforming uses that have been discontinued
- 11 or abandoned shall be prohibited.
- 12
- 13 6. **Single-Family Residence:** If the home is the primary residence of the property owner, then the
- 14 home may be replaced if it is a legally established non-conforming use or structure.
- 15

OBJECTIVE 10.2: INFILL AND REDEVELOPMENT

To encourage the infill and redevelopment to maintain and enhance neighborhood viability, revitalize urban corridors, and discourage urban sprawl.

Policy 10.2.1: SPECIAL AREA PLANNING

The County shall consider use of various planning strategies, such as, corridor studies, sector plans, neighborhood plans, redevelopment plans, etc., as necessary for infill and redevelopment opportunities.

Policy 10.2.2: REDEVELOPMENT PARTNERSHIPS

The County shall collaborate and maintain cooperative relationships with local, state, and federal agencies, private sector, and other parties to allow for funding opportunities and technical assistance to be available to meet redevelopment needs within the unincorporated area.

Policy 10.2.3: FUNDING SOURCES

The County shall continue to seek funding opportunities, such as, Community Development Block Grant Program, grants, and other funding sources for identifying and addressing areas in need of revitalization.

OBJECTIVE 10.3: REGIONAL ACTIVITY CENTER (RGAC) OVERLAY

To allow for compact, high intensity, high density multi-use development which may include a mix of the following uses: retail, office, housing, cultural, recreational and entertainment facilities, hospitality facilities (hotels and motels), and industrial uses that serve a regional area in accordance to Rule 28-24.014(10), F.A.C. and Chapter 380.06(2)(3), F.S., as amended.

Policy 10.3.1: Establishment of RGAC Overlay

RGACs shall be designated on the FLUM Series, Map #1 and Map #14, as an overlay zone by a Comprehensive Plan Amendment which is also consistent with Rule 28-24.014(10), F.A.C. and Chapter 380.06(2)(e), F.S.

Policy 10.3.2: Development Mix and Form for RGAC

1 The County shall promote an intensive mixture of employment, goods and services, and residential uses
 2 in RGACs, achieve the highest standards of quality in the urban and/or urbanizing environment, provide
 3 for economic development opportunities, and provide a balanced and constructive tax base. In addition,
 4 a RGAC shall promote a compact urban form which will be less dependent on automobile use, discourage
 5 urban sprawl, and promote sustainable land use patterns.

6
 7 **Policy 10.3.3: Master Plan Requirements for RGAC**

8 The adoption of a Comprehensive Plan Amendment for RGACs shall include a Master Plan that promotes
 9 the physical and functional integration of a mixture of land uses that addresses, at a minimum, the
 10 following:

- 11
 12 1. Developed as a PUD;
 13 2. Provide for a diverse mix of land uses as provided for in Rule 28-24.014(10), F.A.C., housing types,
 14 densities and intensities Areas of similar single-use types and density and intensity shall be
 15 discouraged. Development densities and intensities, including minimum and maximum amounts
 16 of each land use category, shall be determined and established by the adopted Comprehensive
 17 Plan Amendment;
 18 3. Locate only in those areas of the County where major employment centers exist or are
 19 encouraged;
 20 4. Provide for a transition of land use intensities near the periphery to allow for and provide
 21 compatibility with adjacent land uses
 22 5. Propose areas of regional employment, regional tourism, and/or education activities and
 23 opportunities;
 24 6. Locate at or in reasonable proximity to interstate interchanges or similar facilities with increased
 25 capacity and accessibility as defined in Rule 28-24.014(10), F.A.C., Chapter 163, F.S., and
 26 committed public facilities, as identified in the Capital Improvements Element of this Plan;
 27 7. Provide, or have the ability to provide, timely adequate public facilities and infrastructure
 28 necessary to support the RGAC as defined in Rule 28-24.014(10), F.A.C., Chapter 163, F.S., and
 29 committed public facilities, as identified in the Capital Improvements Element of this Plan.
 30

31 **Policy 10.3.4: Adoption of RGAC on the FLUM**

32 The following RGACs have been adopted on the FLUM, as further shown on the FLUM Series, Map #1 and
 33 Map#14:

34
 35 1. **MARION OAKS / MCGINLEY REGIONAL ACTIVITY CENTER (RGAC)**

36 Location: Surrounded by the Marion Oaks Subdivision, on the south side of Hwy 484.

37 Size: Approximately 1,290 acres

38 Parcel IDs: 41200-056-00, 41200-056-02, 41200-056-03, 41205-000-00, 41205-000-01

39
 40 **Range of Uses:**

- 41 a. Employment Center (Commercial - Retail/Office/Light to Heavy Business, Light Industrial,
 42 and Residential – single and multi-family units [0 to 12 du/ac]): 570 acres and maximum
 43 FAR: 2.0

