



# Marion County

## Board of County Commissioners

### Public Hearing Meeting

### Meeting Agenda

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**Wednesday, August 13, 2025**

**9:00 AM**

**McPherson Governmental  
Campus Auditorium**

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### **First of Two Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code**

**INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROOF OF PUBLICATION**

[Present Cover Documents from Land Development Regulation Commission  
Public Hearing](#)

### **STAFF PRESENTATION**

1. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 2, Division 21 - Major Site Plan Section 2.21.1 Applicability](#)
2. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 2, Division 22 - Stand Alone Permits Section 2.22.2 Driveway Connection](#)
3. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.3 Types of Stormwater Management Facilities](#)
4. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.4 Stormwater Quantity Criteria](#)
5. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Division 13 - Stormwater Management Article 6, Section 6.13.5 Flood Plain and Protection](#)
6. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.8 Stormwater Conveyance Criteria](#)
7. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.9 Grading Criteria](#)

8. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 7, Division 3 - Design Details Section 7.3.1 Transportation and Stormwater](#)
9. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 7, Division 3 - Design Details Section 7.3.2 Utilities](#)

**PUBLIC COMMENT**

**BOARD DISCUSSION AND CLOSING COMMENTS**



# Marion County

## Board of County Commissioners Public Hearing Meeting

### Agenda Item

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**File No.:** 2025-20036

**Agenda Date:** 8/13/2025

**Agenda No.:**

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**SUBJECT:**

**Present Cover Documents from Land Development Regulation Commission Public Hearing**

**INITIATOR:**

**Ken Weyrauch, Deputy Director**

**DEPARTMENT:**

**Growth Services**

**DESCRIPTION/BACKGROUND:**

Attached are:

- Proofs of publication
- The Land Development Regulation Commission Minutes from the July 23, 2025 LDRC Public Hearing

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

For information only.

# LOCALi

The Gainesville Sun | The Ledger  
Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune

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## **AFFIDAVIT OF PUBLICATION**

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NOTICE IS HEREBY GIVEN THAT THE  
MARION COUNTY BOARD OF  
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MARION COUNTY, FLORIDA, WILL  
HOLD A PUBLIC HEARING TO  
CONSIDER AN ORDINANCE AMEND-  
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FLORIDA, LAND DEVELOPMENT  
CODE (LDC) AS SPECIFIED BELOW:  
AN ORDINANCE OF THE BOARD OF  
COUNTY COMMISSIONERS OF  
MARION COUNTY, FLORIDA,  
AMENDING THE LAND DEVELOP-  
MENT CODE (LDC) RELATED TO  
ARTICLE 6, DIVISION 13,  
STORMWATER MANAGEMENT,  
SECTION 6.13.8, STORMWATER  
CONVEYANCE CRITERIA

A public hearing conducted by the  
Marion County Board of County  
Commissioners will be held on  
Wednesday, August 13, 2025, at  
9:00 a.m. at the McPherson  
Governmental Campus Auditorium  
at 601 SE 25TH Avenue, Ocala, FL,  
34471, for the purpose of consider-  
ing the proposed amendment  
related to Marion County Land  
Development Code (LDC), Article 1,  
in Marion County, Florida, providing  
for revisions to Section 4.2.30  
Government Use Classification.

The Marion County Board of County  
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pursuant to Florida Statutes and  
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If reasonable accommodations of a  
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PLEASE BE GOVERNED ACCORD-  
INGLY  
DATED THIS 15th DAY OF MAY,  
2025.  
BOARD OF COUNTY COMMISSION-  
ERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN

11510410

KAITLYN FELTY  
Notary Public  
State of Wisconsin

## AFFIDAVIT OF PUBLICATION

Ashlyne Tuck  
Marion County Attorneys' Office - 330  
601 SE 25Th AVE # 108  
Ocala FL 34471-2690

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MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN  
#11510395

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Legal Clerk

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BOARD OF COUNTY  
COMMISSIONERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN  
July 28, 2025 11510428

KAITLYN FELTY  
Notary Public  
State of Wisconsin

## AFFIDAVIT OF PUBLICATION

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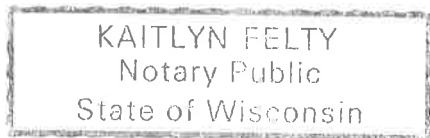
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BOARD OF COUNTY  
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MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

#11510437



# LOCALi

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Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/28/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$268.68

Tax Amount: \$0.00

Payment Cost: \$268.68

Order No: 11510538

Customer No: 533707

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KAITLYN FELTY  
Notary Public  
State of Wisconsin

**NOTICE OF PUBLIC HEARING BY**  
NOTICE IS HEREBY GIVEN THAT THE  
MARION COUNTY BOARD OF  
COUNTY COMMISSIONERS OF  
MARION COUNTY, FLORIDA, WILL  
HOLD A PUBLIC HEARING TO  
CONSIDER AN ORDINANCE  
AMENDING THE MARION COUNTY,  
FLORIDA, LAND DEVELOPMENT  
CODE (LDC) AS SPECIFIED BELOW:

**AN ORDINANCE OF THE BOARD OF  
COUNTY COMMISSIONERS OF  
MARION COUNTY, FLORIDA,  
AMENDING THE LAND  
DEVELOPMENT CODE (LDC)  
RELATED TO ARTICLE 7, DIVISION  
3, DESIGN DETAILS, SECTION  
7.3.1, TRANSPORTATION AND  
STORMWATER, TO REVISE TS034  
DRAINAGE RETENTION AREA, ADD  
TS039 BEDDING AND TRENCHING  
WITH UNDERCUTTING, AND ADD  
TS040 BEDDING AND TRENCHING  
WITHOUT UNDERCUTTING**

A public hearing conducted by the  
**Marion County Board of County  
Commissioners** will be held on  
**Wednesday, August 13, 2025, at  
9:00 a.m.** at the **McPherson  
Governmental Campus Auditorium  
at 601 SE 25TH Avenue, Ocala, FL,  
34471**, for the purpose of  
considering the proposed  
amendment related to Marion  
County Land Development Code  
(LDC), Article 1, in Marion County,  
Florida, providing for revisions to  
Section 4.2.30 Government Use  
Classification.

The Marion County Board of County  
Commissioners shall receive and  
consider public comment regarding  
the proposed LDC amendment in  
this public hearing, the first of two,  
pursuant to Florida Statutes and  
the LDC.

If reasonable accommodations of a  
disability are needed for you to  
participate in this meeting, please  
contact the ADA Coordinator/HR  
Director at (352) 438-2345 forty-  
eight hours in advance of the  
hearing, so appropriate  
arrangements can be made.

A copy of the proposed ordinance  
is available for public inspection at  
the Growth Services Department,  
2710 East Silver Springs, Ocala, FL  
34470. Any person who decides to  
appeal any decision of the Board of  
County Commissioners with respect  
to any matter considered at this  
hearing will need a record of the  
proceedings and for such purpose,  
may need to ensure that a verbatim  
record of the proceedings is made.  
For more information:

[HTTPS://WWW.MARIONFL.ORG/LE  
GALNOTICES](https://www.marionfl.org/leg/notices)

Effective October 1, 2023, a Florida  
legislative act relating to local  
ordinances, amending F.S.125.66(3)  
(a), requires a Business Impact  
Statement to be prepared by the  
governing body of a county before  
the enactment of a proposed  
ordinance in accordance with the  
provisions of F.S., the Business  
Impact Estimate must be published  
on the County's website and must  
include certain information, such as  
a summary of the proposed  
ordinance, including a statement of  
the public purpose, an estimate of  
the direct economic impact, and a  
good faith estimate of the number  
of businesses likely to be impacted,  
and any additional information the  
governing body determines may be  
useful. In accordance to F.S.  
125.66(3)(a), a number of  
ordinances are exempt from  
complying with the business impact  
statement. Marion County's  
business impact estimates are  
posted on the Marion County  
website under Public Relations at:  
[www.MarionFL.org/BIE](http://www.MarionFL.org/BIE)

PLEASE BE GOVERNED  
ACCORDINGLY  
DATED THIS 15th DAY OF MAY,  
2025.  
BOARD OF COUNTY  
COMMISSIONERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN  
July 28, 2025 11510538

# LOCALiQ

The Gainesville Sun | The Ledger  
Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Ashlyne Tuck  
Marion County Attorneys' Office - 330  
601 SE 25Th AVE # 108  
Ocala FL 34471-2690

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Star Banner, published in Marion County, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Marion County, Florida, or in a newspaper by print in the issues of, on:

07/28/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/28/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$250.60

Tax Amount: \$0.00

Payment Cost: \$250.60

Order No: 11510604

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### **NOTICE OF PUBLIC HEARING BY**

NOTICE IS HEREBY GIVEN THAT THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 21, MAJOR SITE PLAN, SECTION 2.21.1, APPLICABILITY**

A public hearing conducted by the Marion County Board of County Commissioners will be held on Wednesday, August 13, 2025, at 9:00 a.m. at the McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL 34471, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 1, in Marion County, Florida, providing for revisions to Section 4.2.30 Government Use Classification.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the first of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made. For more information:

[HTTPS://WWW.MARIONFL.ORG/LEGISLATION/NOTICES](https://www.marionfl.org/legislation/NOTICES)

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S. 125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at [www.marionfl.org/BIS](http://www.marionfl.org/BIS).

PLEASE BE GOVERNED ACCORDINGLY

DATED THIS 15TH DAY OF MAY, 2025.  
BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN 7/28/25

KAITLYN FELTY  
Notary Public  
State of Wisconsin

## AFFIDAVIT OF PUBLICATION

Ashlyne Tuck  
Marion County Attorneys' Office - 330  
601 SE 25Th AVE # 108  
Ocala FL 34471-2690

STATE OF WISCONSIN, COUNTY OF BROWN

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07/28/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/28/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$255.12

Tax Amount: \$0.00

Payment Cost: \$255.12

Order No: 11510674

Customer No: 533707

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KAITLYN FELTY  
Notary Public  
State of Wisconsin

### NOTICE OF PUBLIC HEARING BY

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**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 22, STAND-ALONE PERMITS, SECTION 2.22.2, DRIVEWAY CONNECTION**

A public hearing conducted by the Marion County Board of County Commissioners will be held on **Wednesday, August 13, 2025, at 9:00 a.m.** at the **McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 1, in Marion County, Florida, providing for revisions to Section 4.2.20 Government Use Classification.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the first of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made. For more information:

[HTTPS://WWW.MARIONFL.ORG/LEGALLAWNOTICES](https://www.marionfl.org/legallawnotices)

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S. 125.56(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S. the Business Impact Estimate must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at [www.marionfl.org/BIIE](http://www.marionfl.org/BIIE).

PLEASE BE GOVERNED ACCORDINGLY

DATED THIS 15th DAY OF MAY, 2025.  
BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN

7/28/25

## AFFIDAVIT OF PUBLICATION

Ashlyne Tuck  
Marion County Attorneys' Office - 330  
601 SE 25Th AVE # 108  
Ocala FL 34471-2690

STATE OF WISCONSIN, COUNTY OF BROWN

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07/28/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/28/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$257.38

Tax Amount: \$0.00

Payment Cost: \$257.38

Order No: 11510713

Customer No: 533707

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### NOTICE OF PUBLIC HEARING BY

NOTICE IS HEREBY GIVEN THAT THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 7, DIVISION 3, DESIGN DETAILS, SECTION 7.3.2, UTILITIES, REVISE UT102 TYPE A BED TRENCH, AND REVISE UT103 TYPE B BED TRENCH**

A public hearing conducted by the Marion County Board of County Commissioners will be held on Wednesday, August 13, 2025, at 9:00 a.m. at the McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL 34471, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 7, in Marion County, Florida, providing for revisions to Section 7.3.2, Government Use Classification.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the first of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 426-2342 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

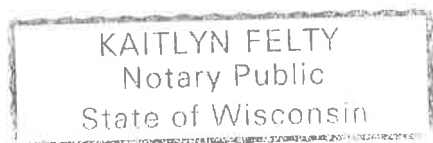
A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made. For more information:

<https://www.marionfl.org/legal/notices>

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PLEASE BE GOVERNED ACCORDINGLY  
DATED THIS 15th DAY OF MAY, 2025.  
BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA  
KATHY BRYANT, CHAIRMAN

11510713



The Marion County Land Development Regulation Commission met on July 16, 2025, at 5:30 p.m. in the Growth Services Main Training Room, 2710 E Silver Springs Blvd, Ocala, Florida.

## **CALL TO ORDER**

Chairman David Tillman Called the Meeting to Order at 5:34 p.m.

## **ROLL CALL & PLEDGE OF ALLEGIANCE**

Rebecca Brinkley called roll, and the quorum was confirmed. Board members present were Chairman David Tillman, Christopher Howson, Richard Busche, Robert Stepp, Jonny Heath, and Erica Larson.

Chairman David Tillman 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 Erik Kramer, Development Review Coordinator Elizabeth Madeloni, Parks and Recreation Director Jim Couillard, Project Assistant & Certified Arborist Susan Heyen, and Staff Assistant Rebecca Brinkley.

There were members of the public 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**

Robert Stepp made a motion to adopt the minutes from the July 2, 2025, meeting. The motion was seconded by Erica Larson. The motion passed unanimously (6-0).

### **2. SCHEDULED ITEMS**

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

Ken Weyrauch, Growth Services Deputy Director, opened the discussion regarding this item.

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

Richard Busche made a motion to change the language in Section 4.2.2 (D) from 30 feet to 50 feet. Motion was seconded by Christopher Howson. Motion passed unanimously (6-0).

These updates will finalize the board's recommendations, and this item will be moved to a public hearing. Public Hearing date to be set. Richard Busche made a motion to adopt changes and to proceed to public hearing. Motion was seconded by Christopher Howson. Motion passed unanimously (6-0).

## **2.2 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 1, Division 2 Definitions**

Jim Couillard, Parks and Recreation Director, opened the discussion regarding this item.

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

Jim Couillard noted items that need to be followed up on. The Board agreed that more discussion on the language was needed. Mr. Couillard 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 Article 6 Division 7 Tree Protection and Replacement**

Jim Couillard, Parks and Recreation Director, opened the discussion regarding this item.

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

The Board Chair allowed public comment:

Todd Rudniansyn, 2441 NE 3<sup>rd</sup> Street, Suite 201, Ocala, FL 34470

- Opposed - Stated he does not think the removal of trees should be able to dictate the ability of the landowner to change land use/zoning for 5 years as proposed in Section 6.7.2 (C). Feels certain types of land use/zoning should be exempt from Section 6.7.2 (C). Stated the proposed language of 5 years in Section 6.7.2 (C) is too long of a time frame. Feels the proposed language in Section 6.7.2 (C) could lead to people cutting trees prematurely.

Davis Dinkins, 125 NE 1<sup>st</sup> Avenue, Suite 2, Ocala, FL 34470

- Opposed - Asked about the origin of issues prompting the updates to Section 6.7.2. Noted ongoing difficulty developers face in meeting tree-related criteria as is. Sought clarification on 6.7.2 (J), specifically whether evaluation by a

licensed arborist is required. Stated that the proposed language for Division 7 appears to be significantly more restrictive. Asked whether comment submission would be allowed prior to the next meeting.

The Chair closed Public comment.

