



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Tuesday, April 16, 2024

5:30 PM

**McPherson Governmental
Campus Auditorium**

Second Public Hearing to Consider an Amendment(s) to the Marion County Land Development Code (LDC) Related to Section 4.2.23 – Rural Commercial (RC-1) Zoning Classification’s Intent, List of Permitted and Special Uses, Development Standards and Design

INTRODUCTION OF PUBLIC HEARING BY CHAIR MICHELLE STONE

PLEDGE OF ALLEGIANCE

ROLL CALL

PROOF OF PUBLICATION

STAFF PRESENTATION

1. [PUBLIC HEARING: Second of Two Public Hearings for Consideration of an Ordinance as a Result of an Application Submitted by Horse Farms Forever, Inc. To Amend the Land Development Code Regarding Section 4.2.23- Rural Commercial \(RC-1\) Classification’s Intent, Permitted Uses, Development Standards and Design Standards](#)

PUBLIC COMMENT

BOARD DISCUSSION

CLOSING COMMENTS



Marion County

Board of County Commissioners Public Hearing Meeting

Agenda Item

File No.: 2024-14702

Agenda Date: 4/16/2024

Agenda No.: 1.

SUBJECT:

PUBLIC HEARING: Second of Two Public Hearings for Consideration of an Ordinance as a Result of an Application Submitted by Horse Farms Forever, Inc. To Amend the Land Development Code Regarding Section 4.2.23- Rural Commercial (RC-1) Classification's Intent, Permitted Uses, Development Standards and Design Standards

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

G. Matthew Brockway, Esq. (Applicant), on behalf of Horse Farms Forever, Inc., submitted a Land Development Code (LDC) Amendment Application (Application) proposing changes to LDC Division 4.2.23 - Rural Commercial (RC-1) zoning classification's intent, permitted uses, development standards, and design standards; providing for conflicts; providing for severability; providing for inclusion in the Land Development Code.

The proposed amendments were considered in a public hearing by the Land Development Regulation Commission (LDRC) on January 24, 2024, which recommended approval of the amendments with the attached proposed changes. The applicant and staff do not support the additional changes proposed by the LDRC. Besides the planning staff report, the following items are presented to the BOCC for consideration:

- Attachment A - Original Rural Commercial LDC Amendment Application, by applicant, Horse Farms Forever, Inc.
- Attachment B - Proposal RC-1 Intent Comparison Language Strikethrough Underline from both the applicant and LDRC
- Attachment C - Proposal RC-1 Language Strikethrough Underline, with LDRC Language recommendations. And proposal RC-1 Language Strikethrough Underline, as revised by applicant with staff, Horse Farms Forever, Inc.
- Attachment D - Proposal RC-1 Language, clean, as proposed by applicant, Horse Farms Forever, Inc., in Attachment C
- Attachment E - 1996 Rural Commercial RC-1 Zoning Classification Language
- Attachment F - Letter from 1000 Friends of Florida on the Proposed LDC Amendment
- Attachment G - Proposed Ordinance for signature

This is the second of two (2) public hearings, and the first public hearing was held on March 19, 2024, at 10 a.m.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Motion to recommend approval of the LDC Amendments, as proposed by the applicant.

LOCALiQ

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

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Heather Flynn
Marion Co Attmyns Offc-330
601 SE 25TH AVE
RM 108
OCALA FL 34471

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 Classified Legal CLEGL, was published on the publicly accessible website of Marion County, Florida, or in a newspaper by print in the issues of, on:

04/08/2024

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 04/08/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$501.00

Order No: 10016089

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1

PO #: LRM 2024-293

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Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

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 SECTION 4.2.23 – RURAL COMMERCIAL (RC-1) ZONING CLASSIFICATION'S INTENT, PERMITTED USES, DEVELOPMENT STANDARDS AND DESIGN STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing conducted by the **Marion County Board of County Commissioners** will be held on Tuesday, April 16, 2024, at 5:30 p.m. at the **McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendments related to Marion County Land Development Code (LDC), Section 4.2.23 – Rural Commercial (RC-1) zoning classification's intent, permitted uses, development standards and design standards.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendments in this public hearing, the second 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/legalnotices>

PLEASE BE GOVERNED ACCORDINGLY.

Dated this 19th day of March, 2024
BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA
MICHELLE STONE, CHAIRMAN

PUBLISH DATE: April 8, 2024

OF-39122147



Marion County Board of County Commissioners

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

Planning & Zoning Staff Report

The item before the Board of County Commissioners (BCC) is a proposed Ordinance amending Land Development Code (LDC) Article 4, Administration, Division 2, Section 23, Rural Commercial (RC-1) zoning classification. *The Land Development Regulation Commission (LDRC) has reviewed the proposed Ordinance and has forwarded the proposed Ordinance to the Board of County Commissioners with a recommendation the Ordinance be adopted with additional amendments proposed.*

I. BACKGROUND

The applicant, Horse Farms Forever, Inc., submitted an application on September 15, 2023, proposing Land Development Code (LDC) amendments to Rural Commercial (RC-1) zoning classification (See Attachment A). The LDRC considered these proposed amendments during a series of workshops held on the following days:

- October 25, 2023
- November 8, 2023
- December 13, 2023

The LDRC also considered these LDC amendments, as amended by Growth Services Planning staff after review by the County Attorney's Office, at a duly noticed public hearing, held on January 24, 2024. At that hearing, the LDRC made some further recommendations to the LDC under this section.

Growth Services Planning staff has now brought forward the application from Horse Farms Forever, Inc. and the further amendments recommended by the LDRC, and compiled them into the attached Ordinance, which is to be considered at two duly noticed public hearings. The BCC approved the scheduling for these two hearings to occur on the following dates and times certain:

- March 19, 2024, at 10:00 a.m.
- April 16, 2024, at 5:30 p.m.

Beginning at the outset of the application and throughout the application process, the

applicant has maintained open communication with Growth Services staff, and after several discussions and several LDRC workshops, has included additional revisions in their proposals for language amendments to this section of the LDC. The LDRC, in their recommendation made at the January public hearing, made some departures from the applicant's language amendment proposals. In response, respectfully, the applicant expressed at the LDRC public hearing their desire to maintain the proposals in their latest revision of the language amendments they proposed under this application.

