

Land Development Code

Article 4 Zoning

Division 1 Administration and enforcement

- Sec. 4.1.1** Administrative Official. The "Planning/Zoning Manager" shall be designated by the Board to interpret and administer the zoning regulations of Marion County. The Planning/Zoning Manager may request the assistance of any appropriate officer or agency of the County. He shall promptly refer all complaints or violations to the Code Enforcement Division and shall use his best endeavors to prevent violations and to detect violations. If he finds that any of the provisions of these zoning regulations are being violated, he shall notify in writing the Code Enforcement Division indicating the nature of the violation and the appropriate section of the Code. The Planning/Zoning Manager shall maintain written records of all official actions of his office with relation to interpretation and administration and of all violations discovered.
- Sec. 4.1.2** Fees. The Board of County Commissioners shall establish by resolution all fees associated with this Article, and no request shall be processed or accepted by the Planning/Zoning Manager until the required fee has been paid in full.
- Sec. 4.1.3** Violations. Nothing herein contained shall prevent the Code Enforcement Division or the Board from taking such other lawful action as is necessary to prevent or remedy any violation.
- Sec. 4.1.4** General provisions and regulations.
- A. Conformity with Code. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered and no existing use, new use, or change of use of any building, structure or land or part thereof, shall be made or continued except in conformity with the provisions of this Code.
 - B. Modification of lots or structures. No lot, or any structure thereon, shall be modified in any way which will not conform to the applicable zoning classification regulations, except:
 - (1) Where the Board of Adjustment, within its authority, grants a variance; or
 - (2) Where a portion of property has been acquired by a governmental agency that, by law, is exempt from these regulations
 - (3) Non-conforming lots in zoning classifications R-1, R-2, R-3, & R-4 may be developed with a lot width of 75 feet, and a minimum of 7,500 feet of buildable area, and shall comply with Marion County Comprehensive Plan Appendix A-4.2 density requirement of one single family residence and as set forth in Section 4.3.2. The Planning/Zoning Manager may issue a waiver of the required lot width and buildable area requirements in the above zoning classifications where the lot width is less than 75 feet, and it is impossible or impracticable to increase the lot width and buildable area.
 - C. Minimum lot access. Every lot, parcel, tract or combination thereof upon which a structure is hereafter erected shall have a minimum of 40 feet access on a street.
 - D. Oversight or error. No oversight or error on the part of the Planning/Zoning Manager, his assistants, staff, or any official or employee of Marion County shall legalize, authorize or excuse the violation of any of the provisions of this Code.
 - E. Interpretation. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. When the requirements of any other regulation or ordinance are in conflict herewith, the most restrictive or that imposing the higher standards shall govern unless otherwise specifically provided.
 - F. Zoning classification boundary extension. For purposes of determining zoning classification

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boundaries after vacation or abrogation of a plat, right-of-way, street, or other property dedicated or deeded to the public or County, the zoning classification applicable to the property abutting on either side of the property vacated or abrogated shall, after vacation or abrogation, be deemed to extend to the centerline of such vacated or abrogated right-of-way, street, or other property.

G. Uses not listed:

- (1) Uses Not Listed. The listing of permitted uses in a zoning classification is not meant to be all inclusive. Uses not specifically permitted by this Code in any zoning classification shall be reviewed by the Planning/Zoning Manager in accordance with the provisions of the following paragraph and may require a Special Use Permit (SUP). SUP application procedures shall conform to the provisions of Article 2 of this Code.
- (2) Criteria for reviewing uses not listed. Upon application for a use not listed herein, the Planning/Zoning Manager shall determine whether or not the use may be allowed in the specific zoning classification requested as a permitted use and if so whether it will require a SUP.
- (3) For reviewing unlisted uses the Standard Industrial Classification (SIC) Manual shall be used to determine the general classification of uses. Other factors which may be considered shall be traffic generation volume, type of traffic attracted to and generated by the site, parking requirements, compatibility with surrounding land uses, noise, lighting and visual impacts, hours of operation, and intensity of use. The Planning/Zoning Manager may, after review of the criteria herein, determine that certain uses are prohibited uses which shall not be allowed in particular zoning classifications. In the event that a use is determined to be a prohibited use, record of the reasons given for that decision shall be kept on file and shall be used as a guide for subsequent use determinations.
- (4) Appeals of decisions on unlisted uses. Decisions on unlisted uses by the Planning/Zoning Manager may be appealed to the Board of Adjustment in conformance with the provisions of Article 2.

- H. Zoning maps. The Planning/Zoning Manager shall maintain and file in the Growth Services Department office, true and correct copies of all official Marion County Zoning Maps, which shall be updated periodically to reflect all approved zoning changes.
- I. Setback exemptions. The following structures shall be exempt from the setback requirements of this Code: mailboxes, lawn posts, flag poles, bird houses, utility poles, fences, paper boxes, private culverts, driveways, utility piping, pad-mount transformers, telephone and cable company connection boxes, sidewalks and walkways. Septic tanks are exempt to within five feet of any property line. Wells are exempt to within eight feet of any property line. Other exemptions may be allowed if approved in writing by the Planning/Zoning Manager.
- J. Cross Florida Greenway. All structures on lands adjacent to the Cross Florida Greenway shall be setback a minimum of 50 feet from the Greenway except for residential housing in R-1 lots which shall be setback 25 feet. Exceptions are stormwater management facilities and those facilities which further the conservation and recreational use of the Greenway. A variance to this setback requirement may be requested when a demonstrated hardship precludes the development of the property. The applicant has the burden of proving the existence of a genuine hardship.
- K. Prescriptive easements. After June 18, 1992 all new prescriptive road easements, if applicable, shall be established by Court Order prior to issuance of a Building Permit.
- L. Uncompleted structures. Any building or structure which is not completed or has not received a certificate of occupancy within 12 months after the date of first inspection shall be classified as an unfinished structure unless said time period has been extended by the Building Manager. Construction shall be permitted to recommence under such conditions and for such period as may be determined as reasonable by the Board of Adjustment based on conformity with, and promotion of, the spirit and purpose of this Code and the Building Code. The Board of Adjustment may order

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removal of any building or structure not in compliance.

- M. Double frontage. On corner tracts and through tracts, the required front yard shall be determined by the property owner. On corner lots and tracts, the remaining street frontage shall become a side yard.

On residential corner lots the side setback is fifteen feet, however, the Planning/Zoning Manager is authorized to reduce the side yard setback to a minimum of 8 feet, providing the reduction will not create site triangle or visibility problems from roads bordering such lots. This does not apply to RE, Residential Estate zoning classification.

- N. Height limit exemptions. Chimneys, stacks, tanks, church steeples and roof structures used only for mechanical or aesthetic purposes may exceed the permitted height in any zoning classification up to a maximum height of 50 feet above finished grade of the supporting structure. Structures exceeding 50 feet in height or within 0.5 miles of any public or private airport shall be approved by SUP or PUD. Radio, T.V. or wireless communication towers exceeding 50 feet in height shall only be approved in accordance with **Section 4.3.27**.

- O. Use of residentially zoned property for access. No land which is residentially-zoned shall be used for driveway, walkway or access purposes to any land which is zoned for commercial, industrial or institutional use.

- P. The following special services are allowed in any zoning classification as a permitted accessory use:

Cable lines, either above or below ground

Electrical supply lines, either above or below ground including pad mount transformers

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

Sewerage collection systems including lift stations

Sewerage treatment plants with a flow of less than 5,000 gallons per day and appurtenant effluent disposal facilities

Water supply wells, treatment facilities, and storage tanks serving fewer than 15 service connections, or commercial or industrial buildings or developments which meet the requirements of **Article 6.?.?.**

- Q. The following services shall obtain a SUP:

Control buildings

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

Landfill, construction and demolition

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

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

Treatment facility for residuals

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

- R. Communication, transmitter and broadcast towers and accessory structures will be approved only by SUP or by Administrative Permit when allowed by **Section 4.3.27** in all zoning classifications.

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Sec. 4.1.5 Varying design standards.

- A. Design standards may be varied by the Board pursuant to **Article 6.**
- B. The Planning/Zoning Manager is authorized to reduce the required tract width requirement in all residential and agricultural zoning classifications, when placement of the structure otherwise complies with the front, side and rear yard setbacks and the reduction is necessary due to an irregularly shaped lot.
- C. Where existing parcels or tracts of record do not abut for at least 40 feet on a street; or where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail.
- D. Terminology. Lot, parcel or tract of record may be used interchangeably herein.

Division 2 Zoning Classification

Sec. 4.2.1 In order to regulate the location, height, bulk and size of buildings and other structures; the percentage of the lot, tract, or parcel which may be occupied; the size of lots, tracts or parcels, courts and green spaces; the density and distribution of population; the location and uses of land, buildings and structures for trade, industry, residential, recreation, public activities or other purposes; the unincorporated area of Marion County shall be zoned according to Table 4.2.1-1 and subsequent sections:

TABLE 4.2.1-1 Zoning and Corresponding Land Use Designations

Zoning Classification	Intent and Purpose
URBAN AREA	
R-E Residential Estate	The Residential Estate Classification provides for low density urban residential development with large lot home sites and certain agricultural uses which are compatible with residential development.
R-1 Single Family Dwelling	The Single Family Dwelling Classification is intended to provide areas for medium density residential development.
R-2 One- and Two-Family Dwelling	The One- and Two-Family Dwelling Classification is intended to provide areas for medium and high density residential development and includes both one-family and two-family dwellings (including two separate dwellings on one lot or tract).
R-3 Multiple Family Dwelling	The Multiple Family Dwelling Classification is intended to provide for high density residential development, including multiple family dwellings in areas served by public or private water and sewer facilities.
R-4 Residential Mixed Use	The Residential Mixed Use Classification is intended to provide for medium density, single family or two-family, residential development utilizing a mix of single or double wide mobile or manufactured homes and conventional construction homes.
MH Manufactured Housing	The Manufactured Housing Classification is intended to provide residential areas for manufactured housing development.
P-MH Mobile Home Park	The Mobile Home Park Classification is intended to provide tracts of land designed to create a sense of community and maintained or used for the purpose of renting individual sites for mobile homes.

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Zoning Classification	Intent and Purpose
P-RV Recreational Vehicle Park	The Recreational Vehicle Park Classification is intended to provide areas for the rental of spaces for travel trailers, mobile homes, manufactured homes, park models, camper and tent vehicles.
R-O Residential Office	The Residential Office Zoning Classification is intended to provide areas where residential uses and certain office uses which are compatible with residential development may be allowed to coexist. This normally occurs through the conversion of single-family dwellings to specific office uses. This zoning classification is to be considered a restricted commercial zoning classification.
A-1 General Agriculture (Transitional)	The General Agriculture Classification is intended to preserve agriculture as the primary use. This classification in the Urban Expansion Area may be used for agriculture until such time as it is rezoned to another permitted classification.
B-1 Neighborhood Business	The Neighborhood Business Classification is intended to provide for neighborhood retail and shopping facilities that would be appropriate with surrounding residential areas.
B-2 Community Business	The Community Business Classification provides for the shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal services.
B-3 Specialty Business	The Specialty Business zoning classification is intended to provide areas for the development of special commercial facilities requiring large parcels of land and which require access by motor vehicles of all types including tractor-trailer units.
B-4 Regional Business	The Regional Business Classification is intended to create a zoning classification to provide for the development of regional shopping centers; to establish and maintain intensive commercial activities and specialized service establishments that require centralized locations within a large service area; to provide a full range of merchandise and services usually obtainable in major department stores and their complimentary specialty shops; and to permit the development of major financial and administrative complexes that may serve a region and require a conspicuous and accessible location convenient for motorists.
B-5 Heavy Business	The Heavy Business Classification is intended to provide for those uses such as retail or wholesale, repair and service, which may require larger parcels for the outside storage of materials or equipment in inventory or waiting repair. Businesses are intended to serve clients and customers from a regional area providing access for large delivery trucks.
I-C Industrial Complex	The Industrial Complex Zone Classification is intended to provide for the development of integrated wholesale and special retail businesses which require office, research and development, manufacturing, repair, service, sales, warehouse storage and distribution facilities. These businesses may require larger parcels for the outside storage of materials or equipment in inventory or awaiting repair.
M-1 Light Industrial	Light Industrial Classification is intended to provide land for primarily the manufacture of small articles and products which do not involve the use of any materials, processes, or machinery or production of a product likely to be detrimental to nearby or adjacent residential or business property.

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Zoning Classification	Intent and Purpose
M-2 Heavy Industrial	The Heavy Industrial Classification is intended to provide for those manufacturing activities which create some undesirable effects and are not compatible with other zoning classifications.
RURAL AREA	
A-1 General Agriculture	The General Agriculture Classification is intended to preserve agriculture as the primary use. This classification in the Urban Expansion Area may be used for agriculture until such time as it is rezoned to another permitted classification.
A-2 Improved Agriculture	The Improved Agriculture Classification is intended to provide for general farming and animal husbandry with accessory uses, involving substantial improvement and development, and for which certain restrictive zoning is necessary to minimize conflicts and protect the character of the area.
A-3 Residential Agricultural Estate	The Residential Agricultural Estate Classification is intended to provide areas whose present or prospective use is animal husbandry with attendant agricultural and accessory uses; providing a rural or farm atmosphere in which single family home ownership may be combined with small parcel development and where the growing of supplemental food supplies for families will be encouraged. It is also intended to permit a reasonable use of the property while protecting prime agricultural or natural areas from urban encroachment and preventing rapid expansion of demands on public facilities such as schools, roads, water, and sewer lines.
RR-1 Rural Residential	The Rural Residential Classification provides for rural residential development with home sites and certain agricultural uses which are compatible with rural residential development. All residentially zoned parcels of record located in Rural Lands, as designated by the Marion County Comprehensive Plan, as amended, are eligible for rezoning to this classification. Agriculturally zoned parcels shall not be rezoned to this zoning classification.
RAC Rural Activity Center	The Rural Activity Center classification is intended to provide for the shopping and limited services needed by residents in the rural area and to implement the Marion County Comprehensive Plan.
RC-1 Rural Commercial	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.
RI Rural Industrial	The Rural Industrial Classification is intended to provide land for agricultural related research, agricultural assembly operations, or agricultural manufacturing uses.

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Zoning Classification	Intent and Purpose
URBAN OR RURAL AREA	
PUD Planned Unit Development	<p>The Planned Unit Development Classification is intended to encourage the development of land as a planned residential, commercial or industrial development complex or as a planned mixed-use development; to encourage flexible and creative concepts of site planning which will preserve the natural amenities of the land by allowing an appreciable amount of land for scenic and functional open space; provide for an efficient use of land resulting in a smaller network of utilities and streets, thereby lowering development and housing costs; and provide for a more desirable environment than would be possible through the strict application of minimum zoning requirements.</p> <p>It is further the intent of this Code that Planned Unit Developments shall be designed to permit the development of various size parcels ranging from small, cluster developments to entire new mixed-use communities. The development shall provide for the efficient use of public facilities and services, prevent traffic congestion, provide a stable environmental character compatible with surrounding land uses and preserve the integrity of the surrounding areas within which they are located.</p>
RR Rural Resort	<p>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.</p>
G-U Government Use	<p>The Governmental Use Classification is intended to apply to those areas where the only activities conducted are those of the U. S. Government, State of Florida, Marion County Board of Commissioners, Marion County School Board or incorporated communities in Marion County.</p>

Sec. 4.2.2 Residential Zoning Classifications

- A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for these zoning classifications.
- B. Exceptions to the densities required in the Future Land Use Element of the Marion County Comprehensive Plan allowed for all non-contiguous parcels of record and in limited cases, contiguous parcels of record under one ownership as of January 1, 1992, as set forth in **Appendix A-4.2** of the Marion County Comprehensive Plan apply to lands in this zoning classification and put forth in **Section 4.3.2**.

TABLE 4.2.2-1 Residential Classification Uses

PERMITTED USE (P) , SPECIAL USE (S)	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Adult day care				S	P			
Agricultural crop production	P	P	P	P	P	P	P	P
Art gallery	S	S	S	S	S	S		
Cemetery, crematory, mausoleum	S	S	S	S	S	S		
Child day care center							P	
Church, Place of Worship	P	P	P	P	P	P		S
Community garage				P				

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PERMITTED USE (P) , SPECIAL USE (S)	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Community residential home with seven or more residents	S	S	S	S	S			
Community residential home with six or less residents (Medium density areas only in R-3)	P	P	P	P	P			
Convalescent home, adult congregate living facility, physical rehabilitation center				P	P			
Gas meter facility, except where such permits are pre-empted by state or federal regulations	S	S	S	S	S	S	S	
Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations	S	S	S	S	S	S	S	
Hospital				S	P			
Keeping of pot-bellied pigs as pets	S	S	S	S	S	S		S
Library	S	S	S	S	S	S		
Low power radio station		S						
Maintenance and service buildings							P	
Management and administration center							P	
Manufactured buildings (DCA approved residential units)	P	P	P	P	P	P	P	P
Manufactured homes	S		S	S	P	P	P	P
Medical or dental office	S	S	S	S	S	S		
Mobile Home	S				P	P	P	P
Motorized Vehicle Racetrack or Practice Facilities shall be defined as: Motorized Vehicle Racetrack or Practice Facility - a place where ATV's, Motocross Bikes, Go Carts, Off Road Vehicles, or any similar vehicles, gather to compete against each other or against time on a tract of land or course constructed or designed for such purpose. A place to train, develop form, techniques or other skills related to competition	S							
Multiple-family dwellings				P				
Museum	P	S	S	S	S	S		
Orphanage				P	P			
Parking of commercial vehicles in excess of 10,000 lbs.	S	S	S	S	S	S	S	S
Pigeon lofts meeting the requirements of Section 5.5.31, on lots one acre or larger	P	P	P	P	P	S	S	P
Plant nursery, wholesale	S	S	S	S	S	S		
Private clubs and community centers.	S			P	P		P	
Professional office	S	S	S	S	S	S		

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PERMITTED USE (P) , SPECIAL USE (S)	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn or resort dwelling	S	S	S	P	S	S	S	S
Public or private golf course or tennis facility which may include a country club or clubhouse	P	P	P	P	S	P		
Public park, playground or other public recreational use	P	P	P	P	P	P		P
Recreation building	S		S	S				
Rehabilitation center, physical				P	P			
School, accredited, public, private or parochial	S	S	S	P	P	S		
Sewage treatment plants with an inflow exceeding 5,000 gallons per day	S	S	S	S	S	S	S	
Single family and two-family dwellings			P	P	P			
Single family dwelling	P	P	P	P	P	P		P
Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law	S	S	S	S	S	S	S	S
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	S	S	S	S	S	S	S	
Wellfields	S	S	S	S	S	S	S	
ACCESSORY USES								
Private building for housing dogs, cats or similar, small domesticated pets	P	P	P	P	P	P	P	P
Horses or cattle for personal use. (See special lot area and number requirements in 3.b. below.)	P	S	S	S	S	S	S	P
One family/guest cottage/apartment. Refer to Sub-section 5.5.29	P	P				P		P
Poultry for personal use, limit 12		S	S	S	S			P
Private greenhouse or non-commercial (no retail sales) conservatory for plants or flowers	P							P

C. General requirements:

- (1) Movable awnings, may not project over three feet into a required setback.
- (2) No structure may be erected, placed upon, or extend over any easement unless approved in writing by the person or entity holding said easement.
- (3) All setbacks shall be measured from the foundation or wall if no foundation is present; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two feet into the

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setback.

- (4) Accessory structures shall be located in the rear or side yard provided required setbacks are observed.
- (5) **Accessory use** aircraft hangers in approved fly-in communities shall be permitted and include a maximum height of 30 feet.
- (6) **In RE Zoning and in any zoning district permitted by special use:** For the keeping of horses, the minimum square footage of pasture area not including the dwelling shall be 22,000 square feet for the first horse and 20,000 square feet for each additional horse. The total number of horses shall not exceed two per acre, except foals which may be kept until weaned.
- (7) In MH Zoning: Manufactured Housing dwelling units shall conform to the requirements of the National Manufactured Home Construction and Safety Standards (HUD Code). These units shall also comply, if applicable, with **Section 5.5.11**, Used Manufactured Home and Mobile Home and Park Trailer of this Code.
- (8) In RR-1 Zoning: For the keeping of horses, the minimum square footage of pasture area not including the dwelling shall be 9,000 square feet for the first horse and 6,000 square feet for each additional horse. The total number of horses shall not exceed four per acre, except foals which may be kept until weaned.

D. General Requirements in P-MH:

- (1) A park shall consist of two or more units.
- (2) All setbacks shall be measured from the foundation or wall of buildings or structures; however, eaves, roof overhangs, chimneys and fireplaces may protrude two feet into a required setback.
- (3) No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- (4) Outdoor ground and building lighting shall not cast direct light on adjacent dwellings.
- (5) Under skirting shall be required.
- (6) Mobile homes shall be a minimum of ten feet in width.
- (7) Mobile homes may have attached carports (12' x 24' minimum), and any patio awnings shall be attached to the structure (Minimum size shall be 10' x 20'). Any utility rooms (8' x 8' minimum) shall be attached to the structure.
- (8) Under skirting, patio awnings, carports and utility rooms shall be compatible with the design and type of mobile home to which they are attached.

