



Marion County

Land Development Regulation Commission

Meeting Agenda

Wednesday, July 2, 2025

5:30 PM

**Growth Services Main Training
Room**

ROLL CALL AND PLEDGE OF ALLEGIANCE

Acknowledgement of Proof of Publication

1. ADOPT THE FOLLOWING MINUTES

1.1. [June 18, 2025](#)

2. SCHEDULED ITEMS

2.1. [Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Section 6.13.9 Grading Criteria](#)

2.2. [Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Section 4.3.12 Roadside Vendors](#)

2.3. [Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Section 4.2.2 General Requirements for all Agricultural Classifications](#)

3. NEW BUSINESS

ADJOURN



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-19650

Agenda Date: 7/2/2025

Agenda No.: 1.1.

SUBJECT:
June 18, 2025

DESCRIPTION/BACKGROUND:
Minutes from the previous LDRC Workshop.

The Marion County Land Development Regulation Commission met on June 18, 2025, at 5:30 p.m. in the Growth Services Main Training Room, 2710 E Silver Springs Blvd, Ocala, Florida.

CALL TO ORDER

Vice Chairman Gene Losito Called the Meeting to Order at 5:32 p.m.

ROLL CALL & PLEDGE OF ALLEGIANCE

Rebecca Brinkley called roll, and the quorum was confirmed.

Board members present were Vice Chairman Gene Losito, Christopher Howson, and Erica Larson. Dana Olesky, Assistant County Attorney, attended the meeting and participated as a Board Member to ensure a quorum.

Vice Chairman Gene Losito led the Pledge of Allegiance.

Staff members present were Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Growth Services Deputy Director Ken Weyrauch, Planner Kathleen Brugnoli, Senior Planner Christopher Rison, Planner Sarah Wells, Development Review Coordinator Elizabeth Madeloni, Staff Assistant Rebecca Brinkley, Land Development Manager Aaron Pool, and Stormwater Engineer Jason Cambre.

Members of the public were present.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Rebecca Brinkley read the Proof of Publication and advised that the meeting was properly advertised.

1. ADOPT THE FOLLOWING MINUTES

Christopher Howson made a motion to adopt the minutes from the June 4, 2025, meeting. The motion was seconded by Erica Larson. The motion passed unanimously (4-0).

2. SCHEDULED ITEMS

2.1 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.5 Floodplain and Protection

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

Board Members voiced their recommendations and comments regarding the current language.

The Board reviewed changes to the language based on prior discussion. These updates will finalize the board recommendations, and this item will be moved to an upcoming public hearing. Christopher Howson made a motion to adopt changes and to proceed to the public hearing. Motion was seconded by Erica Larson. Motion passed unanimously (4-0).

2.2 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.9 Grading Criteria

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

Board Members voiced their recommendations and comments regarding the current language.

The Board Chair allowed public comment.

Dirk Leeward, PO Box 1476, Ocala, FL 34478

- Asked questions that pertained to his interests at Leeward Air Ranch.
- Stated language needed more clarity.
- Stated he did not agree with the proposed language. Board Chair invited him to bring back his suggestions to a future meeting.

Kent Leeward, 1900 Clatter Bridge Road, Ocala, FL 34471

- Asked questions that pertained to his interests at Leeward Air Ranch.
- Asked if there is a checklist that would help people navigate the Land Development Code.
- Asked when a topographic survey is required.
- Stated language needed more clarity.
- Stated he did not agree with the proposed language. Board Chair invited him to bring back his suggestions to another meeting.

Public comment was closed by the Chair.

Jason Cambre, Stormwater Engineer, noted items that need to be followed up on. The Board agreed that more discussion on the language was needed. Jason will make edits to the verbiage and bring the item back to a future workshop.

2.3 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 2.22.2 Driveway Connection

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

Board Members voiced their recommendations and comments regarding the current language.

The Board reviewed changes to the language based on prior discussion. These updates will finalize the board recommendations, and this item will be moved to an upcoming public hearing. Christopher Howson made a motion to adopt changes and to proceed to the public hearing. Motion was seconded by Erica Larson. Motion passed unanimously (4-0).