Staff fully supports applicant's version of the language amendment proposals, and is asking the Board to consider approving those amendments, rather than the amendments proposed by the LDRC, which staff finds to be a less clear revision of our LDC, and a revision which is still in conflict with our Comprehensive Plan.

The first reading of this proposed ordinance is scheduled for March 19, 2024, at 10:00 a.m. Staff is asking for Board action to occur at the second reading of this proposed ordinance, which is scheduled for 5:30 p.m. on April 16, 2024.

II. SECTION-BY-SECTION ANALYSIS

This portion of the staff report focuses on a section-by-section summary analysis of the proposed ordinance. Attachment A displays the original application submitted by Horse Farms Forever, Inc., with changes to the proposed ordinance; the language being deleted shown in a ~~strike-through~~ format and the language being added through the use of an underline. Attachment C, displays the changes to the proposed ordinance (Attachment C) with language as recommended by the LDRC; deletions shown in a ~~strike-through~~ format and additions in underline. Attachment C also displays the proposed ordinance as supported by staff and the applicant; deletions shown in a ~~strike-through~~ format and additions in underline. This is language which has been discussed by the applicant and Growth Services staff, and is ultimately the complete language amendments proposed under this application for amending the Rural Commercial (RC-1) section of the LDC. The clean version of these proposed amendments in Attachment C is found in Attachment D.

Section 4.2.23. – Rural Commercial (RC-1) classification.

Subsection A. Intent of classification:

Horse Farms Forever, Inc. proposed changes to the Intent of classification in Section 4.2.23 to clarify the zoning of RC-1 is intended for limited agricultural-related commercial uses which are appropriate on Rural Lands, but not located in a Rural Activity Center, and stating that only undeveloped parcels on Rural Lands, with an existing commercial zoning, may be eligible to apply for RC-1, and those parcels must do so prior to applying for development approval. Applicant further proposes that the intent paragraph clarify that agriculturally zoned parcels are not eligible to rezone to this classification. (See Attachment C.) **Staff supports these proposed changes.**

The LDRC considered this proposed amendment at their January 24th, 2024 public hearing, and recommended additional language changes which departed from the

language proposed by the applicant. In the later portion of this paragraph, where the Code describes the parcels eligible to apply for this zoning classification, the LDRC agreed with the applicant in the recommendation to delete “commercial” from the parcels located in Rural Lands. Later in the same sentence, the LDRC recommends deleting “with an existing commercial zoning classification, shall...”. Finally, the LDRC recommends deleting the last sentence as proposed by the applicant, which reads “Agriculturally-zoned parcels shall not be rezoned to this classification.” (See Attachment C, pg. 1, lines 12-17.)

Subsection B. Permitted Uses:

The applicant proposes changes to the Permitted Uses in Section B of Section 4.2.23 of the LDC to remove uses that conflict with the Rural Land use designation (FLUE Policy 2.1.6), and conflict with the original intent of the zoning classification. (See Attachment C.) **Staff supports these proposed changes.** Those proposed changes are:

- Delete bait and tackle and sporting goods
- Delete bank, credit union, financial and loan
- Move church, places of worship, to 4.2.23.C. Special Uses
- Delete convenience store, gas station
- Delete dude ranch from riding academy
- Delete “manufacturing, and/or installation” from the various uses
- Removing gun store
- Delete hardware store
- Delete professional office
- Delete parking of commercial vehicles used for the permitted business purposes as an accessory use, to 4.2.23.C. Special Uses
- Delete landscape contractor’s yards from plant nursery
- Delete restaurants

At their January 24th, 2024 public hearing, the LDRC considered these amendments, and recommended changes. In some circumstances the LDRC was aligned with the applicant, and in other circumstances they departed from the applicant’s proposed amendments, and proposed their own amendments within Section 4.2.23.B. The amendments to this section, as proposed by the LDRC, which departed from the applicant’s proposed changes (see Attachment C,pgs 3-5), are as follows:

- Keep convenience store, gas station
 - with a proposal to limit the fueling positions to six (6) max
 - with a proposal to limit the area of the convenience store to 4,000 GSF, and exclude drive-thru
 - no definition given for “fueling position”
- Keep hardware store
 - With a proposal to limit the area of the store to 4,000 GSF
- Move parking of commercial vehicles, to 4.2.23.C. Special Uses
- Keep restaurants
 - With a proposal to limit the area of the restaurant to 4,000 GSF, and exclude drive-thru

Subsection C. Special Use (requiring permit):

The applicant proposes changes to the *Special Uses* in Section C of Section 4.2.23 of the LDC, to clarify agriculture-related uses, and to add or delete uses. (See Attachment C.)
Staff supports these proposed changes.

- Add “agricultural-related” to describe the type of goods for the use of assembly and fabrication of goods using components manufactured elsewhere and brought to the site
- Add churches or place of worship
- Delete construction or contractor’s yard
- Add electric substation
- Delete kennel, outdoor
- Delete sports facilities, which may include tennis facility, archery range, racquetball facility, or swimming club facility
- Add water supply, treatment and storage facilities which serve 15 or more service connections, or serve commercial or industrial buildings which are required by the building code to have fire sprinkler systems.

At their January 24th, 2024, public hearing, the LDRC considered these amendments, and recommended changes. The LDRC was aligned with the applicant on all of the applicant’s proposed amendments to this section; Section 4.2.23.C.

III. CONSISTENCY ANALYSIS

- A. **LDC Section 2.4.1** provides “[p]roposals to amend, modify, or change a component of the adopted Marion County Land Development Code (LDC) shall be considered and initiated by the filing of an application or shall be initiated by the Board. Ordinances initiated by the Board which do not actually change the zoning classification applicable to a piece of property but do affect the use of land, including amendments to this Land Development Code, regardless of percentage of the total land area of the County actually affected, shall be enacted or amended under this division.”

Analysis: The application to consider this proposed Ordinance is being initiated by the applicant, Horse Farms Forever, Inc., and therefore this application for consideration to amend the Land Development Code is **consistent** with this section.

