

SUBJECT: MARION COUNTY 2050 COMPREHENSIVE PLAN - SENATE BILL 180 (SB 180) REVIEW AND CHANGES SUMMARY

In 2025, the legislature enacted Senate Bill 180 which prohibits jurisdictions within 100 miles of a hurricane's path from imposing construction moratoria or adopting stricter land use amendments for one year after landfall. In regions affected by Hurricanes Debby, Helene, or Milton, (all FL Counties), more restrictive or burdensome regulations and moratoria are prohibited until October 1, 2027. Any measures in conflict are void retroactively from August 1, 2024.

Senate Bill 180 was enacted after Marion County completed their EAR and during the EAR based amendment process. This bill presented a direct hurdle to certain changes that Marion County is proposing to their 2050 Comprehensive Plan. These EAR based amendments are generated by more than a yearlong effort of updated data inventory and analysis and Florida State Statutes (FSS) consistency review, a thorough public engagement process, and dozens of Board of County Commissioner workshops to finetune the Plan to the current needs of the County.

In effort to maintain the intent of the policy revisions, the proposed changes were compared to the language in SB 180 to determine which revised policies may conflict with the restrictions of the Bill. Note, the entirety of the existing 2035 Comprehensive Plan language was not reviewed for SB 180 compliance; solely the revisions drafted as a result of the EAR process were reviewed. The outcomes of these reviews are discussed by policy in this document. It is the intent of the County that this supplemental document to the 2050 Comprehensive Plan Redlines will not only provide evidence of proper due diligence and intention to comply with SB 180, but also to serve as reference for FloridaCommerce during their review process by presenting the reasoning behind keeping, removing, or revising the policies that were identified as potentially being construed as more burdensome or restrictive.

To ensure compliance with SB 180, Marion County Staff and Kimley-Horn reviewed the proposed revisions to the Comprehensive Plan through the lens of a reviewer. Overall, the majority of the proposed revisions/updates/clarifications were not deemed more "restrictive or burdensome". Many of them, effectively, are already permitted under current policy and the changes simply highlight/empower the action. However, the policies discussed in this document were reviewed and some were flagged as potentially being construed as more "restrictive or burdensome." Therefore, out of an abundance of caution, the flagged policies were brought before the Board of County Commissioners to review and decide on whether to maintain, revise, or strike.

Policies found to NOT be potentially construed as more burdensome or restrictive by Staff and Kimley-Horn:

The following policies were initially identified to potentially conflict with SB 180. However, these policies were reviewed by County Staff and Kimley-Horn and, ultimately, they were found to NOT be potentially construed as more burdensome or restrictive. The reasoning for maintaining these policies as written are bulleted under each policy.

Future Land Use Element

- a. Policy 2.1.7: Amendment Applications for Conversion of Rural Lands
 - **Revisions maintained** as written due to application requirements already being established as part of the approval process, per the Land Development Code (LDC).
- b. Policy 2.1.15: Professional Office and Neighborhood Commercial Uses in Residential Land Use Designations
 - **Revisions maintained** as written given this policy was updated based on a settlement agreement between the County and developer. In addition, language was added to clarify existing policy procedures.
- c. Objective 9.1: Transfer Of Rights Programs (*and proceeding policies*)
 - **Revisions maintained** as written due to them making the process more flexible for applicants.
- d. Policy 10.4.2: Transit-Oriented Design (TOD)
 - **Revisions maintained** as written due to the TOD standards already being established in the LDC.

Transportation Element

- a. Objective 6.2: Development Transit Supportive Development Patterns
 - **Revisions maintained** as written due to encouragement of transit supportive development patterns and the potential requirement for the provision of transit facilities already being an established goal and objective in the Transportation Element.

Sanitary Sewer Element

- a. Policy 1.1.7
 - **Revisions maintained** as written due to the construction standards and regulations for privately owned systems already being established in the LDC.

Policies found to NOT be potentially construed as more burdensome or restrictive by Staff and Kimley-Horn (continued):

Potable Water Element

- a. Policy 1.3.2
 - **Revisions maintained** as written due to the construction standards and regulations for privately owned systems already being established in the LDC.
- b. Objective 1.6
 - **Revisions maintained** as written due to not being more restrictive or burdensome to others.
- c. Policy 1.6.5
 - **Revisions maintained** as written due to the potential provision of infrastructure beyond the development requirements is an existing part of the approval process in the LDC.

Stormwater Element

- a. Policy 1.2.5
 - **Revisions maintained as** written due to routine inspections already being inferred as part of maintaining the routine maintenance criteria.
- b. Policy 1.7.6
 - **Revisions maintained** as written due to the regulation and requirement of mitigation in Flood Prone Areas already being in practice and enforced for over two (2) years.