Jonny Heath made a motion to change the language in Section 6.7.2, Exceptions C, to reduce the specified term from 5 years to 2 years. Motion was seconded by Christopher Howson. Motion passed (3-2 with Richard Busche and Robert Stepp dissenting). Dana Olesky, Assistant County Attorney, informed the board that Erica Larson could not vote as the alternate when a quorum of board members was present.

Robert Stepp made a motion to add language to Section 6.7.2 (F) to match Section 6.7.2 (H) regarding jurisdiction. Motion seconded by Richard Busche. Motion passed unanimously (5-0).

Jim Couillard noted items that need to be followed up on. The Board agreed that more discussion on the language was needed. Mr. Couillard will make edits to the verbiage and bring the item back to a future workshop.

### **3. NEW BUSINESS**

#### **3.1 Discussion Regarding Removal of James Stockton III from the LDRC Board Due to Nonattendance**

Chairman David Tillman opened the discussion regarding this item.

LDRC Board Members voiced their recommendations and comments.

Robert Stepp made a motion to proceed with the process of removing James Stockton III from the board. Motion was seconded by Richard Busche. Motion passed unanimously (6-0).

#### **3.2 Upcoming Meeting Dates and Changes to Legal Ad Procedures**

Dana Olesky, Assistant County Attorney, opened the discussion regarding this item.

LDRC Board Members voiced their recommendations and comments.

This item will be brought back to the next LDRC workshop as an agenda item.



**ADJOURNMENT**

The meeting adjourned at 7:03 p.m.

Attest:

\_\_\_\_\_  
David Tillman, Chairman

\_\_\_\_\_  
Rebecca Brinkley, Staff Assistant IV



# Marion County

## Board of County Commissioners Public Hearing Meeting

### Agenda Item

---

**File No.:** 2025-20026

**Agenda Date:** 8/13/2025

**Agenda No.:** 1.

---

**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 2, Division 21 - Major Site Plan Section 2.21.1 Applicability**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 2, Division 21 - Major Site Plan Section 2.21.1 Applicability. The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comments and provide direction.

---

### 1    **Sec. 2.21.1. Applicability.**

2    A.    A Major Site Plan shall be submitted for review and approval prior to the issuance of a Building Permit or  
3        prior to the construction of site improvements when proposed improvements exceed any of the following  
4        thresholds:

5        (1)    Collectively, all existing and proposed impervious ground coverage equals or exceeds the lesser of 35  
6            percent of the gross site area or 9,000 square feet-;

7        (2)    The combined driveway trip generation meets or exceeds 50 peak hour vehicle trips-; or

8        (3)    A 24-inch diameter pipe, its equivalent, or larger is utilized to discharge stormwater runoff from the  
9            project area.

10    B.    Off-site improvements related to a Major Site Plan shall be submitted as a separate Improvement Plan  
11        application.

12    C.    Improvements which do not require a Major Site Plan but may do result in an increase in flooding  
13        or adversely affect drainage, contribute to downstream flooding, adjacent property or increase the  
14        concentration of stormwater discharge onto adjacent property shall only be subject to stormwater  
15        compliance as follows:

16        (1)    Demonstrate to the Office of the County Engineer that proposed improvements and existing  
17            development will not adversely affect public property and will not generate stormwater runoff in  
18            excess of pre-development runoff. Demonstration can be provided through sketches, pictures, site  
19            maps, etc. and can be confirmed through a scheduled and coordinated site visit. Stormwater controls  
20            can be provided through a combination of natural retention areas with excess capacity and/or  
21            constructed stormwater systems provided on the owner's property or within an easement;

22        (2)    Provide erosion control. Temporary erosion control shall be provided as needed throughout  
23            construction and permanent erosion control shall be established prior to the project being considered  
24            successfully closed and completed by the County, including but not limited to the issuance of any  
25            Certificate of Occupancy associated with the property-; and

26        (3)    Submit two-one copies-copy of a finalized sketch which shows the existing improvements in the  
27            immediate vicinity, proposed improvements, stormwater controls and a statement that the owner  
28            understands and complies with required stormwater controls. Both copies shall bear the owner's  
29            original signature and date. Upon review and approval, one-an approved sketch-copy shall be returned  
30            made available to the applicant.

31    D.    Large Existing parcels of property such as, but not limited to, single-family residential lots or tracts, farms,  
32        woodlands, commercial nurseries, or sod farms where existing and proposed impervious ground coverage  
33        equals or exceeds the lesser of 35 percent of the gross site area or 9,000 square feet shall not be subject to  
34        submittal of a complete Major Site Plan which are not otherwise exempt from the requirements of a Major  
35        Site Plan but instead shall instead be subject to stormwater compliance as follows:

36        (1)    Demonstrate to the Office of the County Engineer that proposed improvements and existing  
37            development will not adversely affect adjacent property and will not generate stormwater runoff in  
38            excess of pre-development runoff. Existing improvements may be excluded from excess stormwater  
39            runoff if the improvements were constructed prior to October 1, 2013 or discharge from the existing  
40            improvements is into a system designed to accept such discharges and there is no adverse impact  
41            downstream. Demonstration can be provided through sketches, pictures, site maps, etc. and can be  
42            confirmed through a scheduled and coordinated site visit. Stormwater controls can be provided  
43            through a combination of natural retention areas with excess capacity and/or constructed stormwater  
44            systems provided on the owner's property or within an easement-;

---

(2) Provide erosion control. Temporary erosion control shall be provided as needed throughout construction and permanent erosion control shall be established prior to the project being considered successfully closed and completed by the County, including but not limited to the issuance of any Certificate of Occupancy associated with the property-; and

(3) Submit ~~two copies~~one copy of a finalized sketch which shows the existing improvements in the immediate vicinity, proposed improvements, stormwater controls and a statement that the owner understands and complies with required stormwater controls. ~~Both copies~~Copy shall bear the owner's original signature and date. Upon review and approval, ~~one an~~approved sketch copy shall be ~~returned~~made available to the applicant.

E. Larger existing parcels of property such as single-family residential tracts, farms, woodlands, commercial nurseries, or sod farms are exempt from the requirements of a Major Site Plan if proposed improvements:

(1) Are on a parcel greater than or equal to 10 acres;

(2) Are a minimum of 200 feet away from all property lines with the exception of improvements related to property access;

(3) Collectively with existing impervious ground coverage do not exceed the lesser of 3 percent of the gross site area or 30,000 square feet;

(4) Do not adversely impact offsite drainage; and

(5) Do not contribute offsite drainage to a County documented drainage problem.

F. Improvements related to single-family residential uses within developments previously subject to Major Site Plans or Improvement Plans approved by the County and constructed per the approved plan that meet the following conditions are exempt from the requirements of a Major Site Plan:

(1) The existing and proposed impervious ground coverage does not exceed the amount of gross lot area coverage accounted for in the development's stormwater analysis or it can be demonstrated that the cumulative development impervious coverage does not exceed the amount accounted for in the stormwater analysis, excluding the amount assumed for any remaining undeveloped lots;

(2) The existing and proposed impervious ground coverage does not exceed the amount of gross lot area coverage restricted by plat or covenant;

(3) The development's analysis for stormwater quantity used the 100-year 24-hour frequency duration design storm;

(4) The development's post-developed discharge rate and volume does not exceed the pre-developed conditions; and

(5) Acknowledgement and acceptance of additional stormwater runoff in excess of the percentage of gross lot area impervious ground coverage accounted by the development's stormwater analysis is provided by the recipient of said runoff.

EG. Improvements related to bona fide agricultural uses that meet the requirements of Florida Statute section 604.50 all of the following conditions are exempt from the requirements of a Major Site Plan-; but are subject to sections of this Code implementing floodplain management regulations.

(1) Are on a parcel greater than or equal to ten acres.

(2) Are a minimum of 200 feet from all property lines.

(3) If collectively all existing and proposed surfaces are less than three percent of the gross site area and do not exceed 30,000 square feet of impervious ground coverage.

(4) Do not increase any offsite drainage.

(5) Do not contribute offsite drainage to a County documented drainage problem.

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88 ~~F.H.~~ Exemptions or partial exemptions from a Major Site Plan do not make the applicant exempt from any other  
89 sections of this Code.

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### **Sec. 2.21.1. Applicability.**

- A. A Major Site Plan shall be submitted for review and approval prior to the issuance of a Building Permit or prior to the construction of site improvements when proposed improvements exceed any of the following thresholds:
  - (1) Collectively, all existing and proposed impervious ground coverage equals or exceeds the lesser of 35 percent of the gross site area or 9,000 square feet;
  - (2) The combined driveway trip generation meets or exceeds 50 peak hour vehicle trips; or
  - (3) A 24-inch diameter pipe, its equivalent, or larger is utilized to discharge stormwater runoff from the project area.
- B. Off-site improvements related to a Major Site Plan shall be submitted as a separate Improvement Plan application.
- C. Improvements which do not require a Major Site Plan but may adversely affect drainage, contribute to downstream flooding, or increase the concentration of stormwater discharge onto adjacent property shall only be subject to stormwater compliance as follows:
  - (1) Demonstrate to the Office of the County Engineer that proposed improvements and existing development will not adversely affect public property and will not generate stormwater runoff in excess of pre-development runoff. Demonstration can be provided through sketches, pictures, site maps, etc. and can be confirmed through a scheduled and coordinated site visit. Stormwater controls can be provided through a combination of natural retention areas with excess capacity and/or constructed stormwater systems provided on the owner's property or within an easement;
  - (2) Provide erosion control. Temporary erosion control shall be provided as needed throughout construction and permanent erosion control shall be established prior to the project being considered successfully closed and completed by the County, including but not limited to the issuance of any Certificate of Occupancy associated with the property; and
  - (3) Submit one copy of a finalized sketch which shows the existing improvements in the immediate vicinity, proposed improvements, stormwater controls and a statement that the owner understands and complies with required stormwater controls. Both copies shall bear the owner's original signature and date. Upon review and approval, an approved copy shall be made available to the applicant.
- D. Existing parcels of property such as single-family residential lots or tracts, farms, woodlands, commercial nurseries, or sod farms where existing and proposed impervious ground coverage equals or exceeds the lesser of 35 percent of the gross site area or 9,000 square feet which are not otherwise exempt from the requirements of a Major Site Plan shall instead be subject to stormwater compliance as follows:
  - (1) Demonstrate to the Office of the County Engineer that proposed improvements and existing development will not adversely affect adjacent property and will not generate stormwater runoff in excess of pre-development runoff. Existing improvements may be excluded from excess stormwater runoff if the improvements were constructed prior to October 1, 2013 or discharge from the existing improvements is into a system designed to accept such discharges and there is no adverse impact downstream. Demonstration can be provided through sketches, pictures, site maps, etc. and can be confirmed through a scheduled and coordinated site visit. Stormwater controls can be provided through a combination of natural retention areas with excess capacity and/or constructed stormwater systems provided on the owner's property or within an easement;
  - (2) Provide erosion control. Temporary erosion control shall be provided as needed throughout construction and permanent erosion control shall be established prior to the project being considered successfully closed and completed by the County, including but not limited to the issuance of any Certificate of Occupancy associated with the property; and

- 
- (3) Submit one copy of a finalized sketch which shows the existing improvements in the immediate vicinity, proposed improvements, stormwater controls and a statement that the owner understands and complies with required stormwater controls. Copy shall bear the owner's original signature and date. Upon review and approval, an approved copy shall be made available to the applicant.
- E. Larger existing parcels of property such as single-family residential tracts, farms, woodlands, commercial nurseries, or sod farms are exempt from the requirements of a Major Site Plan if proposed improvements:
- (1) Are on a parcel greater than or equal to 10 acres;
  - (2) Are a minimum of 200 feet away from all property lines with the exception of improvements related to property access;
  - (3) Collectively with existing impervious ground coverage do not exceed the lesser of 3 percent of the gross site area or 30,000 square feet;
  - (4) Do not adversely impact offsite drainage; and
  - (5) Do not contribute offsite drainage to a County documented drainage problem.
- F. Improvements related to single-family residential uses within developments previously subject to Major Site Plans or Improvement Plans approved by the County and constructed per the approved plan that meet the following conditions are exempt from the requirements of a Major Site Plan:
- (1) The existing and proposed impervious ground coverage does not exceed the amount of gross lot area coverage accounted for in the development's stormwater analysis or it can be demonstrated that the cumulative development impervious coverage does not exceed the amount accounted for in the stormwater analysis, excluding the amount assumed for any remaining undeveloped lots;
  - (2) The existing and proposed impervious ground coverage does not exceed the amount of gross lot area coverage restricted by plat or covenant;
  - (3) The development's analysis for stormwater quantity used the 100-year 24-hour frequency duration design storm;
  - (4) The development's post-developed discharge rate and volume does not exceed the pre-developed conditions; and
  - (5) Acknowledgement and acceptance of additional stormwater runoff in excess of the percentage of gross lot area impervious ground coverage accounted by the development's stormwater analysis is provided by the recipient of said runoff.
- G. Improvements related to bona fide agricultural uses that meet the requirements of Florida Statute section 604.50 are exempt from the requirements of a Major Site Plan but are subject to sections of this Code implementing floodplain management regulations.
- H. Exemptions or partial exemptions from a Major Site Plan do not make the applicant exempt from any other sections of this Code.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 21, MAJOR SITE PLAN, SECTION 2.21.1, APPLICABILITY**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.



Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 2.21.1 APPLICABILITY TO ADD LANGUAGE EXEMPTING CERTAIN SINGLE-FAMILY AND FARM LOTS AND PARCELS FROM THE REQUIREMENTS OF A MAJOR SITE PLAN.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **Additional exemptions to the Major Site Plan requirements decreases the burden on single-family residence and farm owners by allowing them to apply directly for a stormwater compliance application to work directly with staff rather than requiring waiver to Major Site Plan which uses more County resources and manhours. According to the fee schedule on file at the Office of the County Engineer as of the time of this publication, the stormwater compliance application fee is \$200 as compared to \$300 for a standalone waiver request.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 21, MAJOR SITE PLAN, AND DIVISION 22, STAND ALONE PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 2, Division 21, Major Site Plan, Section 2.21.1 and Division 22, Stand Alone Permits, Section 2.22.2 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

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KATHY BRYANT, CHAIRMAN

ATTEST:

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GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MATTHEW G. MINTER  
COUNTY ATTORNEY



# Marion County

## Board of County Commissioners Public Hearing Meeting

### Agenda Item

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**File No.:** 2025-20027

**Agenda Date:** 8/13/2025

**Agenda No.:** 2.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 2, Division 22 - Stand Alone Permits Section 2.22.2 Driveway Connection**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 2, Division 22 - Stand Alone Permits Section 2.22.2 Driveway connection.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

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**Sec. 2.22.2. Driveway connection.**

- A. Applicability. A Driveway Connection Permit is required for any development or construction activity accessing County right-of-way. If the applicant is submitting through the Building Permit process, a separate application is not required.
- B. Submittal requirements.
- (1) A permit application shall be approved by the Office of the County Engineer before construction begins. The application can be obtained at the Office of the County Engineer.
  - (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the Office of the County Engineer.
  - (3) A driveway location and construction plan shall be submitted with the permit application. Included on the plan shall be the driveway width, radius, location in relation to the property lines, road name, right-of-way line, north arrow and distance of the proposed driveway from other existing driveways and adjacent roads.
  - (4) In the case where roadside swales are the drainage conveyance system, information shall be submitted with the permit application minimally addressing culvert type, size, invert elevation, and direction of slope of culvert or the placement of ditch block.
- C. Review and approval procedures.
- (1) Once the required submittal items are obtained, a site inspection shall be performed to verify that the location of the driveway and drainage conveyance system accommodations is are acceptable.
  - (2) A permit shall be issued once all items are reviewed and approved.
  - (3) When applicable, a driveway culvert inspection shall be scheduled when notified by the applicant.
  - ~~(34)~~ A driveway form-up inspection shall be scheduled when notified by the applicant.
- D. Construction, completion, and close out.
- (1) A notification of completion shall be submitted to the Office of the County Engineer so that a final inspection can be scheduled. At final completion, the right-of-way shall be restored to its original condition or better and the constructed driveway shall meet all requirements per the approved permit.
  - (2) Driveways must be found satisfactory before a Certificate of Occupancy can be issued.
  - (3) It is the property owner's responsibility to maintain the driveway for safety and proper drainage.