- B. **LDC Section 2.4.3.A** provides “[t]he proposed amendment language shall be reviewed by staff and shall be placed on the agenda of the Land Development Regulation Commission (LDRC) for review and consideration.”

Analysis: This Staff Report represents the required staff review of the proposed amendment language, and the proposed Ordinance is attached hereto as Attachment G. The item was considered by the Land Development Regulation Commission at a duly noticed public hearing on January 24, 2024. In addition, between October 2023 and December 2023, the LDRC held a series of workshops

to review the proposed Ordinance and this proposed Ordinance incorporates the applicant's proposals, as supported by staff, along with the LDRC workshop recommendations, where the LDRC departed from the applicant's proposals in their recommendations to the Board. Therefore, this application is **consistent** with this section.

- C. **LDC Section 2.4.3.B** provides the LDRC shall hold a public hearing after due public notice as defined in Article 1 to consider proposed amendments to the LDC. In making a recommendation for approval to the Board, the LDRC shall make a written finding that the proposed amendment is consistent with the Marion County Comprehensive Plan. If the LDRC recommends denial of the proposed amendment, it shall state in writing its findings of fact and reasons for denial.

Analysis: Staff finds the LDRC has considered the proposed Ordinance at its duly noticed public hearing, which was held on January 24, 2024. This Staff Report represents the LDRC's written finding that the proposed amendment is consistent with the Marion County Comprehensive Plan. Proof of publication demonstrating due public notice of this LDRC public hearing is on file for review and inspection at the Growth Services Department. Therefore, this application is **consistent** with this section.

- D. **FLUE Policy 1.1.4: Private Property Rights.** The County shall recognize and protect private property rights in the creation and implementation of land use regulations and other government actions; and shall provide compensation or other appropriate relief as provided by law, for actions by the County that are determined to be unreasonable uses of the police power so as to constitute a taking.

Analysis: The proposed Ordinance protects private property rights because it facilitates the reasonable use of property. Moreover, the Ordinance, as proposed by the applicant, furthers the County's objectives for the protection and use of Rural Lands, and makes a return for this Rural Commercial zoning classification to the original purpose for the zoning classification; it was created as a work around for agriculturally-related commercially-zoned properties in existence on Rural Lands when the Comprehensive Plan was adopted, providing a way for those pre-existing parcels to come into compliance with the Comprehensive Plan. It was never designed for any and all classifications to be eligible to apply to rezone to this classification to fit all commercial uses onto Rural Lands which belong in a Rural Activity Center (RAC). (See Attachment E.)

The nature of the properties which carry a Rural Land future land use designation are the exact type of property that the Comprehensive Plan set out to protect in a variety of ways, under multiple policies within the Comprehensive Plan. The County set out to protect these rural/agriculture properties by limiting commercial development in or about these properties. This zoning classification was the County's answer to agriculturally-related commercially-zoned properties on the Rural Lands that are not within a RAC, which is where the Comprehensive Plan has encouraged commercial uses for day-to-day needs in the rural areas to be located. The County protects private property rights by maintaining the Rural Commercial zoning classification as the fix for very limited circumstances that allow

for only those commercial uses which support these rural/agriculture property owners. By broadening the scope of eligibility to rezone to this zoning classification, the rights of these property owners have been diminished by subjecting them to premature urbanization and urban sprawl. By returning this zoning classification to being limited in its use, as was its original intent, the County is preserving the rights of all affected property owners and furthering its vision for guiding growth in Marion County. This application seeks to do just that with these language amendments.

Currently, there are only twenty (20) parcels zoned RC-1 in the county, and of those, only two (2) are uses as permitted in RC-1, per the LDC. This zoning classification has been around since before 1996 and has not been used much at all. The County has created RACs for commercial nodes in the rural areas. Staff recommends a return to more closely echo the original intent, as does this applicant, and to clear up the intention and uses to again be only agriculture-related or agriculture-supporting uses that would be appropriate on Rural Lands not within RAC, and Farmland Preservation Area (as is the applicant's concern, and where many relevant parcels are situated).

In the Comprehensive Plan, only agricultural-related uses are intended on RL.

Policy 2.1.13: Rural Land (RL): "This land use designation is intended to be used primarily for agricultural uses, low density residential units on large lots or family divisions and associated housing related to farms or other agricultural related commercial and industrial uses. The base density shall be (1) dwelling unit per ten (10) gross acres, and the following special provisions shall apply for development not meeting the base density, as further defined in the LDC"

Sec. 4.2.23. - Rural Commercial (RC-1) classification. (Applicant's revised proposal for the intent paragraph):

1. Intent of classification. The Rural Commercial classification is intended to provide for limited agricultural-related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. Only undeveloped parcels located in the Rural Lands with an existing commercial zoning classification may be eligible to rezone to this classification and must do so prior to applying for development approval. Agriculturally-zoned parcels shall not be rezoned to this classification.

The amendments to the zoning classification seek to reflect the original intent of the County, which is to preserve property rights of affected property owners in Rural Lands, by limiting the use of this zoning classification to agricultural-related commercial uses on Rural Lands which are outside a RAC and have been since before the Comprehensive Plan was adopted. And further, encouraging commercial uses in Rural Lands to exist in the RAC nodes created for them, and for the ease of all members of those rural communities. Agriculturally-zoned parcels should not be permitted to use this zoning classification as a way to avoid following the County's vision for the community in guiding commercial growth on

Rural Lands to the RAC nodes in order to protect the community against premature urbanization and urban sprawl, as set out under numerous Comprehensive Plan policies. This application seeks to do just that with the language changes proposed.

For the above reasons, it is concluded this application is **consistent** with this policy.

- E. **FLUE Policy 4.1.1: Consistency between Comprehensive Plan, Zoning, and LDC**, provides that “[t]he County shall amend and maintain an official land use and zoning map, appropriate land use designations and zoning classifications, and supporting LDC that shall be consistent with each other.”

Analysis: There is no commercial entitlement on Rural Land (RL). Any commercial uses on Rural Land belongs in a RAC. The Rural Commercial zoning classification was designed for the agriculturally-related commercial properties which pre-dated the Comprehensive Plan but which support our rural communities; it was the County’s solution to bring them into compliance with the Comprehensive Plan.