- 1 b. Commerce District (Heavy Commercial and Industrial; Retail/Office/Light to Moderate
- 2 Business): 385 acres and maximum FAR: 2.0
- 3 c. High Residential (Single and Multi-Family Units - 4 to 8 du/ac): 150 acres
- 4 d. Urban Residential (Single and Multi-Family Units – 8 to 16 du/ac and accessory commercial
- 5 uses): 183 acres

6
7 Conceptual Plan: Marion Oaks / McGinley Regional Activity Center (RGAC)

8
9 **2. IRVINE / SUNNY OAKS REGIONAL ACTIVITY CENTER (RGAC)**

10 Location: Southeastern corner of I-75 and CR 318.
11 Size: Approximately 453 acres
12 Parcel ID: 03204-000-00

13
14 **Range of Uses:**

- 15 a. Employment Center – 150 acres
- 16 1. Residential: 41.7 acres with 250 units (6 du/ac)
- 17 20.8 acres with 250 units (12 du/ac)
- 18 2. Commercial/Industrial: 87.5 acres with FAR of 2.0
- 19 b. Commerce District – 303 acres with FAR of 2.0

20
21 Conceptual Plan: Irvine / Sunny Oaks Regional Activity Center (RGAC)

22
23 **OBJECTIVE 10.4: INNOVATIVE PLANNING STRATEGIES**

24 To develop and enforce innovative planning techniques and LDC designed to protect residential
25 neighborhoods, enhance the economic viability of the community, promote the efficient use of
26 infrastructure, preserve natural resources, reinforce the market area concepts, and reduce the
27 proliferation of urban sprawl.

28
29 **Policy 10.4.1: Traditional Neighborhood Design (TND)**

30 The County shall encourage development to utilize traditional neighborhood design standards as a means
31 to require efficient urban growth patterns that exhibits the following characteristics and conforms, but
32 not limited, to the following design principles, as further defined in the LDC:

- 33
- 34 1. **Village or Town Centers with Mixed Uses:** A mixture of non-residential and residential uses of
- 35 various densities, intensities, and types designed to promote walking between uses and a variety
- 36 of transportation modes, such as bicycles, transit, and automobiles.
- 37
- 38 2. **Functional Neighborhoods:** Residential areas are located and designed as neighborhoods, which
- 39 embrace a full range of urban facilities including neighborhood retail centers, a variety of housing
- 40 types, public/civic space, and a variety of open-space amenities, schools, central water and
- 41 wastewater, and fire/safety accessibility.
- 42

- 1 3. **Walkable Streets:** Integrated neighborhoods and compact development that designs a
- 2 community based on reasonable walking distances, the location of parking, and the design of
- 3 streetlights, signs, and sidewalks.
- 4
- 5 4. **Interconnected Circulation Network:** An interconnected street system that prioritizes
- 6 pedestrians and bicycle features and links neighborhoods to shopping areas, civic uses, parks, and
- 7 other recreational features.
- 8
- 9 5. **Open Space and Natural Features:** Development activity recognizes the natural and
- 10 environmental features of the area and incorporates the protection, preservation, and
- 11 enhancement of these features as a resource amenity to the development.
- 12

13 **Policy 10.4.2: Transit-Oriented Design (TOD)**

14 The County shall encourage development to utilize transit-oriented design standards to reinforce the use

15 of public transportation by locating higher-density, mixed-use development, including

16 employment-oriented businesses and higher-density residential uses, adjacent to transit stops, that

17 address, but not limited to the following, as further defined in the LDC:

- 18
- 19 1. Establishment of block lengths
- 20 2. Building setbacks and orientation to the street
- 21 3. Establishing minimum density and floor area ratio
- 22 4. Uses that support public transportation and walkability
- 23 5. Reduction in parking requirements and encourage shared parking
- 24 6. Strategies that reduces the usage of automobiles and allows for non-automobile areas
- 25 7. Includes design of multi-modal transportation and interconnection links within development and
- 26 surrounding areas
- 27 8. Open-space requirements
- 28 9. Architectural or building form guidelines
- 29 10. Utilization of form-based codes
- 30

31 **Policy 10.4.3: Context-Sensitive Design for Roadway Corridors**

32 The visual and functional characteristics of streets are important in the design of the community. The

33 following, but not limited to, design principles for the road network shall be encouraged to be used

34 throughout the County, as further defined in the LDC:

- 35
- 36 1. Streets should be designed as a part of the public realm with amenities;
- 37 2. Streets should be designed to accommodate a mix of travel modes, including vehicles, bikes,
- 38 transit, and pedestrians;
- 39 3. Streets should be designed holistically considering the pavement, curbing, bikeways,
- 40 pedestrianways, lighting, signs, front-yard setback areas, and building facades; and
- 41 4. Neighborhoods may connect to adjacent activities, subdivisions, and neighborhood-serving
- 42 businesses through the design of a street and pedestrian system and traffic-calming measures
- 43 where appropriate.
- 44 5. Creative and integrated designs for stormwater retention systems and fencing.

