

***DIVISION 2. ENVIRONMENTALLY SENSITIVE OVERLAY ZONE (ESOZ)***

**Sec. 5.2.1. Purpose and intent.**

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

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

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.2. Applicability.**

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

- A. Waterbodies subject to this overlay zone.

**Table 5.2-1 Waterbodies**

<b>Rivers, Spring Runs, and Streams:</b>	
Ocklawaha River	Orange Creek
St. Johns River	Withlacoochee River
Rainbow River*	Silver River
Salt Springs Run	Silver Glen Springs Run
Juniper Run	Silver Creek
Dead River Tributary to the Ocklawaha River	
<b>Springs:</b>	
Rainbow Springs	Silver Springs
Salt Springs	Silver Glen Springs
Juniper Springs	
<b>Lakes:</b>	
Bonable Lake	Bryant
Chain O Lakes	Charles
Delancy	Doe
Eaton	Ella/Juanita

Farles	Halfmoon
Jumper	Kerr
Little Kerr/Warner	Little Weir
Mary	Mill Dam
Mud	Nicotoon
Pecan	Smith
Weir	Lake George (Shoreline Only)
Orange Lake (Shoreline Only)	

\*From its source, Rainbow Springs, to the south line of the northwest ¼ of Section 30, Township 16 South, Range 19 East.

**B. ESOZ Boundaries.**

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

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.3. Permitted uses and activities.**

- A. All uses permitted in the underlying land use category and zoning classification which are consistent with the requirements of this overlay zone provided it is shown by the applicant that the natural function of the protected natural feature will not be materially impaired, diminished, or harmed by the proposed development and that surface water or ground-water quality will not be degraded. Uses that have local or state adopted best management practices (BMPs) and/or guidelines shall be managed and conform to such.
- B. Buildings and structures permitted in the underlying zoning classification unless specifically prohibited herein.
- C. Repairs to existing structures, care of existing lawns and yards, or limited removal of vegetation to support surveying activities.
- D. Agricultural uses. Additionally, when such agricultural uses have adopted best management practices and guidelines (BMPs) as outlined in the Florida Department of Agriculture and Consumer Services they shall be managed and conform to such BMPs.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.4. ESOZ development standards.**

- A. Waterfront Setback. Setbacks on lots, parcels or tracts which have water frontage shall be 75 feet from the wetlands line or from the water boundary setback line, whichever is greater. The Board of Adjustment may

grant a variance from this setback provision where the required setback renders an existing lot of record unbuildable for a single family residence or addition to a nonconforming single family residence.

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

Required aquatic vegetation removal permits must be obtained from the appropriate state jurisdictional agency prior to any vegetation removal or if non-mechanical/chemical removal methods are to be utilized within the littoral zone.
- F. One percent (100-year) flood plain requirements.
  - (1) This section provides requirements for all land use activities, including single family residences, which materially change the location, elevation, size, capacity, or hydraulic characteristics of the existing one percent (100-year) flood plain as identified by FEMA. The intent is to ensure that equivalent flood plain volume and conveyance is maintained. This section also supplements Division 5.3 Flood Plain Overlay Zone.
  - (2) Land use activities which materially change the flood plain may be permitted when calculations performed by a licensed professional are provided demonstrating that compensating storage or other hydraulic features or improvements are provided on the owner's property or within an easement. The calculations shall be reviewed and approved by the County Engineer or his designee.
  - (3) Land use activities that do not meet the thresholds for a stormwater analysis shall minimally be required to demonstrate one-for-one compensating storage, to be reviewed and approved by the County Engineer or his designee.
  - (4) When proposed improvements encroach into a flood hazard zone, additional design storm criteria may be required based on the parameters utilized in the adopted FEMA FIRM. In some cases it may be necessary for the applicant to obtain a map amendment from FEMA.
  - (5) No sewage effluent disposal shall be permitted within the one percent (100-year) flood plain.
  - (6) Densities within the one percent (100-year) flood plain shall not exceed one dwelling unit per acre.
  - (7) Clearing of vegetation shall be limited to those areas which maintain a 50-foot setback from all wetlands line, does not contain listed wildlife or plant species or important habitat for listed species, and provides a stormwater management system which mimics and uses the features and functions of natural drainage systems.