2.4 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.3.12 Roadside Vendors

This item was postponed to a future meeting.

2.5 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.2.2 General Requirements for all Agricultural Classifications

This item was postponed to a future meeting.

3. NEW BUSINESS

No new business.

ADJOURNMENT

The meeting adjourned at 6:53 p.m.

Attest:

David Tillman, Chairman

Rebecca Brinkley, Staff Assistant IV



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-19647

Agenda Date: 7/2/2025

Agenda No.: 2.1.

SUBJECT:

Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.9 Grading Criteria

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Section 6.13.9 Grading Criteria - Amendments related to grading criteria.

Sec. 6.13.9. Grading criteria.

- A. ~~Parcels and lots with a County approved individual lot grading plan or part of a multi-lot grading plan. The intent is to demonstrate that sufficient grading shall be designed is provided~~ to allow surface water runoff and controlled discharge ~~to be drained to the retention/detention approved drainage areas without causing adverse effects effects on-to~~ adjacent property. Each parcel or lot shall have a direct connection to the stormwater system; unless the applicant can clearly demonstrate that there are not adverse impacts to adjacent property. In subdivisions, each lot shall have grading designed to be independent of any other lot unless provisions are made for multi-lot grading at initial phase of development; and/or easements for grading purposes are established. All downstream grading must be at a level of completion to support upstream development prior to or simultaneously with the upstream development. ~~Lot Grading grading plans can shall be prepared by a qualified Florida licensed professional may be~~ demonstrated by the use of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any combination thereof.
- B. ~~Parcels and lots without a County approved lot grading plan. The intent is to demonstrate that sufficient grading is provided to establish stable slopes and to allow surface water runoff and controlled discharge to be drained without causing adverse effects to adjacent property. Grading may be demonstrated by the use of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any combination thereof. Unless alternate grading criteria is provided by a lot grading plan, parcels and lots equal to or less than 75 feet in width shall comply with the following grading criteria in addition to all other grading requirements as confirmed by a pre and post development lot grade survey prepared by a Florida licensed Professional Surveyor:~~
- ~~1. Fill shall be limited to the under-roof area of the lot's primary structure, access driveway footprint, and respective tapers to existing grade;~~
 - ~~2. The finished floor elevation of the structure shall not exceed 32 inches above lowest existing adjacent lot line elevation unless vertical walls such as stem walls or retaining walls are used to tie into existing grade;~~
 - ~~3. The driveway grade shall be no greater than 20% and shall not exceed 10% for a distance of 10 feet from the edge of roadway or shoulder unless a 9-foot minimum vertical curve is provided;~~
 - ~~4. There shall be no net change to the average elevation of the existing grade of the lot outside of the under-roof area of the lot's primary structure or access driveway footprint and respective taper. Small changes in grade of up to 6 inches is permitted for the purposes of smoothing and evening grade; and~~
 - ~~5. Fill shall not encroach into the required side or rear lot setbacks except for the taper out from the slab or access driveway to existing grade provided that an equal volume is removed and a swale is formed. Swale shall be capable of directing surface water runoff without causing adverse effects to adjacent property and shall be sloped at a minimum of 2% if located within 10 feet of the building foundation.~~
- ~~B.C.~~ Buildings. All buildings shall have a minimum finished floor elevation 8 inches above finish grade and graded away from the building for stormwater runoff. Exception: porches, patios, carports, garages, screen rooms may be 4 inches above finish grade.
- D. ~~Elevations above base flood. In no case shall finished Finished floor elevations for all buildings except manufactured homes shall be specified below the 12 inches at minimum above the subject property's base flood elevation (BFE) one percent (100-year) flood plain plus one foot. Manufactured homes shall comply with the requirements of Chapter 15C-1, F.A.C. and Sec. 5.3.12. - Manufactured homes. The BFE shall be established by the following most current and best available information:~~
- ~~1. The subject property's current applicable FEMA Flood Insurance Rate Map (FIRM) Panel flood elevation;~~
 - ~~2. FEMA approved Letter of Map Change (LOMC);~~
 - ~~3. County determined flood prone area as established by a County watershed management plan when the subject property lies within a flood prone area with identified flood elevations and either no FIRM flood~~

Commented [CJ1]: FBC 1804.4 Site grading.