---

**Sec. 2.22.2. Driveway connection.**

- A. Applicability. A Driveway Connection Permit is required for any development or construction activity accessing County right-of-way. If the applicant is submitting through the Building Permit process, a separate application is not required.
- B. Submittal requirements.
  - (1) A permit application shall be approved by the Office of the County Engineer before construction begins. The application can be obtained at the Office of the County Engineer.
  - (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the Office of the County Engineer.
  - (3) A driveway location and construction plan shall be submitted with the permit application. Included on the plan shall be the driveway width, radius, location in relation to the property lines, road name, right-of-way line, north arrow and distance of the proposed driveway from other existing driveways and adjacent roads.
  - (4) In the case where roadside swales are the drainage conveyance system, information shall be submitted with the permit application minimally addressing culvert type, size, invert elevation, and direction of slope of culvert or the placement of ditch block.
- C. Review and approval procedures.
  - (1) Once the required submittal items are obtained, a site inspection shall be performed to verify that the location of the driveway and drainage conveyance system accommodations are acceptable.
  - (2) A permit shall be issued once all items are reviewed and approved.
  - (3) When applicable, a driveway culvert inspection shall be scheduled when notified by the applicant.
  - (4) A driveway form-up inspection shall be scheduled when notified by the applicant.
- D. Construction, completion, and close out.
  - (1) A notification of completion shall be submitted to the Office of the County Engineer so that a final inspection can be scheduled. At final completion, the right-of-way shall be restored to its original condition or better and the constructed driveway shall meet all requirements per the approved permit.
  - (2) Driveways must be found satisfactory before a Certificate of Occupancy can be issued.
  - (3) It is the property owner's responsibility to maintain the driveway for safety and proper drainage.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 22, STAND-ALONE PERMITS, SECTION 2.22.2, DRIVEWAY CONNECTION**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 2.22.2 DRIVEWAY CONNECTION TO UPDATE SUBMITTAL REQUIREMENTS AND REVIEW AND APPROVAL PROCEDURES.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **A business permitting a driveway connection to County Right-of-Way that requires a driveway culvert would be responsible for requesting one additional inspection which costs \$50 according to the fee schedule on file at the Office of the County Engineer as of the time of this publication.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **The additional inspection fee of \$50 would be estimated to cover such additional costs.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance requires consideration for roadside swale and drainage conveyance in County Right-of-Way at the time of Driveway Connection permit application. If a driveway culvert is required, one additional inspection of the culvert inspection is required prior to the driveway form-up inspection.**



## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 21, MAJOR SITE PLAN, AND DIVISION 22, STAND ALONE PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 2, Division 21, Major Site Plan, Section 2.21.1 and Division 22, Stand Alone Permits, Section 2.22.2 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

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KATHY BRYANT, CHAIRMAN

ATTEST:

---

GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MATTHEW G. MINTER  
COUNTY ATTORNEY



**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

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**File No.:** 2025-20028

**Agenda Date:** 8/13/2025

**Agenda No.:** 3.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.3 Types of Stormwater Management Facilities**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 6, Division 13 - Stormwater Management Section 6.13.3 Types of stormwater management facilities.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

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### 1    **Sec. 6.13.3. Types of stormwater management facilities.**

#### 2    A.    Existing public.

- 3        (1)    An adjacent public retention/detention area may be utilized for disposal of runoff generated by an  
4            applicant's improvements if it can be proven that capacity is sufficient.
- 5        (2)    A Stormwater Connection Application is required for any connection to or expansion of a County  
6            retention/detention area, including but not limiting to drainage retention/detention areas or  
7            conveyance systems, not previously designed or permitted to consider the applicant's improvements.
- 8        (3)    If the retention/detention area is still under a maintenance agreement, approval in writing must be  
9            received from the maintenance entity, when not the County, stating no objection to the use of the  
10          facility.

#### 11   B.    Natural.

- 12       (1)    A natural facility may be used without further excavation upon the applicant's submittal of calculations  
13            demonstrating the existing capacity is sufficient.
- 14       (2)    Proof of control, ownership or easement for operation and maintenance of the natural facility shall be  
15            provided.
- 16       (3)    Runoff from adjacent property, to a natural facility, must be perpetuated to the extent of protecting  
17            upland owner interest.

#### 18   C.    Proposed public.

- 19       (1)    Retention/detention areas shall have side slopes no steeper than 4:1 (horizontal: vertical) from top of  
20            berm to bottom of dry water retention/detention facility or to a depth of two feet below the water  
21            control surface of a wet facility with a minimum berm width of 12-5 feet stabilized at six-6 percent  
22            grade maximum around the entire perimeter of the facility. Side slopes steeper than 4:1 may be  
23            allowed with additional accommodations related to public safety, maintenance, and such as fencing or  
24            other protection from public access upon approval by the County Engineer or his-their designee.
- 25       (2)    Stormwater management systems servicing a public development shall be owned and maintained by  
26            Marion County. They may be privately owned and maintained, upon approval by the County Engineer  
27            and granting of an easement to Marion County, minimally allowing but not obligating, emergency  
28            maintenance, as well as access to, drainage of, conveyance of, and storage of stormwater.
- 29       (3)    If fencing is used, it shall be per the County Fence Detail found in Section 7.3.1 Transportation and  
30            Stormwater details.
- 31       (4)    The bottom of all dry water retention areas shall have appropriate vegetative cover.

32       ~~(5) — A retention/detention area that is adjacent to a public right-of-way shall be constructed to be~~  
33            ~~aesthetically pleasing with curvilinear form and shall be landscaped with a mixed plant pallet meeting~~  
34            ~~Marion friendly landscaping standards minimally consisting of four shade trees and 200 square feet of~~  
35            ~~landscaping comprised of shrubs and/or groundcover for every 100 lineal feet of frontage or fractional~~  
36            ~~part thereof, or, in the case of a wet facility, a littoral zone meeting the governing water management~~  
37            ~~district criteria. The proposed landscaping shall be arranged to provide ease of maintenance and~~  
38            ~~screening of stormwater structures.~~

#### 39   D.    Proposed private.

- 40       (1)    Residential subdivisions. Retention/detention areas shall have side slopes no steeper than 4:1  
41            (horizontal: vertical) from top of berm to bottom of dry water retention/detention facility or to a depth  
42            of two feet below the water control surface of a wet facility with a minimum berm width of 12-5 feet  
43            stabilized at six-6 percent grade maximum around the entire perimeter of the facility. Side slopes

steeper than 4:1 may be allowed with additional accommodations related to public safety such as fencing or other protection from public, maintenance, and access upon approval by the County Engineer or ~~his~~their designee.

Berm widths under 5 feet may be allowed upon approval by the County Engineer or their designee.

- (2) Commercial lots or subdivisions. Retention/detention areas shall be designed with a minimum berm width of 5 feet stabilized at ~~six~~6 percent grade maximum around the entire perimeter of the facility and side slopes:

- (a) No steeper than 4:1 (horizontal: vertical) from top of berm to bottom of dry water retention/detention facility or to a depth of ~~two~~2 feet below the water control surface of a wet facility; or
- (b) Steeper than 4:1 with ~~an access path provided to the bottom of the facility at a slope of no steeper than 3:1~~additional accommodations related to public safety such as fencing or other protection from public access upon approval by the County Engineer or their designee; or
- (c) As vertical walls with a structural detail for the wall design provided, adhering to Florida Building Code, with a 12-foot wide access path provided to the bottom of the facility at a slope of no steeper than 3:1 and additional accommodations related to public safety such as fencing or other protection from public access, and an A appropriate barrier shall be provided when adjacent to vehicular paths and parking areas. The type of barrier shall be determined by the design speed of the travel way and available horizontal clearance.

Berm widths under 5 feet may be allowed upon approval by the County Engineer or their designee.

- (3) The bottom of all dry water retention areas shall have appropriate vegetative cover.

~~(4) A retention/detention area that is adjacent to a public right-of-way shall be constructed to be aesthetically pleasing with curvilinear form and shall be landscaped with a mixed plant pallet meeting Marion friendly landscaping standards minimally consisting of four shade trees and 200 square feet of landscaping comprised of shrubs and/or groundcover for every 100 lineal feet of frontage or fractional part thereof, or, in the case of a wet facility, a littoral zone meeting the governing water management district criteria. The proposed landscaping shall be arranged to provide ease of maintenance and screening of stormwater structures.~~

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### **Sec. 6.13.3. Types of stormwater management facilities.**

#### **A. Existing public.**

- (1) An adjacent public retention/detention area may be utilized for disposal of runoff generated by an applicant's improvements if it can be proven that capacity is sufficient.
- (2) A Stormwater Connection Application is required for any connection to or expansion of a County retention/detention area, including but not limiting to drainage retention/detention areas or conveyance systems, not previously designed or permitted to consider the applicant's improvements.
- (3) If the retention/detention area is still under a maintenance agreement, approval in writing must be received from the maintenance entity, when not the County, stating no objection to the use of the facility.

#### **B. Natural.**

- (1) A natural facility may be used without further excavation upon the applicant's submittal of calculations demonstrating the existing capacity is sufficient.
- (2) Proof of control, ownership or easement for operation and maintenance of the natural facility shall be provided.
- (3) Runoff from adjacent property, to a natural facility, must be perpetuated to the extent of protecting upland owner interest.

#### **C. Proposed public.**

- (1) Retention/detention areas shall have side slopes no steeper than 4:1 (horizontal: vertical) from top of berm to bottom of dry water retention/detention facility or to a depth of 2 feet below the water control surface of a wet facility with a minimum berm width of 5 feet stabilized at 6 percent grade maximum around the entire perimeter of the facility. Side slopes steeper than 4:1 may be allowed with additional accommodations related to public safety such as fencing or other protection from public access upon approval by the County Engineer or their designee.
- (2) Stormwater management systems servicing a public development shall be owned and maintained by Marion County. They may be privately owned and maintained, upon approval by the County Engineer and granting of an easement to Marion County, minimally allowing but not obligating, emergency maintenance, as well as access to, drainage of, conveyance of, and storage of stormwater.
- (3) If fencing is used, it shall be per the County Fence Detail found in Section 7.3.1 Transportation and Stormwater details.
- (4) The bottom of all dry water retention areas shall have appropriate vegetative cover.

#### **D. Proposed private.**

- (1) Residential subdivisions. Retention/detention areas shall have side slopes no steeper than 4:1 (horizontal: vertical) from top of berm to bottom of dry water retention/detention facility or to a depth of two feet below the water control surface of a wet facility with a minimum berm width of 5 feet stabilized at 6 percent grade maximum around the entire perimeter of the facility. Side slopes steeper than 4:1 may be allowed with additional accommodations related to public safety such as fencing or other protection from public access upon approval by the County Engineer or their designee.  
  
Berm widths under 5 feet may be allowed upon approval by the County Engineer or their designee.
- (2) Commercial lots or subdivisions. Retention/detention areas shall be designed with a minimum berm width of 5 feet stabilized at 6 percent grade maximum around the entire perimeter of the facility and side slopes:

- 
- (a) No steeper than 4:1 (horizontal: vertical) from top of berm to bottom of dry water retention/detention facility or to a depth of 2 feet below the water control surface of a wet facility; or
  - (b) Steeper than 4:1 with additional accommodations related to public safety such as fencing or other protection from public access upon approval by the County Engineer or their designee; or
  - (c) As vertical walls with a structural detail for the wall design provided, adhering to Florida Building Code with a 12-foot wide access path provided to the bottom of the facility at a slope of no steeper than 3:1 and additional accommodations related to public safety such as fencing or other protection from public access. A barrier shall be provided when adjacent to vehicular paths and parking areas. The type of barrier shall be determined by the design speed of the travel way and available horizontal clearance.

Berm widths under 5 feet may be allowed upon approval by the County Engineer or their designee.

- (3) The bottom of all dry water retention areas shall have appropriate vegetative cover.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT, SECTION 6.13.3, TYPES OF STORMWATER MANAGEMENT FACILITIES**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.



Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 6.13.3 TYPES OF STORMWATER MANAGEMENT FACILITIES TO UPDATE PUBLIC AND PRIVATE STORMWATER MANAGEMENT FACILITY BERM WIDTH, SLOPE, FENCE AND BARRIER REQUIREMENTS.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance allows additional flexibility and consideration for berm widths and slopes which would decrease the amount of waiver requests for developments in review. According to the fee schedule on file at the Office of the County Engineer as of the time of this publication, the cost for a waiver associated with a development item in review is \$100.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Division 13, Stormwater Management, Sections 6.13.3, 6.13.4, 6.13.5, 6.13.8, and 6.13.9 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

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KATHY BRYANT, CHAIRMAN

ATTEST:

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GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MATTHEW G. MINTER  
COUNTY ATTORNEY



**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

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**File No.:** 2025-20029

**Agenda Date:** 8/13/2025

**Agenda No.:** 4.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.4 Stormwater Quantity Criteria**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 6, Division 13 - Stormwater Management Section 6.13.4 Stormwater quantity criteria.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

#### Sec. 6.13.4. Stormwater quantity criteria.

- A. Methodologies, rainfall distribution and intensities shall be consistent with those approved by the governing water management district. Assumed parameters must be supported by conventional methods.
- B. Design storms shall consider open or closed basins as provided in Table 6.13-1.

**Table 6.13-1 Design Storms and Discharge Conditions**

Basin	Frequency Duration	<u>Peak</u> Discharge Rate	Discharge Volume
Open Basin	25-year 24-hour and <u>100-year 24-hour</u>	Post <u>25-year and 100-year</u> less than or equal to <u>Pre 25-pre-developed conditions</u>	Post <u>25-year and 100-year</u> less than or equal to <u>Pre-pre-developed conditions<sup>25</sup> during 24-hour storm<sup>2</sup></u>
Closed Basin	25-year 24-hour and 100-year 24-hour	Post <u>25-year and 100-year</u> less than or equal to <u>Pre-pre-developed conditions<sup>25</sup></u> and Post <u>100 less than or equal to Pre 100</u>	Post <u>25-year and 100-year</u> less than or equal to <u>Pre-pre-developed conditions<sup>100</sup> during 24-hour storm and following 14-day period<sup>2</sup></u>
<u>Open Basin subject to downstream flooding<sup>1</sup></u>	<u>25-year 24-hour and 100-year 24-hour</u>	<u>Post 25-year and 100-year at least 25 percent less than pre-developed conditions</u>	<u>Post 25-year and 100-year less than or equal to pre-developed conditions during 24-hour storm</u>
Closed Basin <u>subject w/to downstream flooding<sup>* 1</sup></u>	25-year 24-hour and 100-year 24-hour	<u>Ofs-Post 25-year and 100-year less than or equal to pre-developed conditions</u>	<u>Ofs-Post 25-year and 100-year at least 25 percent less than pre-developed conditions during 24-hour storm and following 14-day period</u>

<sup>\*1</sup> Downstream flooding is that flooding of structures or hindering of access observed and which has been validated by the County Engineer or their designee through field observations.

