

## Article 5      Overlay Zones

### Division 6      Scenic Roads Overlay Zone (SROZ)

#### Sec. 5.6.1      Purpose and Intent

Marion County residents and visitors enjoy the County's unique visual character including, but not limited to, nature, habitat, historical/cultural resources, and rural/equine communities, particularly when travelling along various roadways in the County. The Scenic Roads Overlay Zone functions to identify scenic roads, and establish regulations to support, maintain, and enhance roadway travel experiences while maintaining the health, safety, and welfare of the traveling public and protecting private property rights.

#### Sec. 5.6.2      SROZ implementation and scenic road designations

- A. The SROZ provisions, also hereby known as the "*Marion County Scenic Roads Program*", shall serve as the specific regulations regarding the scenic roads identified herein.
- B. Scenic Roads Master Plan.
  - (1) The Board may establish a Scenic Roads Master Plan (SRMP) to provide guidelines, principles, standards, and strategies to identify, maintain, and enhance scenic roads within Marion County.
  - (2) The provisions of this **Division** serve as the implementation of the SROZ and the SRMP shall not be binding upon the implementation of this Division.
  - (3) Any SRMP established by the Board shall be produced and published by the Growth Services Department following approval by the Board.
- C. The visual character of a scenic road includes two general areas: within the road right-of-way and the adjoining surrounding area. The road right-of-way subsequently includes two general components: the various infrastructure (e.g., vehicle driving surface, traffic control devices, non-automotive travel surfaces, driveways, utilities, stormwater infrastructure, etc.) and the vegetative/landscape/turf material occupying the remainder of the right-of-way. The focus of the SROZ is the area within the road right-of-way, while future efforts to support maintaining the visual character of the surrounding area are not precluded.
- D. Scenic roads shall be designated by the Board following review and recommendation by the Growth Services and Office of the County Engineer staff, and the Scenic Roads Advisory Commission (SRAC) consistent with **Section 5.6.6**.
- E. Deviations or exemptions from the SROZ standards shall be considered through the amendment/exemption process outlined in **Section 5.6.6**.
- F. Scenic roads awareness and support
  - (1) The Board may establish a "Scenic Roads Awareness Program" to advise the public of the County's scenic roads, including partnering with public and private agencies to provide cooperative and complimentary scenic roads information along with other related/compatible information.
  - (2) The Board may develop and establish public/private cooperative partnerships to provide for awareness, support, and maintenance of scenic roads, including allowing limited and coordinated roadway signage for scenic roads recognizing the partnership support, as well as other acknowledgement determined to be appropriate by the Board.
- G. Types of scenic designations (*from Scenic Roads Master Plan*)
  - (1) Scenic route – A series of roads that form an alternate route to a main thoroughfare, that may comprise more than one road, forming a continuous route that links sites and/or areas of interest, such as scenic areas, historic sites, parks, and other environmentally significant areas.

(2) Scenic road – A road that travels through, or along, a unique and aesthetic landscape such as scenic areas, historic sites, parks, and other environmentally significant areas .

(3) Rustic road/route – A road or series of roads representing travel modes and patterns of the past and displaying historic characteristics (e.g., unpaved, narrow width, physical proximity to natural environment, etc.), typically suitable for low travel speeds.

### Sec. 5.6.3 Designated facilities

#### A. Scenic route (*original ordinance number referenced - to be deleted with final adoption*):

- (1) SW 110<sup>th</sup> Avenue/York Road “loop” from W Hwy 40 to W Hwy 40. (2001-19)
  - (a) Road segments:
    1. SW 110<sup>th</sup> Avenue, from W Hwy 40 south to SW 38<sup>th</sup> Street;
    2. SW 38<sup>th</sup> Street, from SW 110<sup>th</sup> Avenue east to SW 95<sup>th</sup> Avenue Road;
    3. SW 95<sup>th</sup> Avenue Road, from SW 38<sup>th</sup> Street east to SW 9<sup>th</sup> Street Road;
    4. SW 9<sup>th</sup> Street Road, from SW 95<sup>th</sup> Avenue Road east to SW 85<sup>th</sup> Avenue;
    5. SW 85<sup>th</sup> Avenue, from SW 9<sup>th</sup> Street Road north to W Hwy 40.