Upon the receipt of this application, Staff reviewed the language of this zoning classification and finds that as it is currently written, it conflicts with the Comprehensive Plan by allowing parcels currently zoned agriculturally to apply for this zoning classification, which is not the original intent for the classification. Originally, it was meant only for a limited situation where an agriculturally-related commercial zoning existing on Rural Land, not located within a RAC. By allowing commercial uses outside of this limited set of criteria to be able to rezone to this zoning classification, we are allowing Comprehensive Plan-compliant parcels to become out of compliance with the Comprehensive Plan, and place commercial uses on Rural Lands and not necessarily require them to exist in a RAC. This is not what this zoning classification was designed for, and it is also opposite of what the County is required to do under this policy.

Staff further finds that the current language needs a revision of the permitted and special uses, as well as the revision to the intent paragraph. The 1996 language for this zoning classification is attached hereto as Attachment E. Staff recommends that the LDC be amended to make a return to the intent as it was written in 1996. This would maintain official land uses and zoning maps, appropriate land use designations and zoning classifications, and supports an LDC which is consistent with the Comprehensive Plan. This application seeks to do just that and is **consistent** with this policy.

- F. **FLUE Policy 4.1.2: Conflicts Between the Comprehensive Plan, Zoning, and LDC**, provides that “[t]he Comprehensive Plan shall be the governing document. In the event of conflict between the Comprehensive Plan, Zoning, and LDC, the more stringent regulation shall apply, unless the County has developed a process to allow a variance or waiver of the regulation where a conflict in regulations occurs in accordance to the Comprehensive Plan, Zoning, or LDC.”

Analysis: This policy is an illustration of the importance of removing conflicts

with the Comprehensive Plan which exist now in our LDC. This application proposes to do just that. Therefore, it is **consistent** with this policy.

G. **Chapter 163.3194(1)(a) of the Florida Statutes** provides that,

“[a]fter a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.”

Subsection 2(b) of this statute continues on to provide that,

“[a]ll land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. *If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof.* During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.” (emphasis added)

Subsection 3 of this statute establishes that a land development regulation is consistent with the comprehensive plan if

“the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.”

Analysis: Based on this statute, the inconsistencies within this zoning classification that conflict with the Comprehensive Plan cannot be permitted to continue, and must be brought into conformity. This application proposes to accomplish just that; therefore, it is **consistent** with this statute.

H. **FLUE Policy.5.1.4: Notice of Public Hearings.** The County shall provide notice consistent with Florida Statutes and as further defined in the LDC.

Analysis: Proof of publication, and evidence of mailed notices is on file at Growth

Services. Therefore, this application is **consistent** with this policy.

- I. **Potable Water Element Policy 1.2.1:** Potable water system regulations, standards and specifications in the LDC shall address, at a minimum the following: retrofitting existing water systems; evaluation of the feasibility of existing utilities to continue their operations; evaluation of the extension of these facilities; and establishment of minimum criteria for future county ownership.

Analysis: The proposed LDC amendments to the potable water system address the above-stated minimum requirements. Therefore, this application is **consistent** with this section.

Based on the above findings, staff concludes that the proposed LDC amendments are consistent with the LDC and the Comprehensive Plan and the applicable Florida Statute. The LDRC, at the January 24, 2024 public hearing, has also found the proposed LDC amendments to be **consistent** with the LDC and Comprehensive Plan, by recommending some changes which departed from the amendments as proposed by the applicant. This staff report memorializes that finding.

IV. RECOMMENDATIONS

- A. Growth Services Department. The Growth Services Department supports the language amendments as proposed by the applicant, and staff recommends the BCC **approve the proposed Ordinance**, reflecting changes to this section of the LDC **as proposed by the applicant in Attachment C.**
- B. LDRC. At the January 24, 2024 public hearing, the LDRC supported the applicant's proposed amendments in some areas, but has recommended some changes that departed from the applicant's proposals, and recommends the BCC **approve the Ordinance**, reflecting the **additional modified language amendments as proposed by the LDRC in Attachment C.**
- C. BCC. The proposed Ordinance is scheduled for consideration by the BCC at the duly noticed **March 19, 2024** public hearing. The Ordinance is scheduled for consideration and action at the duly noticed **April 16, 2024** public hearing.

V. LIST OF EXHIBITS

1. Attachment A – Original Rural Commercial LDC Amendment Application, by applicant, Horse Farms Forever, Inc.
2. Attachment B – Proposal RC-1 Intent Comparison Language Strikethrough Underline from both the applicant and LDRC
3. Attachment C – Proposal RC-1 Language Strikethrough Underline, with LDRC Language recommendations. And proposal RC-1 Language Strikethrough Underline, as revised by applicant with staff, Horse Farms Forever, Inc.

4. Attachment D – Proposal RC-1 Language, clean, as proposed by applicant, Horse Farms Forever, Inc., in Attachment C
5. Attachment E – 1996 Rural Commercial RC-1 Zoning Classification Language
6. Attachment F – Letter from 1000 Friends of Florida on the Proposed LDC Amendment
7. Attachment G – Proposed Ordinance for signature

enm/KW



G. Matthew Brockway

Board Certified
Real Estate Attorney

September 15, 2023

VIA FEDERAL EXPRESS AND E-MAIL

Mr. Chuck Varadin, Director
Marion County Growth Services Department
2710 E. Silver Springs Blvd.
Ocala, FL 34470
chuck.varadin@marionfl.org

Re: Application to Amend the Marion County Land Development Code

Dear Chuck,

On behalf of Horse Farms Forever, Inc., a Florida not-for-profit corporation ("Horse Farms Forever"), pursuant to Sections 2.4.1 of the Marion County Land Development Code (the "LDC"), this letter constitutes an application to amend Section 4.2.23.A and Section 4.2.23.B of the LDC. This application pertains exclusively to the intent and permitted uses within the Rural Commercial (RC-1) zoning classification. The text of the proposed amendment is set forth in Exhibit "A" attached hereto, in strikethrough-underline format.