<sup>2</sup> An overage tolerance no greater than half the pre-developed volume of the 2-year 24-hour storm is permitted upon approval by the County Engineer or their designee.

#### C. Discharge conditions

- (1) All stormwater facilities shall be designed to limit discharges considering open or closed basins per Table 6.13-1.
- (2) Discharges shall mimic the pre-development condition, match the pre-development location and not exceed the pre-development rate, except when discharging into a stormwater system designed to accept such discharges.
- (3) The bypass or discharge of offsite runoff, shall be allowed when it mimics the pre-development condition, matches the pre-development location and does not exceed the pre-development rate, except when discharging into a stormwater system designed to accept such discharges.

- 
- (4) In closed basins with downstream flooding, existing improvements may be ~~included in the pre-development calculations excluded from the discharge volume reduction requirements~~ when all of the following apply:
- (a) The existing improvements were constructed as part of a development with a permitted stormwater system or constructed prior to stormwater permitting requirements; and
  - (b) Discharge from the existing improvements ~~are is~~ into a ~~private~~-system designed to accept such discharges ~~or a public system; and~~
  - ~~(c) There is no adverse impact downstream including, but not limited to, flooding of structures or hindering of access.~~
- (5) A discharge structure shall be required for all ~~retention/detention areas~~stormwater facilities not designed to retain the entire ~~100-year 24-hour~~ post-development design storm.
- (6) Discharge structures shall include a skimmer at a minimum. Design elements such as baffles or other mechanisms suitable for preventing oils, greases, and floating pollutants from discharging out of the facility shall be considered. When discharging from a natural facility, a skimmer may not be required upon approval from the County Engineer or ~~his~~their designee. When a grassed weir is used it shall be armored or constructed with a hard-core concrete center ~~or geoweb~~ to resist erosion and withstand the anticipated flow velocity.
- D. Recovery.
- (1) All ~~retention/detention areas~~stormwater facilities in closed basins shall recover the total volume required to meet the discharge volume limitations within 14 days following the design rainfall event.
  - (2) For ~~retention/detention areas~~stormwater facilities not able to recover the total required volume within 14 days, the stormwater facility volume shall be increased to retain an additional volume of the post minus pre difference in runoff for ~~the 25-year 24-hour design storm when in an open basin or for the post minus pre difference in runoff for the 100-year 24-hour design storm when in a closed basin.~~ The control elevation for retaining this volume shall be no greater than the top of constructed stormwater facility or the easement limits of a natural facility. Credit for the recovered volume through the 14-day duration may be considered to meet this requirement.
  - (3) All stormwater facilities in open basins shall have adequate storage volume available to meet the peak discharge requirements within 72 hours following the design rainfall event. The control elevation for this storage volume shall be no greater than the top of constructed stormwater facility or easement limits of a natural facility. The total post minus pre difference in runoff volume shall not be released in less than 24 hours following the design rainfall event.
- E. Infiltration or percolation can be considered when establishing the design high and discharge elevation.
- F. Other design criteria may be used if approved by the County Engineer or ~~his~~their designee.
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#### Sec. 6.13.4. Stormwater quantity criteria.

- A. Methodologies, rainfall distribution and intensities shall be consistent with those approved by the governing water management district. Assumed parameters must be supported by conventional methods.
- B. Design storms shall consider open or closed basins as provided in Table 6.13-1.

**Table 6.13-1 Design Storms and Discharge Conditions**

Basin	Frequency Duration	Peak Discharge Rate	Discharge Volume
Open Basin	25-year 24-hour and 100-year 24-hour	Post 25-year and 100- year less than or equal to pre-developed conditions	Post 25-year and 100- year less than or equal to pre-developed conditions during 24-hour storm <sup>2</sup>
Closed Basin	25-year 24-hour and 100-year 24-hour	Post 25-year and 100- year less than or equal to pre-developed conditions	Post 25-year and 100- year less than or equal to pre-developed conditions during 24-hour storm and following 14-day period <sup>2</sup>
Open Basin subject to downstream flooding <sup>1</sup>	25-year 24-hour and 100-year 24-hour	Post 25-year and 100- year at least 25 percent less than pre-developed conditions	Post 25-year and 100- year less than or equal to pre-developed conditions during 24-hour storm
Closed Basin subject to downstream flooding <sup>1</sup>	25-year 24-hour and 100-year 24-hour	Post 25-year and 100- year less than or equal to pre-developed conditions	Post 25-year and 100- year at least 25 percent less than pre-developed conditions during 24-hour storm and following 14- day period

<sup>1</sup> Downstream flooding is that flooding of structures or hindering of access which has been validated by the County Engineer or their designee through field observations.

<sup>2</sup> An overage tolerance no greater than half the pre-developed volume of the 2-year 24-hour storm is permitted upon approval by the County Engineer or their designee.

- C. Discharge conditions
- (1) All stormwater facilities shall be designed to limit discharges considering open or closed basins per Table 6.13-1.
  - (2) Discharges shall mimic the pre-development condition, match the pre-development location and not exceed the pre-development rate, except when discharging into a stormwater system designed to accept such discharges.
  - (3) The bypass or discharge of offsite runoff, shall be allowed when it mimics the pre-development condition, matches the pre-development location and does not exceed the pre-development rate, except when discharging into a stormwater system designed to accept such discharges.
  - (4) In closed basins with downstream flooding, existing improvements may be excluded from the discharge volume reduction requirements when all of the following apply:
    - (a) The existing improvements were constructed as part of a development with a permitted stormwater system or constructed prior to stormwater permitting requirements and

- 
- (b) Discharge from the existing improvements is into a system designed to accept such discharges.
  - (5) A discharge structure shall be required for all stormwater facilities not designed to retain the entire post-development design storm.
  - (6) Discharge structures shall include a skimmer at a minimum. Design elements such as baffles or other mechanisms suitable for preventing oils, greases, and floating pollutants from discharging out of the facility shall be considered. When discharging from a natural facility, a skimmer may not be required upon approval from the County Engineer or their designee. When a grassed weir is used it shall be armored or constructed with a concrete center to resist erosion and withstand the anticipated flow velocity.
- D. Recovery.
- (1) All stormwater facilities in closed basins shall recover the total volume required to meet the discharge volume limitations within 14 days following the design rainfall event.
  - (2) For stormwater facilities not able to recover the total required volume within 14 days, the stormwater facility volume shall be increased to retain an additional volume of the post minus pre difference in runoff for the 100-year 24-hour design storm. The control elevation for retaining this volume shall be no greater than the top of constructed stormwater facility or the easement limits of a natural facility. Credit for the recovered volume through the 14-day duration may be considered to meet this requirement.
  - (3) All stormwater facilities in open basins shall have adequate storage volume available to meet the peak discharge requirements within 72 hours following the design rainfall event. The control elevation for this storage volume shall be no greater than the top of constructed stormwater facility or easement limits of a natural facility. The total post minus pre difference in runoff volume shall not be released in less than 24 hours following the design rainfall event.
- E. Infiltration or percolation can be considered when establishing the design high and discharge elevation.
- F. Other design criteria may be used if approved by the County Engineer or their designee.





## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT, SECTION 6.13.4, STORMWATER QUANTITY CRITERIA**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 6.13.4 STORMWATER QUANTITY CRITERIA TO UPDATE THE DESIGN STORMS, DISCHARGE CONDITIONS, AND RECOVERY REQUIREMENTS.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **The impacts for compliance cost for developing within an open basin with a 100-year design storm requirement as opposed to the previous 25-year requirement may yield approximately a 25% larger stormwater management facility in terms of footprint. The recovery criteria have been revised which may result in a decrease in the necessary footprint. Approximately 15% of the Marion County land area is located within an open basin, therefore the exposure to this design storm requirement is limited. The revised design storm criteria have a positive impact to the FEMA Community Rating System score which provides discounts to National Flood Insurance Program policy rates.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance would require both 25-year and 100-year design storm peak discharge rate and discharge volume calculations for both open and closed basins. Because of the consideration for both open and closed basins, the FEMA Community Rating System limited the County's credit for Design Storm to the 25-year Peak Discharge Rate only. Because the 25-year discharge volume was not required in closed basins, no CRS credit was given for 25-year volume. Because open basins only required the 25-year Peak Discharge Rate, no CRS credit was given for the 100-year Peak Discharge Rate. The proposed changes would give credit for both 25-year and 100-year Peak Discharge and Volume. The recovery criteria for open basins have been revised such that the storage volume available in the stormwater management facility only needs to be available to attenuate the peak discharge rate 72 hours following the design rainfall event instead of retention of the post minus pre runoff within 14 days. The change should result in less storage volume being required while still providing adequate stormwater management measures.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Division 13, Stormwater Management, Sections 6.13.3, 6.13.4, 6.13.5, 6.13.8, and 6.13.9 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MATTHEW G. MINTER  
COUNTY ATTORNEY



**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

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**File No.:** 2025-20030

**Agenda Date:** 8/13/2025

**Agenda No.:** 5.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Division 13 - Stormwater Management Article 6, Section 6.13.5 Flood Plain and Protection**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 6, Division 13 - Stormwater Management Section 6.13.5 Flood plain and protection.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

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1 **Sec. 6.13.5. Flood-plain volume and conveyance protection.**

- 2 A. This section provides requirements for all land use activities, including single family residences, which  
3 materially change the location, elevation, size, capacity, or hydraulic characteristics of the ~~existing-effective~~  
4 ~~one percent (100-year) Special flood Flood plain~~ Hazard Area (SFHA), also commonly referred to as the 100-  
5 ~~year floodplain~~, as identified by the Federal Emergency Management Agency (FEMA) and flood prone areas  
6 determined by County watershed management plans as made viewable on the County Geographic  
7 Information System (GIS) mapping portal. Some flood prone areas may be determined to be of insignificant  
8 impact at the discretion of the County Engineer or their designee. Examples of flood prone areas of  
9 insignificant impact include areas less than 1 acre in area or 200 feet in width, shallow areas less than 1 foot  
10 in depth and less than 2 acres in area, and isolated areas contained within a single parcel demonstrated to  
11 pose no significant risk to life or property.

12 The intent is to ensure that equivalent flood-plain and flood prone area volume and conveyance is  
13 maintained. This section also supplements Division 5.3 Flood-~~Plain~~ plain Overlay Zone Management.

- 14 B. Land use activities which materially change the flood-plain or flood prone areas.

15 (1) Land use activities that meet the thresholds for a stormwater analysis, such as Major Site Plans,  
16 Improvement Plans, or developments that may increase flooding on adjacent property, may be  
17 permitted when shall be required to provide calculations performed by a licensed professional ~~are~~  
18 ~~provided~~ demonstrating that favorable hydraulic characteristics exist or are provided by the  
19 improvements that do not increase flooding that or compensating storage or other hydraulic  
20 characteristics are is provided on the owner's property or within an easement. Compensating storage  
21 shall be equivalently provided between the base flood elevation and the seasonal high groundwater or  
22 surface water level as determined by a qualified Florida licensed professional. The calculations shall be  
23 reviewed and approved by the County Engineer or ~~his~~ their designee. In addition to all other  
24 requirements set forth in Division 13 Stormwater Management, plans and calculations shall include the  
25 following information when compensating storage is required:

- 26 1. Plan extents of proposed fill and excavation;  
27 2. Volume of proposed fill and excavation;  
28 3. Volume calculations supporting one-for-one compensating storage; and  
29 4. Cross sections or typical sections through the extents of the proposed fill and excavation with  
30 existing and finished site elevations.

31 ~~C.~~ (2) Land use activities that do not meet the thresholds for a stormwater analysis, such as single-family  
32 residential building permits, Minor Site Plans, ESOZ plans, or other development waived from such  
33 requirements, shall minimally be required to demonstrate one-for-one compensating storage, to be  
34 reviewed and approved by the County Engineer or his their designee. Compensating storage shall be  
35 equivalently provided between the base flood elevation and the seasonal high groundwater or surface  
36 water level as estimated by the United States Department of Agriculture (USDA) Natural Resources Soil  
37 Conservation Service (NRCS) soil survey data, as visually evidenced on site by watermarks, sediment  
38 deposition, aquatic vegetation, seepage, or restrictive soil layering or as determined by a qualified  
39 Florida licensed professional.

- 40 ~~D.C.~~ When proposed improvements associated with mass grading plans, major site plans or improvement plans  
41 encompass into create buildable areas within a flood hazard zone FEMA SFHA, it shall be necessary for the  
42 applicant's responsibility to file a Letter of Map Change (LOMC) map amendment or revision with FEMA as  
43 soon as practicable, but not later than 6 months after the date of the availability of the required technical or  
44 scientific data. A conditional letter of map revision (CLOMR) shall be required if there is any resulting increase  
45 in base flood elevation (BFE) in a floodway or greater than a 1-foot increase outside of a floodway. If a  
46 CLOMR is obtained for a development, the applicant shall request a revision to the Flood Insurance Rate Map  
47 (FIRM) to reflect the constructed project as soon as the as-built certification and all other data supporting the
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48 map revision as required by FEMA is available, but no later than 6 months after the date of availability of  
49 such data. Under no circumstance shall a building permit be issued based on a reduced draft BFE until the  
50 revision has been issued by FEMA. The applicant shall provide the County Growth Services department and  
51 Office of the County Engineer with the map revision GIS data necessary to update the County flood prone  
52 map.

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### **Sec. 6.13.5. Floodplain volume and conveyance protection.**

- A. 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 effective Special Flood Hazard Area (SFHA), also commonly referred to as the 100-year floodplain, as identified by the Federal Emergency Management Agency (FEMA) and flood prone areas determined by County watershed management plans as made viewable on the County Geographic Information System (GIS) mapping portal. Some flood prone areas may be determined to be of insignificant impact at the discretion of the County Engineer or their designee. Examples of flood prone areas of insignificant impact include areas less than 1 acre in area or 200 feet in width, shallow areas less than 1 foot in depth and less than 2 acres in area, and isolated areas contained within a single parcel demonstrated to pose no significant risk to life or property.

The intent is to ensure that equivalent floodplain and flood prone area volume and conveyance is maintained. This section also supplements Division 5.3 Floodplain Management.