E. Zoning Lot and Building Standards shall conform to Table 4.2.2-2:

TABLE 4.2.2-2 Residential Classifications Standards

Zoning Classification	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Maximum Height, Feet								
Main Structure	40	40	40	50	40 Max Two Story	40 Max Two Story	40	40
Accessory Use		20 Max Two Story	20 Max Two Story		20 Max Two Story		20	

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Zoning Classification	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Minimum Tract/Lot Area, Square Feet								
Single Family	32,670	10,000	10,000	7,500	7,500	10,000	4,000	Vested and /or FLUE Appendix A-4.2/Section 4/3/2
Two Family			12,500	12,500	12,500			
Three or More Family				12,500				
Minimum Tract/Lot Width, Feet								
Single Family	150	85	85	85	75	85	45	Existing
Two Family			100	100	100			
Three or more Family				100				
Maximum Density/Units Per Acre								
Single Family	1	4	4	4	4	4	8	Vested and /or Appendix A-4.2/Section 4.3.2
Two Family			6	6	4			
Multiple Family				8				
Medium High Density				8-12				
Multi-Family High Density				12-16				
Setback, Feet								
Front	25	25	25	25	25	25	15	25
Rear	25	25	15	25	25	25	8	25
Side	25	8	8	8	8	8	10	8
Accessory	All 25	Side 8 Rear 8	Side 8 Rear 8	Side 8 Rear 8	Side 8 Rear 8	Side 8 Rear 8	Side 5 Rear 5	Front 25 Side 8 Rear 8
Setbacks in Mobile Home Parks designed and constructed prior to June 11, 1992: front, rear and side – eight feet for main structures. Accessory use structures setbacks from rear and side is five feet.								
See Environmentally Sensitive Overlay Zone (ESOZ) in Article 5 for alternative lot and building standards for properties within that zone.								

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Zoning Classification	RE	R-1	R-2	R-3	R-4	MH	PMH	RR-1
Where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail.								

Sec. 4.2.3 Agricultural Zoning Classifications

- A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for these zoning classifications.
- B. Exceptions to the densities required in the Future Land Use Element of the Marion County Comprehensive Plan allowed for all non-contiguous parcels of record and in limited cases, contiguous parcels of record under one ownership as of January 1, 1992, as set forth in **Appendix A-4.2** of the Marion County Comprehensive Plan apply to lands in this zoning classification and put forth in **Section 4.3.2**.

Table 4.2.3-1 Agricultural Classification Uses

PERMITTED USE (P) , SPECIAL USE (S)	A-1	A-2	A-3
General agricultural use such as aquaculture, agricultural crop production, agricultural production of livestock and forestry, and including the keeping and raising of ratites such as ostriches and emus	P		
General agricultural crop production, agricultural production of livestock including horses and cattle including the keeping and raising of ratites such as ostriches and emus. This section excludes aquaculture and limits the number of poultry to 25.		P	
General farming including grains, fruit, vegetables, grass and hay, and the keeping and raising of horses or cattle including the keeping and raising of ratites such as ostriches and emus. This section excludes aquaculture and limits the number of poultry to 12.			P
Airport (private)	S	S	
Aviaries	S	S	S
Bed and breakfast inn	S	S	S
Beekeeping operations	P		
Cemetery, mausoleum (private)	S		
Church	S	S	S
Feedlots, cattle, hog, lamb, etc	S	S	
Gas meter facility, except where such permits are pre-empted by state and federal regulations	S	S	S
Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations	S	S	S
Greenhouse and plant nursery including both wholesale and retail, provided products sold are raised on premises	P	P	P
Kennel	S		
Landfill, construction and demolition	S		
Motorized Vehicle Racetrack or Practice Facilities shall be defined as: Motorized Vehicle Racetrack or Practice Facility - a place where ATV's, Motocross Bikes, Go Carts, Off Road Vehicles, or any similar vehicles, gather to compete against each	S	S	S

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PERMITTED USE (P) , SPECIAL USE (S)	A-1	A-2	A-3
other or against time on a tract of land or course constructed or designed for such purpose; A place to train, develop form, techniques or other skills related to competition			
Nursery school	S	S	
One family/guest cottage/apartment Refer to Subsection 5.5.29	P	P	P
Ornamental horticulture, floriculture and nursery products, wholesale and retail	P		
Parking of commercial vehicles in excess of 10,000 lbs	S	S	S
Pigeon lofts meeting the requirements of Section 5.5.31	P	P	P
Pot bellied pigs as pets	P	P	S
Poultry hatcheries and farms, sod farms and fish hatcheries	P		
Poultry raising, more than 25	P	S	
Poultry raising, more than 12	P	P	S
Public park, or other public recreational use or building		P	P
Race track, non-motorized	P	S	
Riding academy, dude ranch	S	P	
Rifle range	S		
School, accredited public, private, or parochial	S	S	S
Sewage treatment plants with an inflow exceeding 5,000 gallons per day	S	S	S
Single family dwellings and mobile or manufactured homes	P	P	P
Specialty animals	S		
Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law	S		S
Storage of explosives	S		
The sale of hay, refer to Sub-Section 4h	P	P	
Transportation services solely related to the transport of horses and livestock	S		S
Treatment facility for wastewater residuals	S	S	
Veterinary office, clinic or hospital outside kennel by SUP	P	P	P
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	S	S	S
Wellfields	S	S	S

C. General Requirements

- (1) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two and one-half feet into a required setback.
- (2) No structure or building may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- (3) Requirements of the Storage of Manure:
 - (a) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare or safety of humans or animals.
 - (b) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
 - (c) Compliance with Article 5 Springs Protection Zone standards.

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- (4) On legal non-conforming lots or parcels of one acre or less in size or lots up to nine and nine-tenths acres in size, the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, beefalo and other large farm animals is as follows:
 - (a) The minimum square footage of contiguous open lot area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal.
 - (b) The total number of such animals that may be kept shall not exceed four per acre except offspring which may be kept until weaned.
- (5) Outdoor ground and building lighting shall not cast direct light on adjacent properties.
- (6) On A-1 zoned parcels residential complexes for agricultural employees are allowed as an accessory use and may be clustered provided central water and sewage facilities are provided. Dwelling units may be conventional construction, manufactured housing, or mobile homes. Only A-2 zoned parcels which are 100 acres or more in size are eligible for this provision and A-3 zoned parcels are not eligible for this provision.
- (7) Commercial vehicles utilized for transporting agricultural products raised or produced on the A-1 property of the vehicle owner may be parked on the A-1 zoned property.
- (8) The sale, either retail or wholesale, of hay, either locally grown or imported from outside the State of Florida, is allowed as an accessory use on a **working farm where hay is already produced and sold**. This provision is not permitted in the A-3 zoning classification.

D. Zoning Lot and Building Standards:

Table 4.2.3-2 Agricultural Classifications Standards

Zoning Classification	A-1 Feet			A-2 Feet			A-3 Feet			Conditions
	Front	Side	Rear	Front	Side	Rear	Front	Side	Rear	
Buildings or Structures	25	25	25	25	25	25	25	25	25	
Accessory Building Housing Livestock	75	25	25	75	25	25	50	25	25	
Accessory Building Housing Poultry	100	25	25	100	25	25	50	25	25	
Pool Enclosures	25	25	10	25	25	10	25	25	10	
Minimum Tract Width	150			150			150			
Minimum Lot Size	10 AC			10 AC			10 AC			
Density	One dwelling per ten acres			One dwelling per ten acres			One dwelling per ten acres unless parcel qualifies for alternative development standards			Unless qualifies as non-contiguous parcel of record
Height Limitations	50			50			40			Silo shall not exceed 100

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Sec. 4.2.4 Commercial Zoning Classification

- A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for these zoning classifications.
- B. Unless otherwise noted the listed uses shall mean the sale of finished products or units.

Table 4.2.4-1 Commercial Classifications Uses

PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
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						P				P
Adult day care center	P	P		P	P		P		P	
Adult entertainment					S					
Advertising specialties		P		P						
Agricultural chemical or fertilizer companies retail or wholesale, including application companies				P	P		P	P		
Agricultural credit or loan institutions; agricultural production credit association Agricultural insurance (crop and livestock)	P	P		P	P		P	P		
Agricultural equipment, tools, implements and machinery - sale retail or wholesale and repair			P	P	P		P	P		
Agricultural gypsum, lime, ground limestone, sulfur retail or wholesale					P		S	P		
Agricultural implements				P	P		P	P		
Agricultural uses as an interim use (excluding livestock)	P	P	P	P	P	P	P	P	P	P
Air conditioning, heating and ventilating equipment		P		P	P					
Air conditioning room units, self contained, sales, service and repair		P		P	P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Airport, general aviation					P					
Amusement parks		S	P	P	P					
Antiques	P	P		P	P		P			
Art gallery	P	P		P	P		P		S	
Art supplies		P		P	P					
Artisan shops and similar service establishments, retail	P	P		P	P		P			
Assembly and fabrication of goods using components which are manufactured elsewhere and brought to this site			P		P					
Astrologer, fortune teller	P	P		P	P					
Auction houses (excluding those for animals)			P		P					
Auto detailing, car wash inside building (outside in B-5 only)	P	P		P	P					
Auto repair, except body repair		P		P	P					
Auto repair, except body repair, four bay maximum	P	P		P	P					
Automobile and pick-up truck sales, new or used		S	P	P	P					
Automobile paint and body shop		S		S	P					
Automobile rental		P		P	P					
Automobile, used parts					P					
Automotive parts, new		P		P	P		P			
Awning and canvas, repair			P		P					
Awning sales				P	P					
Bakery (industrial/commercial)		S		S	P					
Bakery and/or delicatessen	P	P		P	P					
Bank	P	P		P	P		P			
Bar, alcoholic		P		P	P		P			
Barber or beauty shop	P	P		P	P		P		P	
Bed and breakfast inn	S						P			
Bicycles	S	P		P	P					
Blacksmith or farrier shops, retail							P	P		
Boat yard					P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Boats and marine motors, sales and service		P		P	P					
Bookbinding					P					
Books and stationery	P	P		P	P					
Bottling plant (non-alcoholic beverages)		S		P	P					
Bowling alley	P	P		P	P					
Bus terminal				P	P					
Business machines and services		P		P	P					
Business offices, such as, but not limited to physicians, insurance, financial services, real estate, farm management and services	P	P		P	P		P		P	
Cabinet or carpentry shop					P					
Camera and photo supplies	P	P		P	P					
Camping equipment	P	P		P	P		P			
Carpet and rug cleaning					P					
Cemetery, crematory, mausoleum		S		S	S				S	
Child care centers	P	P		P	P		P		P	
Church, Places of Worship	S	P	S	P	P	S	S	S	P	S
Clothing	P	P		P	P		P			
Club, private	P	P		P	P				P	
Cold storage locker or plant			P		P		P			
Community residential home with seven or more residents							S		S	
Community residential home with six or less residents							P		P	
Confectionery	P	P		P	P					
Construction equipment sales					P					
Construction or contractor yard		S	P	S	P		P			
Convenience store, gas station, or car wash	P	P	P	P	P		P			
Dance studio	P	P		P	P					
Dental laboratory		P		P	P					
Department store	P	P		P	P					
Detective agency		P		P	P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Diaper service				P	P					
Dressmaking	P	P		P	P					
Drug store	P	P		P	P		P			
Dry cleaning plant					P					
Dry cleaning, pick-up	P	P		P	P					
Employment office		P		P	P					
Farm building construction yard					P		P	P		
Farm equipment, machinery and tractors - new and used, sales, repair, and leasing, retail			P	P	P		P	P		
Farm irrigation equipment - sales, repair, and installation, retail					P		P	P		
Farm produce; sales, packing, crating and shipping facility retail or wholesale					P		P	P		
Farm storage structures; manufacturing, sales, and installation, retail or wholesale				P	P		P	P		
Farm supply store including seed, feed, fertilizer, fencing posts and tack stores					P		P			
Fitness center	P	P		P	P		P			
Florist shop	P	P		P	P		P			
Food catering		P		P	P					
Fruit and vegetable (inside building)		P		P	P		P			
Fuel oil; sales and storage, retail					P		P			
Furniture	P	P		P	P					
Game arcade, coin operated		P		P	P					
Garage, public parking		P		P	P					
Garbage transfer station		S		S	S					
Garden supply	S	P		P	P		P			
Gas meter facility, except where such permits are pre-empted by state or federal regulations	S	S	S	S	S	S	S	S	S	S

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Gas supply lines, high pressure, except where such permits are pre-empted by state and federal regulations	S	S	S	S	S	S	S	S	S	S
Gas, bottled			P	P	P	P	P			P
Gasoline sales, bait and tackle sales	P	P	P	P	P		P	P		P
Gift shop	P	P		P	P					
Glass and mirror shop				P	P					
Golf course	P	P		P	P					
Golf course, miniature		P		P	P					
Golf driving range		P		P						
Grain elevator					P			P		
Grocery	P	P		P	P		P			
Grocery store for primary use of residents and their guests						P				P
Gun shop		P	P	P	P		P	P		
Gymnasium, commercial	P	P		P	P					
Hardware	P	P		P	P			P		
Hatchery, fish or fowl, wholesale					P			P		
Heavy machinery and equipment sales, leasing, rental (new or used) and repair			P		P					
Heliports			P		P					
Hobby supply	P	P		P	P					
Horse trailers and farm wagons - sales, repair, and manufacturing, retail				P	P		P	P		
Horses or cattle, not a sales operation (refer to general requirements)	S	S		S	S		P	S	S	
Hospital	P	P		P	P				S	
Hotel, motel		P	P	P	P					
Household appliance, repair		P		P	P					
Household appliances, sales	P	P		P	P					
Household furnishings, sales	P	P		P	P					
Ice cream	P	P		P	P		P			
Ice storage house					P					
Industrial equipment					P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Insurance office	P	P		P	P				P	
Interior decorator	P	P		P	P				P	
Jewelry	P	P		P	P					
Kennel				P	P					
Laundry, commercial				P	P					
Laundry, commercial plant					P					
Laundry/Laundromats	P	P		P	P	P	P			P
Lawn mowers, power, sales and repair	S	P		P	P					
Leather goods, luggage	P	P		P	P					
Library	P	P		P	P				S	
Linen supply				P	P					
Loan company office	P	P		P	P				P	
Locksmith		P		P	P					
Lodge, fraternity, sorority	P	P		P	P				P	
Lumber yards and building material sales		S	P	S	P		P			
Machine shop					P					
Manufacturers representatives offices and warehouses			P		P					
Marina		P		P	P					P
Meat market	P	P		P	P		P			
Medical office	P	P		P	P			P	P	
Medical transport service			P	P	P					
Milk distributing station			P		P					
Mobile home sales				P	P					
Model home sales lot or model home complex		P		P	P				P	
Monuments or memorials				S	P					
Mortuary				P	P					
Motor freight terminal (Truck terminal)					P					
Motorcycle sales and service		S	P	P	P					
Moving and storage firms and truck terminals			P		P					
Museum	P	P		P	P				S	
Music school, Music shop	P	P		P	P					
New and used merchandise, outside building, flea market				S	P					
Newspaper printing plant					P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Night club		P		P	P					
Office furniture and equipment		P		P	P					
Optical instruments		P		P	P					
Orphanage	P	P		P	P				P	
Package liquor store		P	P	P	P		P			
Paint and wallpaper		P		P	P					
Painting and varnishing					S					
Pallet repair					S					
Parking lot	P	P	P	P	P					
Parking of commercial vehicles used for the permitted business purposes as an accessory use	P	P	P	P	P		P	P		
Parking of commercial vehicles in excess of 10,000 lbs. not used by permitted business	S	S	P	P	P		S	S	S	
Pawn shop		S		P	P		S			
Pest control agency, supplies		S		P	P					
Pet supply	P	P		P	P		P			
Photographic studio	P	P		P	P				P	
Pipe, concrete, metal, retail or wholesale					P					
Plant nursery, retail	P	P		P	P			P	S	
Plant nursery, landscape contractor's yards				P	P		P			
Plant nursery, wholesale and retail	S	S		P	P			P	S	
Pool room		P		P	P					
Post Office (privately owned & leased facility)		P	P	P	P		P			
Poultry (raising)									S	
Pressing and mending, clothing	P	P		P	P					
Produce (inside building)	S	P		P	P		P	P		
Produce (outside building)		S	S	S	P		P	P		
Professional office	P	P		P	P		P		P	
Public parks, recreation building, private club and playground	P	P		P	P				P	
Pumps					P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Race track, any kind					P					
Radio, TV studio		P		P	P					
Radio, TV, sales and repair	P	P		P	P					
Railroad terminal				P	P					
Recreational vehicle rental		P		P	P					
Recreational vehicle sales		S	P	P	P					
Redemption center for used aluminum, glass, plastic or steel				S	P					
Refill, bottle gas cylinders		S	P	P	P	P	P			P
Refrigerating equipment, commercial				P	P					
Repair and detailing of motor vehicles, recreational vehicles, or trailers			P	P	P					
Repair, household items		P		P	P					
Repair, watch and jewelry	P	P		P	P					
Research and testing lab				S	S					
Residential Dwelling Units (for owner or employee)	P	P	S	S	S	P	P	S		P
Restaurant equipment and supply sales				P	P					
Restaurant	P	P	P	P	P		P			P
Restaurant, fast food or drive through	S	P	P	P	P		S			
Riding academy, dude ranch					P			P		P
Road material, retail and wholesale					P					
School, vocational		P		P	P					
Schools, art, business, dancing, music	P	P		P	P					
Schools, public, and accredited private or parochial	P	P		P	P				P	
Seafood shop		P		P	P					
Septic tank service					P					
Service/maintenance buildings						P				P
Sewage treatment plants with an inflow exceeding 5,000 gallons per day	S	S	S	S	S	S	S	S	S	S
Sharpening and grinding shops					P		P			
Sheet metal shop					P					

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Shoe store, repair, and shine	P	P		P	P					
Shooting facility, enclosed				P	P					
Shooting facility, outdoor					P					
Shops performing custom work such as, but not limited to, electrical, plumbing, sheet metal, heating, ventilating and air conditioning and motor vehicle custom body work			P	S	P					
Sign shop, painting				P	P					
Skating rink				P	P					
Souvenir, notion, sundry	P	P		P	P					
Sporting goods	P	P		P	P					
Sports arena				S	P					
Sports facilities which may include tennis facility, racquet ball facility or swimming club facility						P			S	P
Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law	S	S	S	S	S	S	S	S	S	S
Storage warehouse for farm products			P		P			P		
Storage warehouses		S	P	S	P					
Storage, mini-warehouse	P	P	P	P	P		P			
Supermarket	P	P		P	P		P			
Swimming pool supplies		S		S	P					
Tailor	P	P		P	P				P	
Taxidermist		P		P	P					
Television, radio, phonograph	P	P		P	P					
Theater		P		P	P					
Theater, drive-in					P					
Tire recapping and vulcanizing					P					
Tobacco	P	P		P	P		P			
Toys	P	P		P	P					
Trailers, sales and service		S	P	P	P					
Trailers, manufacturing					P					
Travel agency	P	P		P	P				P	

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PERMITTED USES/ SPECIAL USES	B-1	B-2	B-3	B-4	B-5	P-RV	RAC	RC-1	RO	RR
Truck stop facilities, gas stations, service stations and fuel stores			P		P					
Upholstery or seat cover shop				P	P					
Used merchandise (inside building)	P	P		P	P					
Used merchandise, outside building, including flea market		S		S	P					
Utility company service yards	S	S	S	S	S		S	S		
Utility/storage sheds, metal or wood, sales				P	P					
Veterinary clinic, small animals only	P	P		P	P					
Veterinary office and supplies				P	P		P	P		
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	S	S	S	S	S	S	S	S	S	S
Welding shop					P					
Wellfields Refer to Article 5	S	S	S	S	S	S	S	S	S	S
Wholesale businesses and warehouses			P		P					
Worm farm					P					

C. General Requirements for All Commercial Zoning Classifications

- (1) No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- (2) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs or pilasters may protrude two feet into a required setback. Gas pump island canopies may protrude ten feet into a required setback.
- (3) Ground and building lights shall be confined to the property and shall not cast direct light on adjacent properties. The maximum height of a light pole shall be 35 feet in all commercial zoning classifications except B-1 and RAC where the maximum height is 25 feet.
- (4) Trash containers shall be screened from public view, using opaque materials.
- (5) 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

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noted below in [Table 4.2.5](#). Refer to [Sub-section 5.5.25](#) for procedures to obtain either a Temporary Use Permit or a Special Event Permit.

Table 4.2.4-2 Commercial Classifications Indoor/Outdoor Display/Storage Standards

Zoning Classification	Special Requirements
B-1	All commercial activity involving retail sales or rentals shall take place in a completely enclosed building.
B-2	All commercial activities involving retail sales or rentals except restaurants, garden centers, lawn mower, bicycle, boat, and plant nursery sales shall take place in a completely enclosed building.
B-3	<p>All uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:</p> <ul style="list-style-type: none"> • All outdoor activities and outdoor storage of materials, components, and finished goods shall be located in side or rear yard areas and shall be fenced and buffered from view from surrounding properties. • Temporary storage or parking of motor vehicles, recreational vehicles, trailers, farm tractors and equipment which are for inventory or in for repair shall be located in side or rear yard areas where they are buffered from view from adjacent properties • The display of motor vehicles, recreational vehicles and trailers, farm tractors and equipment, and heavy construction equipment which are for sale or lease may be exhibited in the front setback; however the front setback shall be increased to a minimum of 85 feet. • The temporary parking of commercial vehicles in truck stop facilities or public parking lots or facilities
B-4	All commercial activities involving retail sales or rentals except motor vehicles, farm equipment, mobile homes, motorcycles, landscape contractor's yards, farm tractors, trailers, utility/storage sheds, restaurants, garden centers, lawn mower, bicycle, boat, and plant nursery sales shall take place in a completely enclosed building.
B-5	Commercial activities such as restaurants, garden centers, lawn mower, bicycle, boat, construction equipment, fences and posts, monuments and memorials, concrete or metal pipe, road material, and plant nursery sales may take place outside of a building.
P-RV	Indoor/outside display/storage limited to permitted uses.
RAC	<p>Uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:</p> <ul style="list-style-type: none"> • Construction or contractor's yard, building material center, garden center, farm supply store, fuel oil sales and storage, bottled gas 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. • 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. <p>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.</p>

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Zoning Classification	Special Requirements
RC-1	<p>Uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:</p> <ul style="list-style-type: none"> • 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. • 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. • 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.
RO	Uses allowed in this zoning classification shall be located within an enclosed structure.
RR	Indoor/outside display/storage limited to permitted uses.