#### B. Scenic roads (*original ordinance number referenced - to be deleted with final adoption*):

- (1) NW Hwy 25A (Old Gainesville Road), from W Hwy 316 south to W Hwy 329. (2001-19)
- (2) SW Hwy 312 (SW 87<sup>th</sup> Place), from S Hwy 475A (SW 27<sup>th</sup> Avenue) east to S Hwy 475 (S Magnolia Avenue). (1997-1)
- (3) NW Hwy 320, from the Marion/Levy County Line east to the McIntosh Town Limit. (2001-19)
- (4) W Hwy 328, from N US Hwy 41 east to 1000 feet west of W Hwy 40. (2001-19)
- (5) SE Hwy 467 (SE 36<sup>th</sup> Avenue), from SE 95<sup>th</sup> Street (Redding Lane) south to SE 110<sup>th</sup> Street (Turkey Foot Road). (1997-1)
- (6) S Hwy 475, from S Hwy 27/301/441 (S Pine Avenue) south to the Marion/Sumter County Line. (1997-1)
- (7) S Hwy 475A (SW 27<sup>th</sup> Avenue / Shady Road), from SW 24<sup>th</sup> Avenue (Paddock Park/EI Dorado\_Entrance) south to the Cross Florida Greenway south boundary. (1997-1 and 2011-45)
- (8) SW Hwy 475B (SW 107<sup>th</sup> Place), from S Hwy 475A (SW 27<sup>th</sup> Avenue) east to S Hwy 475 (S Magnolia Avenue). (1997-1)
- (9) NE/NW 49<sup>th</sup> Street, from West Anthony Road east to NE Hwy 200A (NE Jacksonville Road). (2001-19)
- (10) NW 100<sup>th</sup> Street, from NW Hwy 25A (NW Gainesville Road) east to NE Hwy 200A (NE Jacksonville Road). (2001-19)
- (11) SE 25<sup>th</sup> Avenue, from SE 80<sup>th</sup> Street south to SE 110<sup>th</sup> Street. (1997-1)
- (12) SE 26<sup>th</sup> Terrace Road, from SE 38<sup>th</sup> Street (Citrus Drive) south to SE 45<sup>th</sup> Street. (1997-1)
- (13) SE 30<sup>th</sup> Court, from SE 45<sup>th</sup> Street south to SE 52<sup>nd</sup> Street. (1997-1)
- (14) SE 36<sup>th</sup> Avenue, from SE 62<sup>nd</sup> Street south to SE 73<sup>rd</sup> Street. (1997-1)
- (15) SE 38<sup>th</sup> Street, from SE 36<sup>th</sup> Avenue, east to SE 44<sup>th</sup> Avenue Road. (1997-1)
- (16) SE 44<sup>th</sup> Avenue Road, from SE 38<sup>th</sup> Street south to SE 52<sup>nd</sup> Street. (1997-1)
- (17) SE 41<sup>st</sup> Court, from SE 52<sup>nd</sup> Street south to SE 80<sup>th</sup> Street. (1997-1)
- (18) SE 59<sup>th</sup> Street, from S Hwy 475 (S Magnolia Avenue / at the Shady Hill School) east to S Hwy 27/301/441 (S Pine Avenue). (1997-1)
- (19) SE 62<sup>nd</sup> Street, from S Hwy 27/301/441 (S Pine Avenue) east to SE 36<sup>th</sup> Avenue. (1997-1)
- (20) SE 73<sup>rd</sup> Street, from S Hwy 27/301/441 east to SE 41<sup>st</sup> Court. (1997-1)