Horse Farms Forever previously met with Growth Services and other Marion County staff on several occasions to better understand the original intent of the RC-1 zoning classification and those uses that would appropriately be permitted therein. Based on extensive and detailed discussions with Growth Services staff, the RC-1 zoning classification was created with the original intent that all legacy commercial parcels within the Rural Lands (*i.e.*, parcels having commercial zoning classifications that predated the adoption of the Comprehensive Plan and the Rural future land use designation) would rezone to RC-1 prior to seeking development approvals. The intent was not for the RC-1 zoning classification to create additional commercial uses in the Rural Lands by rezoning agriculturally zoned properties. Additionally, the uses permitted within the RC-1 zoning classification should be related to agricultural uses and of a more limited and smaller scale than those permitted in the Rural Activity Center (RAC) zoning classification. The proposed amendment attached in Exhibit "A" seeks to better articulate and align the text and permitted uses with the true intent of the RC-1 zoning classification.

Enclosed herewith is Check No. 101392 payable to the Marion County Board of County Commissioners in the amount of \$5,000.00 for the required application fee. Do not hesitate to contact me via telephone or e-mail if you have any questions or if you require any further documents or information.

Sincerely,

ICARD MERRILL

G. Matthew Brockway

Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.
Offices in Sarasota, Manatee, and Charlotte Counties
Established 1953

Mr. Chuck Varadin, Director
Marion County Growth Services Department
Application to Amend the Marion County Land Development Code
September 15, 2022
Page 2 of 4

Copy to: The Honorable Craig Curry (via e-mail only)
The Honorable Kathy Bryant (via e-mail only)
The Honorable Carl Zalak, III (via e-mail only)
The Honorable Michelle Stone (via e-mail only)
Mounir Bouyounes (via e-mail only)
Tracy Straub (via e-mail only)
Bernie Little (via e-mail only)
Sara Fennessy (via e-mail only)
Busy Shires (via e-mail only)

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

*[EXHIBIT "A" – PROPOSED "RURAL COMMERCIAL AMENDMENT"
COMMENCES ON FOLLOWING PAGE]*

EXHIBIT "A" – PROPOSED "RURAL COMMERCIAL AMENDMENT"

Sec. 4.2.23. - Rural Commercial (RC-1) classification.

A. Intent of classification. The Rural Commercial classification is intended to provide for limited agricultural-related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. Only parcels having a commercial zoning classification that is not an implementing zoning classification for the Rural future land use designation may be rezoned to this classification, and ~~All~~ undeveloped commercial parcels located in the Rural Lands shall rezone to this reclassification prior to applying for development approval. Agriculturally zoned parcels shall not be rezoned to this classification.

B. Permitted Uses:

Agricultural chemical, fertilizer sales, including application companies

Agricultural farm equipment, tools, implements, machinery, including lease, repair, new, used

Agricultural gypsum, lime, ground limestone, sulfur

Agricultural uses as an interim use, excluding livestock

Bait and tackle, sporting goods

Bank, credit union, financial and loan of up to a maximum of 4,000 square feet

Blacksmith or farrier shops

Bottled gas cylinder refilling

Church, Places of Worship

~~Convenience store, gas station~~

Dude ranch, riding academy

Dwelling Units for owner or employee

Farm building, construction yard

Farm convenience store, gas station of up to a maximum of 4,000 square feet and a maximum of four (4) fuel pumps

Farm hardware store of up to a maximum of 4,000 square feet

Farm irrigation, equipment sales, installation, and repair

Farm produce, sales, packing, crating, shipping, retail, wholesale

~~Farm professional office of up to a maximum of 4,000 square feet~~

~~Farm-to-table restaurant of up to a maximum of 4,000 square feet~~

Farm storage structures, including manufacturing and installation

Farm supplies including seed, feed, fertilizer, fencing posts and tack

Grain elevator

Gun store

~~Hardware store~~

Hatchery, fish, or fowl, wholesale

Horse trailers and farm wagons, including repair and manufacturing

~~Professional office~~

Parking of commercial vehicles used for the permitted business purposes as an accessory use

Plant nursery, landscape contractor's yards, retail, wholesale

Produce sales, outside

Restaurants

Storage warehouse for farm products

Veterinary office and supplies

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

[END OF EXHIBIT "A" – PROPOSED "RURAL COMMERCIAL AMENDMENT"]

PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

Applicant Proposed Revision (Staff Supports)

See Attachment C

Sec. 4.2.23. - Rural Commercial (RC-1) classification.

- A. Intent of classification. The Rural Commercial classification is intended to provide for limited agricultural -related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. ~~All~~ Only undeveloped ~~commercial~~ parcels located in the Rural Lands with an existing commercial zoning classification shall ~~may~~ be eligible to rezone to this ~~reclassification and must do so~~ prior to applying for development approval. Agriculturally-zoned parcels shall not be rezoned to this classification.

LDRC’s Recommendation (Staff Does Not Support)

See Attachment B

Sec. 4.2.23. - Rural Commercial (RC-1) classification.

- A. Intent of classification. The Rural Commercial classification is intended to provide for limited agricultural related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. Only undeveloped ~~commercial~~ parcels located in the Rural Lands ~~with an existing commercial zoning classification shall~~ may be eligible to rezone to this ~~reclassification and must do so~~ prior to applying for development approval. ~~Agriculturally-zoned parcels shall not be rezoned to this classification.~~

PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

1 Applicant Proposed Revision (Staff Supports)

2 Sec. 4.2.23. - Rural Commercial (RC-1) classification.

3 A. Intent of classification. The Rural Commercial classification is intended to provide for
 4 limited agricultural -related commercial uses that would be appropriate on Rural Lands not
 5 located in a Rural Activity Center. ~~All~~ Only undeveloped ~~commereial~~ parcels located in
 6 the Rural Lands with an existing commercial zoning classification ~~shall~~ may be eligible to
 7 rezone to this ~~reclassification~~ and must do so prior to applying for development approval.
 8 Agriculturally-zoned parcels shall not be rezoned to this classification.