D. P-RV zoning classification general requirements:

The Recreational Vehicle Park Classification is intended to provide areas for the rental of spaces for travel trailers, mobile homes, manufactured homes, park models, camper and tent vehicles.

- (1) Under skirting shall be provided for all units used for rental purposes and for mobile homes that rent spaces for more than 12 months.
- (2) All side setbacks shall be measured from the wall of one unit or addition to the wall of the adjacent unit or addition.
- (3) A service building equipped with toilets, lavatories, showers, and laundry facilities shall be provided.
- (4) A park shall consist of two or more units.
- (5) All additions on individual spaces must be constructed to Standard Building Codes.

E. RR zoning classification general requirements:

- (1) 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.
- (2) The proposed development or existing development shall have a total land area sufficient to meet all site design standards in this Code including, but not limited to: land required providing setbacks from abutting rights-of-way, water bodies, buffers, stormwater management, off-street parking and circulation, protection of wetlands or other provisions that may require land area to be set aside.
- (3) Boat launching/docking/marine facilities must provide vehicular-trailer parking at the rate of one space per boat if public launching is allowed.
- (4) All parking and non-water dependent facilities must be built on upland areas.
- (5) Park model trailers or manufactured homes may also be used as temporary occupancy living quarters, when owned by the property owner.
- (6) All temporary living accommodation units owned by the property owner shall be permanently

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anchored in accordance with the manufacturer's instructions or ANSI A225.1, latest edition.

- (7) All temporary living accommodations, manufactured homes or park model trailers, owned and rented by the property owner shall be under skirted using stucco with a simulated block, brick or stone finish.
 - (8) Lake and riverine wetlands and grass beds shall be protected in accordance with **Section 6.6.a.(7)** and Florida Department of Environmental Protection. Any environmental disruptions will be mitigated. All proposed projects located within the Environmentally Sensitive Overlay Zone shall comply with the requirements of **Section 6.2** of this Code.
 - (9) Fueling facilities shall be designed to contain spills.
 - (10) Proof of permits or exemptions by other regulatory agencies shall be provided to the Planning/Zoning Manager prior to obtaining a building permit.
 - (11) Storage sheds or facilities, provided by the property owner, shall be permitted provided they do not exceed 100 square feet in floor area per storage shed and the shed will fit within the above setbacks. Refer to 4.n. below for location requirements.
 - (12) Porches, either screened or unscreened, may be erected on the site provided setbacks can be met. They shall be so designed as to be self supporting and capable of being removed from the dwelling unit.
 - (13) All side setbacks shall be measured from wall to wall of adjacent living units. The front setback shall be measured from the edge of paving.
 - (14) Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance within the resort and in adjoining areas.
 - (15) Accessory uses and structures shall be substantially related to and in the context of the character of the development and shall be located in the rear or side yard, provided required setbacks are observed.
- F. RR Zoning Classification Design Requirements:
- (1) Access to the recreational resort shall be from a federal, state or county maintained roadway.
 - (2) Individual spaces for temporary living accommodations shall have access to internal streets and shall not have direct access to adjoining public rights-of-way.
 - (3) Temporary living accommodation spaces or permanent dwelling units shall be located in relation to internal streets as to provide for convenient vehicular ingress and egress.
 - (4) Temporary living accommodation spaces shall be located in relation to pedestrian ways and principal destinations within the resort as to provide for safe and convenient pedestrian access to such destinations.
 - (5) Internal streets shall provide safe and convenient access to spaces and appropriate resort facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained, paved surface. Such surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in all cases shall meet the minimum width of 12 feet per lane.
 - (6) Streets serving less than 50 spaces may be used as part of a pedestrian circulation system. If the relation of individual space locations to facilities within the resort calls for establishment of pedestrian ways, they shall be provided, preferably as part of a common open space system away from streets, but otherwise as sidewalks. No common access to such pedestrian ways or to facilities within the resort shall be through an individual space.
 - (7) Only boat docks, boat launching ramps and fueling facilities may be located within the one percent (100-year) flood plain. Fuel storage tanks shall be located on the upland area outside of

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the one percent (100-year) flood plain.

- (8) All facilities within the resort shall be served by a central water and sewage system. Fire flow and pressure shall be provided by the constructed water supply system. Refer to [Article 6](#).
- (9) Developments proposed for private lands within one mile of or within the proclamation boundary of the Ocala National Forest shall be reviewed by the USDA Forest Service. Comments shall be considered by the county in granting approval for the proposed development.
- (10) Service buildings equipped with toilets, lavatories, showers, and laundry facilities shall be provided in accordance with Department of Health requirements.

G. RO Zoning Classification General Requirements:

Existing residential uses will be allowed to continue as a permitted use of an existing residential structure until such time as the dwelling unit(s) is converted through sale or lease for office or other permitted uses.

H. RAC General Requirements:

- (1) Retained zoning. All property located in a Rural Activity Center as of the adoption date of this Code which is zoned B-1, B-2, B-3, B-4, B-5, M-1, or M-2 shall retain its respective zoning classification, however, uses shall be limited to the uses designated above for a Rural Activity Center.
- (2) Proposed rezoning. Vacant property shall retain its respective zoning classification until such time as the property is to be developed. The property shall then be rezoned to RAC, Rural Activity Center classification.
- (3) Single family dwelling units will be allowed on the second floor above shops or stores, or as attached ground floor units at the rear of the business, or as detached dwelling units at the rear of the shop or store. Dwelling units shall not exceed the density of two dwelling units per gross acre and are primarily for use by the business owner or employees.
- (4) Residential development within the Rural Activity Centers shall be permitted at a density of up to two dwelling units per gross acre on properly zoned parcels qualifying for alternate development standards in [Section 8.3.3](#), or on a non-contiguous parcel of record in the Rural Area as set forth in [Appendix A-4.2](#) of the Comprehensive Plan and set forth in [Section 4.3.2](#).

I. Zoning Lot and Building Standards

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TABLE 4.2.4-3 Commercial Classifications Standards

Zoning Classification	B-1	B-2	B-3	B-4	B-5	RC-1	RO	RAC	Comments
Maximum Height	50'	50'	50'	50'	50'	50'	50'	50'	
Maximum Floor Area Ratio	0.70	0.70	0.70	0.70	0.70	0.30		0.35	
Minimum Lot or Tract Width			200'				85'		
Minimum Lot or Tract Size							10,000 SF		
MAXIMUM GROSS DENSITY DWELLING UNITS									
Residential Dwelling Units	1 per Shop or Store	1 per Shop or Store						*2 per Acre	*In RAC residential setbacks same as RR-1
SETBACKS, FEET									
Front/(If Gas Pump Island on Front)	50/ (75)	40/ (65)	70	70	70	50	25	40/ (65)	
Rear	8	25	20	25	25	25	8	25	
Side /(If Gas Pump Island on Side)	10/ (65)	10/ (65)	20/ (40)	10/ (45)	10/ (45)	10	25	10/ (60)	
Gas Pumps or Island	25	25	25	25	25			25	

Table 4.2.4-4 Commercial Classifications Standards

Zoning Classification	P-RV	RR	Comments
Maximum Height	30'	Two Stories or 40'	
Maximum Impervious Area		40% of gross parcel area	
Accessory Use			
Minimum Land Area for Recreation Facility		8 Acre	
MINIMUM LOT AREA MINIMUM LOT WIDTH			
Manufactured Home Mobile Home	4,000 SF 40'	4,000 SF 40'	
Park Model Trailer with Additions	2,400 SF 35'	2,400 SF 35'	Additions include screen room, awning, carport, utility room and storage shed

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Zoning Classification	P-RV	RR	Comments
Park Model or Travel Trailer without Additions and all other sites	1,500 SF 30'	1,500 SF 30'	
Group Campsite		20,000 SF	
SETBACKS MANUFACTURED HOME SITES			
Front	20'	20'	Unless Parking is provided elsewhere in which case the setback is 8'
Rear	10'	10'	
Side	15'	15' separation between units	Located on opposite side of any adjoining site's side setback
SETBACKS PARK MODEL SITES			
Front	20'	10'	Unless Parking is provided elsewhere in which case the setback is 8'
Rear	10'	10'	
Side	15' Separation unit to unit or unit to addition	15' separation between units	When units are clustered to save vegetation the front corners shall have a minimum separation of 15' and the rear corner 10'
Accessory uses (where permitted)	10' separation between additions	10' separation between additions	Located in side or rear only
Setbacks in Recreational Vehicle Parks designed and constructed prior to June 11, 1992: front, rear and side – eight feet. Accessory uses shall be separated by a minimum of ten feet on the side and rear.			

Sec. 4.2.5 Industrial Use

- A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks) and other general requirements specified for these zoning classifications. Phased developments are allowed. Consideration shall be given to transportation facilities (rail and highway) traffic circulation, parking, utility needs, aesthetics, and compatibility.
- B. RI Rural Industrial. All undeveloped industrial 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 M-1 or M-2 shall retain their respective zoning. Prior to filing for development approval, the property owner shall apply to rezone the property to this zoning classification.

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Table 4.2.5-1 Industrial Classifications Uses

PERMITTED USES (P) /SPECIAL USES (S)	I-C	M-1	M-2	RI
Acids, non-corrosive, manufacturing, compounding, processing or treatment of			P	
Accessory uses: Limited to Administrative and Professional offices which are associated with permitted industrial uses, banks and financial institutions, medical and dental offices, employment and real estate agencies, food preparation, food service, eating facilities, and auditorium to serve employees.	P	P	P	
Adult entertainment		S		
Agricultural chemicals, fertilizers, disinfectants, pesticides, herbicides, manufacturing of			P	P
Agricultural laboratory		S	P	P
Agriculture, including all necessary structures and appurtenances as an interim land use	P	P	P	P
Aircraft and related components, manufacture or assembly			P	
Airport, general aviation	S	P	P	
Airport, private	S	S	S	
Aluminum, manufacture of products or products made from			P	
Animal and marine fats and oils, manufacturing and rendering of			P	S
Animal burying			S	
Animal refuse			S	
Asphalt plant			S	
Automobile repair, paint and body		P	P	
Automobile, truck or trailer rental	P	P		
Automobile, used parts, retail and wholesale	P			
Automobiles and parts, manufacture or assembly			P	
Awning and canvas, repair	P	P	P	
Bags, except burlap bags or sacks, manufacture of products or products made from			P	
Bakery (industrial)	S	P	P	
Bakery, commercial, retail and wholesale	P	P	P	
Bar/bottle club, alcoholic			S	
Batteries, manufacture of products or products made from			P	
Blacksmith shop		P		P
Blue printing, photostating, photo engraving, printing, publishing and bookbindery	P	P	P	
Boats , manufacture or assembly			P	
Boxes, paper, manufacture of products or products made from			P	
Brass, manufacture of products or products made from			P	
Candles, manufacturing, compounding, processing or treatment of			P	
Canned, frozen and preserved fruits, vegetables and food specialties, manufacturing, compounding, processing or treatment of		P	P	
Cans, manufacture of products or products made from			P	
Carpet, rug and upholstery cleaning	P	P		
Cemetery, crematory, mausoleum			S	
Ceramic products, manufacture or assembly			P	
Chemical and allied products, manufacturing, compounding, processing or treatment of			P	
Child day care centers	P	P	P	P
Cigarettes and cigars, manufacturing, compounding, processing or treatment of			P	

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PERMITTED USES (P) /SPECIAL USES (S)	I-C	M-1	M-2	RI
Clocks and watches, manufacture or assembly		P	P	
Coffins, manufacture or assembly		P	P	
Commercial uses which are intended to service the needs of the employees and businesses within the surrounding industrial area. The following uses shall be allowed: Retail commercial sales and services oriented to the needs of people employed within the surrounding industrial area; retail sales of products manufactured on site; and personal service businesses, including child care centers, financial service businesses, service stations, hotels and motels	P	P		
Composting of residuals, sewage sludge and food waste		S	S	P
Composting of wood products, manure and leaves		S	P	P
Computer maintenance and repair	P	P		
Concrete batch plant			P	
Concrete products, manufacture or assembly			P	
Construction equipment, sales, leasing, repair, retail and wholesale	P		P	
Copper, manufacture of products or products made from			P	
Dairy products-manufacturing or processing		P	P	P
Detergents, manufacturing, compounding, processing or treatment of			P	
Disinfectants, manufacturing, compounding, processing or treatment of			P	
Distribution and warehousing facility	P	P	P	
Dog and cat food, manufacturing, compounding, processing or treatment of			P	
Dry cleaning plant	P		P	
Dye, manufacturing, compounding, processing or treatment of			P	
Electrical appliances, manufacture or assembly			P	
Energy related uses: fuel oil and LPG storage above ground; gas regulator station; bulk oil storage tank above ground; gasoline storage tank above ground			P	
Equipment rental and leasing	P	P		
Express service	P	P	P	
Farm equipment, manufacture or assembly			P	P
Farm products, packing, crating and shipping		S	P	P
Feed and fertilizer, retail and wholesale	P	P	P	P
Feed grinding			P	P
Freight terminal	P	S	P	
Garbage transfer station	S	S	S	S
Gas meter facility, except where such permits are pre-empted by state or federal regulations	S	S	S	S
Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations	S	S	S	S
Gas, bottled, retail and wholesale	P	P	P	P
General construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, equipment rental yards, etc.	P	P	P	P
Glass, manufacture of products or products made from			P	
Grinding wheels, manufacture of products or products made from			P	
Hatchery			P	P

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PERMITTED USES (P) /SPECIAL USES (S)	I-C	M-1	M-2	RI
Health or athletic club facilities	P	P		
Heating and ventilating equipment, manufacture or assembly			P	
Heliport	P	P	P	
Horse or cattle sales facility			P	P
Hospital		S		
Hotel or motel	P			
Ice storage facility	P	P		P
Industrial equipment, retail and wholesale	P		P	
Iron, manufacture of products or products made from			P	
Kennel			P	
Laundry, commercial plant	P		P	
Limerock, phosphate, clay processing		P	P	P
Linen and uniform supply			P	
Linoleum, manufacture of products or products made from			P	
Livestock auction market			S	
Lubricating oil and petroleum products, manufacturing, compounding, processing or treatment of			P	
Machine shop	P	P	P	P
Machinery and machine tools, manufacture or assembly			P	
Mail and parcel delivery, private	P	P	P	
Manufacture or storage of explosives			S	
Matches, manufacture of products or products made from			P	
Mattresses, manufacture of products or products made from			P	
Meat packing plant			P	P
Meat products, prepared		P	P	
Metal buffing, plating, polishing, sandblasting		P	P	
Mini-warehouse	P	P		
Miscellaneous food preparations and kindred products, manufacturing, compounding, processing or treatment of			P	
Mortuary		P		
Motor freight or truck terminal	P		P	
Motor vehicle junk yard or recycling facility			P	
Musical instruments, manufacture or assembly	P	P	P	
Neon signs, manufacture or assembly			P	
Newspaper printing plant	P	P	P	
Novelties, manufacture or as, manufacture or assembly			P	
Oil well valves and repairs, manufacture or assembly			P	
Optical goods, manufacture or assembly	S	S	P	
Painting and varnishing		S	P	
Paper and pulp mill			S	
Paper, manufacture of products or products made from			P	
Parking of commercial vehicles	P	P	P	P

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PERMITTED USES (P) /SPECIAL USES (S)	I-C	M-1	M-2	RI
Pest control services	P	P		
Pharmaceutical products, manufacturing, compounding, processing or treatment of			P	
Pipe, metal, plastic, retail and wholesale	P		P	
Plastics, manufacturing, compounding, processing or treatment of			P	
Poultry slaughtering and processing, manufacturing, compounding, processing or treatment of			P	
Prepackaged software services	P	P		
Printing, photoengraving, publishing and bookbinding	P	P	P	
Process bottled water		P	P	
Pumps and plumbing supplies, retail and wholesale	P			
Radio/TV broadcasting facilities		P		
Railroad switching yard; storage of road building materials			P	
Recreation facilities such as but not limited to: archery range; golf course; golf driving range, horse racetrack. This does not include shooting ranges, skeet shooting or trapshooting facilities.		P		P
Recreation facilities such as, but not limited to the following: golf driving range; racing activities; shooting range; sporting clays, skeet or trapshooting facilities.			P	P
Refrigeration, manufacture or assembly			P	
Repair of heavy equipment, trucks and trailers			P	
Research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: Biochemical, Chemical, Electronics, Film and photography, Medical and dental, Metallurgy, Pharmaceutical and X-ray		P		
Restaurant equipment sales	P			
Retail and wholesale of used and recycled merchandise			P	
Satellite dish areas and accessory facilities		P	P	
Sawmill	S		P	P
School-vocational		P		
Screw machine products, manufacture or assembly			P	
Septic tank and chemical toilet manufacture			P	
Service industries or those industries providing service to, as opposed to the manufacture of, a specific product, such as the repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, and shops engaged in the repair, maintenance and servicing of such items		P		
Sewage treatment plants with an inflow exceeding 5,000 gallons per day	S	S	S	S
Sheet metal shop and products, manufacture or assembly	P		P	
Shoes, manufacture or assembly		P	P	
Signs, manufacture or assembly		P	P	
Silk screens, manufacture or assembly			P	
Smelting or refining			S	
Sporting goods, manufacture or assembly			P	
Sports arena		S	P	

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PERMITTED USES (P) /SPECIAL USES (S)	I-C	M-1	M-2	RI
Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law	S	S	S	S
Springs, manufacture or assembly			P	
Steel, manufacture of products or products made from			P	
Stencils, manufacture or assembly			P	
Stockyard			S	
Stone cutting			P	
Storage, bulk oil or gasoline tank, above ground			P	
Storage, insecticides			S	
Storage, poisonous gases			S	
Storage warehouse including inside Bulk Storage			P	
Swimming pool supplies, retail and wholesale	P			
Tin, manufacture of products or products made from			P	
Tire recapping and vulcanizing	P			
Tire store, retail and wholesale	P			
Toiletries, manufacturing, compounding, processing or treatment of			P	
Toys, manufacture or assembly			P	
Trailers, manufacture or assembly			P	
Truck stop facility			P	
Truck terminal or parking facility	P		P	
Trucks, manufacture or assembly			P	
Upholstery or seat cover shop		P	P	
Veterinary supplies, manufacture of			P	P
Vitamin products, manufacturing, compounding, processing or treatment of			P	
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	S	S	S	S
Waxes and polishes, manufacturing, compounding, processing or treatment of			P	
Welding equipment and supplies, retail and wholesale	P			
Welding shop	P	P	P	
Wellfields	S	S	S	S
Woodworking, cabinet, carpentry and furniture shops	P	P	P	
Wool, manufacture of products or products made from			P	
Yarn, manufacture of products or products made from			P	

C. General Requirements

- (1) All setbacks shall be measured from the foundation or wall of the building or structure; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- (3) 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 35 feet above the paving surface.

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- (4) Trash Containers shall be screened using opaque materials.
- (5) Screening of Activities. Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage or uses shall be screened, buffered or fenced in such a manner as to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.

D. Zoning Lot and Building Standards

Table 4.2.5-2 Industrial Classifications Standards

Zoning Classification	I-C	M-1	M-2	RI	Comments
Maximum Height	50'	50'	50'	50'	
Maximum Floor Area Ratio	0.75	0.75	0.75	0.75	
Minimum Lot or Tract Width	150'	200'	200'		
Minimum Lot or Tract Size	40 Acres				Smaller parcels allowed by SUP
Minimum Direct Access	Collector Road				
SETBACKS, FEET					
Front	70	70	70	70	
Rear	10	25	25	25	
Side	10	25	25	25	
Gas Pump or Island	25	25	25		From any structure or property line

Sec. 4.2.6 PUD - Planned Unit Development

- A. Intent and purpose. The Planned Unit Development Classification is intended to encourage the development of land as a planned residential, commercial or industrial development complex or as a planned mixed-use development; to encourage flexible and creative concepts of site planning which will preserve the natural amenities of the land by allowing an appreciable amount of land for scenic and functional open space; provide for an efficient use of land resulting in a smaller network of utilities and streets, thereby lowering development and housing costs; and provide for a more desirable environment than would be possible through the strict application of minimum zoning requirements.

It is further the intent of this Code that Planned Unit Developments shall be designed to permit the development of various size parcels ranging from small, cluster developments to entire new mixed-use communities. The development shall provide for the efficient use of public facilities and services, prevent traffic congestion, provide a stable environmental character compatible with surrounding land uses and preserve the integrity of the surrounding areas within which they are located.

Contained in this section are the allowed land uses, building and lot standards and other general requirements and standards specified for this zoning classification.

B. Permitted uses:

- (1) Residential Development:
 - (a) Single-family attached or detached dwellings; two-family dwellings; and multiple-family dwellings (three or more dwelling units per building); manufactured homes meeting the requirements of the National Manufactured Home Construction and Safety Standards (HUD Code).
 - (b) Churches, schools, community or club buildings, and similar public and semi-public facilities
 - (c) Group housing, nursing homes, congregate living and physical rehabilitation centers, adult

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and child day care centers and community residential homes.