Conservation Element

- a. Policy 1.1.4
 - **Revisions maintained** as written due to the language utilizing “may” and the addition of water supply plans which are a requirement pursuant to FSS and the addition of wildlife corridor which are guidelines.

Recreation and Open Space Element

- a. Policy 1.1.1
 - **Revisions maintained** as written due to the level of service already being established and the revisions clarify the purpose of a level of service standard as being a minimum threshold.

Policies brought before the Board of County Commissioners to review whether to maintain, revise, or strike:

As a result of the review by Staff and Kimley-Horn, the following policies were brought before the Board of County Commissioners for more discussion due to the possibility of being construed as more burdensome or restrictive. The decisions whether to maintain, revise, or strike and the reasoning for those decisions are bulleted under each policy.

Future Land Use Element

- a. Policy 3.1.3
 - **Struck full policy** due to the possible requirement of additional buffering or setback requirements being potentially construed as more restrictive or burdensome.
- b. Policy 8.2.5
 - **Modified revisions** to specify that this policy is pursuant to with the LDC which already contains the requirement for review.

Transportation Element

- a. Policy 2.1.5
 - **Modified revisions** to specify that this policy is aligning to Transportation Policy 2.3.6, which already contains the requirement language for the provisions and strategies to improve bicycle and pedestrian facilities and Level of Service.
- b. Policy 2.3.6
 - **Modified revisions** to specify that this policy is aligning with the LDC which already allows for the provision of bicycle and pedestrian infrastructure.
- c. Policy 7.1.6
 - **Modified revisions** to specify that this policy is pursuant to FSS requirements regarding land uses around public use airports.

Sanitary Sewer Element

- a. Objective 1.4
 - **Maintained revisions** to remove potentially more restrictive/burdensome language and to specify that this policy is aligning to the LDC which already contains the associated regulation.
- b. Objective 1.6
 - **Modified revisions** to remove potentially more burdensome language that required “higher” standards.

Policies brought before the Board of County Commissioners to review whether to maintain, revise, or strike (continued):

Solid Waste Element

- a. Policy 1.2.5
 - **Modified revisions** to reference FLUE Policy 2.1.9 which was revised as part of the EAR to allow for new landfills. This revised policy only adds requirements for those new facilities (granting more flexibility).

Conservation Element

- a. Policy 1.1.2
 - **Reverted revisions** to avoid being construed as potentially more restrictive/burdensome language (removed “requiring”).
- b. Policy 1.2.2
 - **Modified revisions** to avoid being construed as more restrictive/burdensome language (added “encourage”) and to specify this policy is aligning to the LDC already contains the associated regulation.
- c. Policy 1.2.4
 - **Struck full policy** due to the regulation of surface and navigable waters being potentially more restrictive/burdensome language.

Recreation and Open Space Element

- a. Policy 1.3.4
 - **Modified revisions** to avoid being potentially construed more restrictive/burdensome language (added “encourage”).

Policies brought before the Board of County Commissioners to review whether to maintain, revise, or strike (continued):

Transportation Element (Continued) - Transportation Level of Service

NO DIRECT IMPLICATIONS DURING THE ACTIVE SB 180 TIMELINE

- **Maintained** Transportation Policy 2.1.2 (Transportation LOS) based on the copious public input citing concerns over increasing traffic and a desire for transportation infrastructure improvements to provide better traffic flow within the community, in addition to the background data inventory and analysis. The background data and analysis shows that based on the proposed LOS changes, in addition to any roads currently or projected to be exceeding their LOS standards, the following Marion County maintained roads will be exceeding their LOS standards by 2028:
 - CR 35, SR 40 to NE 35th St.
 - Urban roadway with existing LOS E standard exceeding proposed LOS D
 - CR 42, Urban Area to CR 450
 - Rural roadway with existing LOS D standard exceeding proposed LOS C
 - CR 484, I-75 to 475A
 - Rural roadway with existing LOS D standard exceeding proposed LOS C
- A series of workshops, even prior to the Evaluation and Appraisal Report, were held by the County to discuss roadway capacity needs to provide improved travel for residents. A Penny Sales Tax was approved on referendum to fund transportation projects to allow for an improved Transportation Level of Service. SB 180 is currently effective until October 1, 2027. Due to the roads not being projected to exceed their respective LOS standard until 2028, it is expected that the proposed LOS revisions will have no realized effect until after SB 180 has become inactive.

Please kindly consider this supporting documentation in the review of the 2050 Comprehensive Plan Redlines. We look forward to the continued partnership and support from FloridaCommerce in helping us direct the health, safety, and prosperity of Marion County into the future.