

ORDINANCE 23 - 09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE MARION COUNTY LAND DEVELOPMENT CODE (LDC); AMENDING LDC ARTICLE 1, ADMINISTRATION, DIVISION 2, DEFINITIONS; AMENDING LDC ARTICLE 1, ADMINISTRATION, DIVISION 4, PLANNING AND ZONING COMMISSION (P&Z) AND THE LAND DEVELOPMENT REGULATION COMMISSION (LDRC), SECTION 1.4.1., GENERAL PROVISIONS AND SECTION 1.4.2., PLANNING AND ZONING COMMISSION (P&Z); AMENDING LDC ARTICLE 2, APPLICATION TYPES AND STANDARD REQUIREMENTS, DIVISION 19, FINAL PLAT, SECTION 2.19.4., COMPLETION AND CLOSE OUT; AMENDING LDC ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS (INCLUDING DIVISION 3, FINAL PLAT NOTES AND CERTIFICATIONS, SECTION 6.3.1., FINAL PLAT REQUIREMENTS, DIVISION 14, WATER AND WASTEWATER REQUIREMENTS, DIVISION 15, WATER SYSTEM, DIVISION 16, WASTEWATER FACILITIES, DIVISION 17, REUSE FACILITIES, AND DIVISION 18, FIRE REGULATIONS AND PREVENTION); AND AMENDING LDC ARTICLE 7., CONSTRUCTION SPECIFICATIONS AND DESIGN DETAILS, (INCLUDING DIVISION 2, UTILITY CONSTRUCTION SPECIFICATIONS AND DIVISION 3, DESIGN DETAILS); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon counties the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; 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, from October, 2022, to January, 2023, the Land Development Regulation Commission (LDRC) held a series of workshops to review, revise, and consider the Land Development Code amendments identified herein; and

WHEREAS, consistent with LDC Sections 1.4.3.B. and 2.4.3., on January 25, 2023, the LDRC held a duly noticed public hearing to consider the proposed Ordinance incorporating the LDC amendments considered by the LDRC at their previous workshops and to make recommendations to the Board of County Commissioners (Board) regarding same; and

WHEREAS, pursuant to LDC Section 2.4.4., on March 28, 2023, and April 13, 2023, the Board held duly noticed public hearings to review and consider the County's staff and LDRC recommendations on this Ordinance.

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

SECTION 1. Article 1 of the Marion County Land Development Code, Administration, Division 2, Definitions, is hereby amended to include the attached definitions:

See Attachment 1. (additions shown in underline text)

SECTION 2. Article 1 of the Marion County Land Development Code, Administration, Division 4, Planning and Zoning Commission (P&Z) and Land Development Regulations Commission (LDRC), Sections 1.4.1., General Provisions, and 1.4.2., Planning and Zoning Commission (P&Z), is hereby amended to read as follows:

See Attachment 2. (additions shown in underline text)

SECTION 3. Article 2 of the Marion County Land Development Code, Application Types and Standard Requirements, Division 19, Final Plats, Section 2.19.4., Completion and Close Out, is hereby amended to read as follows:

See Attachment 3. (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 4. Article 6 of the Marion County Land Development Code, Technical Standards and Requirements, Division 3, Final Plat Notes and Certifications, Section 6.3.1.F., Final Plat Requirements, is hereby amended to read as follows:

See Attachment 4. (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 5. Article 6 of the Marion County Land Development Code, Technical Standards and Requirements, Division 14, Water and Wastewater Requirements, Division 15, Water System, Division 16, Wastewater Facilities, and Division 17, Reuse Facilities, is hereby amended to read as follows:

See Attachment 5. (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 6. Article 6 of the Marion County Land Development Code, Technical Standards and Requirements, Division 18, Fire Regulation and Prevention, is hereby amended to read as follows:

See Attachment 6. (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 7. Article 7 of the Marion County Land Development Code, Construction Specifications and Design Details, Division 2, Utility Construction Specifications, is hereby amended to read as follows:

See Attachment 7. (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 8. The design details shown in Article 7 of the Marion County Land Development Code, Construction Specifications and Design Details, Division 3, Design Details, Section 7.3.1., Transportation and Stormwater and Section 7.3.2., Utilities are hereby amended to revise the list of design details and replace the design details as follows:

See Attachment 8, (additions shown in underline text and deletions are shown in ~~strikeout text~~)

SECTION 9. CONFLICTS. In the event that the provisions of this ordinance are in conflict with any other county ordinance, then the provisions of this Ordinance shall prevail.

SECTION 10. 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 inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is intended and shall be given.