- (21) SE 95<sup>th</sup> Street (Redding Lane), from S Hwy 475 (S Magnolia Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (22) SE 100<sup>th</sup> Street, from S Hwy 467 (SE 25<sup>th</sup> Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (23) SE 110<sup>th</sup> Street, from S Hwy 475 (S Magnolia Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (24) SW 4<sup>th</sup> Avenue, from SW 32<sup>nd</sup> Street (Lopez Road/SW 7<sup>th</sup> Avenue/SW 4<sup>th</sup> Avenue connection) south to SW 35<sup>th</sup> Street. (1997-1)
- (25) SW 7<sup>th</sup> Avenue, from SW 17<sup>th</sup> Place south to SW 32<sup>nd</sup> Street / SW 42<sup>nd</sup> Street (Lopez Road). (1997-1) **\*\*Adjusted names due to RR overpass – original streets no longer meet**
- (26) SW 7<sup>th</sup> Avenue Road (Old Lemon Avenue), from SW 35<sup>th</sup> Street south to SW 63<sup>rd</sup> Street Road. (1997-1)
- (27) SW 16<sup>th</sup> Avenue, from SW 80<sup>th</sup> Street south to S Hwy 312 (SW 87<sup>th</sup> Place). (1997-1)
- (28) SW 19<sup>th</sup> Avenue Road, from SW 66<sup>th</sup> Street south to SW 80<sup>th</sup> Street. (1997-1)
- (29) SW 21<sup>st</sup> Court, from SW 87<sup>th</sup> Place south to SW 90<sup>th</sup> Street. (1997-1)
- (30) SW 31<sup>st</sup> Street, from SW 95<sup>th</sup> Avenue Road east to SW 97<sup>th</sup> Court. (1997-1)
- (31) SW/SE 32<sup>nd</sup> Street (Lopez Road/SW 7<sup>th</sup> Avenue/SW 4<sup>th</sup> Avenue connection), from SW 7<sup>th</sup> Avenue east to S Hwy 475 (SE 3<sup>rd</sup> Avenue). (1997-1 and 2000-12)
- (32) SW 34<sup>th</sup> Place, from SW 97<sup>th</sup> Court east to SW 90<sup>th</sup> Avenue. (2001-19)
- (33) SW/SE 35<sup>th</sup> Street (Old Lemon Avenue), from SW 7<sup>th</sup> Avenue Road east to S Hwy 475 (SE 3<sup>rd</sup> Avenue). (1997-1)
- (34) SW 42<sup>nd</sup> Street (Lopez Road/SW Hwy 475C), from the east side of I-75 east to SW 7<sup>th</sup> Avenue. (1997-1)
- (35) SW/SE 52<sup>nd</sup> Street (Buffington Road), from SW 7<sup>th</sup> Avenue Road (Old Lemon Avenue) east to S Hwy 27/301/441 (S US Hwy 441). (1997-1)
- (36) SW 63<sup>rd</sup> Street Road, from SW 19<sup>th</sup> Avenue Road east to S Hwy 475 (S Magnolia Avenue). (1997-1)
- (37) SW 66<sup>th</sup> Street (Williams Road), from SW Hwy 200 (SW College Road) east to SW 19<sup>th</sup> Avenue Road (boundary of Hijuelas Grant). (1997-1)
- (38) SW 73<sup>rd</sup> Street Road, from SW 80<sup>th</sup> Street north then east to S Hwy 475 (S Magnolia Avenue). (1997-1)
- (39) SW/SE 80<sup>th</sup> Street (SE Hwy 328), including the trail connection, from S Hwy 475A (SW 27<sup>th</sup> Avenue) east to SE 41<sup>st</sup> Court. (1997-1)
- (40) SW 97<sup>th</sup> Court, from SW 31<sup>st</sup> Street south to SW 34<sup>th</sup> Place. (1997-1)

C. Rustic road/route: None at this time.

**Sec. 5.6.4** Design, development, and maintenance standards for designated facilities identified in **Section 5.6.3**

A. Roadway Vegetation Maintenance.

- (1) The County shall cease all roadway vegetation maintenance, with the exception of mowing, unless such maintenance is absolutely necessary to protect the health and safety of the public.
- (2) When roadway vegetation maintenance is necessary to protect the health and safety of the public, the County shall use measures which conserve, to the maximum extent feasible, the characteristics of the rural landscapes which this **Division** seeks to protect.
- (3) Utility installation and maintenance shall be accomplished with the minimal disturbance to the roadway vegetation.

B. Expansion of County Roads.

The County shall not increase the number of lanes on any of the designated facilities.

C. Curb Cuts.

All new curb cuts shall be made without removing trees in the road right-of-way or damaging the root system of trees growing at the edge of the road right-of-way, unless the property owner has no other method to access the road.

**Sec. 5.6.5** Authorized improvement exemption (*change from current approach – allows authorization by resolution rather than ordinance*)

A. An improvement exemption to allow modification to a designated facility listed in **Section 5.6.3** may be authorized by resolution by the Board consistent with **Section 5.6.6**.

B. The Growth Services Department shall maintain a list of all Board authorized improvement exemptions including, at a minimum, the following for the improvement exemption: approval date, resolution number, and a description of the improvement, its approval conditions (if any), and its current status.