- B. Land use activities which materially change the floodplain or flood prone areas.
- (1) Land use activities that meet the thresholds for a stormwater analysis, such as Major Site Plans, Improvement Plans, or developments that may increase flooding on adjacent property, shall be required to provide calculations performed by a licensed professional demonstrating that favorable hydraulic characteristics exist or are provided by the improvements that do not increase flooding or compensating storage is provided on the owner's property or within an easement. Compensating storage shall be equivalently provided between the base flood elevation and the seasonal high groundwater or surface water level as determined by a qualified Florida licensed professional. The calculations shall be reviewed and approved by the County Engineer or their designee. In addition to all other requirements set forth in Division 13 Stormwater Management, plans and calculations shall include the following information when compensating storage is required:
    1. Plan extents of proposed fill and excavation;
    2. Volume of proposed fill and excavation;
    3. Volume calculations supporting one-for-one compensating storage; and
    4. Cross sections or typical sections through the extents of the proposed fill and excavation with existing and finished site elevations.
  - (2) Land use activities that do not meet the thresholds for a stormwater analysis, such as single-family residential building permits, Minor Site Plans, ESOZ plans, or other development waived from such requirements, shall minimally be required to demonstrate one-for-one compensating storage, to be reviewed and approved by the County Engineer or their designee. Compensating storage shall be equivalently provided between the base flood elevation and the seasonal high groundwater or surface water level as estimated by the United States Department of Agriculture (USDA) Natural Resources Soil Conservation Service (NRCS) soil survey data, as visually evidenced on site by watermarks, sediment deposition, aquatic vegetation, seepage, or restrictive soil layering or as determined by a qualified Florida licensed professional.
- C. When proposed improvements associated with mass grading plans, major site plans or improvement plans create buildable areas within a FEMA SFHA, it shall be the applicant's responsibility to file a Letter of Map Change (LOMC) with FEMA as soon as practicable, but not later than 6 months after the date of the availability of the required technical or scientific data. A conditional letter of map revision (CLOMR) shall be required if there is any resulting increase in base flood elevation (BFE) in a floodway or greater than a 1-foot increase outside of a floodway. If a CLOMR is obtained for a development, the applicant shall request a revision to the Flood Insurance Rate Map (FIRM) to reflect the constructed project as soon as the as-built certification and all other data supporting the map revision as required by FEMA is available, but no later than 6 months after the date of availability of such data. Under no circumstance shall a building permit be



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issued based on a reduced draft BFE until the revision has been issued by FEMA. The applicant shall provide the County Growth Services department and Office of the County Engineer with the map revision GIS data necessary to update the County flood prone map.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT, SECTION 6.13.5, FLOOD PLAIN AND PROTECTION**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 6.13.5 FLOOD PLAIN AND PROTECTION TO UPDATE THE SECTION TO BE APPLICABLE TO COUNTY FLOOD PRONE AREAS, MAKE PROVISIONS TO WAIVE REQUIREMENTS FOR AREAS DEEMED TO BE OF INSIGNIFICANT IMPACT, SPECIFY ALLOWED PLACEMENT OF COMPENSATING STORAGE, SPECIFY REQUIRED COMPENSATING STORAGE INFORMATION, AND SPECIFY REQUIREMENTS FOR FEMA LETTERS OF MAP CHANGE.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any):

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Division 13, Stormwater Management, Sections 6.13.3, 6.13.4, 6.13.5, 6.13.8, and 6.13.9 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MATTHEW G. MINTER  
COUNTY ATTORNEY



**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

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**File No.:** 2025-20032

**Agenda Date:** 8/13/2025

**Agenda No.:** 6.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.8 Stormwater Conveyance Criteria**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 6, Division 13 - Stormwater Management Section 6.13.8 Stormwater conveyance criteria.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

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### 1    **Sec. 6.13.8. Stormwater conveyance criteria.**

2    A.    Methodology. ~~Calculations for stormwater~~ Stormwater collection and transmission systems shall be designed  
3    using the Rational Method based on ~~FDOT Zone 7 Intensity-Duration Curves~~ NOAA Atlas 14 rainfall intensity-  
4    duration data. Cross drains shall be designed using the Rational Method or Natural Resources Conservation  
5    Service (NRCS) Peak Discharge Method based on NOAA Atlas 14 rainfall intensity-duration data or other  
6    available flow data as permitted by the County Engineer or their designee. Ditch and storm drain flow  
7    capacity shall be determined from Manning's Formula with coefficients of roughness based on an  
8    assumption of conditions of ultimate development.

9    B.    Minimum requirements.

10    (1)    Design storm. Conveyance systems shall be sized to accommodate the following minimum design  
11    storm events based on the condition of ultimate development:

12       (a)    Stormwater conveyance pipes, Driveway Culverts, and Open Channels shall be designed to  
13       accommodate a 25-year 24-hour storm event based on the condition of ultimate development.

14       (b)    Cross Drains shall be designed to accommodate a 25-year storm event. The backwater created by  
15       the cross drain shall remain below the travel lanes. If located within a FEMA Special Flood Hazard  
16       Area, the 100-year storm event shall be analyzed for potential upstream impacts.

17    (2)    Tailwater.

18       (a)    The tailwater elevation utilized shall be based on the tailwater elevation of the receiving water  
19       body plus 6 inches at the peak discharge time of the 25-year 24-hour design storm.

20       (b)    Alternatively, the tailwater elevation utilized can be the design high water elevation of the 25-  
21       year 24-hour design storm.

22       (c)    Note that future connections must be able to demonstrate that conveyance can be achieved at  
23       all connections, future and existing, meeting one of the above criteria.

24    (3)    Lane spread. Lane spread shall be calculated using FDOT criteria considering the 4-inch per hour or 10-  
25       year frequency storm as appropriate, to produce the following results:

26       (a)    Subdivision Local and Minor Local Roads. The allowable lane spread shall be no greater than the  
27       crown (or high side) of the road. For all divided roadways the allowable lane spread shall be no  
28       greater than the inside (or high side) edge of pavement.

29       (b)    Arterial, Collector, and Major Local Roads. The allowable lane spread shall leave 8 feet of the  
30       outside travel lane dry in each direction.

31       (c)    Auxiliary or Turn Lanes. The allowable lane spread shall leave half of the auxiliary or turn lane dry  
32       on arterial, collector, and major local roads. On lesser classification roads, the allowable lane  
33       spread shall be no greater than the full width of the auxiliary or turn lane.

34    (4)    Drainage rights-of-way. All retention/detention areas within subdivision developments shall have  
35       direct access to a right-of-way. A drainage right-of-way may be necessary to establish this access. A  
36       minimum 12-foot wide, stabilized vehicle access at six percent maximum grade shall be provided to  
37       allow for ingress and egress of the retention/detention area. Drainage rights-of-way shall be a  
38       minimum of ~~30-20~~ feet in width. As an alternative to right-of-way, access may be provided by an  
39       easement of the same width.

40    (5)    Drainage easements. All drainage swales to facilities or underground stormwater conveyance systems  
41       shall be within drainage easements, except where rights-of-way or drainage parcels of equivalent  
42       width are provided. Required Drainage drainage easement widths shall be a minimum of 20 feet in  
43       width, depend upon the type, size and depth of the proposed conveyance system. The minimum  
44       required easement width is 10 feet for swales that collect runoff from multiple non-adjacent parcels

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and 20 feet for outfalls. Easement widths for underground conveyance systems shall be in accordance with table 6.13-2. Reduced easement widths may be permitted by the County Engineer or their designee.- Conveyance system pipes shall be approximately located in the center of the easement unless demonstrated that the pipe backfill zone and associated trench is contained within the easement.

**Table 6.13-2 Minimum Easement Width by Pipe Invert Depth**

Inner Pipe Diameter (inch)	Minimum Easement Width (feet)			
	Pipe invert depth less than 5'	Pipe invert depth up to 10'	Pipe invert depth up to 15'	Pipe invert depth greater than 15'
Less than 30	10	15	20	25
30-54	-	-	20	25
Greater than 54	-	-	20 + Inner Diameter (I.D.) rounded up to the nearest 5'	25 + I.D. rounded up to the nearest 5'

- (6) Floodways. If in a FEMA designated floodway or flood-prone area, the cross drain shall be sized and certified to accommodate the design intent base flood discharge of that basin with no rise in flood height.
- (7) Sizes. The following minimum pipe or culvert sizes are required for stormwater conveyance systems unless otherwise approved by the County Engineer or their designee:
- (a) Stormwater conveyance pipes shall be a minimum of 15 inches diameter or equivalent for privately maintained systems and a minimum of 18 inches diameter or equivalent for publicly maintained systems.
- (b) and cross-Cross culverts shall be a minimum of 18 inches diameter or equivalent.
- (c) Driveway culverts shall be a minimum of 15 inches diameter or equivalent for residential use and a minimum of 18 inches diameter or equivalent for commercial use.
- (d) Yard drain pipes shall be a minimum of 8 inches diameter.
- (e) Roof drains, prior to connection to the overall stormwater system, and pipe exfiltration or underdrain systems are exempt from minimum diameter requirements.

C. Design considerations.

- (1) Culvert flow capacity shall be determined for the conditions of inlet control or outlet control as applicable.
- (2) Stormwater collection and transmission systems shall be by inlets, swales, culverts, etc. The use of siphons, pumps, or similar devices is not allowed.
- (3) Ditch blocks shall be designed and constructed with hard core centers.
- (4) Stormwater flow velocity shall be taken into consideration in the design of all drainage ditches conveyance systems. and a appropriate channel and outlet erosion protection shall be provided in accordance with the FDOT Drainage Manual. Physical pipe slopes shall be that which produce a velocity of at least 2.5 feet per second (fps) when flowing full. Where 2.5 fps is not feasible due to flat terrain or site constraints, slopes which produce a velocity below 2.5 fps are allowable with additional consideration for upkeep in the operations and maintenance document and approval by the County Engineer or their designee.



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79       (5)   Where any storm pipe terminates at an earthen slope a mitered end section and concrete collar, or  
80       approved equal, is required. Concrete mitered end sections are required for culverts, cross drains and  
81       side drains when within a County right-of-way with posted speeds of 40 mph or greater.

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### **Sec. 6.13.8. Stormwater conveyance criteria.**

- A. Methodology. Stormwater collection and transmission systems shall be designed using the Rational Method based on NOAA Atlas 14 rainfall intensity-duration data. Cross drains shall be designed using the Rational Method or Natural Resources Conservation Service (NRCS) Peak Discharge Method based on NOAA Atlas 14 rainfall intensity-duration data or other available flow data as permitted by the County Engineer or their designee. Ditch and storm drain flow capacity shall be determined from Manning's Formula with coefficients of roughness based on an assumption of conditions of ultimate development.
- B. Minimum requirements.
  - (1) Design storm. Conveyance systems shall be sized to accommodate the following minimum design storm events based on the condition of ultimate development:
    - (a) Stormwater conveyance pipes, Driveway Culverts, and Open Channels shall be designed to accommodate a 25-year storm event.
    - (b) Cross Drains shall be designed to accommodate a 25-year storm event. The backwater created by the cross drain shall remain below the travel lanes. If located within a FEMA Special Flood Hazard Area, the 100-year storm event shall be analyzed for potential upstream impacts.
  - (2) Tailwater.
    - (a) The tailwater elevation utilized shall be based on the tailwater elevation of the receiving water body plus 6 inches at the peak discharge time of the 25-year 24-hour design storm.
    - (b) Alternatively, the tailwater elevation utilized can be the design high water elevation of the 25-year 24-hour design storm.
    - (c) Note that future connections must be able to demonstrate that conveyance can be achieved at all connections, future and existing, meeting one of the above criteria.
  - (3) Lane spread. Lane spread shall be calculated using FDOT criteria considering the 4-inch per hour or 10-year frequency storm as appropriate, to produce the following results:
    - (a) Subdivision Local and Minor Local Roads. The allowable lane spread shall be no greater than the crown (or high side) of the road. For all divided roadways the allowable lane spread shall be no greater than the inside (or high side) edge of pavement.
    - (b) Arterial, Collector, and Major Local Roads. The allowable lane spread shall leave 8 feet of the outside travel lane dry in each direction.
    - (c) Auxiliary or Turn Lanes. The allowable lane spread shall leave half of the auxiliary or turn lane dry on arterial, collector, and major local roads. On lesser classification roads, the allowable lane spread shall be no greater than the full width of the auxiliary or turn lane.
  - (4) Drainage rights-of-way. All retention/detention areas within subdivision developments shall have direct access to a right-of-way. A drainage right-of-way may be necessary to establish this access. A minimum 12-foot wide, stabilized vehicle access at six percent maximum grade shall be provided to allow for ingress and egress of the retention/detention area. Drainage rights-of-way shall be a minimum of 20 feet in width. As an alternative to right-of-way, access may be provided by an easement of the same width.
  - (5) Drainage easements. All drainage swales to facilities or underground stormwater conveyance systems shall be within drainage easements, except where rights-of-way or drainage parcels of equivalent width are provided. Required drainage easement widths shall depend upon the type, size and depth of the proposed conveyance system. The minimum required easement width is 10 feet for swales that collect runoff from multiple non-adjacent parcels and 20 feet for outfalls. Easement widths for underground conveyance systems shall be in accordance with table 6.13-2. Reduced easement widths

may be permitted by the County Engineer or their designee. Conveyance system pipes shall be approximately located in the center of the easement unless demonstrated that the pipe backfill zone and associated trench is contained within the easement.

**Table 6.13-2 Minimum Easement Width by Pipe Invert Depth**

Inner Pipe Diameter (inch)	Minimum Easement Width (feet)			
	Pipe invert depth less than 5'	Pipe invert depth up to 10'	Pipe invert depth up to 15'	Pipe invert depth greater than 15'
Less than 30	10	15	20	25
30-54	-	-	20	25
Greater than 54	-	-	20 + Inner Diameter (I.D.) rounded up to the nearest 5'	25 + I.D. rounded up to the nearest 5'

- (6) Floodways. If in a FEMA designated floodway, the cross drain shall be sized and certified to accommodate the base flood discharge of that basin with no rise in flood height.
- (7) Sizes. The following minimum pipe or culvert sizes are required for stormwater conveyance systems unless otherwise approved by the County Engineer or their designee:
  - (a) Stormwater conveyance pipes shall be a minimum of 15 inches diameter or equivalent for privately maintained systems and a minimum of 18 inches diameter or equivalent for publicly maintained systems.
  - (b) Cross culverts shall be a minimum of 18 inches diameter or equivalent.
  - (c) Driveway culverts shall be a minimum of 15 inches diameter or equivalent.
  - (d) Yard drain pipes shall be a minimum of 8 inches diameter.
  - (e) Roof drains, prior to connection to the overall stormwater system, and pipe exfiltration or underdrain systems are exempt from minimum diameter requirements.

C. Design considerations.

- (1) Culvert flow capacity shall be determined for the conditions of inlet control or outlet control as applicable.
- (2) Stormwater collection and transmission systems shall be by inlets, swales, culverts, etc. The use of siphons, pumps, or similar devices is not allowed.
- (3) Ditch blocks shall be designed and constructed with hard core centers.
- (4) Stormwater flow velocity shall be taken into consideration in the design of all conveyance systems. Appropriate channel and outlet erosion protection shall be provided in accordance with the FDOT Drainage Manual. Physical pipe slopes shall be that which produce a velocity of at least 2.5 feet per second (fps) when flowing full. Where 2.5 fps is not feasible due to flat terrain or site constraints, slopes which produce a velocity below 2.5 fps are allowable with additional consideration for upkeep in the operations and maintenance document and approval by the County Engineer or their designee.
- (5) Where any storm pipe terminates at an earthen slope a mitered end section and concrete collar, or approved equal, is required. Concrete mitered end sections are required for culverts, cross drains and side drains when within a County right-of-way with posted speeds of 40 mph or greater.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT, SECTION 6.13.8, STORMWATER CONVEYANCE CRITERIA**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 6.13.8 STORMWATER CONVEYANCE CRITERIA TO UPDATE METHODOLOGY, MINIMUM REQUIREMENTS, AND DESIGN CONSIDERATIONS TO BE CONSISTENT WITH THE MOST CURRENT ENGINEERING PRACTICES.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance revises the methodology for stormwater conveyance criteria by updating an out of date reference for rainfall intensity and providing additional options of widely accepted methods for generating peak discharge. The ordinance also revises the minimum requirements by requiring cross drains in FEMA Special Flood Hazard Areas to be analyzed for the 100-year storm event, providing criteria for auxiliary or turn lane gutter spread, providing a table of allowable easement widths, requiring FEMA no rise certification in floodways, and proving greater flexibility for pipe size requirements. Design considerations would also be required to be given for flow velocity for all stormwater conveyance systems. The updates to easement width and pipe size requirements would result in decreased amounts of waiver requests for developments in review. According to the fee schedule on file at the Office of the County Engineer as of the time of this publication, the cost for a waiver associated with a development item in review is \$100.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Division 13, Stormwater Management, Sections 6.13.3, 6.13.4, 6.13.5, 6.13.8, and 6.13.9 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MATTHEW G. MINTER  
COUNTY ATTORNEY



**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

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**File No.:** 2025-20033

**Agenda Date:** 8/13/2025

**Agenda No.:** 7.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 6, Division 13 - Stormwater Management Section 6.13.9 Grading Criteria**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 6, Division 13 - Stormwater Management Section 6.13.9 Grading criteria.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

**RECOMMENDED ACTION:**

Take public comment and provide direction.