9

10 LDRC’s Recommendation (Staff Does Not Support)

11 Sec. 4.2.23. - Rural Commercial (RC-1) classification.

12 A. Intent of classification. The Rural Commercial classification is intended to provide for
 13 limited agricultural related commercial uses that would be appropriate on Rural Lands not
 14 located in a Rural Activity Center. All undeveloped ~~commereial~~ parcels located in the
 15 Rural Lands ~~with an existing commercial zoning classification~~ ~~shall~~ may be eligible to
 16 rezone to this ~~reclassification~~ and must do so prior to applying for development approval.
 17 ~~Agriculturally-zoned parcels shall not be rezoned to this classification.~~

18

19 KEY: (FOR REFERENCE ONLY; not included with language amendment proposals)

20 **Underline-** Applicant proposes alternative language, Staff supports

21 **Strikethrough-** Applicant proposes to strike, Staff supports

22 **^-** Use added to Zoning Classification in 2017 amendment

23 ***-** Use is also included in RAC Zoning Classification

24 **†-** Use is also included in B-1

25 **††-** Use is also included in B-2, B-3, B-4, and/or B-5 Zoning Classification

26 **°-** Use is also included in A-1 Zoning Classification

27 **°°-** Use is also included in A-2 and/or A-3 Zoning Classification

25 Applicant Proposed Language (Staff Supports)

26 B. Permitted Uses:

27 Agricultural chemical, fertilizer sales, including application companies

28 Agricultural farm equipment, tools, implements, machinery,
 29 including lease, repair, new, used

30 Agricultural gypsum, lime, ground limestone, sulfur

31 Agricultural uses as an interim use, excluding livestock

32 ~~Bait and tackle, sporting goods~~ *†

33 ~~Bank, credit union, financial and loan~~ *†

Red Strikethrough = Deleted language

Green Underline = Added language

PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

- 1 Blacksmith or farrier shops
- 2 ~~Bottled gas cylinder refilling~~ ^*††
- 3 ~~Church, Places of Worship~~ ^°
- 4 ~~Convenience store, gas station~~ ^*†
- 5 ~~Dude ranch, r~~Riding academy °††
- 6 Dwelling Units for owner or employee^
- 7 Farm building, construction yard
- 8 Farm irrigation, equipment sales, installation, and repair
- 9 Farm produce, sales, packing, crating, shipping, retail, wholesale
- 10 Farm storage structures, ~~including manufacturing and installation~~ *
- 11 Farm supplies including seed, feed, fertilizer, fencing posts and tack
- 12 Grain elevator
- 13 ~~Gun store~~ *††
- 14 ~~Hardware store~~ *
- 15 Hatchery, fish, or fowl, wholesale
- 16 Horse trailers and farm wagons, including repair ~~and manufacturing~~ *††
- 17 ~~Professional office~~ ^*†
- 18 ~~Parking of commercial vehicles used for the permitted business purposes as an~~
- 19 ~~accessory use~~ *†
- 20 Plant nursery, ~~landscape contractor's yards~~, retail, wholesale *°††
- 21 Produce sales, outside
- 22 ~~Restaurants~~ ^*††
- 23 Storage warehouse for farm products
- 24 Veterinary office and supplies
- 25 C. Special Use (requiring permit):
- 26 Animal or marine fats and oils, manufacturing, rendering
- 27 Assembly and fabrication of agricultural-related goods using components manufactured
- 28 elsewhere and brought to the site *††
- 29 Churches or place of worship *°††
- 30 ~~Construction or contractor's yard~~ *††
- 31 Electric substation
- 32 Gas meter facility and supply lines, high-pressure, except where such permits are pre-
- 33 emptied by state or federal regulations

Red Strikethrough = Deleted language

Green Underline = Added language

PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

Horses or cattle, not a sales operation (See special lot area and number requirements in Sec. 4.2.6.F)

~~Kennel, outdoor~~ °††

Limerock, phosphate, clay processing

Parking of commercial vehicles in excess of 16,000 lbs. not used by permitted business

Sewage treatment plants with an inflow exceeding 5,000 gallons per day

~~Sports facilities, which may include tennis facility, archery range, racquet ball facility or swimming club facility~~ ††

Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law

Utility company service yards

Water supply, treatment and storage facilities which serve 15 or more service connections, or commercial or industrial buildings which are required by the building code to have fire sprinkler systems

Water wellfields

LDRC’s Recommendation (Staff Does Not Support)

Permitted Uses:

Agricultural chemical, fertilizer sales, including application companies

Agricultural farm equipment, tools, implements, machinery,
including lease, repair, new, used

Agricultural gypsum, lime, ground limestone, sulfur

Agricultural uses as an interim use, excluding livestock

~~Bait and tackle, sporting goods~~ *†

~~Bank, credit union, financial and loan~~ *†

Blacksmith or farrier shops

Bottled gas cylinder refilling, accessory use to hardware store ^*††

~~Church, Places of Worship~~ ^° moved to SUP

Convenience store, gas station, no drive thru maximum 4,000 GSF, 6 fuel positions ^*†

~~Dude ranch~~, Riding academy °††

Dwelling Units for owner or employee^

Farm building, construction yard

Farm irrigation, equipment sales, installation, and repair

Farm produce, sales, packing, crating, shipping, retail, wholesale

Red Strikethrough = Deleted language

Green Underline = Added language

PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

- 1 Farm storage structures, ~~including manufacturing and installation~~ *
- 2 Farm supplies including seed, feed, fertilizer, fencing posts and tack
- 3 Grain elevator
- 4 ~~Gun store~~ *††
- 5 Hardware store, maximum of 4,000 GSF *
- 6 Hatchery, fish, or fowl, wholesale
- 7 Horse trailers and farm wagons, including repair ~~and manufacturing~~ *††
- 8 ~~Professional office~~ ^*†
- 9 ~~Parking of commercial vehicles used for the permitted business purposes as an~~
- 10 ~~accessory use~~ *†
- 11 Plant nursery, ~~landscape contractor's yards~~, retail, wholesale *°††
- 12 Produce sales, outside
- 13 Restaurants, maximum 4,000 GSF with no drive-thru ^*††
- 14 Storage warehouse for farm products
- 15 Veterinary office and supplies
- 16 C. Special Use (requiring permit):
- 17 Animal or marine fats and oils, manufacturing, rendering
- 18 Assembly and fabrication of agricultural-related goods using components manufactured
- 19 elsewhere and brought to the site *††
- 20 Churches or place of worship *°††
- 21 ~~Construction or contractor's yard~~ *††
- 22 Electric substation
- 23 Gas meter facility and supply lines, high-pressure, except where such permits are pre-
- 24 emptied by state or federal regulations
- 25 Horses or cattle, not a sales operation (See special lot area and number requirements in
- 26 Sec. 4.2.6.F)
- 27 ~~Kennel, outdoor~~ °††
- 28 Limerock, phosphate, clay processing
- 29 Parking of commercial vehicles in excess of 16,000 lbs. not used by permitted business
- 30 Sewage treatment plants with an inflow exceeding 5,000 gallons per day
- 31 ~~Sports facilities, which may include tennis facility, archery range, racquet ball facility~~
- 32 ~~or swimming club facility~~ ††
- 33 Sprayfields or other type of effluent disposal area when application rate exceeds 5,000
- 34 gallons per day, if allowed by law