SECTION 11. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance be incorporated into the Marion County Land Development Code, that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 12. 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 13th day of April, 2023.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

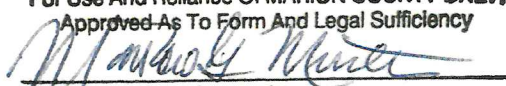
ATTEST:


GREG HARRELL, CLERK OF COURTS


CRAIG CURRY, CHAIRMAN

For Use And Reliance Of MARION COUNTY ONLY,

Approved As To Form And Legal Sufficiency


County Attorney

RECEIVED NOTICE FROM SECRETARY OF STATE
3 ON APRIL 25, 2023 ADVISING ORDINANCE
WAS FILED ON APRIL 21, 2023.

ATTACHMENT 6

“CLEAN”

DIVISION 18. - FIRE REGULATIONS AND PREVENTION

Sec. 6.18.1. - Purpose and intent.

All developments and commercial occupancies shall comply with the most current Florida Fire Prevention Code, as adopted by the State of Florida.

Sec. 6.18.2. - Fire flow.

- A. For all subdivisions or commercial occupancies supplied by water systems, fire flow shall be supplied in accordance with the Insurance Services Office (National Board of Fire Underwriters) Fire Suppression Rating Schedule, "Needed Fire Flow" section. Reduced fire flow may be allowed if deemed appropriate by the Marion County Fire Rescue (MCFR) in accordance with the process established in the Florida Fire Prevention Code.
- B. All new developments and new or altered commercial occupancies over 1,200 square feet in size, excluding single-family residences or duplexes, shall provide a fire department water supply as follows:
 - (1) Fire hydrant connected to a decentralized or centralized water supply system;
 - (2) Direct fire line and fire hydrant connected to a decentralized or centralized water supply system;
 - (3) Dedicated water supply tank when a decentralized or centralized water supply is not available. The water tank size shall comply with National Fire Protection Association (NFPA) 1142, Rural Water Supply.
- DC. A fire department connection (FDC) shall comply with the following location requirements:
 - (1) Within 500 feet, driving distance, of commercial building.
 - (2) A minimum of 1.5 times the height of the building away from the building.
 - (3) Within 10 feet of a hard surface.
- D. Private fire hydrants supplied by a fire pump shall be tested annually by a certified fire protection company and a copy of the flow paperwork and current contact information shall be provided to MCFR.
- E. All new and existing fire hydrants caps and bonnet shall be painted in accordance with NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants.

ATTACHMENT 6 "CLEAN"

- (1) Fire hydrant barrels shall be painted as follows:
 - (a) Red barrel = fire hydrant supplied by public mains.
 - (b) Yellow barrel = fire hydrant supplied by private mains.
 - (c) Silver barrel = fire hydrant supplied by fire pumps.
 - (2) All draft hydrants shall be painted silver barrel with yellow caps and bonnets.
 - (a) Draft hydrants are standard fire hydrants but are supplied by a static water source. Normally these hydrants are not supplemented by a fire pump and rely on a fire department engine to draft from the source. These draft hydrants have little to no pressure and function similar to a dry hydrant tank.
 - (b) Signage shall be provided indicating "Draft Hydrant," red background with a minimum 4 inches white reflective letters.
 - (3) All dry hydrant riser connections shall be painted red in color.
- F. Dry hydrants permanently removed from service shall have the riser painted black in color. The standard 4.5-inch fire department connection shall be removed from the riser and the remaining pipe permanently capped. Removal of a dry hydrant from service must be approved by MCFR.
- G. New residential developments that are not required to tie into fire line due to distance in accordance with this Code shall provide fire flow by one of the following:
- (1) Install a central water system with a minimum of 6-inch fire line and fire hydrants per the spacing requirements in the Florida Fire Prevention Code or
 - (2) Install a minimum 30,000 gallons storage tank(s) in accordance with NFPA 1142. This alternative must be approved by MCFR and will only be considered in areas without municipal mains.
 - (a) Multiple tanks shall be connected.
 - (b) Tanks shall be connected to domestic water and the water level maintained using a ball float valve or other approved valve.
 - (c) It will be the responsibility of the owner to maintain operability of the system.

ATTACHMENT 6 "CLEAN"

H. For residential subdivisions, water distribution systems and/or water main extensions shall be designed and constructed with the following requirements:

(1) Subdivisions with water systems.

- (a) New water systems or extensions of existing systems into new subdivisions shall be designed according to the provisions of NFPA Standard 24, latest version.
- (b) Fire flow capacity shall be provided according to the following table:

Table 6.18-1 Fire Flow Capacity

Distance Between Buildings	Fire Flow
Over 100'	500 gpm
31'—100'	750
11'—30'	1000
10' or less	1500

- (c) Needed fire flow is that amount of water, in gallons per minute, flowing in excess of the average peak domestic demand for two hours, with a residual pressure no less than 20 psi.

