



Marion County

Land Development Regulation Commission

Meeting Agenda

Wednesday, August 21, 2024

5:30 PM

Marion County Main Training
Room

ROLL CALL AND PLEDGE OF ALLEGIANCE

Acknowledgement of Proof of Publication

1. ADOPT THE FOLLOWING MINUTES

[August 7, 2024](#)

2. SCHEDULED ITEMS

[Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Revise Division 8.6. - Technical Standards and Requirements, to Review and Update Table 6.8-2 Land Use Categories for Buffers Table to Reflect the Proposed Table](#)

[Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments as a Result of the Passing of Senate Bill 812 to Revise Section 2.18.4. Construction, Completion, and Close Out](#)

3. NEW BUSINESS

ADJOURN



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2024-16304

Agenda Date: 8/21/2024

Agenda No.:

SUBJECT:
August 7, 2024

DESCRIPTION/BACKGROUND:
Minutes from the previous LDRC workshop.

The Marion County Land Development Regulation Commission met on August 7, 2024 at 5:30 p.m. in the Growth Services Main Training Room, 2710 E Silver Springs Blvd, Ocala Florida.

ROLL CALL & PLEDGE OF ALLEGIANCE

David Tillman led the Pledge of Allegiance.

CALL TO ORDER

Chairman, David Tillman Called the Meeting to Order at 5:30pm and Autumn Williams called roll.

Board members present were Chairman David Tillman, Chris Howson, Gene Losito, Jonny Heath, James Stockton, Richard Busche, and alternate member Erica Larson.

Staff members present were Assistant County Administrator Tracy Straub, Chief Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Deputy Director Ken Weyrauch, Planners Chris Rison, County Engineer Steven Cohoon, Parks Director Jim Couillard, Stormwater Engineer Jason Cambre, Administrative Manager Sage Dick and Staff Assistants Autumn Williams and Paula Singleton.

Members of the Public Present were Todd Rudnianyn.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Autumn Williams read the Proof of Publication and advised that the meeting was properly advertised.

1. ADOPT THE FOLLOWING MINUTES

There were no minutes to adopt.

2. SCHEDULED ITEMS

2.1. Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Revise Division 8.6. - Technical Standards and Requirements, to Review and Update Table 6.8-2 Land Use Categories for Buffers Table to Reflect the Proposed Table

Jim Couillard, Parks Director, opened discussion regarding this item.

Board Members voiced their recommendations and comments regarding age restrictions, 10' buffer wall feasibility and other portions of draft table.

Ken Weyrauch, Deputy Director made changes to the document as needed and noted items that needed to be followed up on.

2.2. Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Revise Division 3.5 - Floodplain Management, to Edit Language in the LDC for Consistency

The Board agreed more discussion on the language was needed. It was agreed that the discussion of this item would be continued at the August 21, 2023 LDRC Workshop.

It was agreed that the discussion of this item would be continued at the August 21, 2023 LDRC Workshop.

3. NEW BUSINESS

3.1. Changes to Building Code as a Result of Senate Bill 812

Tracy Straub, Assistant County Administrator opened discussion regarding this item.

Board Members voiced their recommendations and comments regarding language to update our current building regulations to reflect required changes as a result of the passage of Senate Bill 812.

The Board agreed more discussion on the language was needed. It was agreed that the discussion of this item would be continued at the August 21, 2023 LDRC Workshop.

3.2. Commission Meeting Schedule

Tracy Straub, Assistant County Administrator provided a reminder of the meeting schedule that was sent out, discussed a need for consistent meetings for the next year but to avoid member or staff burnout that this schedule may be adjusted in the future.

Board Members determined that the current schedule of the 1st and 3rd Wednesday of the month from 5:30pm – 7:00pm would be maintained.