The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope shall be provided to an *approved* alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building, except as otherwise permitted in Section 1010.1.4 (2% slope for door/floor landings), 1012.3 (2% cross slope for ramps) or 1012.6.1 (2% for landings).

Exception: Where climatic or soil conditions warrant, the slope of the ground away from the building foundation shall be permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).

The procedure used to establish the final ground level adjacent to the foundation shall account for additional settlement of the backfill

elevation has been established or the FIRM flood elevation is lower than the flood prone area flood elevation;

4. Historic FEMA LOMC or FIRM Panel flood elevation applicable to the subject property as determined by the County Flood Plain Administrator or their designee;

5. Other flood elevation data prepared in accordance with currently accepted engineering practices supplied by the applicant that has been reviewed and approved by the County Engineer or their designee and deemed acceptable by the Floodplain Administrator or their designee; or

6. No less than 2 feet above Highest Adjacent Grade when BFE is unavailable from all other sources and the available data are deemed by the Floodplain Administrator or their designee to not reasonably reflect flooding conditions or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, provided that there is no evidence indicating flood depths have been or may be greater than 2 feet.

Under no circumstance shall a building permit be issued based on a lower BFE proposed by a LOMC request until the revision has been issued by FEMA.

- ~~EE~~. Driveways. In the case where roadside swales are the drainage conveyance system, driveway design information shall be included on the plans minimally addressing culvert type, size, invert elevation, and direction of slope of culvert or the placement of ditch block for each at every specific lot. If design is not to be lot-specific, design shall be based on worst-case scenario.
- ~~DE~~. Affidavit. At time of building application, applicant shall provide an affidavit that the impervious area, lot grading plan, minimum finished floor elevation, and stormwater system complies with the development plan on file with the County. If no development plan is on file, applicant shall provide an affidavit that all drainage is held on-site or directly ~~held-connected~~ to a recognized drainage system and that the lot grading complies with the requirements of this section of code. If located within a FEMA Special Flood Hazard Area (SFHA) or flood prone area, the affidavit must also indicate that the lot grading complies with the requirements of Sec. 6.13.5. - Floodplain storage and conveyance protection. The applicant shall provide a sketch with the building application indicating the drainage intent.
- ~~EG~~. Construction. All stormwater runoff ~~increase~~increases during construction and following ~~must shall~~ be kept on-site or directed to swales, ditches, or piping to approved drainage areas with adequate permitted capacity. Drainage area capacity shall be determined to be adequate by approved development lot impervious ground coverage or approved impervious coverage resulting in additional excess stormwater runoff as accounted by the development's stormwater analysis. If no impervious lot area accounting or stormwater analysis exists for a development, FEMA FIRM or flood prone data may be used to determine adequate drainage area capacity.

(Ord. No. 13-20, § 2, 7-11-2013)

Created: 2024-03-29 12:10:45 [EST]

(Supp. No. 5)

Sec. 6.13.9. Grading criteria.