G. Accessory Uses and Structures.

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

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.5. Development density standards.**

A. Urban Areas within the ESOZ, New Projects.

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

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

- (1) Within the area circumscribed as follows: County Road 25, Sunset Harbor Road, Southeast 105th Avenue, Southeast 100th Avenue, Luffman Road and Southeast 115th Avenue, or 1,000 feet from the water boundary setback line of Lake Weir, whichever is farther from Lake Weir; the allowable density shall be one dwelling unit per two gross acres.
  - (a) When centralized sewer is available and utilized, the allowable density shall be three units per gross acre.
  - (b) No accessory use guest cottage or apartment are permitted unless central sewer systems are utilized.
- (2) For all areas within the Urban Area within the ESOZ which are beyond the above circumscribed area, or exceed 1,000 feet from the water boundary setback line of Lake Weir, the allowable density shall be one dwelling unit per gross acre.
  - (a) When central sewer is available and utilized, the maximum allowable density for this area shall be four dwelling units per gross acre.

- (b) When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes. A family guest cottage/apartment may be permitted where the resulting residential density will remain in compliance with the permitted ESOZ density. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.
- C. Densities of Rural Areas within the ESOZ shall conform to the densities specified in the underlying land use category and underlying zoning classification. When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes. One family guest cottage/apartment may be permitted where the resulting residential density will not exceed one unit per two acres. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.
- D. Reduction of Densities. All allowed densities, or intensities of use, or rate of development may be reduced by the Board on properties where adjoining bodies of water have been determined impaired and listed by FDEP.
- E. Non-contiguous parcels of record created on or before January 1, 1992, and under one ownership as of August 11, 1993, that cannot meet the density requirements set forth in this section, will be allowed to construct one dwelling unit per parcel of record if the lot is of buildable size as set forth in this Code. When central sewer is not available a family guest cottage/apartment is considered a residential unit for density purposes. One family guest cottage/apartment may be permitted where the resulting residential density will not exceed one unit per two acres. The areas of surface waters, wetlands, and flood plains will not be used in density calculations.

(Ord. No. 13-20, § 2, 7-11-2013)

## **Sec. 5.2.6. Submittal requirements.**

- A. All applications for development on lands within the ESOZ boundary which are not contiguous uplands of ESOZ surface waters, wetlands and flood plain shall submit an applicable major, minor or building permit site plan which includes protection of those areas from degradation. Site analysis which includes soils and geologic characteristics, topographic data, and other pertinent data as listed in Section 5.2.6.B are examples of information that shall be prepared to demonstrate compliance with the requirements of this section.
- B. All applications for development on lands within the ESOZ, including individual single family residences and duplexes which are contiguous uplands of ESOZ surface waters, wetlands and flood plain, shall submit an ESOZ plan which includes the following information as a minimum:
  - (1) Submittal letter executed and signed by record owner of subject property or an agent authorized in writing by the record owner to act in his behalf. Submittals will be processed by the Growth Services Department.
  - (2) Required drawings for ESOZ Plan.
    - (a) Four plans shall be submitted and include a standard trim line size which clearly depicts the information below. Multiple plans may be used to provide necessary information below.
    - (b) The plan shall be clearly labeled "ESOZ Plan."
    - (c) Contain a location map drawn to scale showing the relation of the subject property to Section, Township and Range lines; principle roads; the entire length of any water body as it pertains to the property; boundary information or survey when requested by County staff; zoning; north arrow.
    - (d) Show in plan view with dimension and distances to property lines all proposed development, building, existing or proposed well, existing or proposed septic tanks, pavement and other features based on boundary information or survey.