ADJOURNMENT

The meeting adjourned at 7:23 PM

Attest:

David Tillman, Chairman

Sage Dick, Administrative Manager



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2024-16302

Agenda Date: 8/21/2024

Agenda No.:

SUBJECT:

Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Revise Division 8.6. - Technical Standards and Requirements, to Review and Update Table 6.8-2 Land Use Categories for Buffers Table to Reflect the Proposed Table

DESCRIPTION/BACKGROUND:

Staff has attached the proposed table to update LDC Division 8.6 - Technical Standards and Requirements, Table 6.8-2 Land Use Categories for Buffers table to improve consistency and efficiency with identifying and implementing buffer requirements as necessary. Staff, Planning & Zoning along with the Board of Commissioners have identified a need of clarifying the best buffers to be applied in various instances, staff hopes to correct that with this table update.

Proposed Use		Permitted or Existing Use						
		AG	SFR	MF	COM	IND	PUB	ROW
AG		-	-	-	-	-	-	-
SFR		E	- <u>C/D**</u>	C	A	B	C	C
MF		E	<u>AB***</u>	-	A	B	C	C
COM		D	B	B	-	B	C	C
IND		B	B	B	B	-	B	C/D*
PUB		E	B	C	C	C	-	C

*D Type Buffer if residential adjacent to ROW

**Type D Buffer is required if new SFR is adjacent to an age restricted community.

***Buffer wall shall be at least 10' in height.

ATTACHMENT 1

Proposed Use	Permitted or Existing Use							
	AG	SFR	MF	COM	IND	PUB	ROW	
AG	-	-	-	-	-	-	-	
SFR	E	E****	C	A	B	C	C	
MF	E	D	-	A	B	C	C	
COM	D	B	B	-	B	C	C	
IND	B	B	B	B	-	B	D	
PUB	E	B	C	C	C	-	C	

****A 6' opaque fence may be used in lieu of a vegetation buffer



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2024-16303

Agenda Date: 8/21/2024

Agenda No.:

SUBJECT:

Discussion for Proposed Marion County Land Development Code (LDC) Amendments as a Result of the Passing of Senate Bill 812 to Revise Section 2.18.4. Construction, Completion, and Close Out

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update Land Development Code (LDC) Section 2.18.4. Construction, Completion, and Close Out due to the passing of Senate Bill 812 which changes the percentage requirements of our building code. Staff and LDRC will need to come to an agreement and recommend the necessary language to suggest to the Board of Commissioners so that update language can be ratified by October 1, 2024 as required by the Bill.

Sec. 2.18.4. Construction, completion, and close out.

- A. Improvement Plans shall be valid for five years with a one-time extension of two years if requested by the applicant in writing and approved by DRC.
- B. Pre-Construction Conference.
 - (1) A pre-construction conference shall be scheduled by the Office of the County Engineer for offsite improvements.
 - (2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the County Engineer.
 - (3) Applicant shall notify the Office of the County Engineer of onsite improvement work 72 hours prior to commencing construction.
- C. All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the improvement plans.
- D. If an applicant desires to file a Final Plat prior to improvements ~~being~~ are not completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Improvement Plans shall be provided. The Improvement Agreement form is available at the Office of the County Engineer. A security, limited to an irrevocable letter of credit or bond only, shall be provided in the amount of 120-130 percent of the estimated cost of remaining improvements as well as a partial As-Built/Record Survey; no survey is required if the irrevocable letter of credit or bond is provided for the cost of all improvements. The Improvement Agreement shall be approved by the Board.
- E. If an applicant desires to construct a limited number of sales offices, model homes, or similar type features, prior to selling lots and prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:
 - (1) Approval of the Preliminary Plat and Improvement Plans;
 - (2) ~~The development being served by a central sewer and central water system; Connection is made to the final approved water and sewer system (temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by central water or central sewer);~~
 - (3) The Final Plat has been submitted for review ~~including cost estimate with appropriate assurance for subdivision improvements if incomplete;~~
 - (4) No more than 20 building permits being issued on n~~No more than 10 percent of the total number of building lots, and none of these lots can have flood plain or flood prone encroachments; and, not to exceed 50 building permits; and~~
 - (5) Partial Certification of Final Completion for the improvements constructed to support the subject building lots considering safe pedestrian and vehicle access for the public visiting these sites; and
 - (5) A restrictive covenant recorded in public record that requires a change in building occupancy permit to convert from temporary use to permanent use and limits the ability to sell or lease -such structure prior to recording the Final Plat; and
 - (56) Approval by the Board.
- F. ~~If an applicant desires to construct a limited number of homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:~~
 - (1) Approval of the Preliminary Plat and Improvement Plans;