- (d) Parks and Open Space.
- (2) Commercial Development:
 - (a) All uses included in the Neighborhood Business Classification (B-1), Community Business Classification (B-2), Regional Business Classification (B-4), and the Heavy Business Classification (B-5).
 - (b) Office or Business Parks
 - (c) Churches, schools, community or club buildings and similar public and semi-public facilities, including parks and open space, child day care facilities
- (3) Industrial Development:
 - (a) All uses included in the Industrial Complex Classification (IC), the Light Industrial Classification (M-1) and the Heavy Industrial Classification (M-2).
 - (b) Industrial parks
 - (c) Commercial recreation facilities
 - (d) Public and semi-public facilities, including parks and open space, and child day care centers
- (4) Institutional Development:
 - (a) Hospitals, clinics, convalescent homes, adult congregate living facilities, physical rehabilitation centers, mental rehabilitation centers, occupational rehabilitation centers and similar facilities.
 - (b) Churches, schools (public or private), day care facilities (adult or child), library
 - (c) Other non-profit, religious or public uses or government owned or operated building, structure or land uses for public purpose.
- (5) Mixed Use Development:
 - A combination of all permitted uses for Residential, Commercial, Industrial, and Institutional Developments, as listed in **Subsections B(1-4)** above.
 - Mixed use may only occur in the residential and industrial Future Land Use Map Classifications of the Marion County Comprehensive Plan and shall adhere to the following design requirements.
- (6) Special Uses. The following uses may be allowed upon review of a SUP application by the Zoning Commission and approval by the Board of County Commissioners:
 - (a) Gas meter facility, except where such permits are pre-empted by state or federal regulations
 - (b) Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations
 - (c) Sewage treatment plants with an inflow exceeding 5,000 gallons per day
 - (d) Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law
 - (e) Utility company service yards
 - (f) 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
 - (g) Wellfields
- C. Land use regulation:
 - (1) Classification of PUD Applications - Minimum Sizes:
 - (a) The minimum acreage for a PUD shall be two acres.

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- (b) The minimum parcel size for a single use either an Industrial or Commercial Park shall be 40 acres. Mixed Use standards are in subsections (5) and (6) below.
- (2) Maximum Density:
- (a) The maximum density permitted shall be established by the Board, upon recommendation of the Development Review Committee and the Planning & Zoning Commission. The criteria for establishing a maximum density includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the requirements of the Comprehensive Plan for any residential land use involving the area in question.
- (b) In no case shall the maximum density permitted exceed that permitted by the site's land use designation except in vested developments which are vested for a higher density. The overall number of dwelling units permitted in a residential PUD shall not be allocated to any particular portion of the total site area unless the proposed development is a cluster type, residential PUD.
- (c) Parcels which are subject to a land use blending overlay shall be developed in accordance with the density and or intensity established by the Comprehensive Plan Amendment.
- (3) Recreation and Green Space:
- (a) Such uses as yard area, landscape area, parks, playgrounds, golf courses, beaches, bikeways, pedestrian walks, perimeter buffer areas, equestrian trails, and other similar improved, usable outdoor areas may be permanently set aside and shall be designated on the PUD Concept or Master Plan and Preliminary Plat as recreation or green space.
- (b) Drainage retention areas. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required recreation and green space. A higher percentage may be approved by DRC, depending on the design and lay of the facility.
- (c) Design Criteria:
1. Recreational and green space shall be integrated throughout the Planned Unit Development to provide a linked access system to the open space area where feasible.
 2. Recreational and green space may be improved, including compatible structures, to the extent necessary to complement the residential, commercial or industrial uses.
 3. For design purposes 0.004 acres (175 square feet) per person or 350 square feet per dwelling unit shall be used in calculating the minimum recreation and green space to be provided in the development.
 4. When a golf course is utilized to partially fulfill the recreation space requirement, other facilities to meet the active recreational needs of adults and children shall be provided.
- (d) Space Calculations:
1. Parking areas and road rights-of-way may not be included in calculations of recreation and green space.
 2. Waterbodies may be used to partially fulfill green space or recreational space requirements in accordance with the following criteria: calculations of area of waterbodies shall not exceed 50 percent of the total recreational space. Only those waterbodies which are available to the development for water oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these requirements.
 3. If golf courses are used to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course land may be counted toward the required recreation space. A golf course and waterbodies combined cannot exceed 75 percent of the required recreational space.

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- (4) Minimum Lot Area, Frontage, and Setbacks; and Accessory Uses:
- (a) The minimum lot size for detached single-family structures is an area of not less than 5,000 square feet. The minimum lot size requirement may be waived by the Board if the arrangement of dwelling units provides for adequate separation of units. All lots to be platted at less than 5,000 square feet shall be required to have the typical location of structures on the Conceptual or Master Plan.
 - (b) Each dwelling unit or other permitted use shall have access to a public or private street. The County shall be allowed access on privately owned streets, easements and common open or green space to ensure the access of police and fire protection to meet emergency needs and to conduct County services.
 - (c) Minimum distances between structures and setbacks shall be:
 - 1. Single-family detached structure. Setbacks shall be noted on the preliminary plat. On a corner lot, the side street setback shall be not less than 15 feet. The Board may reduce the required side setbacks and the distances between structures provided proposed structures do not abut utility easements or otherwise affect the ability to provide and maintain utility service to each lot.
 - 2. Separation between multi-family structures of two stories or less - 20 feet
 - 3. Separation between multi-family structures of three stories - 25 feet.
 - 4. Separation between multi-family structures of four stories - 35 feet.
 - 5. Between structures of varying heights, the larger distance separation shall be required.
 - (d) Front setbacks shall be a minimum of 20 feet unless waived by the Board based on the recommendation of the Development Review Committee.
 - (e) Commercial tracts shall be subject to the same development standards as are found in B-1, B-2, B-4, and B-5 zoning classifications, as appropriate.
 - (f) Accessory uses and structures shall meet the setbacks shown on the master plan documents or as a minimum those set forth in the R-1, B-2, and M-1 zoning classifications.
- (5) Maximum Commercial Use Area:
- (a) Commercial uses will be limited to those uses permitted in the B-1 (Neighborhood Business Classification) for projects of a size equal to or greater than 250 dwelling units but less than 800 dwelling units; and to those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units. Commercial uses are not permitted in projects under 250 dwelling units. More intense commercial uses may be permitted upon review and recommendation of the Development Review Committee.
 - (b) The maximum commercial use area permitted within a PUD shall be two acres per each 250 dwelling units. Said areas shall be situated internally and buffered so as not to create detrimental effect on adjacent residential areas. Said areas shall be located so as to best serve the residents of the project. Said areas shall not be located at the perimeter of the project with frontage on or direct access to a major through road so as to attract a market substantially outside of the project, unless such location is consistent with the location standards of the Future Land Use Map of Marion County.
 - (c) The commercial use area shall be specifically included in the development schedule.
- (6) Maximum Commercial Use Area in an Industrial Future Land Use Map Classification:
- (a) Commercial uses will be limited to projects of 100 acres or more in size and to those uses permitted in the B-2 (Community Business) classification only.
 - (b) The maximum commercial use area permitted within a PUD shall not exceed one third of the total number of acres designated for industrial use. Said commercial areas shall be oriented,

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for vehicular access purposes, toward the interior of the PUD and; shall not have direct access to an arterial or collector roadway right-of-way as classified by the Marion County Comprehensive Plan or section line, quarter section line collectors.

(c) The commercial use area shall be specifically included in the development schedule.

D. Special requirements:

- (1) Industrial developments shall comply with the performance standards in **Division 3**.
- (2) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters, and similar architectural features may protrude two feet into a required setback.
- (3) No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- (4) Outdoor ground and building lighting shall not cast direct light on adjacent dwellings or properties.
- (5) Development Standards:
 - (a) The minimum construction requirement for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements of **Article 6**. Design requirements with respect to streets, sidewalks and drainage may be waived by the Board upon the recommendation of the Development Review Committee.
 - (b) The design of industrial parks or industrial areas shall give consideration to transportation facilities (rail and highway), traffic circulation, parking, utility needs, aesthetics and compatibility.

E. Review and approval procedures:

(1) PUD Plan Submittal:

- (a) A zoning application submittal shall be accompanied by a Conceptual Plan, Master Plan, Major Site Plan or Preliminary Plat and at a minimum establishing:
 1. Intent and character of the development.
 2. Location of internal and external arterial or collector streets and connection points between and to those streets within the development.
 3. Minimum lot/parcel sizes including heights or project design standards based on use such as residential vs. non-residential.
 4. Building setbacks.
 5. Dwelling unit types or mixes and maximum development density and units.
 6. Maximum commercial gross leasable areas (GLA) for individual lots or tracts and project wide.
 7. Industrial building square footage or lot coverage percentage for individual lots or tracts and project wide.
 8. Minimum size and general location of common open space including buffer areas or zones and method of ownership and maintenance.
 9. Conservation open space areas with intended method of preservation ownership or maintenance.
 10. Location of water and sewage facilities.
- (b) These documents shall be concurrently reviewed by the Development Review Committee who shall make a recommendation for approval or approval with conditions or for denial to the Planning & Zoning Commission and to the Board.

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(c) PUD Amendments:

1. Changes to the plan of development which will affect the following items shall be subject to review and approval by Development Review Committee:
 - a. Changes in the alignment, location, direction or length of any internal local street,
 - b. Changes or adjustments in lot or parcel development standards which do not reduce the minimum lot or parcels standards listed in item (a)3.
 - c. Changes in commercial gross leasable areas (GLA) for individual lots or tracts which do not result in increased overall GLA square footage,
 - d. Changes in industrial building square footage or lot coverage percentage which do not result in increased overall building square footage or total lot coverage percentage,
 - e. Changes in mixed use land uses and overall dwelling unit densities, or commercial GLA square footage or industrial building square footage or total lot coverage percentage, which do not result in an increase to the above categories,
 - f. Reorientation or slight shifts or changes in building or structure locations including setbacks
 - g. Major changes listed below which are subject to final review and approval by the Board.
2. Changes which will modify or increase the density or intensity of items (a) 1-10 above shall be subject to review and approval by the Board through the PUD rezoning application process.

(2) Preliminary Plat/Major Site Plan:

- (a) The Preliminary Plat or Major Site Plan for the first phase of development shall be submitted within two calendar years after approval of the PUD Zoning and the Master or Conceptual Plan by the Board.

Sec. 4.2.7 G-U - Government Use.

Intent and purpose. The Governmental Use Classification is intended to apply to those areas where the only activities conducted are those of the U. S. Government, State of Florida, Marion County Board of Commissioners, Marion County School Board or incorporated communities in Marion County

A. Special Use. The following uses may be allowed upon review of a SUP Application by the Zoning Commission and approval by the Board:

- (1) Airport
- (2) Armory
- (3) Equipment yards
- (4) Fire station
- (5) Garbage transfer station
- (6) Gas meter facility, except where such permits are pre-empted by state or federal regulations
- (7) Gas supply lines, high pressure, except where such permits are pre-empted by state or federal regulations
- (8) Government owned auditorium
- (9) Hospital (County owned)
- (10) Landfill, any type
- (11) Landfill, construction and demolition

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- (12) Park and recreation areas
 - (13) Penal institution, jail
 - (14) Post Office (U.S. Postal Service owns land & building)
 - (15) Schools
 - (16) Sewage treatment plants with an inflow exceeding 5,000 gallons per day
 - (17) Sheriff's Substation
 - (18) Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law
 - (19) 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
 - (20) Wellfields
- B. Lot and building standards:
The height limitations, setbacks and tract width shall be appropriate for the proposed use but in no case shall be less than for an R-1, single family, zoning classification.
- C. General requirements:
- (1) All setbacks shall be measured from the foundation or wall of buildings or structures; however, eaves, roof overhangs, pilasters, chimneys, and similar architectural features may protrude two feet into the setback.
 - (2) No structure or building may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
 - (3) Outdoor ground and building lighting shall not cast direct light on adjacent dwellings, structures or properties. Light pole height shall not exceed 25 feet.
 - (4) Trash containers shall be screened using opaque materials.

Division 3 Special Requirements

Scope. No land in the unincorporated area of Marion County shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in full compliance with the regulations specified in this Code.

Sec. 4.3.1 Home Occupation.

- A. Any business or commercial activity that is:
- (1) Conducted within a single family dwelling unit in a residential zoning classification and is incidental to the principal residential use of the premises, or
 - (2) Conducted on the same tract with the principal structure in an agricultural zoning classification, and
 - (3) Which is a permitted use within the agricultural zoning classification and conducted without significantly adverse impact on the surrounding area
- B. Residential - General requirements:
- (1) A Home Occupation Permit requires the approval of the Planning/Zoning Manager and the Building Manager on an application form confirming the following requirements:
 - (a) The area used for the Home Occupation shall not exceed 20 percent of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall conform to all applicable codes.

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- (b) No part of the proposed activity or use shall be conducted in an accessory building or structure.
 - (c) No goods, stock-in-trade or other commodities shall be displayed on the exterior.
 - (d) No on-premise retail sales shall occur.
 - (e) Only bona fide members of the family lawfully occupying the dwelling unit shall be employed in, or work at, the Home Occupation.
 - (f) The proposed activity shall not create objectionable noise, fumes, odor, dust, vibration, electrical interference or hazardous wastes.
 - (g) If the garage portion of the dwelling unit or one bay of a two bay garage is committed to Home Occupation use, an additional parking space on the lot shall be provided in order to meet the residential parking requirements.
 - (h) Signage is limited to a non-illuminated wall sign having no moving parts or flashing lights, does not exceed two square feet and is compatible with the neighborhood architectural character.
- C. Agricultural - General requirements:
- (1) A Home Occupation permit requires the approval of the Planning/Zoning Manager and the Building Manager on an application form confirming the following requirements:
 - (a) The Home Occupation may be conducted within the dwelling unit or in an accessory building.
 - 1. Within the dwelling unit, the area used for the Home Occupation shall not exceed 20 percent of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall conform to all applicable codes.
 - 2. Within an accessory building, the area used for the Home Occupation shall not exceed 600 square feet and shall conform to all applicable codes.
 - (b) No goods, stock-in-trade or other commodities shall be displayed on the exterior.
 - (c) No on-premise retail sales shall occur.
 - (d) Only one person, in addition to members of the family lawfully occupying the dwelling unit, may be employed in, or work at, the Home Occupation.
 - (e) The required number of parking spaces for a dwelling unit shall be maintained if a portion of the garage is used for the Home Occupation plus one space per employee.
 - (f) Accessory building parking spaces shall be provided in the ratio of one space per 300 square feet of gross floor area or fraction thereof.
 - (g) Signage. One sign, either single or double faced non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front tract line of the tract on which the Home Occupation is conducted.
- D. Non-inclusive examples of enterprises that may be considered as Home Occupations if they meet the foregoing definitional criteria are: the office or studio of an artist, musician, lawyer, architect, engineer, teacher, accountant or similar professional; workshop for potter; tailoring and dressmaking; single chair or station barber or beauty shop, computer programming, telephone answering service and gun dealers.
- E. Permit revocation. Upon the complaint of the County or any person, the County's Board of Adjustment may revoke a permit authorizing a Home Occupation, after notice to the holder of the permit and public hearing, for noncompliance with or violation of the requirements of this section.

Sec. 4.3.2 Density exceptions and aggregation of contiguous lots.

- A. The following definitions apply to this sub-section:
 - (1) Contiguous parcels are those parcels of land with at least one common property line.

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- (2) Non-contiguous parcels are those parcels that do not have any common property lines, or which are separated by platted or unplatted roads, streets or alleys which have been dedicated for public use, or prescriptive easements for road right-of-way purposes.
 - (3) Parcels or Tracts of Record:
 - (a) Recorded or registered parcels or tracts and those parcels or tracts shown on all other unrecorded subdivisions, plats or surveys existing as of August 14, 1970; or
 - (b) Lots, parcels or tracts which were created and recorded in the public records of Marion County on or before January 1, 1992; or
 - (c) Parcels in subdivisions approved by the Board of County Commissioners and recorded in the public records of Marion County prior to January 1, 1992; or
 - (d) Parcels located in unrecorded subdivisions or registered divisions of land into "flag lots", as that term is commonly known in Marion County, which were filed and accepted by Marion County and existed as of January 1, 1992.
 - (4) For definitions of subdivision, plat, recorded subdivision, unrecorded subdivision and registered divisions of land see [Article 2](#).
- B. An exception to the densities prescribed in the Marion County Comprehensive Plan, Future Land Use Element, shall be allowed for all non-contiguous parcels of record, under one ownership, created on or before January 1, 1992, and evidenced by a properly executed deed or contract for deed held by the purchasing party, as of August 11, 1993, for the purpose of constructing one single-family residential unit.
- The deed or contract for deed shall be recorded in the public records of Marion County on or before August 11, 1993, or proven by clear and convincing evidence to have been in existence on or before August 11, 1993. Clear and convincing evidence shall require a copy of the document, properly executed, and copies of cancelled checks or other proof of payments having been made prior to August 11, 1993.
- C. Recorded and unrecorded subdivisions that are allowed density exceptions or that will be required to aggregate contiguous lots are as follows:
- (1) Parcels within that phase of a recorded or unrecorded subdivision which met the applicable conditions set forth below prior to January 1, 1992, shall be permitted to develop at the density established for that subdivision provided that all Chapter 10D-6 F.A.C. requirements and all other requirements of the Comprehensive Plan as amended, the Land Development Code as amended, and all other applicable codes are met.
- Those recorded or unrecorded subdivisions not meeting the requirements listed below will be required to aggregate parcels to meet the density requirements of the Comprehensive Plan as amended.
- (a) Subdivisions that have direct access to a county paved road and in which all parcels front on a continually maintained paved or stabilized road that meets the standards established by Marion County; and
 - (b) Parcels within subdivisions in which all parcels are served by a stormwater management system that functions at the standards established by Marion County; and
 - (c) Parcels within subdivisions in which the sale of individual lots to persons by the original subdivider has occurred at the following rates prior to August 11, 1993:
 1. At least 85 percent of the total number of lots are sold if the subdivision was created in 1982 or before;
 2. At least 60 percent of the total number of lots are sold if the subdivision was created from 1983 to 1987 inclusive;

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3. For subdivisions created after 1987 the following conditions apply in order for no aggregation requirements to be placed upon contiguous lots within the subdivision:
 - a. At least 50 percent of the total number of lots are sold by 1993 if the subdivision was created in 1988; or
 - b. At least 50 percent of the total number of lots are sold by 1994 if the subdivision was created in 1989; or
 - c. At least 50 percent of the total number of lots are sold by 1995 if the subdivision was created in 1990; or
 - d. At least 50 percent of the total number of lots are sold by 1996 if the subdivision was created in 1991; or
 - e. At least 50 percent of the total number of lots are sold by 1997 if the subdivision was created in 1992.

The percentage of lots sold is meant to reflect the good faith sale of individual lots to many individuals and not the transfer of large number of a lots to investors. The County shall deny this exception if the sale of lots as indicated above does not reflect this intent.

- (d) Where existing parcels or tracts of record do not abut for at least 40 feet on a street; or where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code the prior requirements shall prevail.

Sec. 4.3.3 4-H and FFA exemptions from code requirements.

Exemption from use or other requirements of this Code may be temporarily allowed by the Planning/Zoning Manager for 4-H Club or FFA projects.

- A. The student requesting an exemption shall file an application with the Planning/Zoning Manager on a prescribed form which may be obtained from the Growth Services Department. The completed form must be returned to the Planning/Zoning Manager after certification from the appropriate school official of the student's school or by the County Extension Agent (4-H Program Leader).
- B. All animals for 4-H Club and FFA projects shall be kept in a fenced area. Large animals, for purposes of this section are defined as horses, cattle, llamas, ostriches, sheep, swine, and goats. All other animals shall be defined as small animals. The total number of animals and location of structures are limited as follows:
 - (1) Large Animals: The size of the fenced area and any covered stall shall be determined by the County Extension Agent (4-H Program Leader) or the FFA School Advisor. A plan drawn to scale showing the location of the fenced area and all existing improvements shall be submitted with the form.
 - (2) All pasture and structures used for 4-H Club and FFA projects shall be located on the side or the rear of the main building and if in the Environmentally Sensitive Overlay Zone shall meet the requirements of **Article 5**.

Sec. 4.3.4 Alcoholic beverages.

- A. No commercial establishment used for the on premises sale and consumption of beer, wine, liquor or other intoxicating beverages shall be permitted to locate within 1,000 feet of any church, school or public park in existence on the date the alcoholic beverage permit is issued.
- B. No establishment used for the sale of liquor or other intoxicating beverages for off premises consumption shall be located within 500 feet of any church, school, or public park in existence on the date the alcoholic beverage permit is issued. Exempted from this subsection is the sale of beer and wine for off premises consumption.

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- C. The term "public park" as used in this section shall mean a park open to the general public owned either by Federal, State, County or City Governmental Agencies or church parks adjacent to churches.
- D. Establishments existing on the effective date of this Code which do not meet the above requirements shall be deemed non-conforming uses.
- E. For the purposes of this section, a church, school or establishment shall be deemed to be existing if all necessary permits for construction have been acquired and remain active.
- F. For purposes of distance limitations, the measurement shall be made by extending a straight line from the nearest building line point of the regulated establishment to the nearest property line point of improved school or church grounds used as part of the school or church; or the nearest property line point of the park grounds.
- G. If a school, church or park is located within the limits of an incorporated city or town or within another county, the requirements specified in **subsections A, B and F** above shall apply.
- H. On premises sale and consumption of beer, wine, liquor or other intoxicating beverages may be permitted by right in golf course clubhouses, subject to the requirements of this section and the State of Florida.
- I. **On premises sale** and consumption of beer, wine, liquor or other intoxicating beverages may be permitted by right and exempt from spacing requirements in a restaurant establishment where the requirements of the State of Florida License include a majority of the sales to be food items and the restaurant floor space is a minimum of 2,500 SF in size with at least 150 seats.
- J. **Special events requiring** a temporary one, two, or three day permit from the State of Florida for on premise alcohol consumption and Churches or other Houses of Worship holding celebrations requiring the same State of Florida permit shall be exempt from the spacing requirements above.
- K. **An applicant may request a SUP** for an establishment proposing sales of alcohol where the above referenced spacing requirements cannot be met. Notification of all church, school, or public park facilities within the prescribed spacing distances above is required.