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## 1    **Sec. 6.13.9. Grading criteria.**

2    A.    Parcels and lots with a County approved individual lot grading plan or part of a multi-lot grading plan. The  
3    intent is to demonstrate that Sufficient-sufficient grading shall be designedis provided to allow surface water  
4    runoff and controlled discharge to be drained to the retention/detentionapproved drainage areas without  
5    causing adverse ~~affects-effects on-to~~ adjacent property. Each parcel or lot shall have a direct connection to  
6    the stormwater system; unless the applicant can clearly demonstrate that there are not adverse impacts to  
7    adjacent property. In subdivisions, each lot shall have grading designed to be independent of any other lot  
8    unless provisions are made for multi-lot grading at initial phase of development; and/or easements for  
9    grading purposes are established. All downstream grading must be at a level of completion to support  
10    upstream development prior to or simultaneously with the upstream development. Lot Grading-grading  
11    plans can-shall be prepared by a qualified Florida licensed professional and may be demonstrated by the use  
12    of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any  
13    combination thereof.

14    B.    Parcels and lots without a County approved lot grading plan. The intent is to demonstrate that sufficient  
15    grading is provided to establish stable slopes and to allow surface water runoff and controlled discharge to  
16    be drained without causing adverse effects to adjacent property. Grading may be demonstrated by the use  
17    of flow arrows, spot grades, and other iteration callouts, details, and typical grading depictions, or any  
18    combination thereof. Unless alternate grading criteria is provided by a lot grading plan, parcels and lots equal  
19    to or less than 75 feet in width shall comply with the following grading criteria in addition to all other grading  
20    requirements as confirmed by a pre and post development lot grade survey prepared by a Florida licensed  
21    Professional Surveyor:

22    1. Fill shall be limited to the under-roof area of the lot's primary structure, access driveway footprint, and  
23    respective tapers to existing grade;

24    2. The finished floor elevation of the structure shall not exceed 32 inches above lowest existing adjacent lot  
25    line elevation unless vertical walls such as stem walls or retaining walls are used to tie into existing grade;

26    3. The driveway grade shall be no greater than 20% and shall not exceed 10% for a distance of 10 feet from  
27    the edge of roadway or shoulder unless a 9-foot minimum vertical curve is provided;

28    4. There shall be no net change to the average elevation of the existing grade of the lot outside of the under-  
29    roof area of the lot's primary structure or access driveway footprint and respective taper. Small changes in  
30    grade of up to 6 inches is permitted for the purposes of smoothing and evening grade; and

31    5. Fill shall not encroach into the required side or rear lot setbacks except for the taper out from the slab or  
32    access driveway to existing grade provided that an equal volume is removed and a swale is formed. Swale  
33    shall be capable of directing surface water runoff without causing adverse effects to adjacent property and  
34    shall be sloped at a minimum of 2% if located within 10 feet of the building foundation.

35    ~~BC.~~ Buildings. All buildings shall have a minimum finished floor elevation 8 inches above finish grade and graded  
36    away from the building for stormwater runoff. Exception: porches, patios, carports, garages, screen rooms  
37    may be 4 inches above finish grade.

38    D.    Elevations above base flood. In no case shall finished-Finished floor elevations for all buildings except  
39    manufactured homes shall be specified below-the 12 inches at minimum above the subject property's base  
40    flood elevation (BFE).one percent (100-year) flood plain plus one foot. Manufactured homes shall comply  
41    with the requirements of Chapter 15C-1, F.A.C. and Sec. 5.3.12. - Manufactured homes. The BFE shall be  
42    established by the following most current and best available information:

43    1. The subject property's current applicable FEMA Flood Insurance Rate Map (FIRM) Panel flood elevation;

44    2. FEMA approved Letter of Map Change (LOMC);

45    3. County determined flood prone area as established by a County watershed management plan when the  
46    subject property lies within a flood prone area with identified flood elevations and either no FIRM flood  
47    elevation has been established or the FIRM flood elevation is lower than the flood prone area flood  
48    elevation;

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

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

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

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

61 **CE.** Driveways. In the case where roadside swales are the drainage conveyance system, driveway design  
62 information shall be included on the plans minimally addressing culvert type, size, invert elevation, and  
63 direction of slope of culvert or the placement of ditch block for each at every specific lot. If design is not to  
64 be lot-specific, design shall be based on worst-case scenario.

65 **DE.** Affidavit. At time of building application, applicant shall provide an affidavit that the impervious area, lot  
66 grading plan, minimum finished floor elevation, and stormwater system complies with the development plan  
67 on file with the County. If no development plan is on file, applicant shall provide an affidavit that all drainage  
68 is held on-site or directly ~~tied~~ connected to a recognized drainage system and that the lot grading complies  
69 with the requirements of this section of code. If located within a FEMA Special Flood Hazard Area (SFHA) or  
70 flood prone area, the affidavit must also indicate that the lot grading complies with the requirements of Sec.  
71 6.13.5. - Floodplain storage and conveyance protection. The applicant shall provide a sketch with the building  
72 application indicating the drainage intent.

73 **EG.** Construction. All stormwater runoff ~~increase~~ increases during construction and following ~~must~~ shall be kept  
74 on-site or directed to swales, ditches, or piping to approved drainage areas with adequate permitted  
75 capacity. Drainage area capacity shall be determined to be adequate by approved development lot  
76 impervious ground coverage or approved impervious coverage resulting in additional excess stormwater  
77 runoff as accounted by the development's stormwater analysis. If no impervious lot area accounting or  
78 stormwater analysis exists for a development, FEMA FIRM or flood prone data may be used to determine  
79 adequate drainage area capacity.

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### **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 and 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;
  - 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;

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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.



## Marion County Board of County Commissioners

### Office of the County Attorney

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## Business Impact Estimate

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### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT, SECTION 6.13.9, GRADING CRITERIA**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 6.13.9 GRADING CRITERIA TO UPDATE REQUIREMENTS FOR PARCELS AND LOTS WITHOUT A COUNTY APPROVED GRADING PLAN, REQUIREMENTS FOR BUILDING FINISHED FLOOR ELEVATIONS ABOVE BASE FLOOD AND MANAGEMENT OF STORMWATER RUNOFF DURING AND AFTER CONSTRUCTION.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **A grade survey for a lot typically ranges from \$500 to \$1,200 and a lot grading plan typically ranges from \$1,000 to \$1,500. Therefore, the increased cost of compliance for building on a lot 75 feet wide or less is expected to be between \$1,000 and \$3,000 per lot depending on whether a lot grading plan is needed.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **The Marion County Building Industry Association (MCBIA) lists 79 residential building contractors. However, not all contractors licensed in Marion County are necessarily members of MCBIA.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance requires limiting use of fill material on lots 75 feet wide and less. A lot grade survey would be required from the builder to check that County requirements have been met. Deviations from County lot grading criteria would require the builder to submit and follow a lot grading plan.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, DIVISION 13, STORMWATER MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Division 13, Stormwater Management, Sections 6.13.3, 6.13.4, 6.13.5, 6.13.8, and 6.13.9 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
KATHY BRYANT, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
MATTHEW G. MINTER  
COUNTY ATTORNEY





**Marion County**  
**Board of County Commissioners Public**  
**Hearing Meeting**  
**Agenda Item**

---

**File No.:** 2025-20034

**Agenda Date:** 8/13/2025

**Agenda No.:** 8.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 7, Division 3 - Design Details Section 7.3.1 Transportation and Stormwater**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 7, Division 3 - Design Details Section 7.3.1 Transportation and Stormwater.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

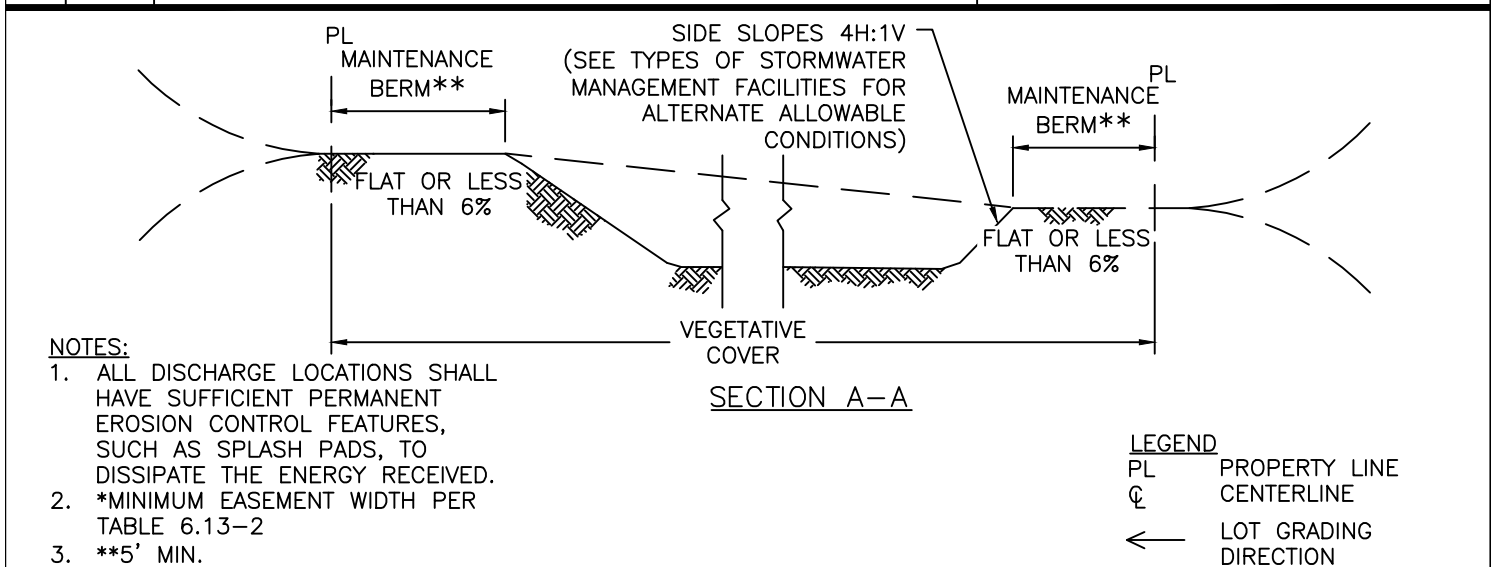
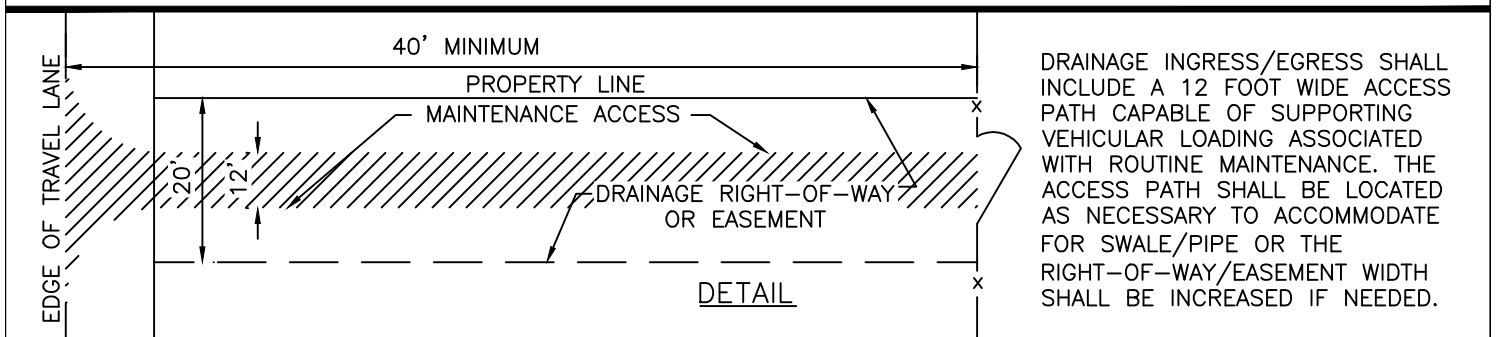
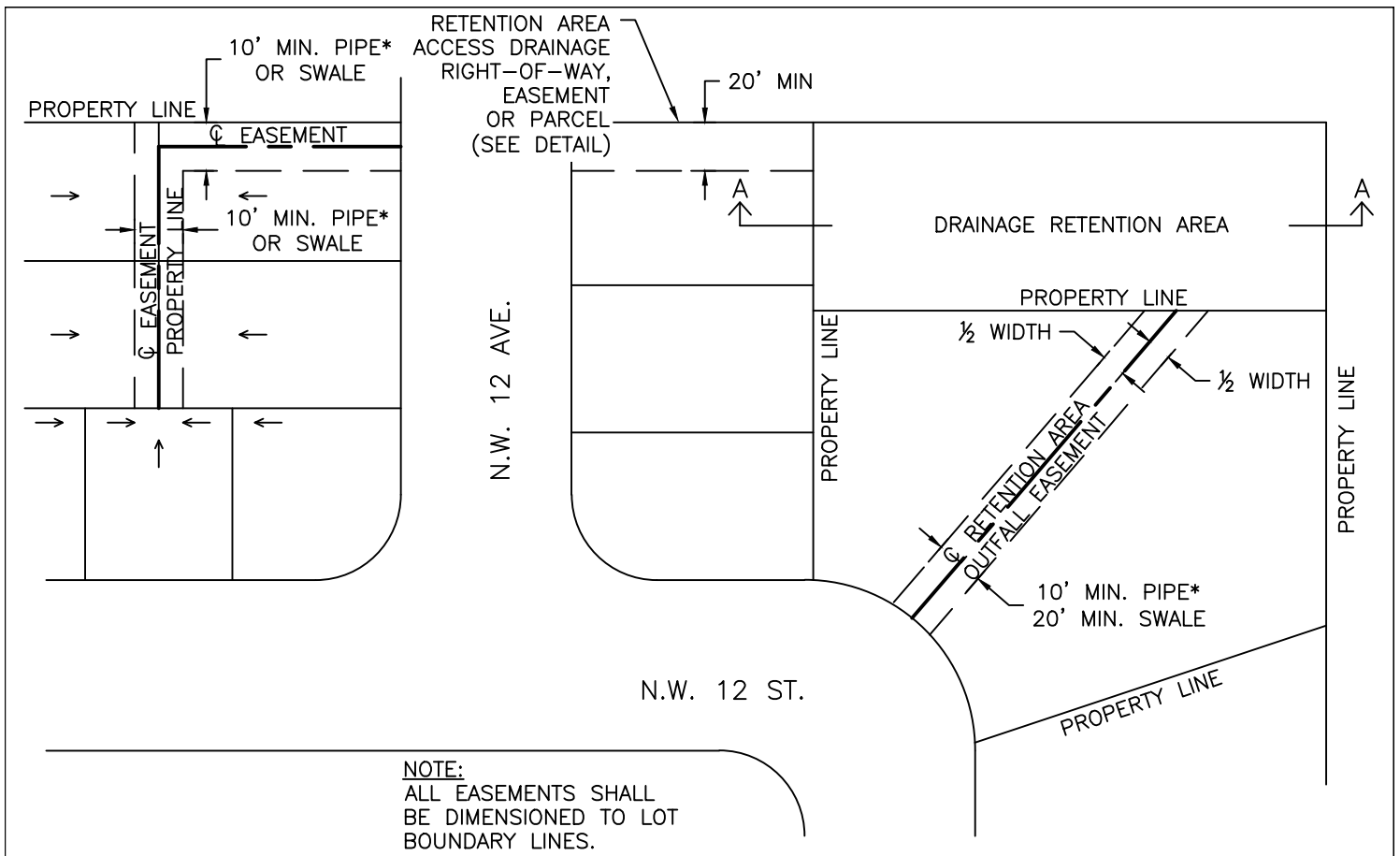
This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