-
- (2) Connection is made to the final approved water and sewer system (temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by central water or central sewer);
 - (3) The Final Plat has been submitted for review including cost estimate with security, limited to an irrevocable letter of credit or bond only, provided in the amount of 130 percent of the estimated cost of remaining subdivision improvements as well as a partial As-Built/Record Survey; no survey is required if the irrevocable letter of credit or bond is provided for the cost of all improvements; and
 - (4) Permits being issued for no more than 50 percent of the total number of building lots (exclusive of permits approved under section E.); and
 - (5) Approval by the Board.

F. As-Built Submittal.

- (1) ~~Two~~One sets of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in Ch. 5J-17 FAC shall be submitted prior to final inspection ~~along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.~~
- (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
- (3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the Office of the County Engineer. After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.

G. For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance. For public road subdivisions, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, upon review and approval by the County.

H. For public road subdivisions, a maintenance agreement with a security limited to an irrevocable letter of credit or bond only in the amount of ~~20~~twenty percent of the original construction cost of subdivision improvements shown on the approved Improvement Plans. The maintenance agreement form is available at the Office of the County Engineer. Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the Office of the County Engineer and 60 percent occupancy prior to acceptance for maintenance by the County. The letter of credit or bond shall be released upon acceptance of the constructed improvements for maintenance by the County.

~~I. For public road subdivisions, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, upon review and approval by the County.~~

J. For private road subdivisions, documentation shall be submitted as to maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

(Ord. No. 13-20, § 2, 7-11-2013)

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1
2 An act relating to expedited approval of residential
3 building permits; creating s. 177.073, F.S.; providing
4 definitions; requiring certain governing bodies, by a
5 date certain, to each create a program to expedite the
6 process for issuing residential building permits
7 before a final plat is recorded; requiring the
8 expedited process to include a certain application;
9 prohibiting the application or local government final
10 approval from altering or restricting the number of
11 building permits requested under certain
12 circumstances; requiring certain governing bodies to
13 update their program in a specified manner; providing
14 applicability; requiring a governing body to create
15 certain processes for purposes of the program;
16 authorizing applicants to use a private provider to
17 expedite the process for certain building permits;
18 requiring a governing body to establish a registry of
19 qualified contractors for a specified purpose;
20 prohibiting such qualified contractors hired to review
21 an application from having a conflict of interest with
22 the applicant; defining the term "conflict of
23 interest"; authorizing a governing body to issue
24 addresses and temporary parcel identification numbers
25 for specified purposes; requiring a governing body to
26 issue a specified number or percentage of building
27 permits requested in an application when certain
28 conditions are met; setting forth certain conditions
29 for applicants who apply to the program; providing

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30 that an applicant has a vested right in an approved
31 preliminary plat when certain conditions are met;
32 prohibiting a governing body from making substantive
33 changes to a preliminary plat without written consent;
34 requiring an applicant to indemnify and hold harmless
35 certain entities and persons; providing an exception;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 177.073, Florida Statutes, is created to
41 read:

42 177.073 Expedited approval of residential building permits
43 before a final plat is recorded.—

44 (1) As used in this section, the term:

45 (a) "Applicant" means a homebuilder or developer who files
46 an application with the local governing body to identify the
47 percentage of planned homes, or the number of building permits,
48 that the local governing body must issue for a residential
49 subdivision or planned community.

50 (b) "Final plat" means the final tracing, map, or site plan
51 presented by the subdivider to a governing body for final
52 approval, and, upon approval by the appropriate governing body,
53 is submitted to the clerk of the circuit court for recording.

54 (c) "Local building official" has the same meaning as in s.
55 553.791(1).