**Sec. 5.6.6** Scenic road designation amendment and improvement exemption process (*sets out current process [ which is like other public hearing processes ] & reflects change*)

A. Applicability.

- (1) Changes to the list of designated facilities in **Section 5.6.3** shall be initiated by the filing of a Scenic Roads Amendment Application (SRAA) as provided in **Article 2 and this Section**, and, if approved, be enacted by **ordinance**.
- (2) Obtaining an improvement exemption for a designated facility listed in **Section 5.6.3** shall be initiated by the filing of a Scenic Roads Amendment Application (SRAA) as provided in **Article 2 and this Section**, and, if approved, be authorized by **resolution**.
- (3) Changes to the other components of this **Division** shall be initiated by the filing of a Land Development Code Amendment Application as provided in **Article 2**, with consideration to the purpose and intent of this **Division**, and, if approved, be enacted by ordinance.

B. Growth Services Department Staff Recommendation.

- (1) The Department shall review each complete SRAA and prepare a written staff report listing the Department's analysis and recommendation regarding the SRAA. The completed staff report shall be made available to the applicant and public prior to the public hearing(s) regarding the SRAA, as provided in **Section 5.6.6.D**.
- (2) In the event the Department does not prepare a written staff report by the date the Scenic Roads Advisory Commission (SRAC) has set to officially act on the SRAA, the Department shall be deemed to have recommended approval of the SRAA; however the SRAC shall not be required to make a recommendation on any such SRAA as provided in **Section 5.6.6.D(1)(c)**.
- (3) In the event the Department does not prepare a written staff report by the date the Board has set to officially act on the SRAA, the Department shall be deemed to have recommended approval of the SRAA. The Board shall not be required to act in the affirmative in regards to the SRAA due to the lack of a written staff report and recommendation by the Department as provided in **Sections 5.6.6.D(2)(c)**.

C. Public Notices for all SRAAs.

- (1) Advertisement and due public notice of required public hearings shall be provided according to Chapter 125.66, FS, using a general legal notice at a minimum; in lieu of providing a general legal notice, a display advertisement may be used at the election of the Growth Services Director.

(2) Posting of Public Notice

- (a) Public notice signage shall be posted along the designated facility which is the subject of the SRAA to identify the applicable location and extent of the SRAA. The intent of the signage is to identify the “limits” of the SRAA to the travelling public; wherein a minimum of two signs shall be provided to functionally mark a “beginning” and “end”; the Growth Services Director shall determine the final number of signs to be provided and the placement of the signs.
  - (b) The public notice sign(s) shall provide the particulars of the SRAA (e.g., add/delete designated facility or improvement exemption) and provide the date, time, and place of the public hearing(s).
  - (c) The placement and posting of the public notice sign(s) shall be deemed to satisfy compliance with this provision, and in the event the notice is not maintained once posted, this provision will be deemed satisfied.
- (3) The applicant may be required, as determined by the Board, to fund the costs necessary to comply with **Section 5.6.6.C**.

D. Public hearings.

(1) Scenic Roads Advisory Commission (SRAC) Consideration

- (a) The SRAC shall meet as needed and shall review a SRAA in a duly noticed public hearing and make recommendations to the Board regarding a SRAA.
- (b) The SRAC may conduct a workshop to discuss the SRAA prior to the public hearing subject to the workshop notice requirements established by the Board. Any workshop discussion by the SRAC shall not constitute a determination regarding the SRAA, nor shall it be considered to serve as or set precedent for the public hearing consideration.
- (c) In the public hearing for the SRAA, the SRAC shall review the Growth Services Department staff report, receive input from the applicant as applicable, receive public input regarding the SRAA by conducting the public hearing, and consider the SRAA in regards to the following findings:
  1. If approving the SRAA is consistent with the intent and purpose of the Scenic Roads Overlay Zone/Scenic Roads Program,
  2. If approving the SRAA is consistent with the Scenic Roads Master Plan,
  3. If approving the SRAA will not adversely affect the public interest.