- A. Parcels and lots with a County approved individual lot grading plan or part of a multi-lot grading plan. The intent is to demonstrate that sufficient grading is provided to allow surface water runoff and controlled discharge to be drained to approved drainage areas without causing adverse effects to adjacent property. Each parcel or lot shall have a direct connection to the stormwater system unless the applicant can clearly demonstrate that there are not adverse impacts to adjacent property. In subdivisions each lot shall have grading designed to be independent of any other lot unless provisions are made for multi-lot grading at initial phase of development and/or easements for grading purposes are established. All downstream grading must be at a level of completion to support upstream development prior to or simultaneously with the upstream development. Lot grading plans shall be prepared by a qualified Florida licensed professional may be demonstrated by the use of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any combination thereof.
- B. Parcels and lots without a County approved lot grading plan. The intent is to demonstrate that sufficient grading is provided to establish stable slopes and to allow surface water runoff and controlled discharge to be drained without causing adverse effects to adjacent property. Grading may be demonstrated by the use of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any combination thereof. Unless alternate grading criteria is provided by a lot grading plan, parcels and lots equal to or less than 75 feet in width shall comply with the following grading criteria in addition to all other grading requirements as confirmed by a pre and post development lot grade survey prepared by a Florida licensed Professional Surveyor:
1. Fill shall be limited to the under-roof area of the lot's primary structure, access driveway footprint, and respective tapers to existing grade;
 2. The finished floor elevation of the structure shall not exceed 32 inches above lowest existing adjacent lot line elevation unless vertical walls such as stem walls or retaining walls are used to tie into existing grade;
 3. The driveway grade shall be no greater than 20% and shall not exceed 10% for a distance of 10 feet from the edge of roadway or shoulder unless a 9-foot minimum vertical curve is provided;
 4. There shall be no net change to the average elevation of the existing grade of the lot outside of the under-roof area of the lot's primary structure or access driveway footprint and respective taper. Small changes in grade of up to 6 inches is permitted for the purposes of smoothing and evening grade; and
 5. Fill shall not encroach into the required side or rear lot setbacks except for the taper out from the slab or access driveway to existing grade provided that an equal volume is removed and a swale is formed. Swale shall be capable of directing surface water runoff without causing adverse effects to adjacent property and shall be sloped at a minimum of 2% if located within 10 feet of the building foundation.
- C. Buildings. All buildings shall have a minimum finished floor elevation 8 inches above finish grade and graded away from the building for stormwater runoff. Exception: porches, patios, carports, garages, screen rooms may be 4 inches above finish grade.
- D. Elevations above base flood. Finished floor elevations for all buildings except manufactured homes shall be specified 12 inches at minimum above the subject property's base flood elevation (BFE).. Manufactured homes shall comply with the requirements of Chapter 15C-1, F.A.C. and Sec. 5.3.12. - Manufactured homes. The BFE shall be established by the following most current and best available information:
1. The subject property's current applicable FEMA Flood Insurance Rate Map (FIRM) Panel flood elevation;
 2. FEMA approved Letter of Map Change (LOMC);
 3. County determined flood prone area as established by a County watershed management plan when the subject property lies within a flood prone area with identified flood elevations and either no FIRM flood elevation has been established or the FIRM flood elevation is lower than the flood prone area flood elevation;

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4. Historic FEMA LOMC or FIRM Panel flood elevation applicable to the subject property as determined by the County Flood Plain Administrator or their designee;
 5. Other flood elevation data prepared in accordance with currently accepted engineering practices supplied by the applicant that has been reviewed and approved by the County Engineer or their designee and deemed acceptable by the Floodplain Administrator or their designee; or
 6. No less than 2 feet above Highest Adjacent Grade when BFE is unavailable from all other sources and the available data are deemed by the Floodplain Administrator or their designee to not reasonably reflect flooding conditions or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, provided that there is no evidence indicating flood depths have been or may be greater than 2 feet.

Under no circumstance shall a building permit be issued based on a lower BFE proposed by a LOMC request until the revision has been issued by FEMA.