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Policy 10.4.4: Joint Planning and Interlocal Agreements

The County shall utilize joint planning and interlocal agreements to collaborate with the municipalities, School Board, and other entities to address community needs on a regional basis as needed for such activities, but not limited to, as follows:

1. Annexations
2. Extra-territorial jurisdiction
3. Coordination of public facilities and services
4. Review opportunities for development activities that may impact other jurisdictions
5. Shared-use facilities and services
6. Exchange of information, data, ordinances, resolutions, etc.

Objective 10.5: Innovative Planning Areas

To recognize innovative planning techniques and the unique nature of large scale development projects that may affect multiple jurisdictions and state resources pursuant to Chapter 380.06(30), Florida Statutes.

Policy 10.5.1: Golden Ocala

Future Land Use Map (FLUM) Amendment 2017- D05 changes the Land Use classification of approximately 954 acres from Rural Land to Low Residential and 45 acres from Medium Residential to Commercial. Further, such real property and additional property, for a total of approximately 3,145 acres (the "Project" or "Golden Ocala"), were the subject of a State Coordinated Review Process of Section 163.318(4), Florida Statutes, pursuant to Section 380.06(30), Florida Statutes. Development of the Project shall satisfy the requirements of all applicable Goals, Objectives and Policies of the Comprehensive Plan; however, the land use and development potential of the Project is hereby limited and governed by the following conditions:

1. The Golden Ocala project boundary is designated as an overlay on the Marion County Future Land Use Map Series as identified on Map 16.
2. Golden Ocala is a mixed use development composed of single family, multi-family (includes condominiums), commercial, hotel, recreation, RV units, equestrian facilities and other uses to support the horse community and the Golden Ocala project.
3. The maximum project entitlements are as follows:

RESIDENTIAL HOUSING	
Existing Golden Ocala PUD	924
Medium Residential	340
Equestrian Estate	300
Condominium	835
Total Housing Units	2,399
NON-RESIDENTIAL	
Commercial	525,000 square feet
Equestrian Facility	10,000 seats
Hotel	385 rooms

Recreational Vehicle	200 units/parking spaces
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- 1 4. The commercial and other non-residential entitlements may be used for any of the non-residential
 2 uses permitted by Marion County in the Commercial future land use category. A land use tradeoff
 3 mechanism will also be included within the County's PUD approval for this Project, and will apply to
 4 the entire Project boundary. The land use conversion table will allow for a land use to exceed the
 5 Project entitlements above as long as another land use is reduced through the conversion matrix to
 6 ensure there is no increase in development impacts. The conversion table will also allow for
 7 conversion of the uses identified above through local approval and thus, without the requirement for
 8 a comprehensive plan amendment.
 9
- 10 5. Neither the approval of this development project's site for future land use designation, or the
 11 approval of this policy shall be deemed a final local development order and the development is not
 12 considered, or entitled to, being certified for concurrency under Marion County's Concurrency
 13 Management System (LDC Article 1, Division 8). The developer shall address and comply with Marion
 14 County's Concurrency Management System, including providing for proportionate share for
 15 transportation improvements consistent with Sections 163.3180 and 380.06, Florida Statutes, upon
 16 proceeding through Marion County's subsequent development review process as contained within
 17 the Marion County Land Development Code (LDC Article 2, etc.);
- 18 6. No Equestrian Estate lot created shall be less than three (3) acres in size measured exclusive of any
 19 right-of-way or access easements (except to the extent such access easements provide access
 20 between lots and platted streets, are designed to permit the use of shared driveways to provide such
 21 access, or are designated easements for utilities or equestrian trails).
- 22 7. The commercial, common and non-residential areas, World Equestrian Center and individual lots and
 23 homes shall utilize water conservation techniques. Such techniques may include indoor, irrigation and
 24 landscaping practices as selected by the Developer, required certifications for irrigation contractors
 25 working within the development, wastewater contribution for municipal reuse, maximum irrigable
 26 areas, or other landscape and vegetative requirements.
- 27 8. Development of:
 - 28 8.1. Commercial, condominium, RV, medium density residential lots and the Equestrian Facility
 29 developments shall be served by central potable water and central sanitary sewer service.
 - 30 8.2. Equestrian Estate lots may, at the option of the developer, be served by (a) wells or on-site
 31 sewage treatment and disposal systems (OSTDS) provided that the PUD for any such lots that are
 32 served by OSTDS shall contain provisions designed to reduce total nitrogen effluent
 33 concentration; or (b) by central potable water or central sanitary sewer services to the foregoing
 34 provisions concerning wells and OSTDS are to provide a transition from the urbanized area to
 35 rural, which are exceptions to Future Land Use Element Policies 3.1.1, 6.1.3 and 6.1.5, Sanitary
 36 Sewer Element Policies 1.2.6, 1.4.1 and 1.4.7 and Potable Water Element Policy 1.7.1.; and other
 37 provisions of this plan requiring central water and sewer.
- 38 9. Direct vehicular access to NW 100th Avenue south of the northwest quarter of the southwest quarter
 39 of Section 11, Township 15 Range 20 is prohibited.
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