Red Strikethrough = Deleted language

Green Underline = Added language

Attachment C

PROPOSED REVISIONS TO “EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

- 1 Utility company service yards
- 2 Water supply, treatment and storage facilities which serve 15 or more service
- 3 connections, or serve commercial or industrial buildings which are required by the
- 4 building code to have fire sprinkler systems
- 5 Water wellfields
- 6

~~Red Strikethrough~~ = Deleted language

Green Underline = Added language

STAFF AND APPLICANT-PROPOSED REVISIONS TO
“EXHIBIT ‘A’ PROPOSED ‘RURAL COMMERCIAL AMENDMENT’”

1 Sec. 4.2.23. - Rural Commercial (RC-1) classification.

2 A. Intent of classification. The Rural Commercial classification is intended to provide for
3 limited agricultural-related commercial uses that would be appropriate on Rural Lands not
4 located in a Rural Activity Center. Only undeveloped parcels located in the Rural Lands with
5 an existing commercial zoning classification may be eligible to rezone to this classification
6 and must do so prior to applying for development approval. Agriculturally-zoned parcels
7 shall not be rezoned to this classification.

8 B. Permitted Uses:

9 Agricultural chemical, fertilizer sales, including application companies

10 Agricultural farm equipment, tools, implements, machinery, including lease, repair,
11 new, used

12 Agricultural gypsum, lime, ground limestone, sulfur

13 Agricultural uses as an interim use, excluding livestock

14 Blacksmith or farrier shops

15 Riding academy

16 Dwelling Units for owner or employee

17 Farm building, construction yard

18 Farm irrigation, equipment sales, installation, and repair

19 Farm produce, sales, packing, crating, shipping, retail, wholesale

20 Farm storage structures

21 Farm supplies including seed, feed, fertilizer, fencing posts and tack

22 Grain elevator

23 Hatchery, fish, or fowl, wholesale

24 Horse trailers and farm wagons, including repair

25 Plant nursery, retail, wholesale

26 Produce sales, outside Storage warehouse for farm products

27 Veterinary office and supplies

28 C. Special Use (requiring permit):

29 Animal or marine fats and oils, manufacturing, rendering

30 Assembly and fabrication of agricultural-related goods using components manufactured
31 elsewhere and brought to the site

32 Churches or place of worship

Attachment D

- 33 Electric substation
- 34 Gas meter facility and supply lines, high-pressure, except where such permits are pre-
- 35 emptied by state or federal regulations
- 36 Horses or cattle, not a sales operation (See special lot area and number requirements in
- 37 Sec. 4.2.6.F)
- 38 Limerock, phosphate, clay processing
- 39 Parking of commercial vehicles in excess of 16,000 lbs. not used by permitted business
- 40 Sewage treatment plants with an inflow exceeding 5,000 gallons per day
- 41 Sprayfields or other type of effluent disposal area when application rate exceeds 5,000
- 42 gallons per day, if allowed by law
- 43 Utility company service yards
- 44 Water supply, treatment and storage facilities which serve 15 or more service
- 45 connections, or commercial or industrial buildings which are required by the
- 46 building code to have fire sprinkler systems
- 47 Water wellfields

Attachment E

RC-1 - RURAL COMMERCIAL (Rev. 4/17/96)1. INTENT AND PURPOSE

- a. The Rural Commercial Classification is intended to provide for agricultural related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center.
- b. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for this zoning classification.
- c. All undeveloped commercial parcels located in Rural Lands, as designated by the Marion County Comprehensive Plan, as amended, which are not in a Rural Activity Center, and which are zoned B-1, B-2, B-3, B-4 or B-5, shall retain their respective zoning classification. Prior to filing for development approval, the property owner shall apply to rezone the property to this zoning classification.

2. PERMITTED USES

- a. Retail or wholesale business such as, but not limited to the following:

Agricultural credit or loan institutions; agricultural production credit association
 Agricultural insurance (crop and livestock)
 Agricultural chemicals, fertilizers, disinfectants, pesticides, herbicides
 Agricultural equipment, tools, implements and machinery - sale and repair
 Agricultural gypsum, lime, ground limestone, sulfur
 Agricultural chemical or fertilizer application companies
 Farm building construction yard
 Farm storage structures; manufacturing, sales, and installation
 Farm equipment, implements and supplies
 Farm management services, farm mortgage companies
 Farm produce; sales, packing, crating and shipping facility
 Grain elevator
 Hatchery, fish or fowl
 Plant nursery
 Riding academy
 Storage warehouse for farm products
 Veterinary office

- b. Accessory uses including the parking of vehicles used for the permitted business purposes

Attachment E

- c. Special Uses: The following uses may be allowed upon review of a Special Use Permit Application by the Zoning Commission and approval by the Board of County Commissioners. (Rev. 11/02/98) (Rev. 7/10/01)

Churches

Electric substation

Gas meter facility, except where such permits are pre-empted by state or federal regulations

Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations

Horses or cattle (Refer to Section 5.3, A-1, 4.c. and d.) (Rev. 7/10/01)

Parking of commercial vehicles greater than 1.5 tons not used by permitted business

Sewage treatment plants with an inflow exceeding 5,000 gallons per day

Sprayfields or other type of effluent disposal areas, when application rate exceeds 5,000 gallons per day, if allowed by law

Utility company service yards

Water supply, treatment and storage facilities which serve 15 or more service connections, or commercial or industrial buildings which are required by the building code to have fire sprinkler systems

Wellfields. Refer to Article 12, Section 12.2.