- E. Driveways. In the case where roadside swales are the drainage conveyance system, driveway design information shall be included on the plans minimally addressing culvert type, size, invert elevation, and direction of slope of culvert or the placement of ditch block for each at every specific lot. If design is not to be lot-specific, design shall be based on worst-case scenario.
- F. Affidavit. At time of building application, applicant shall provide an affidavit that the impervious area, lot grading plan, minimum finished floor elevation, and stormwater system complies with the development plan on file with the County. If no development plan is on file, applicant shall provide an affidavit that all drainage is held on-site or directly connected to a recognized drainage system and that the lot grading complies with the requirements of this section of code. If located within a FEMA Special Flood Hazard Area (SFHA) or flood prone area, the affidavit must also indicate that the lot grading complies with the requirements of Sec. 6.13.5. - Floodplain storage and conveyance protection. The applicant shall provide a sketch with the building application indicating the drainage intent.
- G. Construction. All stormwater runoff increases during construction and following shall be kept on-site or directed to swales, ditches, or piping to approved drainage areas with adequate permitted capacity. Drainage area capacity shall be determined to be adequate by approved development lot impervious ground coverage or approved impervious coverage resulting in additional excess stormwater runoff as accounted by the development's stormwater analysis. If no impervious lot area accounting or stormwater analysis exists for a development, FEMA FIRM or flood prone data may be used to determine adequate drainage area capacity.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-19648

Agenda Date: 7/2/2025

Agenda No.: 2.2.

SUBJECT:

Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.3.12 Roadside Vendors

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Section 4.3.12 Roadside Vendors to update agency names, clarify what qualifies as a roadside vendor, add requirements for minor and major site plan review, include Specialty Business (B-3) zoning classification as a zoning where roadside vendors are allowed by right, and clarify the intended temporary nature of roadside vendors.

LDC CODE UPDATE	
DATE:	January 27, 2025, Revised February 20, 2025 and March 26, 2025
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.3.12 Roadside Vendors address the following topics.</p> <ul style="list-style-type: none"> • Correct the reference to the permitting agency name from the “Florida Department of Business and Regulation, Division of Hotels and Restaurants” to the “Florida Department of Business and <u>Professional</u> Regulation, Division of Hotels and Restaurants.” • Clarify what qualifies as a roadside vendor by removing the descriptor, “cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood” and replacing it with “Hot Dog Cart or Mobile Food Dispensing Vehicle (aka “Food Truck”).” This change makes the LDC consistent with State definitions and terms. • Add requirements for Minor or Major Site Plan review and approval where more than one roadside vendor operates on a single parcel of land. Revise subsection lettering sequence accordingly. • Clarify the intended temporary nature of roadside vendors. <p>Attachments: Redline LDC Changes to Section 4.3.12 Roadside Vendors</p>	

Sec. 4.3.12. Temporary Roadside Vendors.

A. Temporary roadside vendors as used herein shall mean a person or business who sells goods as follows:

- (1) From a roadside stand: fruit, vegetables, produce, peanuts, Christmas trees, firewood, dry goods, homemade crafts, etc.; ~~and or~~
- (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants approved Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").

~~B. Seasonal firework sales are an exception to temporary roadside vendor regulations. These sales require a temporary use permit from the zoning department and a building permit.~~

C. Temporary roadside vendor sales are prohibited within the public right-of-way or public easement.

D. Temporary roadside vendors are intended to function temporarily and independently. Services such as electric, water, and sewer shall not be permitted on vacant land. Permanent structures such as, but not limited to, sheds, carports, modular buildings, etc., are prohibited.

E. Temporary roadside vendors conducting sales from a tent, pole-barn type facility, or other temporary structure shall obtain all applicable building department approvals.

F. Temporary roadside vendors are allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2, B-3, B-4, B-5, M-1, and RAC, and shall at a minimum comply with the following criteria:

- (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate permitting agency.
- (2) Adequate parking area shall be provided on site for customers including persons with disabilities, who shall be provided service without leaving their vehicle if requested.
- (4) On site temporary rest room facilities are to be provided when more than two employees are present.
- (5) Water and soap for the washing of hands shall be available on site.
- (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
- (7) Overnight food, vegetable, produce, etc. storage is not permitted.
- (8) Temporary roadside stands for the sale of farm products raised or produced on the premises shall be permitted in accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.).
- (9) All advertising signs shall be removed when the temporary roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall be no larger than six square feet in size.