(d) SRAC Action

1. The SRAC shall act on one of the following motions effecting a written recommendation for the SRAA in regard to **Items (c) 1-3**, as applicable, as follows:
  - a. A recommendation for approval, which may be accompanied by reasons for the recommendation of approval.
  - b. A recommendation for denial, which shall be accompanied by reasons for the recommendation of denial.
2. In the event the applicant, for any reason, does not appear before the SRAC at the time the SRAA is scheduled for consideration and action, the SRAC may proceed with consideration and action regarding the SRAA. It is the applicant's responsibility and obligation to ensure representation regarding the SRAA is provided before the SRAC.
3. In the event no member of the public participates in the public comment portion of the public hearing, the SRAC may proceed with consideration and action regarding the SRAA, and the SRAC is not obligated to determine the lack of participation is a form of support or disfavor in regard to the SRAA.

4. In the event the SRAC action results in a tie vote, the SRAC may deem its consideration of the SRAA complete and the SRAA shall proceed to its subsequent consideration without a formal recommendation.
  5. The SRAC action and its recommendation are not classified as a final action or the equivalent of a final development order. An applicant may request reconsideration of a SRAA by the SRAC; however, the SRAC action and recommendation is functionally final and the consideration of any functional appeal is the responsibility of the Board as provided for in **Section 5.6.6.D(2)**.
- (2) Board of County Commissioners Consideration
- (a) The Board shall hold a public hearing to consider each SRAA in a duly noticed public hearing.
  - (b) The Board may conduct a workshop to discuss the SRAA prior to the public hearing subject to the workshop notice requirement(s) established by the Board. Any workshop discussion by the Board shall not constitute a determination regarding the SRAA, nor shall it be considered to serve as or set precedent for the public hearing consideration.
  - (c) In the public hearing for the SRAA, the Board shall review the Growth Services Department staff report, review the findings and recommendation of the SRAC, receive input provided by the applicant as applicable, receive public input regarding the SRAA, and consider the SRAA in regards to the following findings:
    1. If approving the SRAA is consistent with the intent and purpose of the Scenic Roads Overlay Zone/Scenic Roads Program,
    2. If approving the SRAA is consistent with the Scenic Roads Master Plan,
    3. If approving the SRAA will not adversely affect the public interest.
  - (d) Board Action
    1. The Board shall act on one of the following motions effecting a determination for the SRAA as follows:
      - a. Motion to approve the SRAA as presented or in a modified form, which may be accompanied by reasons for the adoption, or
      - b. Motion to deny the SRAA with said motion provided in a written form which shall be accompanied by reasons for the denial action.
    2. In the event the applicant, for any reason, does not appear before the Board at the time the SRAA undergoes consideration and action, the Board may proceed with consideration and action regarding the SRAA. It is the applicant's responsibility and obligation to ensure representation regarding the SRAA is provided before the Board.
    3. In the event no member of the public participates in the public comment portion of the public hearing, the Board may proceed with consideration and action regarding the SRAA, and the Board is not obligated to determine the lack of participation is a form of support or disfavor in regard to the SRAA.
    4. Alternatives if a vote of the Board results in a tie vote:
      1. The tie vote shall serve as a denial regarding the SRAA as the motion did not achieve a majority of the voting members. For the purposes of a denial resulting from a tie vote, the Board shall provide written supportive findings of the effective denial as provided in **Items (c) 1-3**, or
      2. In lieu of accepting the tie vote as a denial, the Board may act to continue the SRAA consideration to a subsequent public hearing, including providing a date, time, and place as designated by the Board; however the Board is under no obligation to continue the SRAA consideration.

5. Approval.
  - a. Action to add/delete a road segment in Section 5.6.3 shall be by adopted ordinance to be reflected in Section 5.6.3.
  - b. Action to authorize an improvement exemption on a road segment in Section 5.6.3, shall be by resolution as provided by in Section 5.6.5.
  - c. Approval of a SRAA by the Board shall serve as a final action in regards to the SRAA; however the approval shall not be classified as a final or local development order.
6. Denial and appeal.
  - a. An appeal of a Board vote to approve or deny the approval of a SRAA shall be conducted consistent with the appeal provisions of a Land Development Regulation Amendment Application provided in Section #.#.#.
  - b. Alternative Dispute Resolution as set forth in Chapter 718.1255, FS? In the event an applicant files for Alternative Dispute Resolution for an amendment(s), the appeal process initiated by Item (1) shall be held in abeyance as provided in Chapters 120 and 718, FS.
  - c. When the Board of County Commissioners has denied a SRAA, no applicant shall submit a SRAA for the same or any portion of the denied SRAA for a period of 12 months from the date of denial unless the roadway has become incorporated/annexed into a municipality.