- (e) The development or redevelopment of a commercial or residential project within the ESOZ shall provide for a stormwater management plan which provides water quality retention volume of one-half inch of runoff from that portion of the project parcel draining toward the ESOZ water body, excluding any area left in a natural condition, or 2.50 inches over the impervious surfaces, whichever is greater. Water quality retention areas shall be located waterward of the improvements to the maximum extent practical.
1. The design of the stormwater management system shall imitate and use the features and functions of natural drainage ways, depressions, wetlands, one percent (100-year) flood plains, and highly permeable soils when possible. The use of swales, berms, or detention/retention areas shall be used when necessary to prevent direct flow of stormwater runoff to a receiving water body.
  2. A berm constructed with clean, Type A soils is recommended so as to encourage full volume recovery within 72 hours. Minimum berm width shall be three feet and side slopes shall be three to one or flatter. Should the applicant choose this method to provide for stormwater management and the County approves this type of system for the proposed project the applicant can use ESOZ berm construction standard lengths and heights developed by the County.
  3. Indicate areas in which grading or other earth work is to take place with percentage of slope given.
  4. Show the bottom of the floor joists for a raised floor structure or the finished floor elevation for a concrete slab structure shall be one foot above the established high water elevation for the one percent (100-year) flood plain. The elevation of all proposed habitable structures shall be called out. New construction, renovation or remodeling shall be constructed with materials and utility equipment resistant to flood damage.
  5. Location of temporary silt fencing shall be shown. Silt fencing shall be installed prior to any clearing or excavation and shall be maintained during construction.
  6. Show the limits of all proposed clearing.
  7. A boundary and topographic survey if required, signed and sealed by a Surveyor and Mapper licensed to practice in the State of Florida, shall be provided and shall clearly present a minimum:
    - a. Contours at no greater than two feet intervals.
    - b. Water boundary setback line and water's edge elevation and limits shown and staked on site.
    - c. The 25-year flood plain elevation (Rainbow River only) and the one percent (100-year) flood plain with elevation and limits. Show and stake two Bench Marks based on approved datum and their elevation that has been established relative to the proposed buildings and septic tank systems, for all lands located within the one percent (100-year) flood plain.
    - d. All wetlands lines shall be delineated as staked by a qualified professional.
- (f) Should the applicant choose not to use ESOZ berm construction standard lengths and heights developed by the County, then the applicant shall provide signed and sealed plans and calculations prepared by a professional authorized by the State of Florida to prepare such plans. These calculations shall be to the same design criteria and methodology as identified in for stormwater drainage design in Division 6.13.

- (3) Projects exceeding the impervious area threshold or area of disturbance threshold as described for a Major Site Plan in Division 2.21 shall follow the criteria established for a Major Site Plan.
- (4) If a site analysis is performed in connection with subdivision platting, then subsequent individual lot owners do not need to perform an individual site analysis, but must adhere to the stormwater design in the original plat approval or development order.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.7. Review and approval.**

- A. All ESOZ plans are reviewed by the Zoning Division for compliance with this section.
- B. Projects on land which is not contiguous upland of ESOZ surface waters, wetlands and flood plain, shall be evaluated to determine the extent of protection to be provided on a case by case basis as provided in Section 5.2.6.A. Determination will be based on application information submitted and a site visit by the Zoning Division or Office of the County Engineer. If site analysis indicates more information is required the applicant will be responsible for providing applicable information in Section 5.2.6.B.
- C. Projects on land which is contiguous upland of ESOZ surface waters, wetlands and flood plain shall be reviewed for compliance with the Section 5.2.6.B including staking of applicable delineation lines before the site visit. The site visit is conducted to determine compliance with this section including setback, buffering, flood plain and stormwater management plan.
- D. All projects which require submittal of a Major Site Plan shall be reviewed and approved under the provisions of Article 2 and Division 6.13 Major Site Plan.

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 5.2.8. Completion and close out.**

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

(Ord. No. 13-20, § 2, 7-11-2013)