Sec. 4.3.5 Manufactured buildings, manufactured homes and mobile homes.

- A. **Manufactured Buildings.** Manufactured Buildings, as defined in this Code and Chapter 553, Part IV, Florida Statutes, which are used for residential structures and approved by the Department of Economic Opportunity with proper insignia attached, will be allowed as a matter of right in all zoning classifications which allow residential structures.
- B. **Manufactured Homes and Mobile Homes.** Manufactured Homes and Mobile Homes, as defined in this Code and Chapter 553, Part IV, Florida Statutes, which are used for residential structures, will be allowed as a matter of right in the following zoning classifications: A-1, A-2, A-3, RR-1 and R-4.
- C. **A manufactured building,** manufactured home, or mobile home shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.
- D. **Special Use Permit (SUP).** The Board may approve the installation of manufactured homes in the R-2, R-3, and R-E zoning districts by SUP, subject to the following requirements.
 - (1) **Compatibility.** The applicant shall demonstrate that the installation of the manufactured home is compatible with existing uses in the surrounding area and meets all requirements for issuance of a SUP.
 - (2) **Construction.** The manufactured home must be new (never previously titled or occupied).
 - (3) **Main Body.** The main body of the manufactured home, as located on the site, shall be a minimum width of 20 feet.

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- (4) Roof Pitch, Overhang and Materials. The main roof of the manufactured home shall have a nominal roof pitch of at least one foot rise for each four feet of horizontal run and the minimum roof overhang shall be one foot. All roofing material shall be consistent on such roof and shall be compatible with site built houses in adjacent or nearby locations.
- (5) Exterior Finish. Exterior finish shall be consistent with site built homes in adjacent or nearby locations, provided however, that reflection from such exterior finish shall not be greater than from siding coated with clean white gloss exterior enamel.
- (6) Skirting. All manufactured homes shall have stucco skirting on all sides of simulated or real block, brick, stone or equivalent.
- (7) Foundations. All manufactured homes shall be located on approved foundations similar and compatible in appearance to foundations of adjacent or nearby site built residences.
- (8) Site Orientation. All manufactured homes shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.
- (9) Garages, Carports and Driveways. A manufactured home shall be required to have a garage or carport compatible with adjacent or nearby site built garages or carports. Driveways and the floors of garages or carports shall be paved compatible with adjacent or nearby site built residences.
- (10) Steps. Front and back steps to manufactured homes shall be concrete with hand rails, as required by the Building Code. Wooden steps with an attached deck may be allowed if compatible with adjacent or nearby sites.
- (11) Underground Utilities. Underground electric service shall be required.
- (12) Additional Conditions. The Board may include additional conditions or modify these required conditions to assure similarity in exterior appearance and compatibility between manufactured housing and site built dwellings in adjacent or nearby locations.

Sec. 4.3.6 Used manufactured home, mobile home and park trailer regulations.

- A. No person shall park or store an unoccupied mobile home or park trailer except in a completely enclosed structure, unless otherwise provided for in this Code.
- B. A mobile home or park trailer shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.
- C. A mobile home, park trailer or travel trailer may be used as a temporary residence incidental to construction on or development of property for a residential use on which the mobile home, park trailer or travel trailer is located only during the time in which construction or development is actively underway, and in no case for more than six months, subject to renewal. Except that a mobile home is prohibited from use as temporary residence on R-1 zoned property. Such use is subject to the approval of the Planning/Zoning Manager.
- D. A single travel trailer and/or recreational vehicle which have a self-contained disposal system shall be permitted in any residential zoning as a non-commercial guest of the resident of the property involved, for a period not to exceed 21 days in any 60 day period by a Temporary Use Permit through the Growth Services Zoning Division.
- E. Travel trailers and recreational vehicles which have a self-contained disposal system shall be permitted in any agriculture zoning as a non-commercial guest of the owner or resident of the property involved, for a period not to exceed 60 days in any 365 day period. A limit of five travel trailers or recreation vehicles is permitted at one time by a Temporary Use Permit through the Growth Services Department, six or more by Special Event Permit with the approval of the Marion County Department of Health and the County Administrator.

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Sec. 4.3.7 Junk yards.

- A. All junk yards shall comply with the following standards:
- (1) Minimum lot size. No junk yard shall be located upon any lot or tract of land consisting of less than 20 acres, except those junk yards in existence on the adoption date of this Code.
 - (2) Adjacent zoning. No junk yard shall be located within 300 feet of property zoned for residential, commercial, A-2 or A-3, excluding those junk yards in existence on the adoption date of this Code.
 - (3) Screening and Buffering. All junk yards shall be completely enclosed by an opaque screening device with a minimum height of eight feet. The device may have no more than two gates, which gates shall be non-transparent when closed. The screening device may be constructed of vegetation, wood, metal, chain link fencing, masonry or other similar material, provided that the device must be designed, constructed and maintained to obscure the view of the interior of the junk yard from the outside. Further, the screening device shall be constructed of the same material and be of relatively uniform height or slope along the entire length of a property line; however, different screening devices may be used on different property lines. Except for vegetation, no screening device shall exceed a height of 20 feet. Except as provided in Subsection f., below, all screening devices shall comply with minimum required structure setbacks; provided, however, that a screening device of vegetation may be located within the required front yard setback as long as all junk is stored behind the setback line. Screening devices shall be properly maintained.
- B. Site Plan Submittal. All applicants shall submit a site plan drawing and a topographical map (including elevations to the centerline of the nearest roads) of the site, showing the proposed screening method and materials to be used on all lot lines.
- C. Approval of junk yard. The Board shall not approve the location of a junk yard upon any parcel if the topography of the parcel is such that the interior of the junk yard cannot be screened from view from the outside of the junk yard.
- D. Deletion of screening device. The Board may, after proper application and public hearing, authorize deletion of a screening device along one or more property lines if the Board finds that the view of the interior of the junk yard will be adequately screened without requiring a screening device.
- E. Storage of junk. No junk, vehicles, or other material may be piled up or stored at an elevation higher than the top of the screening device at its lowest point. In approving the screening devices for existing junk yards under **Subsection F, below**, the Board may authorize higher storage limitations to the extent reasonably necessary, because of the size and topography of the lot or tract on which the junk yard is located. Such authorization for higher storage limitations may be rescinded by the Board upon notice to the affected junk yard owner and an opportunity to be heard.
- F. Existing Junk Yards. All legal junk yards existing on June 18, 1992 were required to file a screening plan showing the topography of the junk yard, the location of the proposed screening device, the nature of the proposed screening device, and the location and type of proposed gates by December 18, 1992. Any above referenced junkyard existing on **??/??/?? (adoption date of this amendment)** which does not have an approved screening device constructed in accordance with an approved plan shall be deemed to be a non-conforming use and a public nuisance, and must comply with current buffering and screening requirements, the County may take appropriate steps to abate such a non-conformity and/or public nuisance.
- G. See Springs Protection Overlay Zone for specific requirements within that zone.

Sec. 4.3.8 **Nursery** schools, day schools and kindergartens: Nursery schools, day schools, child day care centers, and kindergartens shall comply with the following requirements.

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- A. Total tract area shall not be less than 15,000 sq. ft. and tract width shall not be less than 100 ft.
- B. A fenced play area must meet State Regulations.
- C. No portion of the fenced play area shall be closer than 20 feet to any residential tract line.
- D. A noise buffer such as a solid masonry wall, or vegetative screening shall be required between fenced play areas and residential tract lines.
- E. All outdoor play activities shall be conducted within the fenced play area, and no outdoor play activity shall be conducted before 8:00 a.m. or after 8:00 p.m.

Sec. 4.3.9 Performance standards for commercial and industrial zoning classifications.

- A. Application. All uses in the B-3, B-5, IC, RAC, M-1, and M-2 zoning classifications shall comply with the performance standards set forth below:
- B. Methods for Measurement. In determining compliance with the requirements herein, standard instruments which have been accepted by the particular industry involved shall be used. Listed below are the instruments and manuals which shall be used, except that suitable substitutes as determined by the Planning/Zoning Manager may also be used. The initials listed before the particular instruments or manuals are symbols which will be used elsewhere in these regulations. The manuals, codes, and description of measuring devices cited below, are hereby adopted by reference as if the works appeared in this Code in their entirety. The most recent amendment or revision of each code or manual shall be used.
- C. Standard Manuals and Measuring Devices:
 - (1) The following devices and instruments standardized by the American Standards Association shall be used:
 - A.D.I. ATMOSPHERIC DUST IMPINGER
 - (2) One of the following devices or its equivalent for measuring cup flash points shall be used:
 - PENSKY-MARTENS
 - TAGLIABUE
 - (3) The following charts and manuals are hereby adopted by reference as they may apply to the regulations set forth herein:
 - BMI 6888 THE RINGELMANN CHART DESCRIBED IN U.S. BUREAU OF MINES INFORMATION CIRCULAR 6888.
 - APAM "AIR POLLUTION ABATEMENT MANUAL" OF THE MANUFACTURING CHEMIST ASSOCIATION.
 - PHR 47 U.S. PUBLIC HEALTH REPORT 47, NO 12. "MEASUREMENT OF DENSITY OF MINERAL DUSTS"
 - ICR 12 INDUSTRIAL CODE RULE NO. 12 ADOPTED BY THE BOARD OF STANDARDS AND APPEALS OF THE NEW YORK STATE DEPARTMENT OF LABOR
 - CFR 10 TITLE 10, CHAPTER 1, PART 20 CODE OF FEDERAL REGULATIONS, "STANDARDS FOR PROTECTION AGAINST RADIATION"
- D. Smoke. For the purpose of determining smoke units, the Ringelmann Chart shall be employed (BMI 6888). Each reading (Ringelmann Number) shall be multiplied by the time in minutes for which it was observed, and the products added together to give the total number of smoke units observed during the total period of observation. This total shall then be converted into units per hour. The emission of more than ten smoke units per hour per stack, and smoke with a density in excess of Ringelmann No. 2 is prohibited except as indicated below. For special operations, the following limitations apply:
MAXIMUM FREQUENCY AND PERMITTED SMOKE UNITS AND DENSITIES FOR SPECIAL OPERATIONS
MAXIMUM FREQUENCY PERMITTED:

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- (1) For rebuilding fires within 24 hour period.....once
- (2) For banking or cleaning fires, soot blowing, or process purging.....once in 6 hours

MAXIMUM SMOKE UNITS PERMITTED PER HOUR PER STACK DURING SPECIAL OPERATIONS:

RINGELMANN NO. 1 20

RINGELMANN NO. 2 10

RINGELMANN NO. 3 3

- E. Odor. No odor shall be permitted at any facility property line exceeding the lowest amount set forth in the Table III, "Odor Thresholds" of Chapter 5 APAM. For compounds not described in the table, odor thresholds shall be described in Chapter 5 of APAM, and no odor shall be permitted at any facility property line exceeding the amount determined by such method.
- F. Toxic or Noxious Matter. The concentration of toxic or noxious odors shall not exceed, at any point on or beyond any facility property line, one-tenth of the maximum allowable concentration set forth in Section 12.29 of ICR12 measured with the A.D.I.
- G. Radiation. No operation, whether or not licensed by the atomic energy commission, shall be conducted in a manner which exceeds the standards set forth in CFR10.
- H. Fire and Explosive Hazards:
 - (1) Storage and utilization of solid materials or products which are incombustible or which in themselves support combustion and are consumed slowly as they burn is permitted.
 - (2) Storage, utilization or manufacture of solid materials or products including free burning and intense burning is permitted provided that said material or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system.
 - (3) Storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers which shall be unrestricted. The quantity in cubic feet (S.T.P.) permitted shall not exceed 300 times the quantities listed below where the factor is the volume in cubic feet occupied by one gallon of the liquid. Cap flash points shall be measured by the Pensky-Martens, Tagliabue or other standard test equipment. Closed cup flash point is the temperature at which a liquid sample produces sufficient vapor to flash, but not to ignite, when in contact with a flame in a closed cup tester.

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TABLE 4.3.9-1 Total Capacity of Flammable Materials Permitted (In Gallons)

M-1 AND IC CLASSIFICATIONS		
INDUSTRIES ENGAGED IN STORAGE ONLY	Above Ground	Under Ground
Materials with Closed Cup Flash Point Over 187 Degrees F.	Prohibited	100,000
Flash Point 105 Degrees F. -187 Degrees F.	Prohibited	40,000
Flash Point Under 105 Degrees F.	Prohibited	20,000
INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF FLAMMABLE MATERIALS		
Materials with Closed Cup Flash Point Over 187 Degrees F.	50,000	100,000
Flash Point 105 Degrees F. - 187 Degrees F.	20,000	40,000
Flash Point Under 105 Degrees F.	5,000	10,000
M-2 CLASSIFICATION		
Unrestricted, provided, that storage, handling and use shall be in accordance with "Standards of National Board of Fire Underwriters for Storage, Handling, and use of Flammable Liquids", National Board of Fire Underwriters Pamphlet No. 30, June, 1959.		

- I. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in residential or business districts.
- J. Violation of standards:
 - (1) If in the opinion of the Planning/Zoning Manager a violation of these performance standards has occurred, the Planning/Zoning Manager shall send a written notice of said violation to the owner of the property by certified mail. The owner shall have 30 days to correct the violation unless, in the opinion of the Planning/Zoning Manager, there is an imminent peril to the life and property of persons adjacent to the alleged violation, in which case the violation shall be corrected within ten calendar days.
 - (2) Where determinations of a violation can be made by the Planning/Zoning Manager using equipment normally available to the County or obtainable without extraordinary expense, such determination shall be made before notice of violation is issued.
 - (3) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary to make the determination of violation, then the County shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation in addition to the other penalties prescribed by this Code. If no violation is found, cost of the determination shall be paid entirely by the County.

Sec. 4.3.10 Sales offices in residential subdivisions.

- A. A single sales office will be allowed by right, located on a platted and recorded residential subdivision lot, in a model home, subject to the provisions of parking, water and sewage facilities meeting the requirements of this Code.
- B. Sales of land or homes or property not located within the subdivision is prohibited. Upon the cessation of sales, the model home shall be removed or converted for use as a private home.

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- C. A single non-illuminated on-site advertising sign may be permitted. The maximum size of the sign is 32 square feet and maximum height shall be 10 feet.

Sec. 4.3.11 Mining and excavation.

- A. Existing mines which are permitted in conformance with the requirements of the Florida Statutes and the Florida Administrative Code will be allowed to continue operation in rural and urban areas provided: The excavation, screening, crushing, processing, storing or distributing of limerock, phosphate, sand, gravel, clay or other mineral resources, within the same ownership or leasehold, has been actively pursued within the three year period prior to June 11, 1992.
- B. Resource extraction from sites other than existing mines will be allowed in any zoning classification by SUP. Buffers and screening will be provided within a minimum setback of 25 feet in accordance with Article 6. Resource extraction shall be conducted in accordance with federal and state statutes.
 - (1) Exceptions. A SUP is not required for the following activities:
 - a. Existing mines covered by Sub-Section A above.
 - b. Expansion of existing, on-going aquaculture operations
 - c. Removal of excess material resulting from commercial, industrial and residential site improvements, except fish ponds
 - d. Any size pond, providing excavated material remains on site.
 - e. Road construction projects wherein materials are reused or excess materials must be removed.
- C. New and expanding mining projects which include: (a) at least 35 percent of the proposed excavated area is located in a MCAVA category of "more" or "most " vulnerable, or (b) the operations will excavate within 15 feet of predicted height of potentiometric surface, or lime rock, whichever is higher, shall meet the requirements of the Springs Protection Overlay Zone in Article 5.

Sec. 4.3.12 Roadside vendors.

- A. Roadside vendors as used herein shall mean a person who sells goods as follows:
 - (1) From a roadside stand: fruit, vegetables, produce, peanuts (boiled or roasted), fireworks, Christmas trees, firewood; and
 - (2) From a Florida Department of Business Regulation, Division of Hotels & Restaurants approved cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood.
- B. Sale of the above listed merchandise shall be conducted from a flame retardant tent or pole-barn type facility with the exception of peanuts, food vendors and Christmas trees, which are not required to have a structure on the land. This facility shall be located on private property which is either owned or leased by the vendor. Sales are prohibited within the County right-of-way.
- C. Roadside vendors are not intended to function independently from existing on-site uses with separate, services such as electric, water, and sewer shall not be permitted on vacant land.
- D. Sale of listed merchandise will be allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2, B-4, B-5, M-1, and RAC, upon meeting the following conditions:
 - (1) Driveway access permits will be obtained from the appropriate permitting agency.
 - (2) Adequate parking area shall be provided on site for customers including handicapped persons, who shall be provided service without leaving their vehicle if requested.
 - (3) Parking areas shall be covered with a layer (minimum 1-1/2" thick) of bark chips, sawdust, shavings or combination thereof, or construct a stabilized base parking area or pave the parking area.

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- (4) On site rest room facilities are to be provided when more than two persons are employed on the site.
 - (5) Water and soap for the washing of hands shall be available on site.
 - (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
 - (7) Products to be sold will be covered overnight or removed from the site and if required by State law, refrigeration will be provided.
 - (8) A roadside stand for the sale of farm products raised or produced on the premises shall be permitted provided such stands are located not less than 30 feet from any street, highway or right-of-way. A site plan will be submitted as part of the building permit process for a permanent structure or for the installation of electrical, water or rest room facilities. The applicable site plan shall be submitted as set forth in **Article 2** of this Code.
- E. Sites will be inspected by Code Enforcement Officers for cleanliness, litter, and to check leases and licenses. The conditions shall be recorded and used to determine the appropriate action to be taken if necessary, including issuance of a Code Violation Citation.

Sec. 4.3.13 Model home sales lot or model home complex.

- A. This commercial development shall provide a paved parking lot with five parking spaces per model home. One parking space for the handicapped per model home or complex is required. The unit(s) must be handicapped accessible, have all utilities including telephone installed and shall be fully functional as a commercial development.
- B. Upon cessation of use as a model home sales lot or model home complex, the model homes may be torn down and removed or the structures converted to office use. Signage shall meet the requirements for an on-site sign in accordance with **Section 7.5** of this Code.

Sec. 4.3.14 Existing businesses in rural land area.

- A. Industrial and commercial uses which were in existence as of April 7, 1994, shall be considered conforming uses. Expansion shall be allowed on property, with the same ownership, properly zoned and contiguous to the existing industrial or commercial use as of April 7, 1994.
- B. Clear and convincing evidence proving the business to have been in existence on the specific site on or before April 7, 1994, shall be submitted to the Planning/Zoning Manager. Such evidence shall include but not be limited to copies of the following: copy of deed, occupational license, bills of sale for merchandise, invoices for services rendered, business tax returns, power company history of service in name of company, or other similar documentation.

Sec. 4.3.15 Well permits.

- A. All new wells or wellfields, other than agricultural wells, which are capable of producing 100,000 gallons per day (G.P.D.) or that require Consumptive Use Permits from the appropriate water management district, are required to obtain a SUP from Marion County.
- B. See Well Head Protection in **Article 5** for additional requirements.

Sec. 4.3.16 Sale of goods outside of a building (temporary use).

- A. The sale of goods or merchandise associated with a commercially zoned development by merchants in that development may be permitted as a temporary sales event for a limited period of time. A Temporary Use Permit shall be issued by the Planning/Zoning Manager upon receipt of a complete application and payment of a fee set by the Board of County Commissioners.
- B. The Planning/Zoning Manager may issue temporary use permits for off-premise locations subject to the applicable restrictions set forth in this section.

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- (1) Temporary use permits for off-premise locations shall be restricted to those zoning districts in which the sale of the items would normally be permitted.
- (2) Written permission from the property owner shall be provided.
- (3) No more than one temporary use permit per applicant and per site shall be issued in any 90 day period of time and shall not exceed a period of seven days.
- (4) The Planning/Zoning Manager may stipulate any special conditions or restrictions consistent with the preservation of the public health, safety or welfare.
- (5) The driveway apron must be permitted and constructed to the appropriate agencies specification.
- (6) The provisions of this section shall not apply to roadside vendors meeting the provisions of **Section 4.4.13**.
- (7) A violation of this section may be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each day any violation of any provision of the Code shall continue shall constitute a separate offense.
- (8) All sales of motorized vehicles shall be titled and registered in Marion County.

Sec. 4.3.17 Landfills. Construction and demolition landfills must be approved by a Comprehensive Plan Amendment and shown on the Future Land Use Map. See Springs Protection Overlay Zone for specific requirements within that zone.

Sec. 4.3.18 Family/guest cottage/apartment. This accessory non-commercial dwelling unit may be constructed on a concrete foundation or slab located in the rear or side yard of a principle dwelling except in the A-1, General Agriculture, zoning classification. The cottage which may be a removable, modular structure, or a conventionally constructed structure shall be compatible with the existing dwelling; it shall be designed as an independent living unit smaller than the primary structure, and may be connected to utility systems of the principal dwelling.