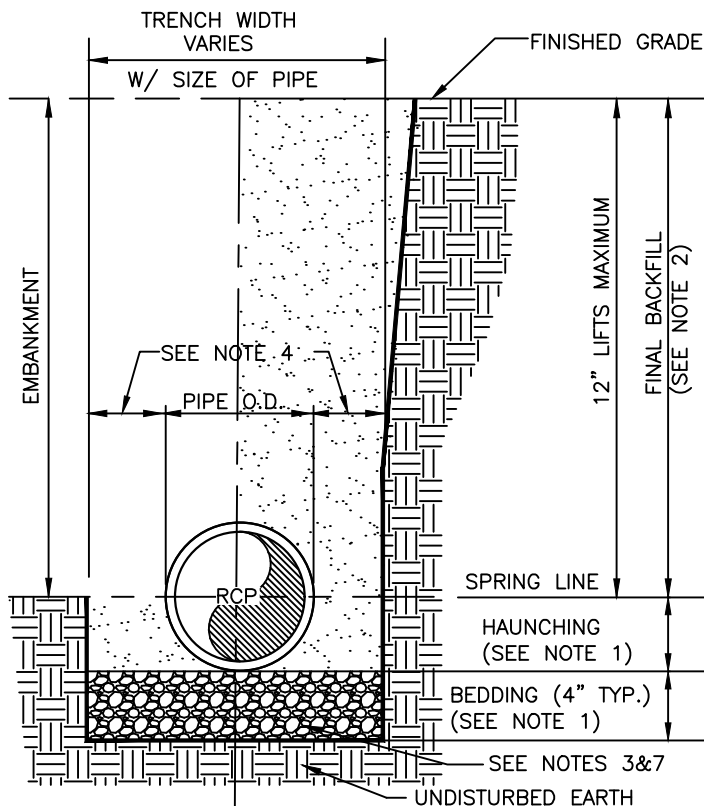
None

**RECOMMENDED ACTION:**

Take public comment and provide direction.

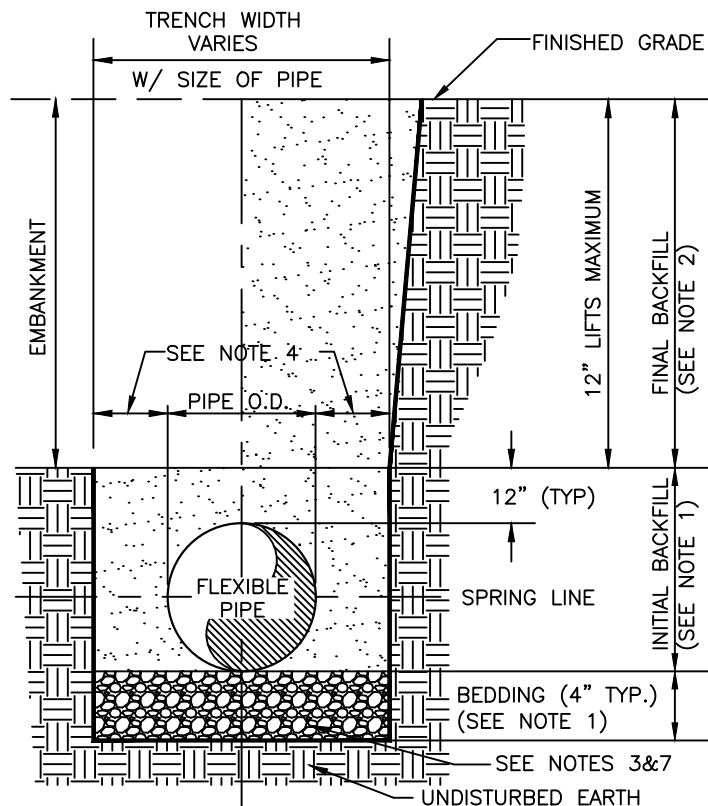


 <p>OFFICE OF THE COUNTY ENGINEER</p>	<p>MCBCC EFFECTIVE 09/03/2025</p> <p>REVISION # 1</p>	<p>DRAINAGE EASEMENTS, PARCELS AND RETENTION AREAS</p>	<p>7.3.1</p> <p>TS 034</p>
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EMBANKMENT  
SECTION

TRENCH SECTION

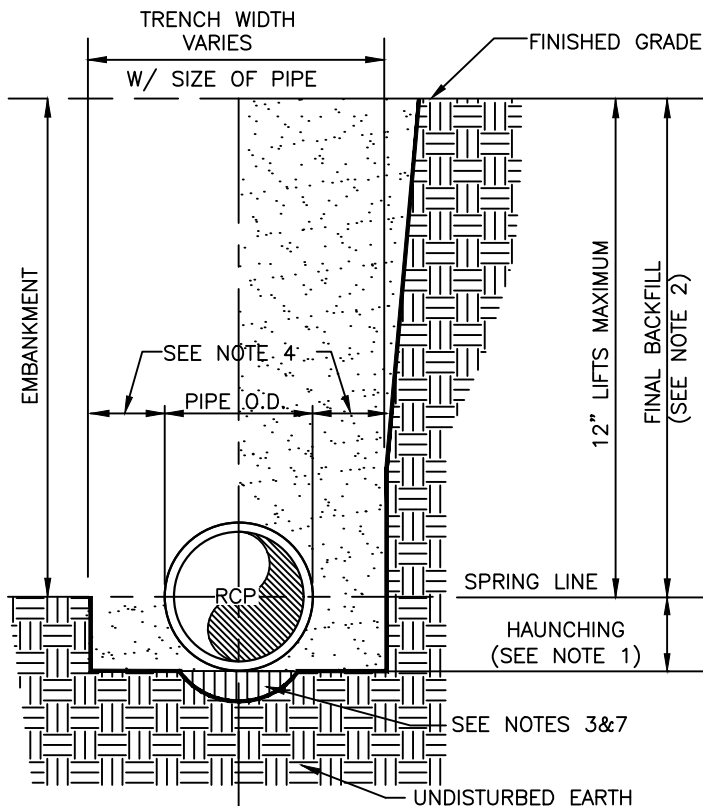


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SECTION

TRENCH SECTION

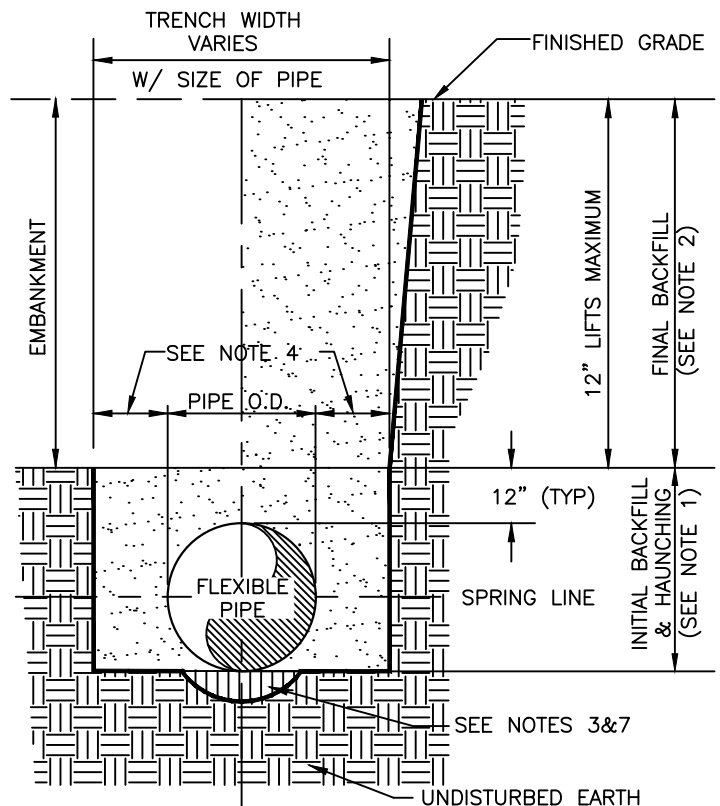
**NOTES:**

1. INITIAL BACKFILL, HAUNCHING & BEDDING: USE MATERIALS CLASSIFIED AS A-1, A-2, OR A-3 (OR A-4 IF CONCRETE PIPE) COMPACTED TO REQUIRED MAXIMUM DENSITY IN 8" LIFTS. INITIALLY COMPACT UNDER THE HAUNCHES BY HAND TAMPING OR OTHER ACCEPTABLE MEANS IN 4" TO 6" LIFTS UNTIL MECHANICAL COMPACTION CAN BEGIN.
2. FINAL BACKFILL: USE MATERIALS CLASSIFIED AS A-1, A-3 OR A-2-4 (15% OR LESS PASSING #200 SIEVE) COMPACTED TO REQUIRED MAXIMUM DENSITY IN 12" LIFTS. MATERIALS CLASSIFIED AS A-2-4 (GREATER THAN 15% PASSING #200 SIEVE), A-2-5, A-2-6, A-2-7, A-4, A-5, A-6, OR A-7 (LIQUID LIMIT LESS THAN 50) MAY BE USED WHEN COMPACTED TO REQUIRED MAXIMUM DENSITY IN 8" LIFTS. LIFT THICKNESS MAY BE INCREASED TO 12" WITH VERIFICATION OF SATISFACTORY INSTALLATION AND PERFORMANCE.
3. BEDDING SHALL BE PLACED LOOSE 4" BELOW THE MIDDLE THIRD OF THE OUTSIDE DIAMETER OF THE PIPE. COMPACT OUTER PORTIONS TO MEET THE DENSITY REQUIREMENTS.
4. 18" MAX. (12" MIN.) FOR PIPE DIAMETER LESS THAN 48" AND 24" MAX. (18" MIN.) FOR PIPE DIAMETER 48" AND LARGER.
5. UNDER WET CONDITIONS, COARSE AGGREGATE CONFORMING TO FDOT NO. 57 AGGREGATE IS PERMITTED FOR USE AS BEDDING. FULLY WRAP THE AGGREGATE WITH A LAYER OF FDOT D-4 FILTER FABRIC.
6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
7. FORM PIPE BED A MINIMUM OF 4" THICK OR AS SPECIFIED BY THE PLANS OR ENGINEER OF RECORD. AREAS BENEATH THE BEDDING ZONE TO BE BACKFILLED SHALL USE COARSE SAND OR OTHER SUITABLE GRANULAR MATERIAL OBTAINED BY GRADING OPERATIONS IF NO OTHER SUITABLE MATERIAL IS AVAILABLE.
8. WRAP BACKFILL WITH FDOT D-4 FILTER FABRIC WHEN USING OPEN GRADED MATERIALS, SUCH AS THOSE CLASSIFIED AS A-1 WITH LITTLE FINES, TO REDUCE THE RISK OF MIGRATION OF FINES FROM ADJACENT MATERIAL.
9. ONE COMPACTION TEST PER RUN OF PIPE CONNECTING TWO SUCCESSIVE STRUCTURES NOT TO EXCEED 500 LINEAR FEET OR THE LENGTH OF A TRENCH BOX WHEN USED, WHICHEVER IS LESS, SHALL BE REQUIRED FOR EACH LIFT. OBTAIN A MINIMUM 95% (100% WHEN COVER HEIGHT IS LESS THAN 15" BELOW THE BOTTOM OF BASE UNDER ASPHALT, BELOW CONCRETE PAVEMENT, OR BELOW UNPAVED GROUND) OF THE STANDARD PROCTOR MAXIMUM DENSITY AS PER AASHTO T-180. SUBSEQUENT TESTING OF BACKFILL LAYERS MAY BE WAIVED BY THE ENGINEER OF RECORD IF INSTALLATION HAS BEEN IN ACCORDANCE WITH APPROVED COMPACTION METHODS AND PERFORMANCE HAS BEEN CONTINUOUSLY SATISFACTORY.