56 (d) "Plans" means any building plans, construction plans,
57 engineering plans, or site plans, or their functional
58 equivalent, submitted by an applicant for a building permit.

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59 (e) "Preliminary plat" means a map or delineated
60 representation of the subdivision of lands that is a complete
61 and exact representation of the residential subdivision or
62 planned community and contains any additional information needed
63 to be in compliance with the requirements of this chapter.

64 (f) "Qualified contractor" includes, but is not limited to,
65 an engineer or engineering firm licensed under chapter 471; a
66 surveyor or mapper or a surveyor's or mapper's firm licensed
67 under chapter 472; an architect or architecture firm licensed
68 under part I of chapter 481; a landscape architect or landscape
69 architecture firm registered under part II of chapter 481; or
70 any other qualified professional who is certified in urban
71 planning or environmental management.

72 (2) (a) By October 1, 2024, the governing body of a county
73 that has 75,000 residents or more and any governing body of a
74 municipality that has 10,000 residents or more and 25 acres or
75 more of contiguous land that the local government has designated
76 in the local government's comprehensive plan and future land use
77 map as land that is agricultural or to be developed for
78 residential purposes shall create a program to expedite the
79 process for issuing building permits for residential
80 subdivisions or planned communities in accordance with the
81 Florida Building Code and this section before a final plat is
82 recorded with the clerk of the circuit court. The expedited
83 process must include an application for an applicant to identify
84 the percentage of planned homes, not to exceed 50 percent of the
85 residential subdivision or planned community, or the number of
86 building permits that the governing body must issue for the
87 residential subdivision or planned community. The application or

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88 the local government's final approval may not alter or restrict
89 the applicant from receiving the number of building permits
90 requested, so long as the request does not exceed 50 percent of
91 the planned homes of the residential subdivision or planned
92 community or the number of building permits. This paragraph does
93 not:

94 1. Restrict the governing body from issuing more than 50
95 percent of the building permits for the residential subdivision
96 or planned community.

97 2. Apply to a county subject to s. 380.0552.

98 (b) A governing body that had a program in place before
99 July 1, 2023, to expedite the building permit process, need only
100 update their program to approve an applicant's written
101 application to issue up to 50 percent of the building permits
102 for the residential subdivision or planned community in order to
103 comply with this section. This paragraph does not restrict a
104 governing body from issuing more than 50 percent of the building
105 permits for the residential subdivision or planned community.

106 (c) By December 31, 2027, the governing body of a county
107 that has 75,000 residents or more and any governing body of a
108 municipality that has 10,000 residents or more and 25 acres or
109 more of contiguous land that the local government has designated
110 in the local government's comprehensive plan and future land use
111 map as land that is agricultural or to be developed for
112 residential purposes shall update their programs to expedite the
113 process for issuing building permits for residential
114 subdivisions or planned communities in accordance with the
115 Florida Building Code and this section before a final plat is
116 recorded with the clerk of the circuit court. The expedited

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117 process must include an application for an applicant to identify
118 the percentage of planned homes, not to exceed 75 percent of the
119 residential subdivision or planned community, or the number of
120 building permits that the governing body must issue for the
121 residential subdivision or planned community. This paragraph
122 does not:

123 1. Restrict the governing body from issuing more than 75
124 percent of the building permits for the residential subdivision
125 or planned community.

126 2. Apply to a county subject to s. 380.0552.

127 (3) A governing body shall create:

128 (a) A two-step application process for the adoption of a
129 preliminary plat, inclusive of any plans, in order to expedite
130 the issuance of building permits under this section. The
131 application must allow an applicant to identify the percentage
132 of planned homes or the number of building permits that the
133 governing body must issue for the residential subdivision or
134 planned community.

135 (b) A master building permit process consistent with s.
136 553.794 for applicants seeking multiple building permits for
137 residential subdivisions or planned communities. For purposes of
138 this paragraph, a master building permit is valid for 3
139 consecutive years after its issuance or until the adoption of a
140 new Florida Building Code, whichever is earlier. After a new
141 Florida Building Code is adopted, the applicant may apply for a
142 new master building permit, which, upon approval, is valid for 3
143 consecutive years.