Sec. 4.3.19 Temporary storage of construction materials. Temporary storage of road construction materials, surplus material or clean fill from a county or state permitted roadway construction project may be allowed by a Temporary Use Permit issued by the Planning/Zoning Manager under the following conditions which are to be a part of the permit:

- A. Written permission of the property owner,
- B. Submittal of a sketch showing access to the storage site and location of storage area with photos attached,
- C. Setback of storage area shall be a minimum of 50 feet from all property lines or the setbacks of the property's zoning classification, whichever is the greatest, and
- D. The property shall be restored substantially to original condition within 90 days after completion of the project

Sec. 4.3.20 Homing pigeons.

- A. The term homing pigeons shall include those pigeons which have been trained to return home including racing or carrier pigeons. Such pigeons and pigeon lofts in existence as of April 6, 2000, shall be considered conforming uses in the respective zoning classifications.
- B. Pigeon lofts shall be used for the breeding and husbandry of pigeons. All pigeons shall be confined in a loft, except for limited periods necessary for exercise, training and competitions. Pigeons shall be fed within the confines of the loft.
- C. Pigeon lofts are permitted uses in the A-1, General Agriculture, A-2, Improved Agriculture, or A-3, Residential Agricultural Estate zoning classification.

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- D. Pigeon's lofts are allowed by right in residential zoning classifications on parcels of one acre or greater.
- E. Pigeon lofts may be located in all other zoning classifications by SUP.

Sec. 4.3.21 Parking of Commercial Vehicles

No person shall park a commercial vehicle in excess of 10,000 lbs. for more than three hours on private property, in any prohibited zoning classification, or in the right-of-way except:

- (1) Vehicles engaged in the delivery or pickup of goods, or vehicles engaged in the delivery of materials to be used in actual bona fide repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained or for the purpose of public works projects; or
- (2) When the vehicle is parked in connection with and is owned or leased by an approved business in a non-residential zoning district, or when the vehicle is loading or unloading goods in connection with such a business and is parked adjacent to a loading dock or loading area for a period of time not to exceed forty-eight hours; or
- (3) Ambulances (or other public service vehicles), tow trucks (26,000 lbs GVW or less), and other commercial vehicles that are used for life-safety emergency purposes on a 24-hour basis and which park on private property.

Sec. 4.3.22 Non-Conforming Uses

- A. Intent. Within the County there exist uses of land which were lawful before this Code was passed, but which have been prohibited or restricted under terms of this Code.

It is the intent of this Code to permit these non-conforming uses to continue until they are removed or cease to exist, but not to encourage their survival. Non-conforming uses are declared by this Code to be incompatible with permitted uses in the zoning classification involved. It is further the intent of this Code that non-conforming uses shall not be enlarged, extended, or reconstructed to continue their use after major damage. Exceptions to this intent may be allowed for the restoration of historic structures or for the replacement of an existing dwelling that is the primary residence of the property owner.

- B. Non-conforming use – Extension. Any non-conforming uses, which occupied a conforming building, or land or portion of a building or land shall not be extended to occupy any other part of the same conforming building or land within the same zoning classification. This section shall not apply to the excavation, screening, crushing, processing, storing or distributing of lime rock, phosphate, sand, gravel or clay within the same ownership or leasehold, where such activities were actively pursued within the three year period prior to June 11, 1992.
- C. Repair, alteration, enlargement. A conforming structure or a portion of a conforming structure occupied by a non-conforming use may be:
 - (1) Improved and repaired in such a manner so as the improvements and repair shall not increase the cubical content or the floor area of the building or the portion of the building devoted to the non-conforming use.
 - (2) Enlarged or expanded if the enlargement or expansion is necessary to bring the structure into conformance with the Building Code and the enlargement or expansion cost does not exceed 50 percent of the assessed value of the structure.
 - (3) Nothing in this section shall prevent compliance with applicable laws relative to the safety and sanitation of a conforming building or portion of a conforming building occupied by a non-conforming use.
- D. Reconstruction after catastrophe. Any building or portion of a building occupied by a non-conforming use, which is damaged by fire, flood, explosion, collapse, wind, war or other

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catastrophe to the extent that the cost of rebuilding, repair or reconstruction will exceed 120 percent of its assessed value at the time of the damage, shall not again be reconstructed for use by a non-conforming use. If the repair or reconstruction cost is less than one 120 percent of the assessed value, the building may be repaired or reconstructed for use by the existing non-conforming use.

- E. Change of non-conforming use.
 - (1) There may be a change of tenancy, ownership or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use except as may be permitted by this section.
 - (2) The change from a non-conforming use of land, to a conforming use of land is encouraged.
- F. Discontinuance or abandonment of a non-conforming use.
 - (1) This restriction shall not apply to temporary cessation or discontinuance of uses involving excavation, screening, crushing, storing and distributing of lime rock, phosphates, sand or gravel or other rock or minerals within the same leasehold or ownership, where such uses were actively pursued within three years prior to June 11, 1992 and where such temporary cessation or discontinuance does not exceed a period of three years.
 - (2) If for any reason the occupancy of a building or part of a building by a non-conforming use, ceases or is discontinued for a period of 12 months or more, the building or portion thereof shall not thereafter be occupied by a non-conforming use.
 - (3) Any building, structure or land, or portion thereof, occupied by a non-conforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a non-conforming use.
 - (4) Any non-conforming junk yard shall be brought into conformity with all of the applicable provisions of [Section 4.3.7](#) herein, except area and dimension requirements, where conformity is impossible (a) because of the size and dimensions of the parcel upon which the non-conforming use is located, or (b) without relocation of the principal building containing such non-conforming use.
- G. Special uses not non-conforming uses. Any use which is permissible in a zoning classification as a special use under the terms of this Code shall not be deemed a non-conforming use in such classification, but shall without further action be considered to be a conforming use.
- H. Casual or temporary use. The casual, temporary, or illegal use of land or a structure shall not be sufficient to establish the existence of a non-conforming use or to create any rights in the continuance of such a use. The legal change of a zoning classification or classification regulations is the only way to create a non-conforming use or to create any rights in the continuance of a non-conforming use of land.

Sec. 4.3.23 Non-Conforming Structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, setbacks, or other characteristics of the structure or its location on the lot, such structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. Such structures may be enlarged or altered provided the enlargement and alteration meets the requirements of this Code and does not increase the non-conformity.
- B. Such structures existing as of the adoption of this Code, shall be permitted to be rebuilt and repaired in the event of destruction or damage by accident, fire, flood, explosion, collapse, wind, war or other catastrophe, provided the reconstruction does not increase the gross density or intensity of the property, shall meet other applicable codes, and does not increase the non-conformity.

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- C. Should such structure be moved for any reason for any distance whatever, it shall be required to conform to the regulations for the zoning classification and overlay zone in which it is located after it is moved.

Sec. 4.3.24 Adult Entertainment Business.

A. The Board hereby finds as follows:

- (1) The possession, display, exhibition, production, distribution and sale of books, magazines, motion pictures, video tapes, prints, photographs, periodicals, records, novelties and similar devices which depict, illustrate, describe or relate to specified sexual activities is a business that exists within the State of Florida.
- (2) The operating and maintaining of places presenting dancers displaying or exposing specified anatomical areas are businesses that exist within the State of Florida.
- (3) When the activities detailed in subsections (1) and (2) are present in an area, other activities tend to accompany them which are illegal, immoral or unhealthful, such as prostitution; lewd and lascivious behavior; exposing minors to harmful materials; possession, distribution and transportation of obscene materials; sale or possession of controlled substances; and violent crimes against persons and property; and these illegal, immoral or unhealthful activities tend to concentrate around and be aggravated by the presence of the activities detailed in subsections (1) and (2) above.
- (4) Based upon evidence and testimony from the County's professional planners, the grouping together of the activities described above lowers property values, detracts from the aesthetic beauty of residential, commercial and institutional neighborhoods and is harmful to juveniles who congregate in such residential and institutional areas.
- (5) Based upon evidence and testimony from the County's professional law enforcement officers, the grouping together of the activities described above creates an inordinate amount of concentrated crime in such areas.
- (6) Also based upon evidence and testimony from the County's professional law enforcement officers, many of the types of establishments at which the activities described above occur are likely to attempt to locate in this County.
- (7) Also based upon evidence and testimony from the County's professional law enforcement officers and the County's professional planners, the location of the activities described above near residential, institutional or other areas where juveniles often congregate lowers property values in such areas and exposes juveniles to the activities described in subsection (3) above.
- (8) Based upon evidence and testimony received from the County's professional planners, there will be free and reasonable access for and to the regulated uses, and the limitations imposed herein will not preclude robust competition with other regulated uses.
- (9) Based upon the experiences of other localities statewide and nationwide, the evidence and testimony of the County's professional planners and law enforcement officers appear to be correct.

B. Spacing requirements.

- (1) A regulated use may not be established or continued in any permitted zoning classification unless all other requirements of this Code pertaining to such zoning classification and to buildings generally are met and unless the regulated use is at least:
 - (a) One thousand feet from any other regulated use;
 - (b) One thousand feet from any established church, public or private school, public and private playground or park; and
 - (c) One thousand feet from any area with a residential zoning classification.

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- (2) For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the "regulated use" to the nearest property line occupied by any other regulated use or to the nearest property line of property owned by any church or school or to the nearest property line of any residential area, playground, or park.
- C. Obscenity not permitted. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law, including FS 847 relating to obscenity.
 - D. Other uses "moving to" regulated use. Any use herein defined as a "regulated use" or an "adult and sexually-oriented business" which is established in conformity with this section and other applicable laws and ordinances shall not be made unlawful if, subsequent to the establishment and operation of such "regulated use", a church, or school acquires property or a playground, park or residential area is created or established within the distance limitations for the "regulated use" specified in this section.
 - E. Zoning classifications. All regulated uses and adult and sexually-oriented businesses shall be a permissible use in a B-5 and M-1 districts only, and only upon issuance of a SUP.
 - F. Adult theaters. The following special requirements shall apply to adult theaters, adult mini-motion picture theater or adult motion picture theater.
 - (1) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
 - (a) Have individual or separate seats, not couches, benches, beds, or the like, to accommodate the maximum number of persons who may occupy the area; and
 - (b) Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
 - (c) Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at floor level.
 - (d) It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
 - (2) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:
 - (a) Have a sign posted in a conspicuous place at or near the entrance way which states that only one person may occupy the booth; and
 - (b) Have a permanently open entrance way for each booth not less than two feet eight inches wide and not less than seven feet high, which will never be closed or partially closed by a curtain, door, or other partition which would be capable of wholly or partially obscuring a person situated in the booth; no curtains, doors, or other partitions shall be affixed, attached, or connected to the permanently open entrance way of a booth; and
 - (c) Have one individual seat, not a couch, bench, or the like; and
 - (d) Except for the open entrance way of each booth, each booth shall have walls or partitions of solid construction without holes or openings in such walls or partitions; and
 - (e) Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at floor level.
 - (f) It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

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- (3) If the theater has an area in which a private performance occurs, it shall:
- (a) Have a permanently open entrance way not less than seven feet wide and not less than seven feet high, which entrance way will never be closed or partially closed by a curtain, door or other partition which would be capable of wholly or partially obscuring a person situated in the area; and
 - (b) Have a wall-to-wall, floor-to-ceiling partition of solid construction without holes or openings which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display; and
 - (c) Have, except for the entrance way, walls or partitions of solid construction without holes or openings in such walls or partitions; and
 - (d) Have individual or separate seats, not couches, benches, beds, or the like, to accommodate the maximum number of persons who may occupy the area; and
 - (e) Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at floor level.
 - (f) It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
- G. Signage. Notwithstanding any provision of this Code, the Building Code or any County ordinance or regulation to the contrary, it shall be unlawful for any owner or operator of any regulated use or adult or sexually-oriented business or any other person to erect, construct, or maintain any sign for the regulated establishment other than one "primary sign" and one "secondary sign", as provided herein:
- (1) Primary signs shall have no more than two display surfaces. Each such display surface shall:
 - (a) Not contain any flashing lights, moving parts or be constructed to simulate movement;
 - (b) Be a flat plane, rectangular in shape;
 - (c) Not exceed 75 square feet in area; and
 - (d) Not exceed ten feet in height or ten feet in length.
 - (2) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:
 - (a) The name of the regulated establishment; and
 - (b) One or more of the following phrases:
 1. Adult Bookstore
 2. Adult Movie Theater
 3. Adult Encounter Parlor
 4. Adult Cabaret
 5. Adult Lounge
 6. Adult Novelties
 7. Adult Entertainment
 8. Adult Modeling Studio
 - (c) Primary signs for Adult Movie Theaters may contain the additional phrase, "Movie Titles Posted on Premises".
 - (3) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such letter on the display surface

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of a primary sign shall be of a uniform and solid color.

- (4) Secondary signs shall have only one display surface. Such display surface shall:
 - (a) Be a flat plane, rectangular in shape;
 - (b) Not exceed 20 square feet in area;
 - (c) Not exceed five feet in height and four in width; and
 - (d) Be affixed or attached to any wall or door of the establishment.
 - (e) The provisions of **Subsection G(1)(a) and Subsections G(2) and G(3)** above shall also apply to secondary signs.

Sec. 4.3.25 Telecommunications Towers and Antennas.

- A. Purpose and intent. The intent of this section is to provide standards and regulations for the location of telecommunication antennas and towers in the unincorporated area of Marion County. These regulations and requirements are adopted with the intent and purpose of protecting the health, safety, and welfare of the public; of encouraging users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; of protecting residential areas, scenic roads, historical sites and other land uses from potential adverse impact of antennas and towers; to minimize adverse visual impact of antennas and towers through careful design, siting, and landscaping; to encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; to promote and strongly encourage shared use (collocation) of existing towers and antenna support structures as a primary option rather than construction of additional single-use towers; to avoid potential damage to property caused by antennas and towers by ensuring such structures are soundly and carefully designed, constructed, modified and maintained; to ensure that antennas and towers are compatible with surrounding land uses; and to enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.
- B. Location priority:
 - (1) It is recognized that different wireless telecommunication services and providers have distinct geographical areas in which they must be located to provide their service, but it is also recognized that there is usually some flexibility in the type of antenna and type of support structure on which the antenna is to be located. Therefore, all antennas and towers subject to this section shall to the extent possible be located in accordance with the following prioritization of types of facilities and sites:
 - (a) Antennas on existing towers.
 - (b) Antennas on existing antenna support structures.
 - (c) Antennas on modified or reconstructed towers designed to accommodate the collocation of additional carriers as set forth in **Section 5.9.8(d) & (e)**.
 - (d) Towers and antennas on limited replacement/modified light standards, power poles, or other such Antenna Support Structures in a non-residential zoning district (zoning districts other than R-1, R-2, R-3, R-4, RE and Residential PUD).
 - (e) Towers on property controlled and used by a governmental or quasi-governmental entity.
 - (f) New construction and new towers.
- C. Permitted use. A communication tower meeting the requirements of this **Section** and **Sections 4.3.27.E and 4.3.27.G** shall be a permitted use of land requiring administrative review and administrative permit only. A communication tower allowed as a permitted use under this section shall be limited to a maximum of 150 feet in height and shall be a monopole tower. A communication tower which fails to meet the requirements of this section as a permitted use may

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be permitted by SUP issued by the Board.

- (1) On designated County property
 - (2) On Federal, State, or municipal property
 - (3) On school sites as designated by the School Board
 - (4) On property with an industrially or commercially designated land use
 - (5) On property within an urban commerce district or specialized commerce district
 - (6) On new structures and replacement structures on electrical substation properties as long as the new structure is setback at least 75 percent of the height away from an existing residential structure and the new structure is no more than 150 feet in height.
- D. Special Use Permit (SUP). No person shall erect or modify an antenna or an antenna support structure, construct a new tower, or modify an existing tower without first obtaining a SUP pursuant to this section, or an administrative permit as set forth herein. The Board is under no obligation to approve a SUP application unless and until the applicant meets their burden of demonstrating that the proposed use will not adversely affect the public interest, the proposed use is consistent with the Comprehensive Plan and the proposed use is compatible with land uses in the surrounding area. The Board's determination shall be based on substantial and competent evidence, documentation and testimony received at the public hearing including but not limited to the recommendation of the County Growth Services staff, the recommendation of the Planning & Zoning Commission, information and recommendation of County engineering consultants, information from the applicant and any party in support or opposition, or their respective representatives. In addition, the Board shall consider the following factors in determining whether to issue a SUP for a new tower, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby.
- (1) Height of the proposed tower; surrounding topography; surrounding tree coverage and foliage; nature of uses on adjacent and nearby properties; proposed ingress and egress; and availability of suitable existing towers and other structures as set forth in this section.
 - (2) Proximity of the tower to residential structures and residential subdivision boundaries, including the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed by the applicant;
 - (3) Proximity of the tower to public and private airports, including but not limited to the effect on the airport traffic pattern and visual and instrument approaches, orientation to the runway heading and type and volume of aircraft traffic operating at the airport.
 - (4) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including the extent to which the tower is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate, the tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact of a tower;
 - (5) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board that no existing tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or antenna support structure can accommodate the applicant's proposed antenna must be submitted with the application and may consist of any of the following:
 - (a) No existing towers or antenna support structures are located within the geographic area required to meet applicant's engineering requirements.
 - (b) Existing towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements.

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- (c) Existing towers or antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or antenna support structure, or the antenna on the existing towers or antenna support structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or antenna support structure or to adapt an existing tower or antenna support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and antenna support structures unsuitable.
- E. Development standards. The following development standards shall govern the application, consideration and issuance of administrative and SUPs. The applicant shall comply with the following conditions, unless the applicant can demonstrate that the goals of this section are better served by the waiver of these requirements.
- (1) Setbacks and Locational Requirements. The following requirements shall apply to all towers including towers allowed as a permitted use under **Section 4.3.27.C**; provided, however, that the Board may reduce the requirements if the goals of this Section would be better served thereby.
 - (a) Setbacks from Parent Property Lines. Tower setbacks shall be measured from the base of the tower to the property lines of the parent parcel. The tower owner shall provide a lease or deed or recorded fall zone easement covering the certified fall radius, and all towers shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parent parcel. The fall radius of the tower shall be determined and certified by a Florida Licensed Engineer. Structural Support devices such as peripheral anchors, guy wires or other supporting devices shall be located no closer than 25 feet from any property line of the parent parcel.
 - (b) Locational Requirements Relative to Off-Site Uses and Zoning. Towers shall meet the locational requirements set forth in the table below from adjacent and surrounding properties of the parent tract.
 - (c) If the owner of the property where the tower is to be located owns residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units shall not be taken into consideration when calculating the setback and locational requirements in this section.

TABLE 4.3.25-1 Tower Locational Requirements

SEPARATION FROM	DISTANCE
Any adjacent or surrounding residential dwelling	150% of tower height
Any adjacent or surrounding residentially zoned land	100% of tower height
Any off-site agriculturally zoned land	100% of tower height
Public road rights-of-way	100% of tower height
Designated scenic roadways	100% of tower height

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- (2) Collocation. All new towers shall be designed and constructed to allow collocation of a minimum of two antennas for monopoles and four antennas for other towers. The tower owner/operator shall submit executed collocation agreements or binding letters of intent for each collocation as support for granting the permit to locate the tower, if any. Collocation agreements or binding letters of intent shall be in a form acceptable to the Planning/Zoning Manager that shall provide that each of the additional users will be utilizing the tower upon its completion.
- (3) Tower Clustering. Application for tower clustering shall be filed with the Growth Services Department and shall include a site plan showing the location and fall zone radius of each tower. The Growth Services Department shall prepare and forward a recommendation and supporting documents to the Board. The Board may approve or deny such site for tower clustering by adoption of a resolution, provided however, if one or more of the towers require a SUP, the resolution of approval shall be subject to issuance of the necessary SUP. Unless otherwise approved by the Board, towers shall be separated from each other a minimum distance equal to the certified fall radius.
- (4) Landscaping and buffers. Landscaping of tower electrical control equipment facilities shall apply to those sites which are adjacent to or within 330 feet (straight line distance) of a residence or development. A planting area a minimum of four feet wide, around the outside perimeter of the fence around the tower compound shall be established. The area shall be planted with a hedge of native or ornamental evergreen shrubs at least 30 inches in height at planting and capable of growing to at least 40 inches in height within the first growing season. Plants shall be mulched using two inches of material. A drip or low volume/pressure irrigation system or other alternative means of insuring hearty growth of vegetation shall be utilized. These plant materials shall be designed and placed to effectively screen the view of the tower compound from adjacent property. Ornamental trees may be included in the design to achieve this goal. Landscape buffering on the parent parcel shall be installed along the portion of the parent parcel boundaries between the tower and off-site residentially zoned property as necessary to buffer residential property when vegetative buffers are non-existent or provide insufficient screening. Plant materials shall be designed and placed to screen the view of the tower compound. Ornamental trees may be included in the design to achieve this goal. Existing mature tree growth and natural land forms on the property shall be protected and preserved to the maximum extent possible. New trees shall be a minimum of two inches DBH and shall be container grown. Shrubs shall be a minimum of 18-24 inches in height. Plants shall be mulched using two inches of material. All plant material shall be maintained in perpetuity following final inspection and approval. Replacements shall be made annually and coordinated with the Planning/Zoning Manager or his designee. The Board may require a greater buffer where appropriate or waive or modify any or all of these requirements if the goals of this section would be better served thereby.
- (5) Lighting. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the County shall review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding views, including but not limited to installation of bottom shielding on all lights.
- (6) Color. Towers shall either maintain a galvanized steel finish, or concrete, or be painted a color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA, except for camouflage towers. The wiring conduit and coaxial cable shall be designed or painted to reduce visual obtrusiveness.
- (7) Buildings. At the tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. Outdoor storage is not permitted at a tower site.