H. Operation of more than two temporary roadside vendors, mobile food dispensing vehicles, food trucks, etc. on a single parcel of land or shared area, or roadside vendors not operating on a temporary basis, shall require either a Minor Site Plan or Major Site Plan approval as set forth in Article 2 of this Code, and be consistent with the underlying land use designation and zoning classification for the property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

LDC CODE UPDATE	
DATE:	January 27, 2025, Revised February 20, 2025 and March 26, 2025
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.3.12 Roadside Vendors address the following topics.</p> <ul style="list-style-type: none"> • Correct the reference to the permitting agency name from the “Florida Department of Business and Regulation, Division of Hotels and Restaurants” to the “Florida Department of Business and <u>Professional</u> Regulation, Division of Hotels and Restaurants.” • Clarify what qualifies as a roadside vendor by removing the descriptor, “cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood” and replacing it with “Hot Dog Cart or Mobile Food Dispensing Vehicle (aka “Food Truck”).” This change makes the LDC consistent with State definitions and terms. • Add requirements for Minor or Major Site Plan review and approval where more than one roadside vendor operates on a single parcel of land. Revise subsection lettering sequence accordingly. • Clarify the intended temporary nature of roadside vendors. <p>Attachments: Redline LDC Changes to Section 4.3.12 Roadside Vendors</p>	

Sec. 4.3.12. Temporary Roadside Vendors.

- A. Temporary roadside vendors as used herein shall mean a person or business who sells goods as follows:
- (1) From a roadside stand: fruit, vegetables, produce, peanuts, Christmas trees, firewood, dry goods, homemade crafts, etc.; or
 - (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants approved Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").
- C. Temporary roadside vendor sales are prohibited within the public right-of-way or public easement.
- D. Temporary roadside vendors are intended to function temporarily and independently. Services such as electric, water, and sewer shall not be permitted on vacant land. Permanent structures such as, but not limited to, sheds, carports, modular buildings, etc., are prohibited.
- E. Temporary roadside vendors conducting sales from a tent, pole-barn type facility, or other temporary structure shall obtain all applicable building department approvals.
- F. Temporary roadside vendors are allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2, B-3, B-4, B-5, M-1, and RAC, and shall at a minimum comply with the following criteria:
- (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate permitting agency.
 - (2) Adequate parking area shall be provided on site for customers including persons with disabilities, who shall be provided service without leaving their vehicle if requested.
 - (4) On site temporary rest room facilities are to be provided when more than two employees are present.
 - (5) Water and soap for the washing of hands shall be available on site.
 - (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
 - (7) Overnight food, vegetable, produce, etc. storage is not permitted.
 - (8) Temporary roadside stands for the sale of farm products raised or produced on the premises shall be permitted in accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.).
 - (9) All advertising signs shall be removed when the temporary roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall be no larger than six square feet in size.
- H. Operation of more than two temporary roadside vendors, mobile food dispensing vehicles, food trucks, etc. on a single parcel of land or shared area, or roadside vendors not operating on a temporary basis, shall require either a Minor Site Plan or Major Site Plan approval as set forth in Article 2 of this Code, and be consistent with the underlying land use designation and zoning classification for the property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Hi, I know Ken said last night that Sec. 4.3.12 wasn't supposed to be on the Agenda, as it had already been discussed (or something like that). But I had some issues with it for your consideration:

- A. (1) and (2) defines "Temporary roadside vendors" as a person . . . who sells goods as follows: (1) from a ROADSIDE STAND . . . ; AND (2) from a FDBPR . . . approved "HOT DOG CART OR MOBILE FOOD DISPENSING VEHICLE (aka "Food Truck")
- COMMENT: So, this definition says Temporary roadside vendors sell from a specific location (1) "roadside stand"; and (2) from "hot dog carts" or "food trucks." ---- unless "roadside STAND" is not a location but a particular type of dispensing apparatus. But the way the definition goes, the Temporary roadside vendor has to satisfy BOTH (1) and (2). So, if a "roadside STAND" is a dispensing apparatus, rather than a location, then the definition says that the sales have to occur from BOTH the roadside STAND and from a HOT DOG CART. But, if (1) refers to LOCATION rather than dispensing apparatus, then the question arises, what is the definition of "roadside"? It does say affirmatively, but it does say what roadside IS NOT: "C. Temporary roadside vendor sales are PROHIBITED within the PUBLIC RIGHT OF WAY or PUBLIC EASEMENT." So, even though the title says, "Roadside," it doesn't mean "Edge-of-pavement-side," even though a lot of "laypeople" would visualize "roadside" as being close to the edge of pavement. NEXT, although the Section does not say it, apparently the intent is that the "sales" are to occur on PRIVATE PROPERTY outside of the right-of-way line, but it doesn't say anything about the vendors having a legal right to be on private property to conduct such sales. NEXT, the last new lines of D state, "Temporary roadside vendors conducting sales FROM A TENT, POLE-BARN TYPE FACILITY, or other temporary structure shall obtain all applicable building department approvals. So, this seems to be adding a location or facility that is not mentioned in the definition in A.(1) and (2).
- Then, C says that "Services such as electric, water and sewer" are not permitted on vacant land . . . but F. (4) REQUIRES temporary restroom facilities. And (5) says, "Water and Soap" for washing of hands shall be available on site.
- THEN, back to A. (1) and (2), because the use of the word "and" between the end of (1) and the beginning of (2) means that the vendor must satisfy BOTH requirements, then the way this is written LITERALLY MEANS THAT a vendor who under (1) sells Christmas trees, and firewood and homemade crafts . . . MUST DO SO under (2) FROM A Hot Dog Cart or Food Truck. And, ironically, among the items that (1)says the vendor will be selling ARE NOT LISTED "hot dogs" or "tacos" or pizza slices.
- Finally, A. (1) deleted "fireworks" from the definition, but then B says that "Seasonal fireworks" are an EXCEPTION to temporary roadside vendor Regulations." If they are not included in the definition, do we have to say they are an exception? Then it concludes with, "These [fireworks] sales require a TEMPORARY USE PERMIT from the zoning department and a building permit." [So, is that sentence the totality of regulation of Fireworks sales? For instance, F lists the zoning classifications where Temporary Roadside Vendors are "allowed by right." But what about Fireworks sales? Can they operate in ANY zoning category as long as they have a temporary use permit and a building permit?

Commented [RVB1]: Changed this to "or"

Commented [RVB2]: Section 4.3.12 has always been called "Roadside Vendors" and we did not change that terminology.

Commented [RVB3]: The use of the work Roadside was not changed; I did not think that keeping that term would give someone a right to be actually adjacent to the edge of pavement, and there is discussion in the section about where they can be.

Commented [RVB4]: I suppose that it is expected that you must have permission from a property owner to operate a roadside vendor operation on private property. I didn't read this section to give people rights to occupy someone else's property.

Commented [RVB5]: I think this still says they are a 'roadside vendor', it just alerts them that some types of structures require building permits.

Commented [RVB6]: This does not mean they have to have a utility hookup.

Commented [RVB7]: Kathleen - this was edited per your staff to account for the special permitting needed for fireworks sales. Please edit as you see fit.

I think we have an OPPORTUNITY here to eliminate some sources of ambiguity and unnecessary disputes with citizens and vendors over the meaning and intent of this section



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-19649

Agenda Date: 7/2/2025

Agenda No.: 2.3.

SUBJECT:

Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.2.2 General Requirements for all Agricultural Classifications

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Section 4.2.2 General Requirements for all Agricultural Classifications relating to solar facilities. Solar facilities are now allowed by right in agricultural zoning per Florida Statutes, this proposed amendment to the zoning code will provide development standards for solar facilities. The changes also propose removing aircraft hangars as an accessory use in approved fly in communities because the fly in communities is getting a separate section of code and this item will be regulated there.