(2) Subdivisions with individual private wells.

- (a) Fire flow shall be provided through a system meeting the requirements of NFPA Standard 1142, Rural Water Supply.
- (b) When a water system is installed in a subdivision having private wells, fire flow shall be provided in accordance with the sections above.

Sec. 6.18.3. - Gated communities and gated properties.

A. With no exception, a siren activated switch shall be installed.

B. Alphanumeric keypad or "coded" gate access is a satisfactory, secondary/backup method for public safety access.

- (1) Codes for developments and commercial occupancies shall be forwarded to MCFR for verification and forwarded to the public safety communication center/dispatch for inclusion into the dispatch database.

ATTACHMENT 6

“CLEAN”

- (2) New or updated codes shall be placed on a business or HOA letterhead and sent to MCFR Prevention Division.
 - (3) One and two family gate codes may be recorded into dispatch database at the request of the owner.
- C. Gate shall have emergency release in the event of loss of power.
 - D. Signage shall be posted indicating how to access in the event of emergency.
 - E. Notification shall be made to MCFR once the gate is installed to arrange for testing and proper documentation.
 - F. It will be the responsibility of the owner to maintain operability of the system.
 - G. Minimum access shall have an unobstructed width of 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Sec. 6.18.4. - Development in Wildland Urban Interface/Intermix Zones.

When MCFR determines that existing or proposed improvements are located in a wildland urban interface/intermix area, a wildfire hazard severity analysis shall be provided for review and approval by the MCFR.

Sec. 6.18.5. - Access control boxes.

Access control boxes shall be as approved by the MCFR. Access control boxes allow the fire department to gain entry into the location in the event of activation of the fire sprinkler system or fire alarm system. The installation of an access control box will minimize damage to the location due to forcible entry methods used to investigate alarms.

- A. Locations Which Require Access Control Boxes.
 - (1) Any new commercial construction that contains a fire sprinkler system or fire alarm system.
 - (2) Any existing commercial building which installs a fire alarm system or fire sprinkler system due to a change of use or code requirement.
 - (3) Any existing commercial building that contains a fire alarm or fire sprinkler system that performs interior alterations or modifications which require a permit.

ATTACHMENT 6

“CLEAN”

- (4) Any existing commercial building that contains a fire sprinkler system or fire alarm system that has repeated nuisance activations as determined by MCFR Prevention Division.
- B. Installation Requirements.
 - (1) Access control boxes must be approved by the MCFR and ordered using the approved form obtained from MCFR.
 - (2) Access control boxes shall be installed 6 feet off the ground on the outside of the building. Installation shall be near the main entrance unless prior approval is gained from MCFR Prevention Division.
 - (3) The owner/occupant shall be responsible for mounting and installing the box to the building.
 - (4) Installation of the access control box shall be completed prior to the final inspection by MCFR for building occupancy.
- C. The owner/occupant shall ensure that a current key, and any additional keys necessary to access fire alarm panel rooms or fire sprinkler rooms, is provided to the MCFR, to be secured inside the box.

Sec. 6.18.6.-Fire Protection System Reporting

Properly functioning fire protection systems are a vital element in saving lives and property. The maintenance and operation of these systems is critical for them to function properly. Any new or existing fire protection system report shall be uploaded to an approved reporting system as determined by Marion County Fire Rescue. Examples of fire protection reports include but are not limited to fire alarm systems, fire sprinkler systems, kitchen suppression systems, radio enhancement systems, and chemical suppression systems.

Sec. 6.18.7.-Radio Enhancement Systems

Communication inside buildings is critical for the protection of the occupants and firefighters during an emergency. Ensuring that public safety communication radios operate as designed in an emergency is essential. In accordance with the Florida Fire Prevention Code, Marion County Fire Rescue defines its public safety radio enhancement policy as the following:

- A. Any building that is in excess of 20,000 square feet shall have the building tested for radio signal strength.
 - (1) This includes newly constructed buildings and existing buildings where the additions result in an excess of 20,000 square feet.
 - (2) This policy shall not apply to any structure which is specifically exempted by Florida Codes, Statutes, or Rules.

ATTACHMENT 6

“CLEAN”

- B. If a building is determined to meet the requirements the following steps shall be taken to ensure compliance:
- (1) The site development plans and building plans shall be noted that the building shall comply with the in building minimum radio signal strength policy.
 - (2) Once determined appropriate the building shall be tested in the construction process to determine radio strength.
 - (3) Upon a passing test, paperwork shall be provided indicating a successful test in accordance with applicable requirements in the NFPA codes.
 - (4) If the test is not successful, a system is to be installed to enhance the radio signal to an acceptable level.
 - (5) All installing contractors shall contact MCFR to obtain the Radio Enhancement Packet which is to be submitted with the plans review