EMBANKMENT  
SECTION

TRENCH SECTION



EMBANKMENT  
SECTION

TRENCH SECTION

**NOTES:**

1. INITIAL BACKFILL, HAUNCHING & BEDDING: USE MATERIALS CLASSIFIED AS A-1, A-2, OR A-3 (OR A-4 IF CONCRETE PIPE) COMPACTED TO REQUIRED MAXIMUM DENSITY IN 8" LIFTS. INITIALLY COMPACT UNDER THE HAUNCHES BY HAND TAMPING OR OTHER ACCEPTABLE MEANS IN 4" TO 6" LIFTS UNTIL MECHANICAL COMPACTION CAN BEGIN.
2. FINAL BACKFILL: USE MATERIALS CLASSIFIED AS A-1, A-3 OR A-2-4 (15% OR LESS PASSING #200 SIEVE) COMPACTED TO REQUIRED MAXIMUM DENSITY IN 12" LIFTS. MATERIALS CLASSIFIED AS A-2-4 (GREATER THAN 15% PASSING #200 SIEVE), A-2-5, A-2-6, A-2-7, A-4, A-5, A-6, OR A-7 (LIQUID LIMIT LESS THAN 50) MAY BE USED WHEN COMPACTED TO REQUIRED MAXIMUM DENSITY IN 8" LIFTS. LIFT THICKNESS MAY BE INCREASED TO 12" WITH VERIFICATION OF SATISFACTORY INSTALLATION AND PERFORMANCE.
3. SCARIFY 4" MIN. EXISTING SUITABLE SOIL BELOW THE MIDDLE THIRD OF THE OUTSIDE DIAMETER OF THE PIPE. UNSUITABLE SOILS SHALL BE REMOVED AND REPLACED WITH MATERIAL CLASSIFIED AS A-1, A-2, OR A-3 (OR A-4 IF CONCRETE PIPE) UP TO 4" BELOW THE BOTTOM OF THE PIPE.
4. 18" MAX. (12" MIN.) FOR PIPE DIAMETER LESS THAN 24" AND 24" MAX. (18" MIN.) FOR PIPE DIAMETER 48" AND LARGER.
5. WATER SHALL NOT BE PERMITTED IN THE TRENCH DURING CONSTRUCTION.
6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
7. USE UNDERCUTTING DETAIL IF UNSUITABLE MATERIAL IS 4" OR GREATER IN DEPTH OR AS DIRECTED BY THE ENGINEER OF RECORD.
8. WRAP BACKFILL WITH FDOT D-4 FILTER FABRIC WHEN USING OPEN GRADED MATERIALS, SUCH AS THOSE CLASSIFIED AS A-1 WITH LITTLE FINES, TO REDUCE THE RISK OF MIGRATION OF FINES FROM ADJACENT MATERIAL.
9. ONE COMPACTION TEST PER RUN OF PIPE CONNECTING TWO SUCCESSIVE STRUCTURES NOT TO EXCEED 500 LINEAR FEET OR THE LENGTH OF A TRENCH BOX WHEN USED, WHICHEVER IS LESS, SHALL BE REQUIRED FOR EACH LIFT. OBTAIN A MINIMUM 95% (100% WHEN COVER HEIGHT IS LESS THAN 15" BELOW THE BOTTOM OF BASE UNDER ASPHALT, BELOW CONCRETE PAVEMENT, OR BELOW UNPAVED GROUND) OF THE STANDARD PROCTOR MAXIMUM DENSITY AS PER AASHTO T-180. SUBSEQUENT TESTING OF BACKFILL LAYERS MAY BE WAIVED BY THE ENGINEER OF RECORD IF INSTALLATION HAS BEEN IN ACCORDANCE WITH APPROVED COMPACTION METHODS AND PERFORMANCE HAS BEEN CONTINUOUSLY SATISFACTORY.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 7, DIVISION 3, DESIGN DETAILS, SECTION 7.3.1, TRANSPORTATION AND STORMWATER, TO REVISE TS034 DRAINAGE RETENTION AREA, ADD TS039 BEDDING AND TRENCHING WITH UNDERCUTTING, AND ADD TS040 BEDDING AND TRENCHING WITHOUT UNDERCUTTING**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or

d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 7.3.1 TRANSPORTATION AND STORMWATER TO REVISE DESIGN DETAIL TS034 RELATED TO DRAINAGE RETENTION AREA EASEMENTS, RIGHTS-OF-WAY, AND PARCELS AND ADD NEW DESIGN DETAILS TS039 AND TS040 RELATED TO BEDDING AND TRENCHING.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs, and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

**The Marion County Roadbuilders Association (MCRA) represents the majority of road infrastructure contractors in Marion County and has over 150 members. However, not all Contractors licensed to perform road work in Marion County are members of MCRA. Data analytics firm Dun & Bradstreet estimates that there are 2,433 Highway, Street, and Bridge Construction contractors licensed in Florida, but many contractors do not necessarily perform work within Marion County.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance enacts revisions to design detail TS034 to align with revisions related to Land Development Code Section 6.13.3 Types of Stormwater Management Facilities and introduces new design details TS039 and TS040 related to transportation pipe bedding and trenching details. The proposed bedding and trenching details closely match currently widely used industry practices and standards, and manufacturer recommendations.**

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 7, DIVISION 3, DESIGN DETAILS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 7, Division 3, Design Details, Sections 7.3.1 and 7.3.2 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

---

KATHY BRYANT, CHAIRMAN

ATTEST:

---

GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

---

MATTHEW G. MINTER  
COUNTY ATTORNEY





# Marion County

## Board of County Commissioners Public Hearing Meeting

### Agenda Item

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**File No.:** 2025-20035

**Agenda Date:** 8/13/2025

**Agenda No.:** 9.

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**SUBJECT:**

**Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 7, Division 3 - Design Details Section 7.3.2 Utilities**

**INITIATOR:**

**Steven Cohoon, County Engineer**

**DEPARTMENT:**

**Office of the County Engineer**

**DESCRIPTION/BACKGROUND:**

Staff will present the attached proposed amendment of Land Development Code (LDC) Article 7, Division 3 - Design Details Section 7.3.2 Utilities.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held July 23, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration.

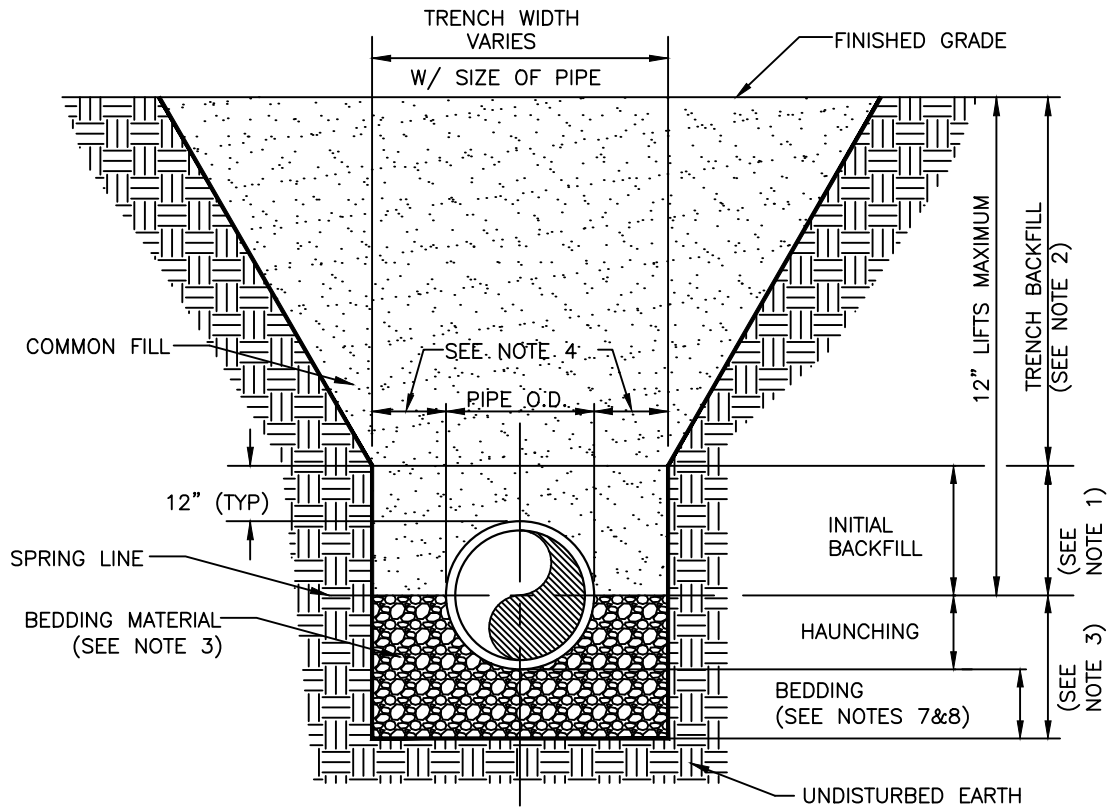
This is the first of two required public hearings. The second public hearing is scheduled for September 3, 2025, at 5:30 p.m. in the McPherson Governmental Campus Auditorium.

**BUDGET/IMPACT:**

None

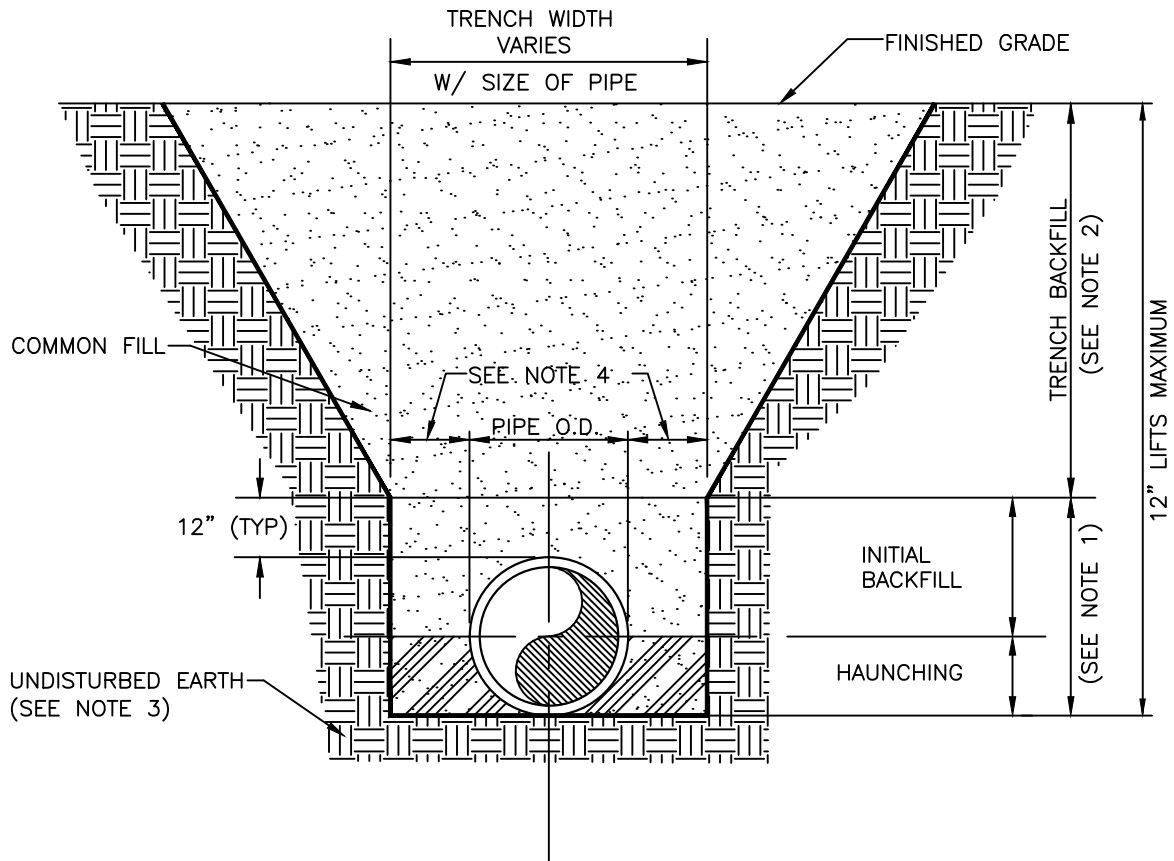
**RECOMMENDED ACTION:**

Take public comment and provide direction.



**NOTES:**

1. INITIAL BACKFILL: COMMON FILL COMPACTED TO 95% (98% UNDER PAVEMENT) OF THE MAXIMUM DENSITY AS PER AASHTO T-180.
2. TRENCH BACKFILL: COMMON FILL COMPACTED TO 95% (98% UNDER PAVEMENT) OF THE MAXIMUM DENSITY AS PER AASHTO T-180.
3. BEDDING MATERIAL SHALL CONFORM TO FDOT NO. 57 AGGREGATE.
4. 15" MAX. (12" MIN.) FOR PIPE DIAMETER LESS THAN 24" AND 24" MAX (12" MIN) FOR PIPE DIAMETER 24" AND LARGER.
5. WATER SHALL NOT BE PERMITTED IN THE TRENCH DURING CONSTRUCTION.
6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
7. BEDDING DEPTH SHALL BE 4" MINIMUM FOR PIPE DIAMETER UP TO 12" AND 6" MINIMUM FOR PIPE DIAMETER 16" AND LARGER.
8. DEPTH FOR REMOVAL OF UNSUITABLE MATERIAL SHALL GOVERN DEPTH OF BEDDING ROCK BELOW THE PIPE. UTILITIES SHALL DETERMINE IN THE FIELD REQUIRED REMOVAL OF UNSUITABLE MATERIAL TO REACH SUITABLE FOUNDATION.
9. FINAL RESTORATION IN IMPROVED AREAS SHALL BE IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS OF GOVERNING AGENCIES. SURFACE RESTORATION WITHIN MARION COUNTY RIGHT-OF-WAY SHALL COMPLY WITH REQUIREMENTS OF RIGHT-OF-WAY UTILIZATION REGULATIONS AND ROAD CONSTRUCTION SPECIFICATIONS.
10. ONE COMPACTION TEST SHALL BE REQUIRED FOR EACH LIFT NOT TO EXCEED 200'.



**NOTES:**

1. INITIAL BACKFILL AND HAUNCHING: SELECT COMMON FILL COMPACTED TO 95% (98% UNDER PAVEMENT) OF THE MAXIMUM DENSITY AS PER AASHTO T-180.
2. TRENCH BACKFILL: COMMON FILL COMPACTED TO 95% (98% UNDER PAVEMENT) OF THE MAXIMUM DENSITY AS PER AASHTO T-180.
3. PIPE BEDDING UTILIZING SELECT COMMON FILL OR BEDDING ROCK IN ACCORDANCE WITH BEDDING AND TRENCHING 1 DETAIL MAY BE REQUIRED AS DIRECTED BY MCU.
4. 15" MAX. (12" MIN.) FOR PIPE DIAMETER LESS THAN 24" AND 24" MAX (12" MIN) FOR PIPE DIAMETER 24" AND LARGER.
5. WATER SHALL NOT BE PERMITTED IN THE TRENCH DURING CONSTRUCTION.
6. ALL PIPE TO BE INSTALLED WITH BELL FACING UPSTREAM TO THE DIRECTION OF THE FLOW.
7. FINAL RESTORATION IN IMPROVED AREAS SHALL BE IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS OF GOVERNING AGENCIES. SURFACE RESTORATION WITHIN MARION COUNTY RIGHT-OF-WAY SHALL COMPLY WITH REQUIREMENTS OF RIGHT-OF-WAY UTILIZATION REGULATIONS AND ROAD CONSTRUCTION SPECIFICATIONS.
8. ONE COMPACTION TEST SHALL BE REQUIRED FOR EACH LIFT NOT TO EXCEED 200'.



## Marion County Board of County Commissioners

### Office of the County Attorney

601 SE 25<sup>th</sup> Ave.  
Ocala, FL 34471  
Phone: 352-438-2330  
Fax: 352-438-2331

## Business Impact Estimate

*In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).*

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 7, DIVISION 3, DESIGN DETAILS, SECTION 7.3.2, UTILITIES, REVISE UT102 TYPE A BED TRENCH, AND REVISE UT103 TYPE B BED TRENCH**

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **28<sup>th</sup> day of July 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 7.3.2 UTILITIES TO CLARIFY THE APPLICABILITY OF DESIGN DETAILS UT102 AND UT103 TO UTILITIES USE ONLY.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

**There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

**The National Utility Contractors Association (NUCA) of Florida represents the majority of utility contractors in Florida and has over 450 members. However, not all Contractors licensed to perform utility work in Florida are members of NUCA of Florida and many members do not necessarily perform work within Marion County.**

4. Additional information the governing body deems useful (if any):

## ORDINANCE 25 –\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 7, DIVISION 3, DESIGN DETAILS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

**WHEREAS**, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 23, 2025; and

**WHEREAS**, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 13, 2025, and September 3, 2025;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

**SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC).** The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 7, Division 3, Design Details, Sections 7.3.1 and 7.3.2 of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

**SECTION 2. CONFLICTS.** In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

**SECTION 4. INCLUSION IN COUNTY CODE.** It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

**SECTION 5. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

**DULY ADOPTED** this 3<sup>rd</sup> day of September, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

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KATHY BRYANT, CHAIRMAN

ATTEST:

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GREGORY C. HARRELL  
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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MATTHEW G. MINTER  
COUNTY ATTORNEY