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- (8) Antenna. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (9) Signage. No signage shall be allowed on any tower, except as required for public safety purposes, or by the Federal Communication Commission (FCC).
- (10) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board may waive such requirements, as it deems appropriate.
- (11) Inventory of existing sites. In order to encourage collocation of facilities, the Growth Services Department shall maintain a current map of all existing towers and all antenna support structures on which an antenna has been located. To prepare and maintain such a map, at the time of its first application after the effective date of this ordinance, each applicant for an antenna and or new tower shall provide to the Growth Services Department an update of the inventory of the communications company's existing towers and antennas and approved towers that are either within Marion County or within one-quarter mile of the border thereof including municipal boundaries, including specific information about the location (including longitude, latitude, and State Plane Coordinates), height, and design of each tower. The Growth Services Department may share such information with other applicants applying for administrative approvals or SUPs under this ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the Board, provided, however, that the Growth Services Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (12) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If, upon inspection, the Board concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the Board may remove such tower at the expense of the owner and/or landowner.
- (13) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower constructed after April 28, 1998 shall ensure that it is constructed and maintained in compliance with EIA/TIA 222-E Standard, as published by the Electronic Industries Association, which may be amended from time to time, and all standards contained in the County building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Board concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the Board may remove such tower at the expense of the owner and/or landowner.
- (14) Public notice. For purposes of this section, any SUP for a tower shall require public notice to all abutting property owners and all owners of property that are located within 500 feet of the perimeter of the parent parcel upon which the proposed communication tower is located, including municipalities within one mile of the proposed site and notice to owners of private and public airports within a two mile radius of the proposed site. Failure of a municipality to respond within 30 days after notification shall be interpreted as no objection.

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- F. Permit application. An applicant requesting a new tower permit, a permit to modify an existing tower, or a permit for a new antenna on an antenna support structure or a tower shall include the following:
- (1) Information Required. Each applicant requesting a SUP shall submit a complete application as set forth herein, including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location (including longitude, latitude and State Plane Coordinates) and dimensions of all improvements, including information concerning topography, radio frequency coverage, geographical area required to meet applicant's engineering requirements (applicant's search ring), tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Board to be necessary to assess compliance with this section. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer. For new towers only, a site plan (20 copies) drawn to scale. The Planning/Zoning Manager shall provide a checklist of items required for the site plan. The site plan shall also include the criteria pursuant to this section;
 - (2) The height of the proposed or modified tower or antenna support structure (including the antenna);
 - (3) For new towers only, the location of the proposed new tower, antenna support structure or modified tower, placed upon an aerial photograph possessing a scale of not more than one inch equals 660 feet (1" = 660'), indicating all adjacent land uses within a radius of 3,000 feet from all property lines of the proposed tower location site. For a permit to modify an existing tower, written documentation that the modified tower can accommodate collocation and will not exceed 40 feet over the tower's existing height. For a new antenna on an antenna support structure or tower, a description of the antenna and antenna support structure with technical reasons concerning its design.
 - (4) For new towers only, the names, addresses and telephone numbers of all owners of the proposed tower and the location of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, and within the geographic area required to meet applicant's engineering requirements (applicant's search ring), including property zoned GU and property that is owned by a government entity within one mile radius of the proposed site, which meets the requirements of [Section 4.3.27.C](#).
 - (5) For new towers only, written approval or a statement of no objection from the FCC, FAA and other state and federal government agencies that regulate towers. In addition, all applications for new towers within a two mile radius of a public or private airport shall demonstrate that the tower location will not interfere with or obstruct the flight path of the airport.
 - (6) For new towers only, written documentation demonstrating that the applicant made diligent efforts for permission to collocate on towers, or usable antenna support structures or locate on County owned property located within the applicant's search ring and within a one mile radius of the proposed site, which meets the requirements of [Section 4.3.27.C](#).
 - (7) A description of the tower, or antenna and antenna support structure with technical reasons concerning its design.
 - (8) For new and replacement towers only, written documentation from a qualified radio frequency engineer that the construction and placement of the tower will not interfere with public safety communication and the usual and customary transmission or reception of radio, television, or other communication service.
 - (9) Written, technical evidence from an engineer(s) that the proposed antenna tower or structure meets the structural requirements standards as defined in this section. The applicant is required

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to submit the necessary building plans to the building department.

- (10) For new towers only, if volatile, flammable, explosive or hazardous material (such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals) except standard battery backup systems typically used in the telecommunication industry, are present on the site or in proximity thereto, written technical evidence from a qualified engineer(s) acceptable to the fire marshal and the building official that such material is properly stored consistent with applicable Codes and does not pose an unreasonable risk of explosion, fire or other danger to life or property.
 - (11) For new towers only, 20 copies of the final written report of all experts which the applicant will rely upon to support its application. The applicant may supplement such reports during the public hearing process to address additional issues raised at the public hearings.
 - (12) Payment of all permit fees, as well as other fees and charges assessed by the County (e.g. fees for building permits, site plan review, etc.). The applicant shall pay any reasonable additional costs incurred by the County in processing the application including, without limitation, compensation for engineers (including radio frequency engineers) or other technical consultants retained by the County.
- G. Administrative permit. No person shall erect or modify an antenna on an antenna support structure, construct a new tower as a permitted use, or modify an existing tower without first obtaining an administrative permit pursuant to this section. The Planning/Zoning Manager shall issue administrative permits consistent with the requirements of this section, and Sections 4.3.27.B, 4.3.27.C, 4.3.27.E, and 4.3.27.G. An application for an administrative permit shall be in writing and in such form and content necessary to justify the permit. Within 15 days of receiving an application or a supplement to a pending application, the Planning/Zoning Manager shall determine and notify the applicant whether the information in the application is sufficient or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the Planning/Zoning Manager in writing that the information will not be supplied and the reasons therefore. If the applicant does not respond to the request for additional information within 60 days, the application shall be deemed to be withdrawn. Within 30 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the Planning/Zoning Manager shall grant or deny the application. If the Planning/Zoning Manager denies the application for an administrative permit, the applicant may appeal such denial to the Board of Adjustment. The following uses may be approved in writing by the Planning/Zoning Manager or his designee after submission of a complete application, an administrative review and issuance of an administrative permit:
- (1) Towers allowed as a Permitted Use.
 - (2) Installing an antenna on an existing structure other than a tower (such as a building, light pole, water tower, or other free-standing nonresidential structure) that is 50 feet in height or greater, so long as said additional antenna adds no more than 40 feet to the height of the originally approved structure.
 - (3) Installing an antenna on any existing tower of any height, including the placement of additional equipment buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 40 feet to the height of the originally approved tower.
 - (4) Replacement Towers, Antenna Support Structures or Tower Modifications meeting the requirements of this section. A communication tower may be modified or reconstructed to accommodate the collocation of an additional communication antenna by administrative permit and shall be subject to the following provisions:

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- (a) The modified or replacement structure shall be either of the same tower type as the existing communication tower or a monopole tower that is replacing an existing lattice or guyed tower, not to exceed 40 feet above the original structure height.
 - (b) An existing communication tower may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's original height, to accommodate the collocation of additional communication antennas.
 - (c) The modified or replacement structure shall be exempt from any of the separation requirements set forth in **Section 4.3.27.E(1)**.
- (5) An existing transmission line tower or pole-type Antenna Support Structure (such as utility structure/pole) may be modified or replaced by administrative permit to allow for the collocation of additional antenna(s), providing the following criteria are met. If the following criteria cannot be met, an existing pole-type Antenna Support Structure may be modified or replaced by SUP.
- (a) The communication antenna attached to the existing electrical transmission tower or pole-type structure or replacement monopole shall not extend above the highest point of the pole-type structure or replacement monopole more than 40 feet, as measured from the height of the original pole-type structure and the modified or replaced structure shall not exceed a height of 150 feet.
 - (b) If the resulting structure/tower adds additional height over the original pole-type structure, the closest residential structure shall be located a distance of at least 150 percent the height of the structure/tower from the base of the pole-type structure or replacement tower.
 - (c) If no additional height over the height of the original pole-type structure is added by either
 1. The attachment of the communication antenna to the existing pole-type structure, or
 2. The replacement tower including the communication antenna, then the structure/tower is permitted with no additional distance separation or setback from residential structures over that which was provided by the original pole-type structure.
 - (d) The communication antenna and support structure comply with all applicable FCC and FAA regulations.
 - (e) The communication antenna, pole-type structure, and/or replacement monopole tower comply with all applicable building codes.
 - (f) Pole-type structures (i) within public road rights-of-way, or (ii) if used for power distribution shall be eligible for use under this subsection. Notwithstanding the foregoing sentence, pole-type structures within front yard, side yard or rear yard residential subdivision easements are not eligible for use under this subsection.
 - (g) In the event that the utility pole or structure is abandoned for its initial/primary use as a utility pole, the secondary use as a communication tower shall also cease to operate and the structure and communication antenna removed.
- H. Abandonment of communication towers:
- (1) Compelling public interest. The Board finds and declares that, because of the national public policy of ensuring that the wireless communications industry and its evolving new technologies are accommodated notwithstanding the undesirable effects that communication towers may have on the aesthetics of communities and neighborhoods, there is a compelling public interest in ensuring that communication towers are promptly disassembled, dismantled, and removed once they are no longer being used. Further, the Board finds that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for towers.

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- (2) Abandonment. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Planning/Zoning Manager, who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Failure or refusal for any reason by the owner/operator to respond within 20 days to such a request shall constitute prima facie evidence that the communication tower has been abandoned. Upon a determination of abandonment and notice thereof to the owner/operator, the owner/operator of the tower shall have an additional 180 days within which to:
- (a) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower within the 180 day period, or
 - (b) Dismantle and remove the tower. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any approval for the tower shall automatically expire.
- (3) Duty to Remove Abandoned Towers. Notwithstanding the provisions of subsection (2), upon abandonment of a communication tower as determined under subsection (2) by the Planning/Zoning Manager and the failure or refusal by the owner/operator of the tower to either reactivate the tower or dismantle and remove it within 180 days as required by subsection (2), the following persons or entities (the "responsible parties") shall have the duty jointly and severally to remove the abandoned tower.
- (a) The owner of the abandoned tower (and, if different, the operator of the abandoned tower);
 - (b) The owner of the land upon which the abandoned tower is located;
 - (c) The lessee, if any, of the land upon which the tower is located;
 - (d) The sublessee or sublessees; if any, of the land upon which the tower is located;
 - (e) Any communication service provider who or which by ceasing to utilize the tower or otherwise failing to operate any of its transmitters or antennas on the tower for which it leased space or purchased the right to space on the tower for its transmitters or antennas and such ceasing or failure to utilize the tower in fact caused the tower to become abandoned;
 - (f) Any persons to whom or entity to which there has been transferred or assigned any license issued by the Federal Communications Commission and under which the tower owner/operator operated the tower.
 - (g) Any person or entity which has purchased all or a substantial portion of the assets of the tower owner or operator;
 - (h) Any entity which has merged with, or which has arisen or resulted from a merger with, the tower owner or operator;
 - (i) Any person or entity which has acquired the owner or the operator of the abandoned tower;
 - (j) Any parent or subsidiary of any of the foregoing which happens to be a corporation;
 - (k) Any managing partner of any of the foregoing which happens to be a limited partnership; and
 - (l) Any partner of any of the foregoing which happens to be a general partnership
- The abandoned tower shall be removed on or before then ninetieth day after receipt by the responsible party or parties of a notice from the Planning/Zoning Manager ordering its removal. The duty imposed by this paragraph shall supersede and otherwise override any conflicting provision of any contract, agreement, lease, sublease, license, franchise or other instrument entered into or issued on and after May 3, 1998.

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Sec. 4.3.26 Electrical Substations.

- A. Prior to, or at a minimum along with submittal of an application to locate a new distribution electric substation in residential areas, the utility shall provide to the Development Review Committee (DRC) information regarding the utility's preferred site together with a minimum of three alternative available sites, including sites within nonresidential areas, that are technically and electrically reasonable for the load to be served. Nonresidential areas are considered proposed sites which are bounded on all sides by other than residential lands. Residential areas are considered proposed sites which are bounded on any one side by residential lands.
- B. DRC shall make the final determination on the site application as to the preferred and alternative sites within 90 days of presentation of all the necessary and required information on the preferred site and on the alternative sites.
- C. In the event the utility and DRC are unable to reach agreement on an appropriate location, the substation site selection and all addition information provided shall be submitted to the Board for review and determination of the site selection.
- D. In the event the utility and the Board are unable to reach agreement on an appropriate location, the substation site selection shall be submitted to mediation in accordance with the provisions of FS 163.3208(6)(a).
- E. Electrical substation in residential areas.
 - (1) Electric substations in residential areas shall provide for year-round visual screening and buffering which will minimize adverse impacts on neighboring properties. A landscape and buffering site plan prepared by a registered landscape architect shall be provided which addresses visual, light and sound intrusion into the neighboring properties.
 - (2) Setbacks from the substation property boundary to any permanent equipment or structure located on the substation property shall be a minimum of 100 feet. Within the 80 feet immediately adjacent to the substation property boundary, the setback shall be an open green space and shall include at a minimum native landscaping material and five medium trees (30-40 feet in height at maturity) per each 100 linear feet of property boundary. The remainder of the setback area, being a minimum of 20 feet lying immediately adjacent to the permanent equipment/structure area of the substation property, shall be an open green space buffer, and shall include at a minimum, native landscaping and a continuous hedge. Trees shall be planted so as to provide a visual screen and may be staggered to present a more natural setting. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet. A security fence or wall, eight feet in height and surrounding the substation equipment/structure area shall be constructed between the permanent equipment/structure area and the continuous hedge.
 - (3) In the event the substation parcel of land is of a size in which the buffer area along one or more boundaries would exceed the 100 foot minimum, the equipment/structure area shall be shifted to provide the maximum separation between the equipment area and property boundaries adjacent to residential uses.
 - (4) Ground and building lighting, if any, shall be limited to the permanent equipment/structure area, and shall be shielded to cast light down on the substation property and not onto adjacent properties. The maximum height of a light pole shall be 20 feet.
 - (5) Electric substations shall be prohibited in the conservation and natural reservation land use categories.
- F. Electrical substations in non-residential areas.
 - (1) Electric substations in non-residential areas shall provide for year-round visual screening and buffering which will minimize adverse impacts on neighboring properties. A landscape and

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buffering site plan prepared by a registered landscape architect shall be provided which addresses visual, light and sound intrusion into the neighboring properties.

- (2) Buffer areas from the substation property boundary to any permanent equipment or structure located on the substation property shall be a minimum of 25 feet and shall include a Land Development Code, Type B buffer (currently a minimum width of 25 feet, with a minimum of 5 trees and 30 shrubs per 100 linear feet with a wall). Trees shall be planted so as to provide a visual screen and may be staggered to present a more natural setting. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet. The permanent equipment/structure area shall be surrounded by an eight foot high security fence or wall.
- (3) Ground and building lighting, if any, shall be limited to the permanent equipment/structure area, and shall be shielded to cast light down on the substation property and not onto adjacent properties. The maximum height of a light pole shall be 20 feet.
- (4) Electric substations shall be prohibited in the conservation and natural reservation land use categories.

Division 4 Advertising Signs

Sec. 4.4.1 General Provisions.

- A. Relationship to building and electrical codes. These sign regulations are intended to implement the Marion County Comprehensive Plan and to complement the requirements of the building and electrical codes adopted by the Board. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.
- B. No defense to nuisance action. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.
- C. Maintenance.
 - (1) All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Marion County, and shall present a neat and clean appearance.
 - (2) Exposed surfaces shall be cleaned and painted if paint is required. Defective parts shall be replaced. The Planning/Zoning Manager shall have the right under [Section 4.4.F](#), to order the repair or removal of any sign which is defective, damaged or substantially deteriorated. All decisions of the Planning/Zoning Manager are appealable to the Board of Adjustment.
 - (3) The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds. No rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- D. Permitting:
 - (1) No person may engage in the business of erecting, altering, relocating, or constructing a sign, without a valid Contractor's License and all required State or Federal licenses.
 - (2) A sign company wishing to install, either or both, on-site or off-site signs shall submit an application to the Planning/Zoning Manager and the Building Manager on a form supplied by the County.
 - (3) The application form shall be accompanied by a site plan conforming to the requirements set forth in [Articles 2 and 6](#) for a minor site plan. The applicant shall also provide construction and installation details meeting the requirements of [Section 4.4.E](#).
Upon review and approval by the Growth Services Department and the Building Department, a permit shall be issued. The permit number shall be attached to the sign structure using the following size letters and numbers in a location where it is readily visible for inspection:

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TABLE 4.4.1-1 Sign Lettering

Wall signs	1 inch
Under canopy signs	¾ inch
On-site signs	1½ inch
Off-site signs	3 inch

E. Inspection and removal of signs:

- (1) Any sign which is located on or adjacent to the right-of-way of any county road, which was erected and is operated or maintained without the permit required in **Section 7.1.4**, after adoption of this Code, is declared illegal and shall be properly permitted or removed as provided herein. Signs located within the right-of-way at an intersection and which block a driver's visibility of oncoming traffic shall be removed within eight hours after notification.
- (2) Any sign which is determined by the Planning/Zoning Manager to be defective, damaged, unsafe, or substantially deteriorated or abandoned, shall be repaired or removed as provided herein.
- (3) Upon a determination by the Planning/Zoning Manager that a sign is in violation of this Code, the Code Enforcement Division shall prominently post on the sign face a notice stating that the sign is illegal, defective, damaged, unsafe or substantially deteriorated or abandoned and must either be brought into conformity with this Code or must be removed within 30 days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address or the telephone number of the sign owner, the Code Enforcement Division shall, concurrently with and in addition to posting the notice on the sign, provide a written notice to the owner stating the sign is illegal, defective, damaged, unsafe or substantially deteriorated and must be brought into conformance with the Code or permanently removed within the 30 day period specified on the posted notice or a permit obtained for the sign and payment of twice the stipulated fee as penalty. The written notice shall further state that the sign owner has a right to request a hearing before the Code Enforcement Board. Said request must be filed with the Planning/Zoning Manager within 30 days after the date of the written notice. The filing of the request for a hearing will stop the removal of the sign until a decision is reached by the Code Enforcement Board. Should the notice for removal be upheld by the Code Enforcement Board, the owner shall remove the sign within 30 days after the hearing or the County may remove the sign without further notice and without incurring any liability as a result of such removal. The cost of removing the sign may be assessed against the owner of the sign by the Code Enforcement Division.
- (4) If, pursuant to the notice provided, a permit for the sign is not obtained, or a hearing is not requested by the sign owner, or the sign is not removed by the sign owner within the prescribed period, the Code Enforcement Board shall refer the matter to the Board. At its option, the Board may either:
 - (a) Accept the findings and order of the Code Enforcement Board, and direct the County Administrator to cause the abandoned sign to be removed; or
 - (b) After giving Due Public Notice to intended parties, hold an additional hearing. At the conclusion of said additional hearing, the Board may either:
 1. quash the order of the Code Enforcement Board; or
 2. grant up to 60 days additional time for the performance of remedial acts; or

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3. direct the County Administrator to cause the sign to be removed. The decision as to whether to hold such an additional hearing rests solely with the Board. Nothing contained herein shall be deemed to give any interested party a right to any hearing in addition to that held by the Code Enforcement Board.
 - (5) A notice to the sign owner shall constitute sufficient notice and additional notice is not required to be provided to the lessee, advertiser, or the owner of the real property on which the sign is located.
- F. Signage requirements for adult and sexually oriented businesses: These requirements are located in [Article 4.3.26](#).

Sec. 4.4.2 Exempt signs

The following signs are exempt from the regulatory and permitting requirements of this Code. Exempt signs shall not be located or constructed so that they create a hazard of any kind.

- (1) Signs that are designed or located to be invisible from any street or adjoining property
- (2) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission of the State of Florida, the Federal government, or the County of Marion
- (3) Legal notices and official instruments of governmental agencies
- (4) Decorative flags and bunting for a ceremonial purpose when authorized by the Planning/Zoning Manager for a prescribed period of time, not to exceed 30 days.
- (5) Holiday lights and decorations
- (6) Merchandise displays behind storefront windows.
- (7) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (8) Signs incorporated into machinery or customarily affixed to machinery or equipment such as vending machines, newspaper racks, telephone booths, and gasoline pumps.
- (9) Advertising and identification signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers. [\(See Section 7.4.2.q. below\)](#)
- (10) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards
- (11) Signs carried by a person
- (12) Political signs. Political signs proposed to be located in a residential zoning classification shall not exceed eight square feet and shall be located behind the property line. Political signs proposed to be located in all other zoning classifications shall not exceed 32 square feet and shall be located behind the property line. Said signs may be placed or erected on private property with the permission of the owner, except in the sight triangle which occurs on the corners of intersecting streets or on the corners of driveways. [Refer to Section 5.5.16](#). Signs exceeding 32 square feet in size shall obtain a sign permit.

Signs shall not be placed or erected in the public right-of-way or on utility poles located on public right-of-way. When edge of right-of-way is questionable, signs shall be located behind power poles or fence lines.

County shall have the right to immediately remove any and all signs in the sight triangle, in the right-of-way and on utility poles located in the right-of-way in order to protect the life and safety of the traveling public and utility company employees.

All signs shall be removed within two weeks after the final election date of each candidate or issue.

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Sec. 4.4.3 Prohibited signs.

