

Marion County Null and Void Comment Response:

Restrictive or Burdensome Comments:

Future Land Use Element

- Policy 1.1.6: Currently, this policy “requires new development or substantial redevelopment to provide buffering to address compatibility concerns and reduce potential adverse impacts to surrounding properties, as further defined in the LDC.” The proposed change removes the term "substantial," thereby expanding the policy's applicability to encompass all redevelopment projects rather than just selected ones. This change is more restrictive or burdensome to all redevelopment projects compared to what is currently adopted in the comprehensive plan.

Response: The County has revised the Future Land Use Element Policy 1.1.6 to add “substantial” back into the policy.

- Policy 2.1.4: Currently, this policy requires a minimum of 350 square feet of open space for each residential lot in either single or linked multiple tracts within residential development. The proposed change replaces “lot” with “dwelling unit”, thereby increasing the amount of open space required for each development. This change is more restrictive or burdensome than what is currently adopted in the comprehensive plan.

Response: The County has revised the Future Land Use Element Policy 2.1.4 to revert the original redline to add back “lot” instead of “dwelling unit”.

“Potentially” More Restrictive or Burdensome Comment:

Transportation Element

- Policy 2.1.3 has been amended to state the following:
“The County may establish corridor specific service volumes and evaluate LOS based on detailed corridor or subarea studies. The roadway service volumes shall be documented in the CMP Database to be developed in conjunction with the TPO and periodically updated. “

The specific service volumes/detailed corridor or subarea studies have the potential to impose more restrictive or burdensome requirements; however, the specifics were not included with the amendment package. Therefore, staff conclude that this proposed change is potentially more restrictive or burdensome. The Florida Department of Transportation has confirmed that this proposed change is potentially more restrictive or burdensome.

Response:

- *The current adopted comprehensive plan states the County “shall use the latest version of the FDOT Quality/Level of Service Handbook”. The first redline sentence in this policy is a rewording to have the same “shall” statement.*
- *The first added statement regarding corridor specific / sub-area studies will allow the County and /or development applicants to perform more specific studies in the*

case that the generalized service volumes show a roadway exceeding the existing LOS standard. This can be interpreted as less restrictive because that option was not specifically allowed in the current adopted Comprehensive Plan. The County has revised the redlines to be more clear regarding this sentence's intent.

- *The second added statement is procedural in that the County has to document the service volumes for use by the County and developers and is not more restrictive or burdensome for anyone other than the County.*

FloridaCommerce Objection:

Sanitary Sewer Element Policy 1.1.1, which states that new development LOS standards shall be established and maintained in the Land Development Code (LDC). This proposed change does not meet the requirements of section 163.3177(3)(a)3., F.S., which states that standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service must be contained in the City's capital improvement element. The proposed change is also not meaningful and predictable pursuant to section 163.3177(1), F.S. The comments pertain to the missing Septic-to-Sewer feasibility analysis and intergovernmental coordination.

Response: The County has updated the Sanitary Sewer Policy to remove "maintained in the LDC" to address this objection.

External Agency Comments:

Florida Department of Environmental Protection (1/22/2026)

During the 2023 legislative session, the Florida Legislature passed House Bill (HB) 1379, Laws of Florida Chapter No. 2023-169, which revised s. 163.3177, F.S., requiring local government comprehensive plans to address the following:

- Within the schedule of capital improvements, any county or municipality with a Basin Management Action Plan (BMAP) within its jurisdiction must include a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP (s. 163.3177(3)(a)4.b, F.S.)

Response: The County currently has many BMAP projects in their Utility 5-year Capital Improvement Plan as shown in the CIP at the end of the Capital Improvement Element.

- Within the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element, local governments must address the upgrading of wastewater treatment facilities and prioritize advanced waste treatment (AWT), and, for local governments not included within a designated Rural Area of Opportunity, a section considering the feasibility of providing sanitary sewer services within a 10-year planning horizon to any development of more than 50 built or unbuilt residential lots with a density of more than one onsite sewage treatment and disposal system (OSTDS; aka septic system) per acre was required to be included by July 1, 2024 (s. 163.3177(6)(c)3, F.S.).

Response: All Marion County Wastewater Treatment Plants within a BMAP currently meet AWT requirements, are planned to meet AWT or are planned to be decommissioned. The County is continuing to inventory residential lots to determine if providing sanitary sewer services is feasible. This inventorying and documenting of

septic system and determination of connection to the centralized wastewater collection system is anticipated to be complete in the next 10 years. The County has revised Sanitary Sewer Element Policy 1.2.8 to reflect the statements above.