LDC CODE UPDATE	
DATE:	January 30, 2025
LDC SECTION:	Section 4.2.2 General requirements for all agricultural classifications
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>During recent EAR workshops with the BOCC, it was noted that Solar Energy Facilities are allowable in all Agricultural zoning classifications per Florida State Statutes. As of January 2025, the Land Development Code of Marion County, FL, Sec. 4.2.2, General requirements for all agricultural classifications is absent of Solar Energy Facilities requirements. The Board requested that regulations be adopted that provide for buffering, setbacks, etc., which is allowable for the local jurisdictions to adopt. With the continued growth of such facilities throughout the region, the primary intent of the recommended text changes is to reflect current development standards.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.2.2.D General requirements for all agricultural classifications address the following issues.</p> <ol style="list-style-type: none"> 1. Add the Solar Energy Facilities development standards pursuant to F.S.S. 162.3205 to Sec 4.2.2D. The proposed standards are in line with projects completed by similar utility providers and comparable jurisdictions. 2. Remove the accessory use aircraft hangar height in Sec 4.2.2.D standard given more detailed Fly-in Communities regulation will soon be proposed. <p>Attachments: Redline LDC Changes to Section 4.2.2 General requirements for all agricultural classifications</p>	

Sec. 4.2.2. General requirements for all agricultural classifications.

- A. Contained in the following sections are the allowed land uses, building and lot standards (including minimum setbacks), other general requirements, and permitted uses specified for all agricultural zoning classifications.
- B. Where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail.
- C. Special requirements for all agricultural zoning classifications:
- (1) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two and one-half feet into a required setback
 - (2) No structure or building may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement
 - (3) Outdoor ground and building lighting shall not cast direct light on adjacent properties.
 - (4) The sale, either retail or wholesale, of hay, either locally grown or imported from outside the State of Florida, is allowed as an accessory use on a working farm, as defined in CH 604.50 FS, where hay is already produced and sold. This provision is not permitted in the A-3 zoning classification.
 - (5) On A-1 zone parcels residential complexes for agricultural employees are allowed as an accessory use and may be clustered provided central water and sewage facilities are provided. Dwelling units may be conventional construction, or manufactured housing.
 - (6) On legal non-conforming lots or parcels of one acre or less in size or lots up to nine and nine-tenths acres in size, the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, beefalo and other large farm animals is as follows:
 - (a) The minimum square footage of contiguous open pasture area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal.
 - (b) The total number of such animals that may be kept shall not exceed four per acre except offspring, which may be kept until weaned.
 - (7) Requirements of the Storage of Manure:
 - (a) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare, or safety of humans or animals.
 - (b) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
 - (c) Compliance with Article 5 Springs Protection Zone standards.
- D. Permitted ~~Uses:~~

~~Accessory use aircraft hangars in approved fly-in communities shall be permitted and include a maximum height of 30 feet.~~

Beekeeping Operations

Pigeon lofts meeting the requirements of Sec. 4.3.20

Pot-bellied pigs as pets

Silos, not exceeding 100 feet in height

Commented [RB1]: This is a pretty short list for all allowable AG zoning uses. I think there is a table in the code that lists a lot of other uses? How does the County want to handle that?

Commented [RB2]: They should delete this because it is being addressed with the soon to be proposed Fly In Community regulations.

Single-family guest cottage/apartment Refer to Sec. 4.3.18

Yard sales (up to three per year)

Solar Energy Facilities pursuant to F.S.S 163.3205 with the following development standards:

- (1) A Type A buffer per Section 6.8.6 is required around the boundary of the project site.
- (2) All mechanical equipment, including solar panels and similar structures, shall be set back a minimum of 100 feet from all property boundaries.
- (3) The solar facility power inverters and similar equipment shall be oriented towards the interior of the site and away from adjacent properties and be set back a minimum of 300 feet from the property boundary.
- (4) All other development standards in Sec 4.2.4 shall also apply.

- E. Owners of properties located on waterbodies considered "non-ESQZ" waterbodies may elect to designate the yard fronting on the waterbody as the new front or rear yard of the property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

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LDC CODE UPDATE	
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 - Pigeon lofts meeting the requirements of Sec. 4.3.20
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 - Silos, not exceeding 100 feet in height
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