- A. Generally. It shall be unlawful to erect, cause to be erected, or maintain any sign not specifically authorized by, or exempted from, this Code.
- B. Specifically. The following signs are prohibited unless exempted by [Section 4.4.2](#) of this Code or expressly authorized by [Sections 4.4.4.E and 4.4.4.F7.6](#) of this Code:
- (1) Any sign that, in the opinion of the Planning/Zoning Manager and the Building Safety Director, does or will constitute a safety hazard.
 - (2) Blank temporary signs.
 - (3) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature date signs and electronic message boards. [\[See Section 4.4.4.C\(3\)\]](#).
 - (4) Signs, commonly referred to as wind signs, consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move by force of wind. These signs may be permitted under [Section 4.4.4.B\(6\)](#) as temporary signs for special sales events and shall be securely anchored.
 - (5) Signs that incorporate projected images (movies, slides, etc.), emit any sound that is intended to attract attention, or involve the use of live animals.
 - (6) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.
 - (7) Signs that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by the Building Code or that obstructs the vision of the cashier from the exterior of a building by a Sheriff's Deputy or Code Enforcement Officer.
 - (8) Signs that resemble any official sign, flag, or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may conceal or be reasonably confused with or construed as a traffic-control device.
 - (9) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
 - (10) Non-governmental signs adjacent to the right-of-way of any county road that use only the words "stop," "look," "danger", or any similar word, phrase, or symbol which implies the need or requirement of stopping or the existence of danger.
 - (11) Signs, within ten feet of public right-of-way or 100 feet of traffic-control lights, that contain red or green lights which might be confused with traffic control lights.
 - (12) Signs of such intensity or brilliance to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or nuisance to occupants of adjacent property because of height and glare.
 - (13) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
 - (14) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
 - (15) Signs erected on public property or right-of-way or on private utility poles located on public right-of-way except signs erected by governmental entities for public purposes.
 - (16) Signs erected over or across any public street except those expressly authorized by this Code.
 - (17) Vehicle signs with a total sign area on any vehicle in excess of 12 square feet, when the vehicle:

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- (a) Is visible from the street right-of-way and is parked for more than one hour within 100 feet of any street right-of-way; and
 - (b) Is not regularly used (cannot be started and used once a week) in the conduct of the business advertised on the vehicle. A vehicle used primarily for the purpose of providing transportation for owners or employees of the business concern advertised on the vehicle, on the site of the business, shall be considered a vehicle used in the conduct of the business.
- (18) Portable signs as defined by this Code except as allowed in **Section 4.4.4.B of this Code.**
- (19) Signs which are not placed by the property owner and are nailed, fastened or affixed to any tree, stone, fence, stump, utility pole, mile board, danger sign, guide sign, guide post, highway sign, historical marker, fence post, or other object or structure adjacent to a public right-of-way or within 50 feet of a public right-of-way excluding trespassing signs and markers.

Sec. 4.4.4 On-site signs.

A. Signs not requiring permits:

- (1) Construction signs of 64 square feet or less
- (2) Direction or information signs of six square feet or less
- (3) Name plates of four square feet or less
- (4) Public signs or notices, or any sign relating to an emergency
- (5) Real estate signs of 64 square feet or less
- (6) Temporary window signs placed on inside of windows which do not cover more than 50 percent of the window area
- (7) Posted notices, No Trespassing signs or markers

B. Temporary signs:

- (1) Except as indicated above, no temporary signs shall be erected without obtaining a permit. Signs failing to comply with the requirements of this section are illegal and subject to immediate removal.
- (2) A temporary sign may be a ground or building sign.
- (3) Real estate signs indicating that a property owner is actively attempting to sell, rent or lease the property on which the sign is located. **(Refer to Section 4.4.4.d(12)(a),** for size, height and number of signs allowed.)
- (4) Signs indicating the grand opening of a business. This signage may be displayed for a period not exceeding ten days within the first three months the business is open.
- (5) Signage indicating the existence of a new business, or a business in a new location, pending installation of permanent signs. Such signage may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall first occur.
- (6) Signage indicating the opening of a new business or a special sales event including but not limited to search lights, banners exceeding 36 square feet in size, and portable signs. This signage shall be granted a temporary permit not exceeding 30 days within the first three months the business is open or for a period not to exceed 21 consecutive days per event for temporary sales events. This type of signage is limited to four events per year. When more than one portable sign is placed on a property they shall be spaced 100 feet apart.
- (7) Construction signage shall not be displayed more than 60 days prior to the beginning of actual construction of a project and shall be removed when construction is completed. Should construction be discontinued for any reason, for a period of more than 60 days, the signage shall be removed pending resumption and continuation of construction activities.

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- (8) Signage announcing or advertising such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any charitable, educational, public or religious event or function. The Planning/Zoning Manager shall maintain a record of each applicant's performance in obtaining permits and removing signs as a basis for issuing future permits. Such signage shall be professionally made and shall be removed within five days after the conclusion of the special event. The construction and installation shall meet the wind load requirements of the Building Code. Maximum size shall not exceed 64 square feet.

C. Permanent signs.

- (1) Permanent signs may be a ground or building sign.
- (2) No person shall erect or place any commercial sign upon benches, transit shelters or waste receptacles of 55 gallons or less, or be placed on the County road right-of-way without obtaining approval from the Board.
- (3) Electronic message signs and Time Temperature Date Signs are permitted on commercially developed parcels. These signs shall display information in an easily comprehensible way. The information shall be visible for a minimum of three seconds and shall be kept accurate. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of an occupant's allowable sign area.
- (4) Directional signs are limited in area to six square feet, giving directions to motorists regarding the location of parking areas and access drives. They shall be allowed as permanent signs on all parcels and shall not be counted as part of an occupant's allowable sign area.
- (5) Entrance signs. A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches. Refer to 4.4.4.E for residential development sign setbacks.
 - (a) Restrictions.
 1. An entrance sign is permitted at only one entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two faces of equal size or may be a single face sign located on each side of the entrance. No single face of the sign shall exceed 64 square feet in size with a maximum total size of 128 square feet and may be illuminated by a steady light source only.
 2. When considering the placement of such signs, the Planning/Zoning Manager shall consider the location of public utilities, sidewalks and future street widening.
 3. The Planning/Zoning Manager shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owner's association, or some other person who is legally accountable under a maintenance arrangement approved by the Planning/Zoning Manager. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.
 - (6) Flags.
 - (a) Number. No more than three flags or insignias of, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Cemeteries are exempt from this provision.
 - (b) Size. The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flag pole, or in the absence of a flag pole, 20 percent of the distance from the top of the flag or insignia to the ground.
- (7) Utility signs. Public utility signs that provide information or identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted along utility easements and rights-of-way so long as they do not exceed three square feet in size.

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- (8) Blocking exits, fire escapes, etc. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
 - (9) Clearance standards. All signs over pedestrian ways shall provide a minimum of 7 feet 6 inches of clearance. All signs over vehicular ways shall provide a minimum of 13 feet 6 inches of clearance.
 - (10) Relationship to building features. A building sign shall not extend beyond any edge of the building or the building surface to which it is attached, nor disrupt a major architectural feature of the building such as windows or doors.
 - (11) Signs painted on building walls or innovative signs which meet the requirements of this Article may be issued a permit in accordance with **Section 7.1.4**. Applications for these type signs shall include information on layout, graphics, color and any additional information requested by the Planning/Zoning Manager or provided by the applicant to support his application for the construction permit.
 - (a) Signs painted on building walls shall be located in B-4, IC, M-1 and M-2 zoning classifications. The size of the sign face shall not exceed 675 square feet.
 - (12) Maximum projection. A building sign shall project no more than four feet perpendicularly from the surface to which it is attached.
 - (13) Maximum window coverage. The combined area of permanent and temporary signs placed on the exterior of or attached to windows of retail stores shall not exceed 50 percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed. Window signage on convenience store windows shall be installed and maintained so that there is a clear and unobstructed view of the cash register and transaction area from the exterior of the store.
 - (14) Multiple occupancy complexes. Signage for multiple occupancy complexes such as an office building, shopping plaza, shopping center or any commercial or industrial building having more than one tenant, constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in the Growth Services Department. The format shall be presented as a master signage plan or sketch, together with written specifications in sufficient detail to enable the Planning/Zoning Manager to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Planning/Zoning Manager upon submission of a revised master signage plan and specifications detailing the revised format.
- D. Location and design criteria.
- (1) General Requirements.
 - (a) Where a sign is composed of letters or pictures attached directly to a wall or facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
 - (b) The signable wall or facade area is a continuous portion of a building unbroken by doors or windows and shall be measured by determining the area within an imaginary rectangle drawn around the area. The area shall include roof slopes of less than 45 degrees as measured from the vertical plane, that form a side of a building or unit.

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- (c) Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.
 - (d) Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two. The "projected image" is that image created by tracing the largest possible two dimensional outline of the sign.
- (2) Temporary Signs
- (a) Real Estate Signs – Residential shall comply with the following table:

TABLE 4.4.4-1 Real Estate Signs – Residential Standards

Dwelling Type	Maximum Number	Maximum Size Each (square feet)	Maximum Height (feet)
Single Family	1 sign	6	3
Two Family	For 2 signs	6	3
	For 1 sign	10	8
Three Family	For 2 signs	6	3
	For 1 sign	15	8
Four Family	For 4 signs	6	3
	For 1 sign	20	8
Over Four Family	1 sign	32	8

- (b) Real Estate Signs - Commercial or Industrial and Construction Signs shall comply with the following:
 1. Number - maximum of two signs per parcel. (See Section 4.4.4.H(2)(a), (b) for large parcels and corner parcels.)
 2. Size - one square foot of signage per ten feet of frontage up to a maximum of 96 square feet. An individual sign shall not exceed 64 square feet.
 3. Height - maximum of 16 feet.
 4. Spacing - minimum of 100 feet apart.
 - (c) All other temporary signs:
Number, size, height and spacing to be specified in special permit to be issued by the Planning/Zoning Manager.
- E. Signs permitted in residential zoning classifications:
- (1) Signs allowed in residential zoning classifications are as follows:
 - (a) Two subdivision identification signs per neighborhood, subdivision, or development, not to exceed 64 square feet in sign area per sign
 - (b) Two identification signs per apartment or condominium complex, not to exceed 64 square feet in sign area per sign.
 - (c) For permitted non-residential uses, including places of worship, one freestanding sign, not to exceed one square foot in sign area for every two lineal feet of street frontage and one wall sign not to exceed 24 square feet in sign area. Total aggregate sign area shall not exceed 200 square feet.

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- (2) Special sign regulations for residential zoning classifications are as follows:
 - (a) All allowed freestanding signs shall have a maximum height limit of ten feet and shall have a setback of five feet from the front and side property line.

F. Signs permitted in commercial and office zoning classifications:

- (1) Signs allowed in commercial and office zoning classifications and in the R-O, P-MH and P-RV zoning classifications are as follows:
 - (a) Single Occupancy Uses, P-MH and P-RV Zoning Classifications: One freestanding on site sign per premises, not to exceed two square feet in sign area for each linear foot of main street frontage up to a maximum of 130 square feet per sign face.
 - (b) Multiple Occupancy Usages - one freestanding, on-site directory sign, not to exceed the maximums in the following table:

TABLE 4.4.4-2 Multiple Occupancy Usage Sign Standards

ZONING CLASSIFICATION	MAXIMUM SIZE
B-1, Neighborhood Business	200 square feet per sign face
B-2, Community Business	300 square feet per sign face
B-4, Regional Business	350 square feet per sign face
RAC, Rural Activity Center	200 square feet per sign face

- (c) Wall Signage:
 - 1. Single occupancy. Three wall signs, not to exceed two square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 96 square feet in aggregate sign area. **One of the allowed** wall signs above may be placed on the side of the occupancy.
 - 2. Shopping centers. Wall signage shall not exceed one and three-quarters square feet in sign area for each linear foot of each occupancy's building frontage.
- (d) Surface area of the on-site sign structure supporting the sign face may not exceed the allowable sign area.
- (e) One under-canopy sign per occupancy, not to exceed four square feet in sign area.
- (f) Incidental signs, not to exceed six square feet in aggregate sign area per occupancy.
- (g) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.
- (h) Outdoor Menu Boards for fast food or drive-thru restaurants shall not exceed 60 square feet in aggregate sign face area.
- (2) Location, Setbacks and Height:
 - (a) The onsite identification or directory sign shall be located in the area between the structure and the access street and shall be set back a minimum of five feet from the front property line.
 - (b) On-site signs shall not exceed a height of 30 feet.
- (3) Special regulations and allowances for commercial and office zoning classifications are as follows:
 - (a) Where occupancy is on a corner or through lot, or has more than one main street frontage, two wall signs and one additional freestanding sign will be allowed on the additional frontage,

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not to exceed the size of other allowed wall and freestanding signs.

- (b) Freestanding and under-canopy signs shall have a setback of five feet from any public vehicular right-of-way and a minimum clearance of 12 feet over any vehicular use area and seven feet over any pedestrian use area.
- (c) Auto dealerships, furniture stores, boat sales and similar retail sales facilities are allowed to combine the freestanding on-site signage and the building signage, not to exceed two square feet in sign area for each linear foot of main street frontage. The freestanding signage shall not exceed 130 square feet per sign face. Multiple freestanding signs are allowed and shall be spaced a minimum of 150 feet apart.

G. Signs permitted in agricultural zoning classifications:

(1) Signs allowed in agricultural zoning classifications are as follows:

- (a) Farm Entrance Signs. One double faced sign or two single faced signs not exceeding a total of 128 square feet of sign area. The allowed sign area per sign face is 64 square feet.
- (b) Signs for Home Occupations. One sign, either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
- (c) **For permitted and SUP authorized** agriculturally related non-residential uses or community facilities uses, including places of worship, one freestanding sign, not to exceed one square foot in sign area for every two lineal feet of street frontage and one wall sign not to exceed 24 square feet in sign area. Total aggregate sign area shall not exceed 200 square feet.

H. Signs permitted in heavy commercial and industrial zoning classifications:

(1) Signs allowed in heavy commercial and industrial zoning classifications: B-3, B-5, IC, M-1, M-2 are as follows:

- (a) One freestanding on site sign per premises, not to exceed two square feet in sign area for each linear foot of main street frontage up to a maximum of 400 square feet per sign face.
- (b) One wall sign per occupancy, not to exceed one and three-quarters square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 200 square feet; or
Two roof signs per premises, not to exceed two square feet in sign area for each linear foot of that occupant's building frontage up to a maximum of 200 square feet; or
Three awning signs per occupancy not to exceed 30 percent of the surface area of an awning, or three marquee signs, not to exceed 50 square feet in sign area for each marquee.
- (c) Two under-canopy signs per occupancy, not to exceed eight square feet in aggregate sign area
- (d) Incidental signs not to exceed six square feet in aggregate sign area per occupancy.
- (e) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.
- (f) The freestanding on-site signage or directory signage shall be located in the area between the structure and the local commercial access street and shall be set back a minimum of five feet from the front property line.
- (g) On-site signs shall not exceed a height of 30 feet.

(2) Truck stop signage:

- (a) One free standing on-site identification sign per lot or parcel, not to exceed two square feet in sign area for each lineal foot of main street frontage up to a maximum of 600 square feet per sign face: Such signs shall not exceed a height of 55 feet.

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- (b) Wall signage or roof signage or combination thereof per occupancy, not to exceed two and three-quarters square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 520 square feet: Signage may be placed on the front or side of the building.
 - (c) Direction signs not to exceed 16 square feet of sign area per face: Such signs shall not exceed a height of ten feet.
 - (d) Menu boards, either single faced or double faced, for drive-thru restaurants shall not exceed 60 square feet in sign face area, measured on one face of the sign.
 - (e) Truck scale signs shall not exceed 80 square feet per sign face and shall not exceed 20 feet in height.
 - (f) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.
 - (g) The on-site identification sign(s) shall be set back a minimum of five feet from the front property line.
 - (h) All signage shall conform to the requirements of Subsection 5.5.16., Sight triangle (corner vision clearance) requirement at all access and egress points.
- (3) Special Regulations and Allowances for Heavy Commercial and Industrial Zoning Classifications are as follows:
- (a) Where a lot has in excess of 300 feet of main street frontage, one additional freestanding sign will be allowed for each additional 150 feet of main street frontage. Such signs shall be subject to the size and height limitations of the first allowed freestanding sign and may be placed no closer than 150 feet to any other freestanding sign on the same premises.
 - (b) A projecting sign may be used instead of any allowed wall or freestanding sign, not to exceed a sign area of two square feet for each linear foot of occupancy's building frontage up to a maximum of 64 square feet.
 - (c) All freestanding, projecting, awning, marquee, and under-canopy signs shall have a minimum setback of five feet from any vehicular public right-of-way, and a minimum clearance of 13 feet, six inches over any vehicular use area and seven feet over any pedestrian use area.

Sec. 4.4.5 Off-site signs

- A. Permitted Signs. Off-site advertising signs are allowed in the B-2, B-3, B-4, B-5, IC, M-1, M-2, RC-1, RAC, RI, A-1 and PUD zoning classifications
Permits will not be issued along state highways without state tags in the name of the applicant or lease holder. Letters of Intent to issue a permit may be issued.
- B. Prohibited Signs, Double, and triple Decker signs.
- C. Location and Design Criteria:
 - (1) Maximum Size. No off-site advertising sign face shall exceed 675 square feet in size of message area except for temporary (not to exceed 12 months) additions which shall not exceed ten percent of the base size.
 - (2) Number of Signs. For permitting purposes only, the number of signs will be based upon the number of supporting structures. For example, two sign faces placed back to back mounted on a single supporting structure will be considered as a single, double faced sign. The supporting structure may consist of a single metal post structure or a set of wooden poles placed together which constitute a single supporting structure. Where two sign faces are placed back to back on two separate supporting structures to form a V, and which are at the point no more than five feet apart and at the apex less than 20 feet apart shall be counted as a single sign.

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- (3) Sign Area. The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face excluding temporary additions or extensions. Where two sign faces are placed back to back on a single sign structure and the faces are no more than five feet apart at any point, the allowable area of the sign shall be counted as the area of both faces. The exception for V-structures as defined in [Section 4.4.5.C\(1\)](#) shall also apply.
- (4) Spacing and Location:
- (a) Locations for off-site advertising signs shall be spaced at 1,000 foot intervals measured from center to center along the same side of a common right-of-way. No other off-site sign shall be located within the 1,000 foot interval and to a property depth of 600 feet along the side of the thoroughfare to which the sign is directed. Spacing shall be determined based on signs that have received the necessary county permit pursuant to this Code as well as those signs existing prior to the adoption of this Code. Signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions.
- (b) Permitting:
1. County Roadways. Where two or more applications from different persons or companies conflict with each other, only one of the applications may be approved. The first application received by the Growth Service Department will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and that the first application is being acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall be considered for approval.
 2. State Highways. Replacement signs are signs which do not meet the required spacing without the removal of an existing sign. Applicants submitting an application for a sign replacement may be issued Letters of Intent in the order they are received by the Growth Services Department. The first applicant to present the required State Permit and a copy of the state tags will receive the permit for the sign construction.
- (c) Placement Standards:
1. Signs shall not be located within a clear visibility triangle, at intersections of driveway and street or street and street, as said triangle is defined in [Section 4.3.10](#).
 2. Supports for signs or sign structure shall not be placed in or upon a private right-of-way or private easement, except under the terms of a lease between the owner of the easement or right-of-way and the owner of the sign.
 3. No sign shall project over or be placed in or upon a public right-of-way.
- (5) Maximum Height. No off-site advertising sign, or combination of signs, shall exceed the height of 50 feet.
- (6) Maximum Width. No off-site advertising sign, or combination of signs, shall exceed 50 feet in width.
- (7) Minimum Setbacks are as follows:
- (a) Fifteen feet from street right-of-way or property line
 - (b) No sign shall be erected within 300 feet of a residential zoning classification, or within 150 feet of a church, public or private school, Public Park or playground, civic, historical or designated scenic area or a cemetery located along a common right-of-way.
 - (c) No advertising sign shall be located nearer than the height of the sign plus ten feet to any existing residence.

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(8) Illumination Standards are as follows:

- (a) Sign lighting shall not be designed or located to cause confusion with traffic lights.
- (b) Illumination by floodlights or spotlights is permissible and shall be directed so that the light shall not shine directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public thoroughfares.
- (c) Illuminated signs shall not have lighting mechanisms that project more than three feet perpendicularly from any surface of the sign over public right-of-way.

D. General Requirements. All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by Marion County.

Sec. 4.4.6 Non-conforming advertising signs

- A. Continuation of Existence. Non-conforming permanent signs, both on-site and off-site may continue until they are removed or relocated. Non-conforming signs are declared by this Code to be incompatible with permitted uses in the zoning classification where located. Non-conforming signs shall not be enlarged or reconstructed to continue their nonconformity after relocation or major damage, Major damage is defined to have occurred when the cost of repair exceeds 90 percent of the tangible tax value of the sign for the latest tax year.
- B. Repair, Alteration, Enlargement. A non-conforming sign may be repaired in any one year in an amount not exceeding 25 percent of the tangible tax value of the sign for that year. Any repair or refurbishing of the sign that enlarges the dimensions of the sign face, or that raises the height above ground level of the sign so as to enhance the signs visibility or the period of time that the sign is visible shall be considered erection of a new sign and not reasonable repair or maintenance and shall be prohibited. Nothing in this section shall be deemed to prevent compliance with applicable laws relative to the safety of a non-conforming sign.
- C. Reconstruction. After a Catastrophe. A sign which is destroyed by an Act of God or by fire, explosion, war or other catastrophe shall not be reconstructed. Destroyed is defined as the cost to reconstruct the sign when that cost exceeds 90 percent of the tangible tax value of the sign immediately prior to destruction.