144 (4) (a) An applicant may use a private provider pursuant to
145 s. 553.791 to expedite the application process for building

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146 permits after a preliminary plat is approved under this section.

147 (b) A governing body shall establish a registry of at least
148 three qualified contractors whom the governing body may use to
149 supplement staff resources in ways determined by the governing
150 body for processing and expediting the review of an application
151 for a preliminary plat or any plans related to such application.
152 A qualified contractor on the registry who is hired pursuant to
153 this section to review an application, or any part thereof, for
154 a preliminary plat, or any part thereof, may not have a conflict
155 of interest with the applicant. For purposes of this paragraph,
156 the term "conflict of interest" has the same meaning as in s.
157 112.312.

158 (5) A governing body may work with appropriate local
159 government agencies to issue an address and a temporary parcel
160 identification number for lot lines and lot sizes based on the
161 metes and bounds of the plat contained in the application.

162 (6) The governing body must issue the number or percentage
163 of building permits requested by an applicant in accordance with
164 the Florida Building Code and this section, provided the
165 residential buildings or structures are unoccupied and all of
166 the following conditions are met:

167 (a) The governing body has approved a preliminary plat for
168 each residential subdivision or planned community.

169 (b) The applicant provides proof to the governing body that
170 the applicant has provided a copy of the approved preliminary
171 plat, along with the approved plans, to the relevant electric,
172 gas, water, and wastewater utilities.

173 (c) The applicant holds a valid performance bond for up to
174 130 percent of the necessary improvements, as defined in s.

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175 177.031(9), that have not been completed upon submission of the
176 application under this section. For purposes of a master planned
177 community as defined in s. 163.3202(5)(b), a valid performance
178 bond is required on a phase-by-phase basis.

179 (7) (a) An applicant may contract to sell, but may not
180 transfer ownership of, a residential structure or building
181 located in the residential subdivision or planned community
182 until the final plat is approved by the governing body and
183 recorded in the public records by the clerk of the circuit
184 court.

185 (b) An applicant may not obtain a temporary or final
186 certificate of occupancy for each residential structure or
187 building for which a building permit is issued until the final
188 plat is approved by the governing body and recorded in the
189 public records by the clerk of the circuit court.

190 (8) For purposes of this section, an applicant has a vested
191 right in a preliminary plat that has been approved by a
192 governing body if all of the following conditions are met:

193 (a) The applicant relies in good faith on the approved
194 preliminary plat or any amendments thereto.

195 (b) The applicant incurs obligations and expenses,
196 commences construction of the residential subdivision or planned
197 community, and is continuing in good faith with the development
198 of the property.

199 (9) Upon the establishment of an applicant's vested rights
200 in accordance with subsection (8), a governing body may not make
201 substantive changes to the preliminary plat without the
202 applicant's written consent.

203 (10) An applicant must indemnify and hold harmless the

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204 local government, its governing body, its employees, and its
205 agents from liability or damages resulting from the issuance of
206 a building permit or the construction, reconstruction, or
207 improvement or repair of a residential building or structure,
208 including any associated utilities, located in the residential
209 subdivision or planned community. Additionally, an applicant
210 must indemnify and hold harmless the local government, its
211 governing body, its employees, and its agents from liability or
212 disputes resulting from the issuance of a certificate of
213 occupancy for a residential building or structure that is
214 constructed, reconstructed, improved, or repaired before the
215 approval and recordation of the final plat of the qualified
216 project. This indemnification includes, but is not limited to,
217 any liability and damage resulting from wind, fire, flood,
218 construction defects, bodily injury, and any actions, issues, or
219 disputes arising out of a contract or other agreement between
220 the developer and a utility operating in the residential
221 subdivision or planned community. However, this indemnification
222 does not extend to governmental actions that infringe on the
223 applicant's vested rights.

224 Section 2. This act shall take effect upon becoming a law.