

~~Policy 8.2.9: Buffers for Karst Topography/Features~~

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

~~Policy 8.2.10: Setback from Cross Florida Greenway~~

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

GOAL 9: PROTECTION OF FARMLAND IN THE RURAL AREA

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

OBJECTIVE 9.1: TRANSFER OF RIGHTS PROGRAMS

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

Policy 9.1.1: Maximum Density and Intensity Bonus with Transfer of Rights Programs

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

1. **Density Bonus:** A maximum of two (2) dwelling units per one (1) gross acre is permitted. The number of Transferrable Development Credits (TDC) required shall comply with the Transfer of Rights Programs. If property developed with the density bonus cannot meet the appropriate Zoning development standards, such as setbacks, minimum lot size, etc., then a PUD zoning shall be required.
2. **Intensity Bonus:** A maximum increase of the maximum Floor Area Ratio (FAR) of 0.25 is permitted. The number of Transferrable Development Credits (TDC) required shall comply with the Transfer of Rights Programs. If property developed with the intensity

bonus cannot meet the appropriate Zoning development standards, such as setbacks, minimum lot size, etc., then a PUD zoning shall be required.

3. **Combination of Density and Intensity Bonus:** If both density and intensity of development are utilized, then a PUD zoning shall be required to develop the site consistent with the above requirements of this policy.

Policy 9.1.2: Transfer of Development Rights (TDR) Program

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

Policy 9.1.3: Transfer of Vested Rights (TVR) Program

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

Policy 9.1.4: Establishment of Sending Areas

The County shall designate the following as Sending Areas:

1. **TDR Program**
 - a. **Farmland Preservation Area (FPA):** The FPA is a boundary that automatically qualifies properties designated Rural Land as being within the Sending Area due to the concentration of agricultural activities and designated locally important and prime farmland areas. The FPA is shall be shown on the FLUM Series, Map #13, *Transfer of Rights*.
 - b. **Rural Land Properties Outside of FPA:** Rural Lands outside the FPA and UGB that are shown on FLUM Series Map #1, *Marion County 2045 Future Land Use Map* and within an unincorporated area. The lands must demonstrate the presence of, and be accepted by the County as having one or more resources listed in Policy 1.1.2 of Conservation Element, and are a minimum of 30 acres in size. The applicant shall be required to demonstrate that the property meets the intent for conservation for this program.
2. **TVR Program**
 - a. Parcels of record; or
 - b. Antiquated subdivisions; or
 - c. Property not identified by the County, other local, or private provider for the provision of centralized water and wastewater within the next ten (10) years, based on a short or long-term capital improvements program or long-term County master utility plan.
3. **Exceptions:**
 - a. Rural Land designated properties within the UGB are considered Receiving Areas.

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

Policy 9.1.5: Minimum Requirements to Obtain TDCs

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

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

Policy 9.1.6: Receiving Areas

The receiving areas shall include unincorporated areas as shown in FLUM Series Map #12, *Transfer of Rights*, as further described below for the TDR and TVR Programs:

1. LEVEL I – All residential and non-residential properties within the UGB;

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

Policy 9.1.7: Utilization of TDCs

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

1. **Receiving Areas:** TDCs may only be utilized within the designated Receiving Areas.
2. **Use of TDCs in Receiving Areas:** TDCs may be used for either to add residential units and/or FAR to non-residential development as follows:
 - a. **For Residential Units:** One (1) TDC equals one (1) dwelling unit with a maximum of two (2) dwelling units above the allowable density of land use designations in the policies of Objective 2.1.
 - b. **For Non-Residential Area:** One (1) TDC equals 0.05 acre of non-residential development with a maximum increase in FAR of 0.25 above the allowable FAR in the policies of Objective 2.1.
 - c. **Open Space:** One TDC equals 0.05 acre of open space. TDCs may be used to meet a maximum of 0.25 of a development's required open space.
3. **Verification of TDCs:** The County will verify the validity of the TDCs and their usage on the property within the Receiving Area. Owners of TDCs will identify to the County the specific parcel(s) of land within the Receiving Area where the TDCs are to be utilized.
4. **Allowances in Receiving Areas:** The TDCs may be utilized to the residential and non-residential development densities and intensities in accordance to Objective 2.1 of this element:
 - a. **LEVEL I** – Residential densities and non-residential intensities within the UGB can utilize TDCs as allowed by this element.
 - b. **LEVEL II** – Rural Land designated properties may increase residential densities up to that allowed under the Low Residential designation and non-residential intensities as allowed by Commercial or less intense non-residential designation.
 - c. **LEVEL III** – Rural Land designated properties that were formerly designated Urban Reserve prior to January 1, 2010, may increase residential densities to that allowed under the Low Residential designation and non-residential intensities as allowed by Commercial or less intense non-residential designation, provided that central water and sewer services are available and utilized.
 - d. **Higher Density or Intensity** - Additional density or intensity for properties that utilize the Transfer of Rights Programs shall require a Comprehensive Plan Amendment beyond the above allowances.
5. **Application and Processing Fees:** All costs, including costs associated with determining the size and location of the specific Sending and Receiving Area parcels and all recording costs associated with recording the conservation easement and utilization of the TDCs form shall be the responsibility of the owner.
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 9.1.8: 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 9.1.9: 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 9.1.10: 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 9.1.11: 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.~~