3. LOT AND BUILDING STANDARDS

- a. Height Limitation: Maximum height of fifty (50) feet.
- b. Maximum Floor Area Ratio - 0.30. (Rev. 7/10/01)
- c. Setbacks:
- (1) The minimum front setback for a building or structure shall be fifty (50) feet.
 - (2) The minimum side setback for a building or structure shall be ten (10) feet.
 - (3) The minimum rear setback for a building or structure shall be twenty -five (25) feet.

4. GENERAL REQUIREMENTS

- a. No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.

Attachment E

- b. Ground and building lighting shall be confined to the property and shall not cast direct light on adjacent properties. The maximum height of a light pole shall be thirty-five (35) feet.
- c. Trash containers shall be screened from public view, using opaque materials.
- d. All setbacks shall be measured from the outside wall; however, eaves and roof overhangs, may protrude two (2) feet into a required setback. *(Rev. 11/02/98)*
- e. All uses allowed in this zoning classification shall be located within an enclosed structure. The front setback area shall not be utilized for the display or storage of goods, commodities, or merchandise offered for sale or rent whether on a temporary or permanent basis except as allowed below.
 - (1) Farm building construction yard,, bulk gypsum, lime, ground limestone or sulfur, farm storage structures, farm equipment, implements and supplies, and similar uses with outdoor activities and outside storage of materials. Components and finished goods shall be fenced and screened from view from surrounding properties.
 - (2) Temporary storage or parking of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons which are for inventory or in for repair, shall be in areas where they are screened from view from adjacent properties having dissimilar land uses.
 - (3) The display of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons which are for sale or lease may be exhibited in the front setback.
 - (4) Refer to Sub-section 5.5.25 for procedures to obtain either a Temporary Use Permit or a Special Event Permit.

RR - RECREATIONAL RESORT *(Rev. 11/02/98)*1. Intent and Purpose

- a. The Recreational Resort Classification is intended to provide for commercial and institutional recreational development in rural or urban areas adjacent to or within the Ocala National Forest or other natural reservation areas including but not limited to the Silver River State Park, the Florida Greenway, the Rainbow River Park or on lands fronting on lakes or rivers. The uses allowed in this classification are water related, water dependent, or natural resource dependent and are necessary for the support of the guests and the immediate population.

Attachment E

- b. Contained in this section are the permitted uses, building, lot or site/space standards (including minimum setbacks) and other general requirements for this zoning classification.

2. Permitted Uses

- a. Temporary occupancy living accommodations for recreation or travel use which may include but are not limited to the following: fifth wheel travel trailer, travel trailers, camping trailer, truck camper, motor home, van conversion, tent vehicles and tents, cabins or bunk house sleeping quarters.
- b. Park model trailers or manufactured homes may also be used as temporary occupancy living quarters, when owned by the property owner.
- c. Cabins or bunk house type living quarters.
- d. Restaurant or group eating facility.
- e. General/grocery store for primary use of guests.
- f. Management and administrative buildings including living quarters for resident manager.
- g. Service/maintenance buildings.
- h. Marina, boat dock, boat rentals, launching ramp.
- i. Gasoline sales, bait and tackle sales.
- j. Self-service laundry.
- k. Refill bottle gas cylinders.
- l. Accessory uses and structures such as private recreational facilities including swimming pool, archery range, shuffle board, clubhouse, meeting room, and similar facilities needed to provide a resort development. Refer to 4.n. for location requirements.
- m. Special Uses: The following uses may be allowed upon review of a Special Use Permit Application by the Zoning Commission and approval by the Board of County Commissioners.
 - Electric substation
 - Gas meter facility, except where such permits are preempted by state or federal regulations

Attachment F



January 24, 2024

Sent by email only

RE: Amendment to LDC Division 4.2.23- Rural Commercial (RC-1) Classification

Chair Tillman and Marion County Land Development Regulation Committee Members,

1000 Friends of Florida supports the proposed revisions to the RC-1 "Intent Paragraph" and allowed uses for the RC-1 Zoning Classification.

The RC-1 zoning was originally created to address properties that, at the time that the county's comprehensive plan was created (1996-1998), had an existing commercial zoning classification but were assigned a Rural Lands Future Land Use Designation. The zoning has historically and consistently been applied to properties fitting this description and the proposed changes will effectively clarify conditions under which a zoning or rezoning to RC-1 is appropriate. As a former employee in the Marion County Growth Services Department, I can affirm that the proposed clarifying text is consistent with longstanding interpretations of the intent by previous directors and staff.

Although seldom used, the RC-1 zoning classification allows property owners to implement historic property rights while balancing the intensity of uses with the character and infrastructure limitations of the surrounding community. In situations where a commercially zoned parcel has a Rural Land FLU, but the owner seeks a higher intensity than that allowed under the RC-1 zoning, they have the alternative option of pursuing a small-scale Commercial Future Land Use designation through a comprehensive plan amendment.

We ask that you approve the clarifying language as proposed in the Staff and Applicant-Proposed Revisions, and transmit to the Board of County Commissioners.

Regards,

A handwritten signature in dark ink that reads "Kim Dinkins".

Kim Dinkins
Policy and Planning Director, 1000 Friends of Florida

ORDINANCE 24- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 4.2.23 – RURAL COMMERCIAL (RC-1) ZONING CLASSIFICATION’S INTENT, PERMITTED USES, DEVELOPMENT STANDARDS AND DESIGN STANDARDS; 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, Horse Farms Forever, Inc., a Florida not-for-profit corporation, submitted and LDC Amendment Application consistent with LDC Division 2.4 proposing an amendment to the LDC regarding Section 4.2.23 – Rural Commercial (RC-1) Zoning Classification’s intent, permitted uses, development standards and design standards; and

WHEREAS, pursuant to LDC Section 2.4.4, on March 19, 2024, and April 16, 2024, the Board held duly noticed public hearings on this proposed ordinance amending the LDC.

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 underline text.

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

Section 4.2.23 - Rural Commercial (RC-1) Zoning Classification’s intent, permitted uses, development standards and design standards: 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.

Attachment G

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 do 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 16th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

MICHELLE STONE, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT