

LAND DEVELOPMENT CODE

Article 2 Application Type and Standard Requirements

Division 1 General Provisions

Sec. 2.1.1 Purpose.

The purpose of this article is to establish the standard requirements and procedures for development applications described in this article including Comprehensive Plan and Code amendments. These procedures are intended to provide orderly and expeditious processing of such applications.

Sec. 2.1.2 Concurrent review procedures.

Applications shall, at the request of the applicant, be allowed to be reviewed concurrently. Documents shall be submitted in accordance with the provisions of the applicable sections of this article.

Sec. 2.1.3 Order of plan approval.

Plans may be reviewed concurrently, but must be approved in the order as listed below, when applicable and when the proper land use and zoning are in place:

- A. Master Plan.
- B. Preliminary Plat.
- C. Improvement Plan.
- D. Final Plat.
- E. Major Site Plan. However, a Major Site Plan can be substituted for the Improvement Plan and can be approved before approval of the Final Plat in cases when the infrastructure improvements supporting the plat are proposed as part of the Major Site Plan application.

Sec. 2.1.4 Application content.

- A. An application for development shall include the items specified in the applicable section of this article, and all other articles and shall be complete prior to starting the review process. For technical and design sufficiency, an application shall, as applicable, comply with the requirements of related articles and/or divisions of these Codes.
- B. Any application which fails to provide the items listed within shall be deemed incomplete. An incomplete application shall not proceed through the review process and shall be returned to the applicant and any fees paid shall be refunded or returned as applicable.

Sec. 2.1.5 Change of project's name, surveyor, or design professional.

- A. Change of a project's name may be requested at any time prior to final approval. The request must be by written notice from the developer, project surveyor, or design professional to the Office of the County Engineer, with a copy to the Growth Services Department.
- B. Change of the project surveyor or design professional at any time after the submission of a development application shall require written notification to the Office of the County Engineer from the developer.

Sec. 2.1.6 Resubmittals.

- A. Resubmittals necessitated by the applicant's revisions or errors shall be accompanied by a resubmittal fee as established by the Board. The fee schedule is available at the [Office of the County Engineer](#).
- B. The applicant may replace individual sheets in lieu of submitting full plan sets.

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- C. The applicant may redline the plans for minor changes as allowed by staff.

Sec. 2.1.7 Revisions to previously approved plans.

- A. All revisions shall be accompanied by a resubmittal fee as established by the Board. The fee schedule is available at the [Office of the County Engineer](#).
- B. Revisions may be a full plan submittal or specific sheets on which changes were made.
- C. The appropriate number of plans for the type of plan being revised shall be submitted for a full staff review.
- D. The applicant shall identify what changes were made from the original approved plans.

Sec. 2.1.8 Withdrawal of application. At the written request of the applicant or as a verbal request on record, an application shall be withdrawn. The fee paid shall not be refunded.

Division 2 Pre-Application Meeting

Sec. 2.2.1 Applicability.

For the purpose of expediting application approval and reducing the cost of development, applicants are encouraged to request a pre-application meeting with County staff to review the feasibility of the project and to obtain information and guidance from the County.

Sec. 2.2.2 Submittal requirements.

- A. Pre-application meeting requests, by letter or email, shall be submitted to the [Office of the County Engineer](#).
- B. There shall be no fee required for the pre-application meeting.
- C. The applicant should submit the following:
 - (1) The parcel number.
 - (2) A location map depicting the site.
 - (3) A Conceptual Plan, which is encouraged but not required.

Sec. 2.2.3 Review and approval procedures.

The pre-application meeting is optional and is intended to assist the applicant with future submittals.

Sec. 2.2.4 Completion and close out.

The applicant, at his option, may submit to the Development Review Committee (DRC) a brief written summary of the pre-application meeting minutes within 10 working days after the meeting and request that the summary be scheduled for discussion at the next available DRC meeting.

Division 3 Comprehensive Plan Amendment

Sec. 2.3.1 Applicability.

- A. Proposals to amend, modify, or change a component of the adopted Marion County Comprehensive Plan as described in [Article 3, Division 1](#), shall be considered and initiated by the filing of the appropriate Comprehensive Plan Amendment Application (CPAA).
- B. The Growth Services Department shall provide for the processing of CPAA types, consistent with the provisions of FS 163, as follows:
 - (1) Small Scale Future Land Use Map Amendment – to be filed for the purpose of amending the Future Land Use Designation(s) of real property as depicted on the Marion County Comprehensive Plan Future Land Use Map Series Map 1 in regards to a parcel, part of a parcel, or series of parcels wherein the land use amendment area does not exceed a total of 10 gross acres in size as established by FS 163;

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- (2) Large Scale Map Amendment – to be filed for the purpose of amending the Future Land Use Designation(s) of real property as depicted on the Marion County Comprehensive Plan Future Land Use Map Series Map 1 in regards to a parcel, part of a parcel, or series of parcels without regard to the gross acreage of the land use amendment area consistent with the provisions of FS 163;
- (3) Large Scale Text Amendment - to be filed for the purpose of amending the text or other reference maps and materials which are part of the adopted Marion County Comprehensive Plan;
- (4) Small Scale Text Amendment – to be filed for the purpose of amending the text or other reference maps and materials which are part of the adopted Marion County Comprehensive Plan wherein the proposed amendment is specifically related to a concurrent amendment to the Marion County Comprehensive Plan Future Land Use Map Series Map 1; and
- (5) The Growth Services Department may opt to provide a multi-purpose CPAA which accommodates the submission for any of the CPAA types listed in items (1) – (4).

Sec. 2.3.2 Submittal requirements.

- A. All CPAAs shall be obtained from and submitted to the Growth Services Department.
- B. A fee in the amount established by resolution of the Board shall accompany the CPAA. The fee schedule is available from the [Growth Services Department](#).
- C. The Growth Services Department shall review each application for adequacy and completeness. The application will not be considered complete until the following items have been submitted:
 - (1) A completed CPAA, including all necessary supporting documentation as set forth in the CPAA.
 - (2) All material and information necessary to demonstrate that the granting of the amendment is consistent with the Marion County Comprehensive Plan, and FS 163.
 - (3) For a CPAA affecting specific real property, the following shall be provided at a minimum:
 - a. Signed/executed owners authorization statement(s) naming each individual having legal or equitable ownership of the subject property;
 - b. Notarized letter of authorization form for each owner authorizing the indicated applicant to act on the owner's behalf if the applicant is other than the owner(s);
 - c. Most recent warranty deed;
 - d. Signed and sealed boundary survey of property which also shows the surrounding and adjacent land uses within three hundred (300) feet of property. The surrounding land uses do not need to be surveyed, rather the land use designations shall be recorded on the survey;
 - e. Proposed/Requested Future Land Use Designation(s) for the real property;
 - f. Existing Zoning Classification(s) and Land Use Designation(s) for the real property and all property abutting the real property;
 - g. A Traffic Impact Analysis shall be provided which is based on the maximum estimated traffic generation of the proposed Future Land Use Designation(s). The study level of the analysis shall comply with the County Traffic Impact Analysis Guidelines available at the [Office of the County Engineer](#); and
 - h. Any additional information determined to be necessary to analyze the CPAA to address consistency and compliance with the Marion County Comprehensive Plan, Marion County Land Development Code, and/or FS 163.

Sec. 2.3.3 Review and approval procedures.

- A. The timing for the submission and general processing of all CPAA types shall be established by the

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Board, consistent with the provisions of FS 163, as applicable.

- B. A CPAA shall be reviewed for compliance and consistency with the Marion County Comprehensive Plan and FS 163, pursuant to the provisions of this Division and **Article 3, Div #.**
- C. The Amendment shall be enacted by adopted ordinance consistent with the provisions of **Article 1, Division 3, and Article 3, Division #,** and FS 163.
- D. The Amendment shall not be deemed to be effective unless and until an affirmative “Notice of Intent”, or its equivalent, has been issued and the effective date of the adopting ordinance has been satisfied.

Sec. 2.3.4 Completion and close out.

- A. The Growth Services Department shall publish a revision to the Marion County Comprehensive Plan incorporating the Amendment.
- B. At the applicant’s request, the Growth Services Department shall issue a written notice confirming the completed status of the Amendment.

Division 4 Land Development Code Amendment

Sec. 2.4.1 Applicability.

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

Sec. 2.4.2 Submittal Requirements.

- A. All proposals to amend the LDC shall be submitted to the Growth Services Department.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Growth Services Department](#) and the [Office of the County Engineer](#).

Sec. 2.4.3 Review and approval procedures.

- A. The proposed amendment language shall be reviewed by staff and shall be placed on the agenda of the Land Development Regulation Commission (LDRC) for review and consideration.
- B. Public hearing.
 - (1) The LDRC shall hold a public hearing after due public notice as defined in **Section 2.2,** to consider proposed amendments to the LDC.
 - (2) In making a recommendation for approval to the Board, the LDRC shall make a written finding that the proposed amendment is consistent with the Marion County Comprehensive Plan.
 - (3) If the LDRC recommends denial of the proposed amendment, it shall state in writing its findings of fact and reasons for denial.

Sec. 2.4.4 Completion and close out.

- A. The Board shall hold public hearings to consider recommendations from the LDRC for approval or denial of proposed LDC amendments. The Board shall provide for public notice and hearings as follows:
 - (1) The Board shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the Board, by a majority plus one vote elects to conduct that hearing at another time of day. The first public hearing shall be

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held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.

(2) The required advertisements shall be no less than two columns wide by ten inches long in a standard size newspaper and the headline in the advertisement shall be in a type no smaller than 18 point and shall comply with the provisions of FS 125.66(4).

- B. Board decisions, appeals. All recommendations for a LDC amendment shall be approved or denied by a majority vote of the Board members present and voting at the public hearing of the Board. If the vote of the Board results in a tie vote, the tie vote may operate as a deferral to the next Board public hearing or date otherwise designated by the Board and the Board may defer the Amendment until a full Board is present. Appeal of any decision of the Board granting or denying a LDC amendment shall be made by filing a Petition for Writ of Certiorari with the Circuit Court in Marion County within 30 days of rendition of the decision to be reviewed.

Division 5 **Scenic Roads Amendment Application (SRAA)**

Sec. 2.5.1 Applicability.

- A. Proposals to amend the list of designated facilities in **Section 5.6.3**, or obtain an authorized improvement exemption for a designated facility as provided in **Section 5.6.5**, shall be considered and initiated by the filing of a SRAA, consistent with the provisions of this **Division and Section 5.6.6**.
- B. A SRAA may be initiated by an individual applicant, or a representing agent of the Board when related to a Marion County project; however all SRAAs shall be considered consistent with the applicable provisions of this **Division and Section 5.6.6**.

Sec. 2.5.2 Submittal Requirements.

- A. Timing.
- (1) SRAAs to amend the list of designated facilities in **Section 5.6.3** shall be accepted one-time per calendar year, or as established by the Board.
- (2) SRAAs to obtain authorization for improvement exemptions as provided in **Section 5.6.5** shall be accepted monthly, or as may be established by the Board.
- B. A SRAA may be obtained from the Growth Services Department.
- C. A SRAA shall include all material and information required on the SRAA, including that information necessary to demonstrate the request is consistent with the intent and purpose of the Scenic Roads Overlay Zone provided in **Division 5.6** and the Scenic Roads Master Plan, as applicable.
- D. A fee in the amount established by resolution of the Board of County Commissioners shall accompany the application. The fee schedule is available at the [Growth Services Department](#) and the [Office of the County Engineer](#).

Sec. 2.5.3 Review and approval procedures.

- A. A SRAA shall be reviewed by staff for compliance with the submittal requirements; once deemed complete, the review process established herein and in **Section 5.6.6** shall apply.
- B. A SRAA shall be reviewed by staff for consistency with the intent and purpose of the Scenic Roads Overlay Zone provided in **Division 5.6** and the Scenic Roads Master Plan, as applicable. A staff recommendation regarding the SRAA shall be prepared, followed by a two public hearing(s) to consider the SRAA: the first before the Scenic Roads Advisory Commission (SRAC), with the second and final before the Board, consistent with the provisions of **Section 5.6.6**.
- C. A SRAA, if approved, shall be enacted by the Board, consistent with FS 125 and **Section 5.6.6**, and appropriately published by the County as directed by **Division 5.6**.

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Sec. 2.5.4 Completion and close out.

- A. The Growth Services Department shall publish an approved update and/or revision to the County's Scenic Roads Program and, ultimately, the Land Development Code and/or list of improvement exemptions consistent with **Division 5.6**.
- B. At the applicant's request, the Growth Services Department shall issue a written notice confirming the completed status of the SRAA.

Division 6 **Transfer of Rights Programs (TRPs) Applications**

Sec. 2.6.1 Applicability.

A Transferrable Development Credit Application (TDCA) is required in order to obtain, transfer, or acquire and use Transferrable Development Credits (TDCs) under one of the TRPs. The TDCAs consist of the following types:

- (1) Application to Participate in Transfer of Development Rights Program – filed to apply for the issuance of TDCs under the Transfer of Development Rights Program (TDR) in relation to a proposed Sending Area site.
- (2) Application to Participate in Transfer of Vested Rights Program – filed to apply for the issuance of TDCs under the Transfer of Vested Rights Program (TVR) in relation to a proposed Sending Area site.
- (3) The transfer/exchange of TDCs between parties requires concurrent filing the following two TDCAs:
 - (a) Assignment of Development Credits by Holder – to be filed by the party (grantor) who holds the TDCs, whether the grantor is the original party receiving the initial issuance of the TDCs or a subsequent party who received the TDCs and is transferring them to a subsequent grantee.
 - (b) Statement of Utilization of Transferable Development Credits – to be filed by the party (grantee) receiving the TDCs.
- (4) An option to provide a multi-purpose TDCA which accommodates the submission for any of the TDCA types listed in items (1)-(3) may be allowed at the County's discretion.

Sec. 2.6.2 Submittal Requirements.

- A. All TDCAs shall be obtained from and submitted to the Growth Services Department.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. The Growth Services Department shall review each TDCA for adequacy and completeness. The TDCA will not be considered complete until the following items have been submitted for each respective application type:
 - (1) For an Application to Participate in TDR/TVR Program, as appropriate:
 - (a) An appropriate completed TDCA, including all necessary supporting documentation as set forth in the TDCA.
 - (b) All material and information necessary to demonstrate the subject property qualifies as a Sending Area and is eligible for participation within the corresponding TDR/TVR Program.
 - (c) A signed and executed Petition to Participate in TDR/TVR Program, as appropriate, from each property owner holding title to the subject property of the corresponding TDCA.
 - (2) For a request to transfer/exchange TDCs from Grantor to Grantee:
 - (a) An appropriate completed Assignment of Development Credits by Holder from each party holding (Grantor) the TDCs, including all necessary supporting documentation as set forth in

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the TDCA.

- (b) An appropriate signed and executed Statement of Utilization of Transferable Development Credits from each property owner (Grantee) holding title to the subject property identified as the receiving site for the corresponding TDCA.
 - (c) All material and information necessary to demonstrate the subject property qualifies as a Receiving Area and is eligible for participation within the corresponding TDR/TVR Program.
- D. A TDCA which fails to provide the items listed in this Section shall be deemed incomplete. An incomplete TDCA shall not be proceed through the review process and shall be returned to the applicant.

Sec. 2.6.3 Review and approval procedures.

- A. TDCAs may be submitted at any time.
- B. A complete TDCA shall be reviewed by the Growth Services Department for consistency with the Marion County Comprehensive Plan and the provisions of Article 3, which shall then complete a written staff report listing the Department's analysis and recommendation regarding the TDCA within 20 working days of determination the TDCA is complete.
- C. The Growth Services Department's completed staff report and recommendation shall be scheduled for presentation to and consideration by the Board at its next available regularly scheduled meeting.
- D. The Board shall consider the Growth Services Department's review and recommendation and applicant presented information and determine the consistency of the TDCA with the Marion County Comprehensive Plan and Article 3, Division 5.
- E. The Board may act to:
 - (1) Approve the TDCA as recommended,
 - (2) Approve the TDCA with modification as specified by the Board,
 - (3) Deny the TDCA, or
 - (4) Continue or table consideration of the TDCA with direction to staff and/or the applicant to provide additional information as specified by the Board.
- F. When the Board has approved creating and granting new TDCs, the Chair shall execute the two following TDCA documents in regards to the subject property for which the TDCs are issued:
 - (1) Conservation Easement
 - (2) Statement of Issuance for Transferrable Development Credits.
- G. When the Board has approved a transfer of TDCs between parties, the Chair shall execute the two following TDCA documents in regards to the subject property for which the TDCs are issued:
 - (1) Assignment of Development Credits
 - (2) Statement of Utilization of Transferable Development Credits.
- H. When the Board has denied creating and granting new TDCs to a subject property, a new TDCA to create and grant TDCs to any or all of the subject property may not be submitted for a period of 180 days from the date of denial.
- I. When the Board has denied a transfer of TDCs to a subject property, a new TDCA to transfer TDCs to any or all of the subject property may not be submitted for a period of 180 days from the date of denial.

Sec. 2.6.4 Completion and close-out.

- A. Upon approval or modified approval, the executed TDC documents identified in Sections 3.5.3(F) or (G), as appropriate, shall be executed by the Board Chair and returned to the Growth Services Department within 7 working days of the date of approval.

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- B. The Growth Services Department shall transmit the executed TDC documents to the applicant within 14 working days of the date of approval.
- C. The applicant shall be responsible for recording the executed TDC documents in the Marion County Public Records within 20 working days of the date of approval.
- D. The applicant shall be responsible for providing one (1) certified copy of the recorded TDC documents to the Growth Services Department within 10 working days of the date of recording.
- E. Upon receipt of the certified TDC document copies, the TDCA shall be deemed complete, and the Growth Services Department shall update the Transfer of Rights Program information available to the public at the next available opportunity.

Division 7 Zoning Change

Sec. 2.7.1 Applicability.

- A. An application for the rezoning of a parcel of land may be obtained from the Growth Services Department. The application shall include all material and information, including proposed densities and intensities, necessary to demonstrate that the granting of the rezoning request will be consistent with the adopted Comprehensive Plan and any amendments thereto; and will be compatible with the surrounding area.
- B. Rezoning of property initiated by the Board without application by the property owner shall be enacted pursuant to the following procedures:
 - (1) In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than ten contiguous acres the Board shall provide due public notice and shall notify by registered mail each real property owner whose land the Board proposes to redesignate. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for a public hearing. Such notice shall be given at least 30 days prior to the date set for the public hearing before the Board, and a copy of such notice shall be kept available for public inspection during the regular business hours at the office of the Planning/Zoning Manager.
 - (2) In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving ten contiguous acres or more, the Board shall provide for public notice and hearings as follows:
 - (a) The Board shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5:00 p.m. on a weekday, unless the Board, by a majority plus one vote elects to conduct that hearing at another time of day. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.
 - (b) The required advertisements shall be no less than two columns wide by ten inches long in a standard size newspaper and the headline in the advertisement shall be in a type no smaller than 18 point and shall comply with the provisions of FS 125.66(4).

Sec. 2.7.2 Submittal Requirements.

- A. A formal application for the rezoning of a parcel of land may be obtained from the Growth Services Department. The rezoning application shall include a deed, legal description and all material and information, including proposed densities and intensities, necessary to demonstrate that the granting of the rezoning request will be consistent with the adopted Comprehensive Plan and any amendments thereto; and will be compatible with the surrounding area. For application requirements to rezone to PUD, see **Section 2.11 Conceptual Plan**.

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- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Growth Services Department](#) and the [Office of the County Engineer](#).

Sec. 2.7.3 Review and approval procedures.

- A. Public hearings related to this application request are set for the calendar year and the schedule is available from the [Growth Services Department](#). A normal Zoning Change application cycle will take 90± days to complete.
- B. A public notice shall be posted on the property giving the particulars of the proposed rezoning and the date, time and place of the required public hearings.
- C. All property owners within 300 feet of the boundaries of the property subject to rezoning shall be notified by mail of the proposed rezoning with said notice giving the particulars of the proposed rezoning; the date, time and place of the required public hearings; and a phone number which may be called for additional information. The latest data from the County Property Appraiser's Office obtained within the 30 day period preceding the public hearing, giving the name and address of adjacent property owners within 300 feet of the boundaries of the property subject to rezoning shall be used for mailing the written notifications of the proposed rezoning.
- D. A visit to the site will be made by a representative of the Growth Services Department staff who will prepare a written recommendation as to the proposed rezoning consistency with the current Comprehensive Plan. This recommendation will be given to the applicant and made available to the public prior to the public hearings.
- E. Public hearing – Planning and Zoning (P&Z) Commission.
 - (1) The P&Z shall hold a public hearing after due public notice as defined in [Section 1.2.2](#), herein to consider applications for the rezoning of property as set forth in [Section 1.3.7](#).
 - (2) In making a recommendation to the Board, the P&Z shall make a written finding that granting the rezoning will not adversely affect the public interest, that the proposed zoning change is consistent with the current Comprehensive Plan, and that it is compatible with land uses in the surrounding area.
 - (3) If the P&Z recommends denial of the proposed rezoning, it shall state in writing its findings of fact and reasons for denial.

Sec. 2.7.4 Completion and close out.

- A. Public hearing. The Board shall hold a public hearing after each P&Z public hearing with due public notice as defined in [Section 1.2.2](#) herein, to consider recommendations from the P&Z for approval or denial of proposed rezoning.
- B. When the Board has denied an application for a rezoning, no applicant shall submit an application for a rezoning for any part or all of the same property for the same zoning classification for a period of 12 months from the date of denial unless the property is incorporated, annexed or there is a Comprehensive Plan amendment which would affect the area.
- C. Applicant's request for withdrawal. At the request of the applicant, the P&Z or the Board shall permit withdrawal of an application. The fee paid shall not be refunded.
- D. Applicant's request for continuance. At the request of an applicant and for good cause shown, the P&Z or the Board may continue the public hearing on an application for rezoning. The applicant shall be required to pay an additional application fee to cover the cost of re-advertising and re-notifying the adjacent property owners. The P&Z or the Board shall not grant an applicant's request for continuance when the application is the result of a notice of zoning code violation and the rezoning is necessary to cure such violation. The applicant will not be required to pay an additional application fee if the continuance is granted by the P&Z or the Board, on their own initiative, when deemed necessary or desirable.

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- E. Board decisions, appeals. All applications requesting a rezoning shall be approved or denied by a majority vote of the Board members present and voting at the public hearing of the Board to consider the application. If a vote of the Board results in a tie vote, the tie vote shall operate as a deferral to the next zoning public hearing or date otherwise designated by the Board. Appeal of any decision of the Board granting or denying a rezoning application shall be made by filing a Petition for Writ of Certiorari with the Circuit Court in Marion County within 30 days of rendition of the decision to be reviewed.

Division 8 Special Use Permit

Sec. 2.8.1 Applicability.

Uses not specifically permitted by this Code in any zoning classification may be permissible and shall require a Special Use Permit (SUP). The listing of permitted uses in a zoning classification is not meant to be all inclusive.

Sec. 2.8.2 Submittal Requirements.

- A. A formal written application for a SUP on a form provided by the Growth Services Department is submitted to the Planning/Zoning Manager indicating the section of this Code under which the SUP is sought and stating the grounds on which it is requested.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Growth Services Department](#).
- C. A Conceptual Plan prepared in accordance with the provisions of Article 6 and at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces.
- (1) Plans for screening and buffering with reference as to type, dimensions and character. Where additional requirements on the preparation of conceptual plan is required to demonstrate the General Findings below, those requirements shall be met.
 - (2) Proposed locations for utilities including water and sewer.
- D. The application shall include a description of the following findings. The P&Z may make further written findings that the specific requirements, if any, governing the individual SUP, excluding towers, have been made concerning the following matters, where applicable:
- (1) Provision for ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - (2) Provision for off-street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.
 - (3) Provisions for refuse and service area, with particular reference to the items in (1) and (2) above.
 - (4) Provision for utilities, with reference to locations, availability and compatibility.
 - (5) Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary.
 - (6) Provision for signs, if any, and exterior lighting with consideration given to glare, traffic safety, economic effects and compatibility and harmony with properties in the surrounding area.
 - (7) Provision for required yards and other green space.
 - (8) Provision for general compatibility with adjacent properties and other property in the surrounding area.
 - (9) Provision for meeting any special requirements required by the site analysis for the particular

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use involved.

- E. Applications for Telecommunication Towers shall include a description of the following findings. The P&Z may make further written findings that the specific requirements contained in **Sections 4.xx +** governing a SUP for telecommunication towers has been made concerning the following matters, where applicable:
- (1) Setbacks from Parent Property Lines
 - (2) Certified fall radius
 - (3) Locational Requirements Relative to Offsite Uses and Zoning
 - (4) Provisions for Collocation
 - (5) Tower Clustering
 - (6) Landscaping, Screening and Buffers
 - (7) Lighting of Tower
 - (8) Color of Tower
 - (9) Building design and blending of tower facilities to the natural setting and built environment
 - (10) Antenna Compatibility
 - (11) Signage
 - (12) Security Fencing
 - (13) Inventory of Existing Sites
 - (14) Compliance with current standards and regulations of the FAA, the FCC and any other Federal governmental agency with the authority to regulate towers and antennas
 - (15) Building Codes and Standards
 - (16) Provision of parking spaces and provisions for removal of refuse
 - (17) Provision for utilities
 - (18) Provisions for general compatibility with adjacent properties and other property in the surrounding area
- F. Findings and submittal requirements for Mining applications as specified in Article 4.
These findings and recommendations shall be forwarded to the Board for review and approval.

Sec. 2.8.3 Review and approval procedures.

- A. Public hearings related to this application request are set for the calendar year and the schedule is available from the [Growth Services Department](#). A normal SUP application cycle will take 90± days to complete.
- B. The Growth Services Department shall review the application for a SUP and shall make recommendations to the P&Z respecting the applications' consistency with the Comprehensive Plan.
- C. If the Growth Services Department fails to make a written recommendation to the P&Z by the date the P&Z has set to officially act on the request, the Growth Services Department shall be deemed to have recommended approval of the application and consistency with the Comprehensive Plan.
- D. Public hearings. The P&Z shall hold public hearings to consider applications for SUPs in the manner set forth in **Subsection 3.1.2.b**.
- E. P&Z Hearing.
- (1) Conditions and safeguards. In recommending any SUP, the P&Z may prescribe appropriate conditions and safeguards in conformity with this Code.
 - (2) Time limit. The P&Z may recommend a reasonable time limit within which the use for which the SUP is required to be started or completed.

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- (3) Denial. If the P&Z recommends denial of a SUP, it shall state fully in writing its reasons for denial. Reasons may include the lack of provisions stated in Section 2.6.2.D above.

Sec. 2.8.4 Completion and close out.

- A. The Board shall hold a public hearing after each P&Z public hearing with due public notice as defined in [Section 2.2](#) herein to consider recommendations from the P&Z for approval or denial of SUPs. The decision of the Board shall be final.
- B. Applicant's request for withdrawal. At the request of the applicant the P&Z or the Board shall permit withdrawal of an application. The fee shall not be refunded.
- C. Applicant's request for continuance. At the request of an applicant and for good cause shown, the P&Z or the Board may continue the public hearing on an application for a SUP. The applicant shall be required to pay an additional application fee to cover the cost of re-advertising and re-notifying the adjacent property owners. The P&Z or the Board shall not grant an applicant's request for continuance when the application is the result of a notice of zoning code violation and the SUP is necessary to cure such violation. The applicant will not be required to pay an additional application fee if the continuance is granted by the P&Z or the Board, on their own initiative, when deemed necessary or desirable.
- D. Limitation on SUPs. When the Board has denied an application for a SUP, no applicant shall submit an application for a SUP for any part or all of the same property for the same use for a period of 12 months from the date of denial unless the property is incorporated, annexed or there is a Comprehensive Plan Amendment which would affect the area.
- E. Board decisions, appeals. All applications requesting a SUP shall be approved or denied by a majority vote of the Board members present and voting at the public hearing of the Board to consider the application. If the vote of the Board results in a tie vote, the tie vote may operate as a deferral to the next zoning public hearing or date otherwise designated by the Board and the Board may defer the application until a full Board is present. Appeal of any decision of the Board granting or denying a SUP application shall be by filing a Petition for Writ of Certiorari with the Circuit Court in Marion County within 30 days of rendition of the decision to be reviewed.

Division 9 Variance

Sec. 2.9.1 Applicability.

A variance is required when zoning requirements cannot be met.

Sec. 2.9.2 Submittal Requirements.

- A. A formal application for a variance on a form provided by the Growth Services Department is submitted to the Planning/Zoning Manager.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Growth Services Department](#) and the [Office of the County Engineer](#).
- C. A variance from the terms of these regulations shall not be granted by the Board of Adjustment unless the written petition for a variance submitted demonstrates that:
 - (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.
 - (2) The special conditions and circumstances do not result from the actions of the applicant.
 - (3) Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use area under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

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- (4) The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building or structure.
- (5) Granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area.
- (6) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sec. 2.9.3 Review and approval procedures.

- A. Public hearings related to this application request are set for the calendar year and the schedule is available from the [Growth Services Department](#). A normal variance application cycle will take 60± days to complete.
- B. A site visit by the Growth Services Department will be conducted, pictures taken and report prepared for the Board of Adjustments.
- C. Notice of public hearing. Due public notice as defined in **Section 2.2** shall be given prior to public hearings held by the Board of Adjustment. Said notices shall also inform the recipient that actions of the Board of Adjustment are final.
- D. To authorize such variances from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary and undue hardship.

Sec. 2.9.4 Completion and close out.

- A. Public hearing. The public hearing shall be held by the Board of Adjustment and any party may appear in person, by authorized agent, or by an attorney.
- B. Findings. The Board of Adjustment shall make findings that the requirements of this section have or have not been demonstrated by the applicant for a variance.
- C. Conditions and safeguards. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these regulations, including, but not limited to, reasonable time limits within which the action for said variance is required to begin or be completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.
- D. Limitation on power to grant variances. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these regulations in the zoning classification involved, or any use expressly or by implication prohibited by the terms of these regulations in the said zoning classification. No non-conforming use of neighboring lands, structures or buildings in the same zoning classification and no permitted use of lands, structures or buildings in any other classification shall be considered grounds for the granting of a variance. No SUPs shall be granted by the Board of Adjustment.
- E. Limitation of variances. When the Board of Adjustment has denied an application for a variance, no applicant shall submit an application for the same variance for a period of 12 months from the date of denial.
- F. Request for continuance. At the request of an applicant and for good cause shown, the Board of Adjustment may continue the public hearing on an application for a variance. The applicant shall be required to pay an additional application fee to cover the cost of re-advertising and re-notifying the adjacent property owners. The Board of Adjustment shall not grant an applicant's request for continuance when the application is the result of a notice of zoning code violation and the variance is necessary to cure such violation. The applicant will not be required to pay an additional application fee if the continuance is granted by the Board of Adjustment on their own initiative, when deemed

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necessary or desirable.

- G. The Board of Adjustment shall have the authority to revoke a variance previously granted upon the submission of facts supporting noncompliance with conditions and safeguards presented by the Board of Adjustment in granting the variance. The Planning/Zoning Manager shall provide written notice by registered mail to the property owner at least 15 days prior to consideration of revocation by the Board of Adjustment, and such written notice shall specify the time, date and meeting place of the Board of Adjustment and the reasons supporting revocation. The Board of Adjustment shall conduct an informal hearing on such revocation and shall adopt findings of fact supporting such revocation. Appeal of any decision of the Board of Adjustment, granting or denying a request for Variance shall be by filing a Petition for Writ of Certiorari with the Circuit Court in Marion County within 30 days of rendition of the decision to be reviewed.

Division 10 Waiver Request

Sec. 2.10.1 Applicability.

The Development Review Committee (DRC) may waive certain code requirements when not applicable to the proposed type of development or where alternative standards may promote flexibility, economy and environmental soundness in layout and design.

Sec. 2.10.2 Varying design standards.

DRC, in reviewing development plans, may waive certain design and improvement standards herein, where a developer can demonstrate the following:

- (1) The alternative standards promotes flexibility, economy and environmental soundness in layout and design; and
- (2) The proposed new standards are appropriate to the proposed type of development.

Sec. 2.10.3 Submittal requirements.

- A. Waiver request application forms shall be submitted to the [Office of the County Engineer](#).
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. The applicant shall submit the following:
 - (1) The waiver request form including citing the section of the Land Development Code and stating the reason, hardship, and justification for each waiver requested.
 - (2) A Conceptual Plan, at minimum, depicting what currently exists and what is being proposed on the property.
 - (3) A color aerial photo with the property contemplated for development outlined.

Sec. 2.10.4 Review and approval procedures.

DRC shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.

Sec. 2.10.5 Completion and close out.

Waivers shall be listed on the cover sheet of the applicable plans with approval dates and conditions, if any. Approved waivers are valid only for the application submitted, the type of development being proposed, and related applications.

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Division 11 General Application Requirements

Sec. 2.11.1 General Application Requirements. Table 2.10 -1, General Application Requirements, provides a reference of the minimal requirements needed for:

- A comparable review, and/or
- Information that may be required to move the application efficiently through the approval process.

Requirements in this table may be cumulative to and/or dependent on other aspects of the application.

Application Technical Standards and Requirements. **Table 6.2 – 1.2**, Application Technical Standards and Requirements, provides a reference between the Application Types and the Technical Standards and Requirements in **Article 6.2.1 – 6.2.20** and may include a reference to the General Application Requirements information in this section.

Table 2.10-1 General Application Requirements

			Application Types							
General	General Application Requirements	Reference	Concept	Master Plan	Mass Grading Plan	Preliminary Plat	Improvement Plan	Final Plat	Minor Site Plan	Major Site Plan
		Applicant, Owner, Manager Information	2.12.1	X	X	X	X	X	X	X
	Title block	2.12.3		X	X	X	X		X	X
	Front page requirements	2.12.4		X	X	X	X			X
	Concurrency	2.12.5		X		X	X	X	X	X
	DOH Information	2.12.6		X		X	X		X	X
	Digital file	2.12.7	X	X	X	X	X	X		X
Existing	Boundary and Topographic Survey	2.12.8		X	X	X	X			X
	Streets and rights-of-ways	2.12.9	X	X	X	X	X	X	X	X
	Easements	2.12.10	X	X	X	X	X	X	X	X
	Location map	2.12.4.G	X	X	X	X	X	X		X
	Aerial map	2.12.11	X	X	X	X	X			X
	FIRM or FIRMette	2.12.12	X	X	X	X	X			X

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	General Application Requirements	Reference	Concept	Master Plan	Mass Grading Plan	Preliminary Plat	Improvement Plan	Final Plat	Minor Site Plan	Major Site Plan
Existing	NRCS Soil Survey	2.12.13		X	X	X	X			X
	USGS Quad	2.12.14		X	X	X	X			X
	National Wetland Inventory	2.12.15		X	X	X	X			X
	Environmental Assessment	2.12.16		X	X	X	X		X	X
	Karst and Geologic Assessment	2.12.17		X	X	X	X		X	X
	Trees	2.12.18	X	X	X	X	X		X	X
	Existing site improvements	2.12.19	X	X	X	X	X		X	X
Proposed	Proposed site improvements	2.12.19	X	X	X	X	X		X	X
	Phases of development	2.12.20	X	X	X	X	X			X
	Proposed Land Uses	2.12.21		X	X	X	X	X	X	X
	Streets and rights-of-ways	2.12.9	X	X	X	X	X	X	X	X
	Proposed lot/tract/parcel	2.12.22				X	X	X	X	X
	Lot typicals	2.12.23		X		X	X		X	X
	Buffers	2.12.24	X	X	X	X	X	X	X	X
	MFLA	2.12.25		X	X		X	X		X
	Landscaping	2.12.26					X		X	X
	Outside storage areas	2.12.27	X	X			X		X	X
	Road identification	2.12.28	X	X	X	X	X	X	X	X
	Traffic Impact Analysis	2.12.29		X		X			X	X
	Route plan	2.12.30		X	X		X		X	X
Erosion control	2.12.31				X		X		X	X

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Proposed	General Application Requirements	Reference	Concept	Master Plan	Mass Grading Plan	Preliminary Plat	Improvement Plan	Final Plat	Minor Site Plan	Major Site Plan
	Drainage analysis and natural features	2.12.32		X	X	X	X		X	X
	Stormwater Calculations and Geotechnical Data	2.12.33			X		X			X
	Water/sewer capacity	2.12.34		X		X	X		X	X
	Water/sewer services	2.12.35		X		X	X	X	X	X
	Water/sewer system locations	2.12.36		X		X	X		X	X
	Water/sewer hydraulic modeling	2.12.37					X			X
	Maintenance/Management Statement	2.12.38		X	X	X	X	X		X
	BMP Documents	2.12.39			X		X			X

Division 12 General Application Reference. The following requirements are referenced as applicable in Table 2.9-1 above.

Sec. 2.12.1 Applicant information shall be provided on application forms found at the [Office of the County Engineer](#).

Sec. 2.12.2 Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.

Sec. 2.12.3 Title block shall be shown on all sheets denoting type of application; project name, location, county, and state; and date of original and all revisions.

Sec. 2.12.4 Front page of the plan shall minimally include:

- A. Type of application;
- B. Project name centered at top of page;
- C. Name, address, phone number, and signature of the owner and applicant (these signatures are not required until the final submittal);
- D. Signed certification by the owner as follows: I hereby certify that I, my successors, and assigns shall perpetually maintain the improvements as shown on this plan (this signature is not required until the final submittal);
- E. Name, address, and phone number of the licensed professional;

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- F. Each licensed professional is responsible for information shown within their particular field of practice and shall sign and seal, as applicable, as follows:
 - (1) Licensed Design Professional Certification: I hereby certify that these plans and calculations were completed in accordance with all applicable requirements of the Marion County Land Development Code (LDC), except as waived;
 - (2) Surveyor and Mapper Certification: I hereby certify that the survey represented hereon is in accordance with all applicable requirements of the LDC and meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers;
- G. A key location or vicinity map, with north arrow, at a scale suitable to show the location of the development with reference to surrounding properties, streets, municipal boundaries, sections, range, and township;
- H. A portrait oriented minimal 3 inches x 5 inches space, located 2-3/4 inches from the right edge of paper and 3/4 inches from the top edge of paper, shall remain blank to allow for a County approval stamp;
- I. Index of sheets;
- J. List of utility providers;
- K. List of approved waivers, their conditions, and the date of approval;
- L. Data block. The items below are required and shall be listed in order as shown. If an item does not apply, it shall be clearly indicated as not applicable.
 - (1) Parcel identification number;
 - (2) Land use designation;
 - (3) List of Development Agreements including Marion County Official Record Book and Page;
 - (4) Zoning information:
 - (a) Zoning classification.
 - (b) List of approved variances, their conditions, and the date of approval.
 - (c) Special Use Permit case number and resolution.
 - (d) Zoning requirements including lot area, width, setbacks, and building height.
 - (5) Overlay zones;
 - (6) Gross site acreage of all initial and anticipated parcels, and if different, the acreage of the development area, to the nearest hundredth of an acre;
 - (7) Existing and proposed uses;
 - (8) Existing and proposed building height;
 - (9) Listing of site coverage (in square footage, acreage and percentage):
 - (a) Existing and proposed building coverage by intended use with gross floor area and leasable/interior area;
 - (b) Existing and proposed gross impervious area;
 - (c) Proposed gross non-residential floor area ratio or residential density;
 - (d) Existing and proposed natural open space, improved open space, open water, and wetlands;
 - (e) Existing and proposed preserved natural areas;
 - (10) Number of required and provided parking spaces;
 - (11) Projected daily trip generation and a.m./p.m. peak hour traffic volume; and
 - (12) Proposed miles of road, number of lots, blocks and tracts, as applicable.

Sec. 2.12.5 Project Concurrency information shall be provided per **Article 1.8**.

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- Sec. 2.12.6** Provide location of septic systems and wells for Department of Health review.
- Sec. 2.12.7** A digital version of the plan in a format pre-approved by the Office of the County Engineer.
- Sec. 2.12.8** Current boundary and topographic survey (one foot contour intervals extending 100 feet beyond the project boundary) based upon accepted vertical datum. Surveys will be less than 12 months old and accurately reflect current site conditions, meeting standards set forth in FAC 5J-17. Alternate topographic data may be accepted if pre-approved by the Marion County Land Surveyor.
- Sec. 2.12.9** Provide location and dimensions of any existing, proposed, and adjacent streets, including all rights-of-way serving the project.
- Sec. 2.12.10** Show any known existing or proposed easement or land reservation.
- Sec. 2.12.11** An aerial map of the site with a layout of the development.
- Sec. 2.12.12** A copy of the FIRM or FIRMette with project boundary outlined.
- Sec. 2.12.13** A copy of the NRCS Soil Survey with project boundary outlined, and a summary description of the associated soils.
- Sec. 2.12.14** A copy of the USGS Quadrangle map showing the contributing watershed and with project boundary outlined.
- Sec. 2.12.15** A copy of a National Wetland Inventory map with project boundary outlined.
- Sec. 2.12.16** An Environmental Assessment for listed species and vegetative communities.
- Sec. 2.12.17** Karst feature and geologic assessment, including any other pertinent characteristics, on the project site and offsite within 200 feet of the project boundary.
- Sec. 2.12.18** All trees 10 inches DBH and larger and groups of trees. Location of smaller diameter trees may be required depending on habitat and species.
- Sec. 2.12.19** Provide dimensions and location of all existing site improvements; dimensions and location for all proposed site improvements with all setbacks dimensioned; and location and size of existing cross drains.
- Sec. 2.12.20** Show all phases of development. Improvements must be in place to support each phase of development at time of phase completion.
- Sec. 2.12.21** Listing of land uses giving general purpose of and character of the proposed development, acreage, of open space, Marion Friendly Landscape Areas, parks, recreation areas and natural areas to be retained.
- Sec. 2.12.22** Show all proposed lot, tract and/or parcel lines with dimensions and area in square feet.
- Sec. 2.12.23** Show building lot typicals including setback requirements for all proposed improvements and accessory uses i.e. screen rooms, pools, screen cages, patios, decks, etc.
- Sec. 2.12.24** Show location and dimensions of required land use buffering.
- Sec. 2.12.25** Indicate the locations of all required Marion Friendly Landscape Areas (MFLA). For Master Plan, a statement which acknowledges that MFLA will be included in future submittals may satisfy this requirement.
- Sec. 2.12.26** Show all required landscaping.
- Sec. 2.12.27** Show common outside storage areas.
- Sec. 2.12.28** All roads shall be identified by quadrant number as assigned by [Marion County 911](#).

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Management.

- Sec. 2.12.29** A Traffic Impact Analysis shall be provided which is based on the estimated trip generation of the proposed development. The study level of the analysis shall comply with the County Traffic Impact Analysis Guidelines available at the [Office of the County Engineer](#).
- Sec. 2.12.30** Show construction entrance and provide a route plan.
- Sec. 2.12.31** Demonstrate erosion and sedimentation control.
- Sec. 2.12.32** Provide site analysis map depicting existing and proposed drainage basins and drainage features including the existing one percent (100-year) flood plain as shown on FEMA maps with zone elevation and vertical datum noted; water line of lakes, wetlands, rivers, streams and canals; and other manmade or natural features. A note shall be provided detailing source and survey field methods used to obtain and verify data field methods of delineation of all lines shown.
- Sec. 2.12.33** Stormwater calculations and supporting documentation including geotechnical reports/studies.
- Sec. 2.12.34** Evidence that adequate capacity is available in the water and sewer systems that will be servicing the project.
- Sec. 2.12.35** A statement shall be on the plan indicating how water, sewer, and fire flow services shall be provided to all lots.
- Sec. 2.12.36** Location of water supply system and sewage collection, treatment, and disposal system.
- Sec. 2.12.37** Hydraulic modeling of the pertinent portions of the water and sewer systems that will be servicing the project.
- Sec. 2.12.38** Statement identifying legal body responsible for maintenance and management of common areas and improvements.
- Sec. 2.12.39** Best Management Practices documents.

Division 13 Conceptual Plan

- Sec. 2.13.1** Applicability.
- A. Conceptual Plans are required for PUD rezoning and SUP applications. Should applicant elect to submit a Master Plan for a PUD rezoning application, then a Conceptual Plan submittal is not required.
 - B. Conceptual Plans may be used to support pre-application meetings and other development applications.
- Sec. 2.13.2** Submittal requirements.
- A. Conceptual Plans for PUD rezoning or other development applications shall be submitted to the Office of the County Engineer. Conceptual Plans for SUPs shall be submitted to the Growth Services Department.
 - B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
 - C. A conceptual layout of the project.
 - D. Any special details for which the applicant is seeking input from the County.
 - E. If a Conceptual Plan is required for PUD rezoning and SUP applications, refer to those applications for additional submittal requirements, such as setbacks and other zoning details.

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F. Technical requirements for Conceptual Plan submittals are found in [Article 6.2](#).

Sec. 2.13.3 Review and approval procedures.

- A. Conceptual Plans required for PUD rezoning applications shall be reviewed by the Development Review Committee (DRC) for the details shown including access, setbacks, layout, density, public infrastructure and available services or further direction shall be provided, including direction to resubmit. Prior to commencing the PUD rezoning process, DRC's review of the Conceptual Plan shall be completed with a recommendation of approval, approval with conditions, or denial forwarded to the Planning and Zoning Commission (P&Z) and the Board. Final approval by DRC shall be held pending the outcome of the PUD rezoning application. The Board will approve or deny these Conceptual Plans and any amendments determined to be significant by DRC.
- B. Conceptual Plans required for SUP applications shall adhere to the SUP review and approval process found in [Article 2.X](#).
- C. All other Conceptual Plans shall be reviewed by DRC for the details shown including access, setbacks, layout, density, public infrastructure and available services. These Conceptual Plans shall be reviewed by staff and a decision rendered by DRC within 10 working days from the submittal deadline.

Sec. 2.13.4 Completion and close out.

- A. Conceptual Plans for PUD rezoning and SUP applications shall be valid consistent with their approvals by the Board.
- B. Conceptual Plans used to support pre-application meetings and other development applications shall be valid for five years.

Division 14 Master Plan

Sec. 2.14.1 Applicability.

- A. Master Plans shall be submitted for multi-phase development projects unless specified otherwise herein.
- B. Preliminary Plats that show the phasing for a development project can be used in lieu of a Master Plan.
- C. Master Plans submitted in lieu of Conceptual Plans for PUD rezoning applications, shall follow the procedures outlined under Conceptual Plans.

Sec. 2.14.2 Submittal requirements.

- A. Master Plan applications shall be submitted to the Office of the County Engineer.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.
- G. Temporary construction roads may be exempted from the traffic study with approval by the Traffic Engineer.

Sec. 2.14.3 Review and approval procedures.

- A. DRC shall review Master Plans, other than those submitted for PUD rezoning applications, with staff

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comments and approve, approve with conditions, or provide further direction to the applicant.

- B. Master Plans submitted in lieu of Conceptual Plans for PUD rezoning applications shall be reviewed by DRC and a recommendation of approval, approval with conditions, or denial forwarded to the P&Z and the Board. Final approval by DRC shall be held pending the outcome of the PUD rezoning application. The Board will approve or deny these Master Plans and any amendments determined to be significant by DRC.
- C. One approved plan shall be returned to the applicant.

Sec. 2.14.4 Completion and close out.

Master Plans shall be valid for five years with a one-time extension of two years if requested by the applicant in writing and approved by DRC.

Division 15 Mass Grading Plan

Sec. 2.15.1 Applicability.

Mass Grading Plans are not required, but may be submitted for review and approval at the option of the applicant prior to the submittal and approval of a Major Site Plan or Improvement Plan when clearing, earth moving, excavation or grading the site or portions of the site are intended, including temporary or permanent construction of the stormwater ponds, swales, ditches or piping, prior to the construction of other improvements. When submitting a Mass Grading Plan, the applicant shall adhere to the minimum standards and submittal requirements of the intended future Major Site Plan or Improvement Plan application.

Sec. 2.15.2 Submittal requirements.

- A. Mass Grading Plan applications shall be submitted to the Office of the County Engineer.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.

Sec. 2.15.3 Review and approval procedures.

- A. DRC shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.
- B. One approved plan shall be returned to the applicant.
- C. Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

Sec. 2.15.4 Construction, completion, and close out.

- A. Mass Grading Plans shall be valid for two years with a one-time extension of one year if requested by the applicant in writing and approved by DRC. Should activities associated with the Mass Grading Plan cease for 30 days, the applicant shall immediately stabilize the site and ensure that adjacent offsite properties are not adversely impacted.
- B. Applicant shall notify Office of the County Engineer for onsite improvement work 72 hours prior to commencing construction.

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- C. All work shall be in accordance with approved plans.
- D. As-Builts/Record Survey meeting standards set forth in FAC 5J-17 shall be submitted with the engineer's certification for final inspection. After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant. As-Builts shall adhere to the requirements of the Major Site Plan or Improvement Plan which the Mass Grading Plan supports.

Division 16 Division of Land

Sec. 2.16.1 Applicability.

- A. General. All divisions of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land shall be platted in accordance with applicable provisions of FS 177 and Divisions 13 and 15 of this Code, unless otherwise identified as an exception in Section 2.12.1.B below.
- B. Excepted Subdivisions:
 - (1) A parent tract may be subdivided one time only into one additional tract, provided that the tract created and the remaining parent tract are in compliance with all applicable dimensional requirements and meet driveway spacing. Minimum access onto a road or street shall be 40 feet wide, meet driveway spacing requirements and may be provided by recorded deed or recorded exclusive easement. Any further division of the resulting parcels shall be platted in accordance with FS 177 and this Code, as of the adoption date.
 - (2) Creation of equal or larger parcels or lots of record:
 - (a) The combination of all or a portion of previously created parcels of record where the newly created or residual parcels are consistent with the Comprehensive Plan and comply with all applicable zoning district dimensional criteria or, where applicable, the regulations governing non-conformities.
 - (b) The combination of all or a portion of previously platted parcels of record are exempt where none of the newly created or residual parcels contain less area than the original parcels of record being combined and no streets of any kind or public right-of-way easements are created, changed or extinguished. The minimum lot dimensional criteria of the zoning code must be met.
 - (3) Boundary adjustments. Any conveyance between adjoining landowners if:
 - (a) The purpose of the conveyance is to adjust or settle the common boundary line between adjoining landowners; and
 - (b) The deed of conveyance or other legal instrument is recorded in the official records of Marion County; and
 - (c) The resulting parcel(s) conform to the applicable zoning district dimensional criteria and are consistent with the Marion County Comprehensive Plan.
 - (4) Conveyance to government. Any division of land for the purpose of conveying land to any federal, state or local government entity or agency or public utility, provided such conveyance is accepted by the grantee by an instrument recorded in the public records of Marion County.
 - (5) Division by order of court. Any division of land by order of a court of competent jurisdiction. Implementation of the division shall require compliance with the procedures of this section. Any action which would circumvent or otherwise avoid the purposes or provisions of this section, i.e. the subdivision regulations will not be considered conforming unless a waiver from these provisions is granted.
 - (6) Corrective instrument. Any conveyance for the purpose of correcting an error made in the language used in an original conveyance.

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- (7) Platting of a portion of a tract. Platting of a portion of a parcel or tract under the terms and procedures of this section shall not constitute a division of that parcel or tract.
- (8) Agricultural lot splits outside of the Urban Growth Boundary:
- (a) Number of lots created under this section is limited to ten.
 - (b) Each proposed lot shall be a minimum of 10 acres with at least one acre of contiguous land wholly above the one percent (100-year) flood plain or wetland.
 - (c) Each proposed lot shall have a rural agricultural zoning.
 - (d) Any lot abutting a publicly maintained and/or dedicated road that does not conform to the right-of-way width necessary to meet the minimum design standards shall dedicate necessary right-of-way or easement based upon criteria set forth in Article 6.
 - (e) Each lot shall front on a paved private road or an easement and shall meet the minimum driveway spacing requirements established in this Code.
 - (f) If an easement is utilized the following requirements shall apply:
 1. Easements created under this subsection shall not exceed 2,640 feet in total length.
 2. The easement shall be a private, non-exclusive easement for ingress and egress, allowing public use for emergency, utility and drainage purposes. However, a public easement may be required if it is determined that there is a need for a future road corridor.
 3. Connect to a publicly maintained road meeting driveway spacing requirements. The easement shall be paved a minimum of 20 feet beyond the public right-of-way.
 4. Have a minimum width of 60 feet.
 5. Not obligate the County to maintain the easement.
 6. Record deed restrictions which require the property owners to maintain the paved private road or easement. Such restrictions must be recorded prior to the recordation of the approved agricultural lot split.
 7. Have road name and other traffic signs installed in accordance with applicable County regulations.
 8. Flag lots are prohibited.
 9. Stabilized turnarounds shall be provided at a maximum spacing of 1,500 feet and at any termination.
 - (g) A County MSTU/MSBU shall be established for the maintenance of the improvements created by this division prior to final approval and recordation.
- (9) Ten acre tracts in the Rural Lands. Any division of land where all parcels resulting from the division contain ten acres of land or more, all parcels have 660 feet of frontage on a paved road maintained by a public entity that is not designated as an arterial roadway, shall meet minimum driveway spacing requirements and no public easements or streets are created.
- (10) Family Division. A parcel of record as of January 1, 1992 that is located in the Rural Land may be subdivided for use of immediate family members for their primary residences, provided that the tract divided and the remaining parent tract are at least one acre in size. In the Urban Area only parcels of record as of January 1, 1992 which are low density residential property exceeding two acres in size may be divided for the use of immediate family members for their primary residences up to the maximum density of one dwelling unit per gross acre. Immediate family is defined as grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, or grandchild. A parcel of record shall not be allowed to be divided more than three times as a family division. Minimum access onto a road or street shall be 40 feet in width and shall be provided by recorded deed or by recorded non-exclusive easement. No subdivision to the same family member more than once every five years shall be permitted. Any subdividing of a parcel

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of record for the purpose of family division shall follow the waiver request process.

Sec. 2.16.2 Submittal requirements.

- A. Applicants requesting approval of division of land excepted from platting requirements above, with the exception of family divisions and agricultural lot splits, shall submit a request to the Planning/Zoning Manager along with a sketch depicting the division.
- B. Applicants requesting an agricultural lot split shall submit a DRC waiver request form including a sketch demonstrating that the proposed division meets all the requirements above.
- C. Applicants requesting a family division shall request from the Planning/Zoning Manager, on a DRC Waiver Request form provided by the Growth Services Department, an eligibility determination for such division and shall demonstrate that the proposed division is for a qualified family member. A DRC waiver request form including the affirmative eligibility determination and other submittal requirements of **Sec 2.8.2** shall be submitted to the Office of the County Engineer for DRC review.

Sec. 2.16.3 Review and approval procedures.

- A. Applications seeking approval of division of land excepted from platting requirements above, with the exception of family divisions and agricultural lot splits, shall be reviewed by the Growth Services Department for compliance with this section.
- B. Family divisions and agricultural lot splits shall be reviewed through the DRC review process.**

Sec. 2.16.4 Completion and closeout.

- A. For applications seeking approval of division of land excepted from platting requirements above, with the exception of family divisions and agricultural lot splits, the Planning/Zoning Manager shall issue a letter of approval or denial along with a reason for such denial. An approval letter will include authorization for the division of land and the land may then be conveyed and/or improved.
- B. Parcels created through agricultural lot splits, ten acre tracts in rural lands, or family divisions shall be monumented and shown on the required boundary survey along with the individual legal descriptions.**
- C. Agricultural lot splits. Prior to DRC approval, in addition to other requirements, the following shall be required:**
 - (1) Legal descriptions, acreage and square footage of the original and proposed lots together with the legal description of any existing or proposed easements shall be shown on a boundary survey prepared by a professional land surveyor registered in the State of Florida. The survey must show all structures, easements, surface water bodies, the one percent (100-year) flood plain with base elevation, wetland and amount of acreage inside and outside of the flood plain and/or wetland.**
 - (2) Title opinion of an attorney licensed in Florida or a certificate by a licensed title company dated through the date of final approval, showing all persons or entities with an interest of record in the property, including but not limited to, the record fee owners, easement holders, and mortgage and lien holders. The report shall include the tax identification number(s) for the property and copies of all documents such as vesting deeds, existing mortgages and any other documents evidencing an interest in the property which are referenced in the title opinion.**
 - (3) Upon approval of the agricultural lot split, at the applicant's expense, the applicant shall record the maps and documents, in the public records of Marion County, Florida and provide appropriate copies to the Office of the County Engineer.**
- D. Family divisions.
 - (1) If approved, the family members shall complete a Family Division Affidavit confirming the intent of the division for an immediate family members' primary residence. The Family Division

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Affidavit form is available from the Growth Services Department. The affidavit must be signed and notarized by all involved parties.

- (2) The Family Division Affidavit, boundary survey including location of interior improvements and copy of recorded deed transferring ownership of the property shall be provided to the Growth Services Department. The Family Division will expire two years after DRC approval unless execution of the Family Division Affidavit and property transfer has occurred.

Division 17 Preliminary Plat

Sec. 2.17.1 Applicability.

Preliminary Plats shall be submitted for each development where platting is required in this Code or by Florida Statute.

Sec. 2.17.2 Submittal requirements.

- A. Preliminary Plat applications shall be submitted to the Office of the County Engineer.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.
- G. Verification that a copy of the Preliminary Plat was provided to each municipality within one mile of the project.
- H. Verification that a copy of the Preliminary Plat was provided to each utility servicing the project for the purpose of determining the location, size, and configuration of utility easements needed for installation and maintenance. All utility easement requirements shall be resolved before approval of Improvement Plans.
- I. Show bearings, distances, curve data, length of tangents, radii, arcs, chords and central angles for all rights-of-way, and centerline curves on streets. .

Sec. 2.17.3 Review and approval procedures.

- A. The DRC shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.
- B. One approved plan shall be returned to the applicant.

Sec. 2.17.4 Completion and close out.

Preliminary Plats shall be valid for five years with a one-time extension of one year if requested by the applicant in writing and approved by DRC.

Division 18 Improvement Plan

Sec. 2.18.1 Applicability.

Improvement Plans shall be submitted for construction, including but not limited to public or private roads, road modifications, traffic signal installations/modifications, offsite road improvements, and other offsite linear type construction such as utility and stormwater installations. All public or private road improvements shall comply with this Code. Offsite improvements and traffic signal installations/modifications shall be submitted as a separate application.

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Sec. 2.18.2 Submittal requirements.

- A. Improvement Plan applications shall be submitted to the Office of the County Engineer.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on **Table 2.9 – 1** General Application Requirements.
- G. Easement requirements of each utility shall be indicated by the utility on a copy of the Preliminary Plat or by letter.
- H. A copy of the vertical and horizontal control notes shall be submitted to the Office of the County Engineer for review.
- I. Show connections to other phases.
- J. Show buffering and landscaping.
- K. The improvement plans shall show all required improvements proposed to be constructed including all public and private utilities.
- L. The data block on the front page of the plan shall also include the design speed, functional classification, and roads status whether private or public.

Sec. 2.18.3 Review and approval procedures.

- A. An inspection fee based on the miles of roadway to be inspected shall be paid prior to plan approval. The fee shall be the amount established by resolution of the Board. The fee schedule is available at the [Office of the County Engineer](#).
- B. The County Engineer shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.
- C. For public road subdivisions, notice of compliance or exemption from the water management district regulations must be received prior to commencement of construction.
- D. Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.
- E. A construction permit shall be issued by the Office of the County Engineer at the time of plan approval or prior to commencing construction in the case of offsite improvements.
- F. One approved plan shall be returned to the applicant.

Sec. 2.18.4 Construction, completion, and close out.

- A. Improvement Plans shall be valid for five years with a one-time extension of two years if requested by the applicant in writing and approved by DRC.
- B. Pre-Construction Conference.
 - (1) A pre-construction conference shall be scheduled by the Office of the County Engineer for offsite improvements.
 - (2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the County Engineer.
 - (3) Applicant shall notify the Office of the County Engineer of onsite improvement work 72 hours

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prior to commencing construction.

- C. All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the improvement plans.
- D. If improvements are not completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Improvement Plans shall be provided. The Improvement Agreement form is available at the [Office of the County Engineer](#). A security, limited to an irrevocable letter of credit or bond only, shall be provided in the amount of 120 percent of the estimated cost of remaining improvements as well as a partial As-Built/Record Survey. The Improvement Agreement shall be approved by the Board.
- E. If an applicant desires to construct a limited number of model homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:
 - (1) Approval of the Preliminary Plat and Improvement Plans;
 - (2) The development being served by a central sewer and central water system;
 - (3) The Final Plat has been submitted for review including cost estimate with appropriate assurance for subdivision improvements if incomplete;
 - (4) No more than 10 percent of the total number of building lots, not to exceed 50 building permits; and
 - (5) Approval by the BCC.
- F. As-Built Submittal.
 - (1) Two sets of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in FAC 5J-17 shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.
 - (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
 - (3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the [Office of the County Engineer](#). After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.
- G. For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.
- H. For public road subdivisions, a maintenance agreement with a security limited to an irrevocable letter of credit or bond only in the amount of twenty percent of the original construction cost of subdivision improvements shown on the approved Improvement Plans. The maintenance agreement form is available at the [Office of the County Engineer](#). Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the Office of the County Engineer and 60 percent occupancy. The letter of credit or bond shall be released upon acceptance of the constructed improvements for maintenance by the County.
- I. For public road subdivisions, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, upon review and approval by the County.

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- J. For private road subdivisions, documentation shall be submitted as to maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

Division 19 Final Plat

Sec. 2.19.1 Applicability.

The Final Plat shall be submitted for approval and recording in the public records of Marion County for each development where platting is required by this Code and shall comply with FS 177. All subdivision improvements shall be dedicated private unless otherwise approved by DRC or required by this Code.

Sec. 2.19.2 Submittal requirements.

- A. Final Plat applications shall be submitted to the Office of the County Engineer.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.
- G. Title Certification. All Final Plats submitted to Marion County shall be accompanied by a title opinion, no more than 30 days old, of an attorney, licensed in Florida, or a certification by an abstractor or title company certifying the record title owner of the lands as described and shown on the plat.
- H. Legal documents such as Declaration of Covenants and Restrictions, By-Laws, Articles of Incorporation, ordinances, resolutions, etc.
- I. Copy of control field notes and/or GPS observation and reduction information in a digital version in a format pre-approved by the Office of the County Engineer or hard copy form with closure report showing adjustment to Florida State Plane Coordinate System.
- J. A signed and sealed letter of intent, by the platting surveyor, will be submitted to the Office of the County Engineer prior to the final approval of the plat. This letter of intent will detail the setting of the PCPs and lot corners after recording and/or indicate that the setting of the monumentation has been guaranteed by bond/surety in accordance with FS 177.091.
- K. Copies of the current Certified Corner Record as submitted to the State of Florida by the signing surveyor and mapper, referencing any section corner shown or referenced by the plat shall be submitted to the County Surveyor prior to plat approval.

Sec. 2.19.3 Review and approval procedures.

- A. An executed mylar (24 inches × 36 inches, 2 mil. thickness) and digital version of the plat, in a format pre-approved by the Office of the County Engineer, shall be submitted for use during review and approval by the Development Review Committee.
- B. If there are internal roads within the development, an additional digital version of the plat shall be provided in a format pre-approved by 9-1-1 Management for the purpose of maintaining the street centerline file.
- C. Upon approval by review staff, the executed mylar shall be signed by the County Surveyor and the Development Review Committee.
- D. DRC's approval shall be presented to the Board for final action. The Board's approval shall expire 90 calendar days from the date such approval was granted, unless within such period the plat is duly

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recorded in the public records of Marion County. The Board may extend this date.

- E. Upon approval by the Board, the signed plat shall be returned to the Office of the County Engineer for recording.

Sec. 2.19.4 Completion and close out.

- A. The Final Plat cannot be approved and recorded until all improvements are completed and accepted, or an improvement agreement has been approved by the Board.
- B. The Final Plat cannot be recorded until the appropriate fees for recording of the plat and all accompanying documents have been submitted to the Office of the County Engineer.
- C. No Final Plat shall be accepted for filing by the Clerk of the Circuit Court until it has been approved by the Board as indicated on the plat by the signatures of the Chair and Clerk, and a Municipal Service Benefit Unit (MSBU), Community Development District (CDD), or other special district for the purposes of maintaining the improvements for this plat has been established.
- D. After the Final Plat has been recorded, the Clerk of the Circuit Court will release the original plat to a printing company of the Developer's choice. The printing company shall, at the Developer's expense, furnish and deliver two mylar (2 mil. thickness) prints and five paper prints (to include two 24 inches x 36 inches and three 11 inches x 17 inches) and one electronic file in 400dpi TIF Group 4 format on CD to the Clerk of the Circuit Court. All prints shall be of acceptable, recordable quality.

Division 20 Minor Site Plan

Sec. 2.20.1 Applicability.

- A. When any of the Minor Site Plan thresholds are exceeded, a Major Site Plan is required.
- B. A Minor Site Plan shall be submitted for review and approval prior to the issuance of a Building Permit or prior to the construction of site improvements when proposed improvements are in compliance with all of the following thresholds:
 - (1) Collectively, all existing and proposed impervious ground coverage does not exceed 35 percent of the gross site area or 9,000 square feet, whichever is less.
 - (2) The combined driveway trip generation is less than 50 peak hour vehicle trips.
 - (3) The project is not in the ESOZ or FPOZ and subject to the site plan requirements in **Sec #.**
 - (4) The site improvement does not increase flooding of adjacent property, or the concentration of stormwater discharge onto adjacent property.
- C. The following improvements do not require a Minor Site Plan submittal and shall proceed through the Building Permit process only, subject to a determination by MCUD, and shall not be subject to Article 8.2.5 (parallel access requirement will be determined on a case by case basis based on practicality by the Planning/Zoning Manager), 8.2.9 or 8.2.10 (tree preservation requirements of this section shall be adhered to).
 - (1) The development of interior alterations to an existing structure which does not result in additional paved parking or other impervious area to be provided.
 - (2) The development of or exterior alterations to a single-family residence, when existing and proposed improvements remains less than 35 percent of the gross site area or 9,000 square feet, whichever is less, or the design criteria of the approved and permitted subdivision.
 - (3) The development of exterior alterations to an existing, conforming improved site, with existing approved apron and driveway connection, other than a single-family residence which results in an increase in total impervious area which remains less than 35 percent of the gross site area or 9,000 square feet, whichever is less.
 - (4) For change of use or occupancy of a structure other than residential where the previous use and proposed use is a conforming uses.

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- (5) Special Event Permits, Temporary Use Permits and Home Occupation Permit.
- (6) For development on agricultural lands, when collectively all existing and proposed impervious ground coverage does not exceed 35 percent of the gross site area or 9,000 square feet, whichever is less.
- (7) Improvements related to bona fide agricultural uses that meet all of the following conditions are exempt from the requirements of a Minor Site Plan:
 - (a) Are on a parcel greater than or equal to ten acres.
 - (b) Are a minimum of 200 feet from all property lines.
 - (c) If collectively all existing and proposed surfaces are less than three percent of the gross site area and do not exceed 30,000 square feet of impervious ground coverage.
 - (d) Do not increase any offsite drainage.
 - (e) Do not contribute offsite drainage to a documented drainage problem.
- (8) For the construction of a sign.

Sec. 2.20.2 Submittal requirements.

- A. Minor Site Plan applications shall be submitted to the Growth Services Department.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.

Sec. 2.20.3 Review and approval procedures.

- A. When Minor Site Plans are found to conform to the requirements of Article 6, Minimum Plan Requirements, the Minor Site Plan will be processed by the Growth Services Department.
- B. The Office of the County Engineer shall route Minor Site Plans to the applicable County review staff.
- C. The Planning/Zoning Manager shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.
- D. Three sets of approved project plans shall be returned to the applicant.
- E. Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

Sec. 2.20.4 Completion and close out.

- A. Building permit issuance, subsequent final inspection and Certificate of Occupancy, if applicable, shall constitute the completion of the Minor Site Plan and Building Permit Site Plan process.
- B. The approval of the Minor Site Plan shall expire in two years or the duration of an unexpired building permit obtained within that time period

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Division 21 Major Site Plan

Sec. 2.21.1 Applicability.

- A. A Major Site Plan shall be submitted for review and approval prior to the issuance of a Building Permit or prior to the construction of site improvements when proposed improvements exceed any of the following thresholds:
- (1) Collectively, all existing and proposed impervious ground coverage equals or exceeds 35 percent of the gross site area or 9,000 square feet.
 - (2) The combined driveway trip generation meets or exceeds 50 peak hour vehicle trips.
 - (3) A 24 inch diameter pipe, its equivalent, or larger is utilized to discharge stormwater runoff from the project area.
- B. Offsite improvements related to a Major Site Plan shall be submitted as a separate Improvement Plan application.
- C. Improvements which do not require a Major Site Plan but do result in an increase in flooding of adjacent property or concentration of stormwater discharge onto adjacent property shall not be subject to submittal of a complete Major Site Plan but instead shall be subject to stormwater compliance as follows:
- (1) Demonstrate to the Office of the County Engineer that proposed and existing development will not adversely affect public property and will not generate stormwater runoff in excess of pre-development runoff. Demonstration can be provided through sketches, pictures, site maps, etc. and can be confirmed through a scheduled and coordinated site visit.
 - (2) Provide erosion control. Temporary erosion control shall be provided as needed throughout construction and permanent erosion control shall be established prior to the project being considered successfully closed and completed by the County, including but not limited to the issuance of any Certificate of Occupancy associated with the property.
 - (3) Submit two copies of a finalized sketch which shows the proposed improvements, stormwater controls and a statement that the owner understands and complies with required stormwater controls. Both copies shall bear the owner's original signature and date. Upon review and approval, one approved sketch shall be returned to the applicant.
- D. Large parcels of property such as, but not limited to, farms, woodlands, commercial nurseries, or sod farms where existing and proposed impervious ground coverage equals or exceeds 35 percent of the gross site area or 9,000 square feet shall not be subject to submittal of a complete Major Site Plan but instead shall be subject to stormwater compliance as follows:
- (1) Demonstrate to the Office of the County Engineer that proposed and existing development will not adversely affect adjacent property and will not generate stormwater runoff in excess of pre-development runoff. Demonstration can be provided through sketches, pictures, site maps, etc. and can be confirmed through a scheduled and coordinated site visit. Stormwater controls can be provided through a combination of natural retention areas with excess capacity and/or constructed stormwater systems.
 - (2) Provide erosion control. Temporary erosion control shall be provided as needed throughout construction and permanent erosion control shall be established prior to the project being considered successfully closed and completed by the County, including but not limited to the issuance of any Certificate of Occupancy associated with the property.
 - (3) Submit two copies of a finalized sketch which shows the proposed improvements, stormwater controls and a statement that the owner understands and complies with required stormwater controls. Both copies shall bear the owner's original signature and date. Upon review and approval, one approved sketch shall be returned to the applicant.

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- E. Improvements related to bona fide agricultural uses that meet all of the following conditions are exempt from the requirements of a Major Site Plan:
- (1) Are on a parcel greater than or equal to ten acres.
 - (2) Are a minimum of 200 feet from all property lines.
 - (3) If collectively all existing and proposed surfaces are less than three percent of the gross site area and do not exceed 30,000 square feet of impervious ground coverage.
 - (4) Do not increase any offsite drainage.
 - (5) Do not contribute offsite drainage to a documented drainage problem.
- F. Exemptions or partial exemptions from a Major Site Plan do not make the applicant exempt from any other sections of this Code.

Sec. 2.21.2 Submittal requirements.

- A. Major Site Plan applications shall be submitted to the Office of the County Engineer. Multi-phase Major Site Plans may include a separate sheet showing independent, stand alone phasing and shall not be subject to a separate Master Plan application.
- B. A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- C. Digital submission of plans shall be coordinated through the Office of the County Engineer and available through www.marioncountyfl.org/eplans.
- D. For paper submissions, the number of copies submitted shall be established by resolution.
- E. Development Review Plan Application available at the [Office of the County Engineer](#).
- F. General Application Requirements shall be as shown on Table 2.9-1 General Application Requirements.
- G. A copy of the vertical and horizontal control notes shall be submitted to the Office of the County Engineer for review.

Sec. 2.21.3 Review and approval procedures.

- A. DRC shall review this application with staff comments and approve, approve with conditions, or provide further direction to the applicant.
- B. One approved plan shall be returned to the applicant.
- C. Upon approval by DRC, a Building Permit may be issued and such approval is authority for applicant to proceed with the site improvements shown on the approved Major Site Plan.
- D. Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

Sec. 2.21.4 Construction, completion, and close out.

- A. Major Site Plans shall be valid for two years with a one-time extension of one year if requested in writing by the applicant and approved by DRC.
- B. If connection to any stormwater facility which is public or will become public is proposed, the applicant is required to provide for the inspection of the surface water management system by a appropriately licensed design professional to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.
- C. The development of any improvements made pursuant to an approved Major Site Plan shall be

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inspected and approved by the Office of the County Engineer prior to the issuance of a Certificate of Occupancy.

- D. The applicant shall notify the Office of the County Engineer for onsite improvement work 72 hours prior to commencing construction.
- E. All improvements shall be constructed in accordance with approved plans.
- F. As-Built Submittal.
 - (1) Two sets of As-Built/Record Survey signed and sealed by a Professional Surveyor or Mapper meeting standards set forth in FAC 5J-17 shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.
 - (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
- G. Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the [Office of the County Engineer](#). After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.
- H. Execute utility easement agreements prior to certification of final completion.

Division 22 Stand Alone Permits

Marion County Departments may implement an application for specific activities not covered elsewhere in this Code related to a development, implementation, or operation process addressing specific requirements of the Marion County Land Development Code, or to manage Marion County's participation in other state and regional agency procedures or operations. An application shall be obtained from the administering department.

Sec. 2.22.1 Right-of-Way Utilization.

- A. Applicability.
 - (1) A Right-of-Way Utilization Permit is required for all construction, herbicide/pesticide spraying, tree clearing, and all temporary private use of public right-of-way.
 - (2) Exemptions. Permits are not required for routine maintenance, or minor alterations such as changes in communication cables, transformer capacity, wire size at secondary and primary circuits or adding wires to an existing circuit of a one mile segment or less of an existing permitted utility system without impacting traffic flow.
- B. Submittal requirements.
 - (1) A permit application shall be submitted to the Office of the County Engineer before construction begins. The application can be obtained at the [Office of the County Engineer](#).
 - (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
 - (3) Two sets of project plans or a digital copy of the plan shall be submitted with the permit application.
- C. Review and approval procedures.
 - (1) Once the plans have been approved and accepted and all required submittals have been obtained and processed, a Right-of-Way Utilization Permit will be issued.
 - (2) After the permit has been issued, a site inspection shall be scheduled by the applicant prior to the project start date.
- D. Construction, completion, and close out.

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- (1) A notification of completion shall be submitted to the Office of the County Engineer so that a final inspection can be scheduled. At final completion, the right-of-way shall be restored to its original condition.
- (2) An As-Built/Record Survey may be required as determined by the County Engineer.

Sec. 2.22.2 Driveway Connection.

A. Applicability.

A Driveway Connection Permit is required for any development or construction activity accessing County right-of-way. If the applicant is submitting through the Building Permit process, a separate application is not required.

B. Submittal requirements.

- (1) A permit application shall be approved by the Office of the County Engineer before construction begins. The application can be obtained at the [Office of the County Engineer](#).
- (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- (3) A driveway location and construction plan shall be submitted with the permit application. Included on the plan shall be the driveway width, radius, location in relation to the property lines, road name, right-of-way line, north arrow and distance of the proposed driveway from other existing driveways and adjacent roads.

C. Review and approval procedures.

- (1) Once the required submittal items are obtained, a site inspection shall be performed to verify that the location of the driveway is acceptable.
- (2) A permit shall be issued once all items are reviewed and approved.
- (3) A driveway form-up inspection shall be scheduled when notified by the applicant.

D. Construction, completion, and close out.

- (1) A notification of completion shall be submitted to the Office of the County Engineer so that a final inspection can be scheduled. At final completion, the right-of-way shall be restored to its original condition or better and the constructed driveway shall meet all requirements per the approved permit.
- (2) Driveways must be found satisfactory before a Certificate of Occupancy can be issued.
- (3) It is the property owner's responsibility to maintain the driveway for safety and proper drainage.

Sec. 2.22.3 Stormwater Connection.

A. Applicability.

- (1) An application is required for any connection to or expansion of a County stormwater facility, including but not limited to drainage retention areas or conveyance systems, not previously designed or permitted to consider the applicant's improvements.
- (2) The County has the right to refuse an application based on use, potential use, inadequacy, or potential inadequacy of a County stormwater facility at the discretion of the County Engineer.

B. Submittal requirements, review and approval.

- (1) Stormwater Connection applications shall be submitted to and reviewed by the Office of the County Engineer.
- (2) All applicants desiring to use a County stormwater facility shall:
 - (a) Be responsible for providing all documentation supporting their request. Documentation shall include calculations and improvement plans based on the Marion County Land Development Code in effect at the time of the applicant's project submittal. The calculations

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shall be reviewed and approved following the development review procedures in the Marion County Land Development Code. Applicant may also be responsible for providing historical records supporting any values, calculations and assumptions.

- (b) Pay a pro rata share of the cost of the County stormwater facility which the applicant seeks to use. The pro rata share shall be based on the cubic foot volume required by the applicant as compared to the cubic foot design volume of the County stormwater facility. Payment shall be as follows:
1. Payment for Land Acquisition. Applicant shall pay a onetime fee based on actual historical cost paid by the County or other public agency at time of acquisition of the stormwater facility. Should such cost not be readily available, the value shall be based on comparable land value for like properties following standard property appraiser practices.
 2. Payment for Construction and Maintenance. Applicant shall pay a onetime fee of \$0.18 per cubic foot for the cost of stormwater facility's initial construction and routine maintenance, consistent with County practices as periodically amended.
- (c) Demonstrate that the County stormwater facility has adequate capacity to store the applicant's stormwater runoff and stormwater runoff from the entire watershed contributing to the stormwater facility. The applicant shall provide calculations and improvement plans documenting that the stormwater facility has the stated capacity. The calculations shall assume that all residential property in the contributing area is fully developed; shall include the volume of runoff from all non-residential property which is developed and does not have a dedicated stormwater facility; and shall include any applicable pre-development runoff from developed property that may have been permitted to discharge pre-development runoff.
- (3) In the event that the County stormwater facility does not have adequate capacity to receive the applicant's stormwater runoff and the stormwater runoff from the entire watershed contributing stormwater runoff to the stormwater facility, the County may allow the applicant to enlarge or expand the stormwater facility within boundaries of property owned by the County. The applicant shall be credited the value of the applicant's construction cost to the fees charged by the County for use of the County stormwater facility. Where enlargement or expansion is required and additional stormwater volume is being created in the County stormwater facility in excess of the required volume, the County may also choose to credit a portion of the applicant's construction cost to the fees charged by the County for use of the County stormwater facility. Any credit to the fees shall not exceed the proposed payment to the County for construction and maintenance.
- (4) A fee in the amount established by resolution of the Board shall be paid prior to project approval. The fee schedule is available at the [Office of the County Engineer](#). Should the fees, as identified above, be in excess of twenty-five thousand dollars (\$25,000.00), the applicant may request a payment option to be approved by the Board allowing full and final payment to occur over a time period not to exceed five (5) years.
- (5) The applicant shall enter into an appropriate agreement with the County. The standard form of the agreement is available at the [Office of the County Engineer](#). Said agreement shall bind the applicant, heirs, successors or assigns in interest to the property to be and remain financially responsible for payment of all fees; any hazardous materials or sewage effluent they have caused or allowed to enter the stormwater facility; and, to assume a pro rata share of the cost of major maintenance of the stormwater facility, including that resulting from a natural disaster such as a sinkhole or other catastrophic occurrence. The agreement shall be recorded in the Official Records of Marion County, Florida.

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- (6) Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County do not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

C. Completion and closeout.

Completion and close out shall be per the improvement application that the Stormwater Connection supports and per the terms of the agreement referenced above.

Sec. 2.22.4 Tree Removal Permit.

A. Purpose and intent.

- (1) The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees from or in public and private property. Tree protection and replacement shall work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of Marion County, complementing the natural and built environments, while providing shade and habitat through:
- (a) Preservation of existing trees and native plant communities;
 - (b) Replacement of trees that are removed;
 - (c) Maintenance of trees and
 - (d) Prevention of tree abuse; and
 - (e) Enforcement.

B. The preservation and replacement of trees and protected plant species shall apply to all development with the following exceptions:

- (1) The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on lands with an agricultural zoning classification.
- (2) Property used for bona fide agricultural use, as listed above, zoned other than agriculture and possessing an agriculture classification from the County Property Appraiser per [FS 193.461](#). Lands with an urban land use designation may not use this exemption.
- (3) On lands where either of the two exemptions above has enabled tree removal without a permit, no applications for any land use changes shall be made within one year of the tree removal date unless:
- (a) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees, or
 - (b) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting 100 inches DBH of native trees per acre or lower, based on the pre-clearing density of existing trees.
- (4) The removal of trees which have a DBH of less than 10 inches, except those trees which have been designated replacement and conservation trees pursuant to Sec. 6.8.10 F.
- (5) The removal of trees on an individual parcel of record used or to be used for single-family dwellings.
- (6) The removal of trees associated with the County's construction, rehabilitation, or routine maintenance of roads and drainage systems within public rights-of-way or easements.
- (7) The removal of trees associated with the rehabilitation or routine maintenance of roads and drainage systems within private rights-of-way or easements.
- (8) Tree removal or trimming for the construction of firebreaks, firelines, and surveying.
- (9) The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes.

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- (10) Transplanting of any size tree.
- (11) Removal of trees required by a development plan which has been fully approved by the County.
- (12) Removal of exotic tree or nuisance tree species as listed by the [UF/IFAS Assessment of Non-native Plants](#), “Prohibited” or “Invasive – Not Recommended” tables, as updated.

C. Submittal requirements.

- (1) Tree Removal Permit application can be obtained from **(insert location)**.
- (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- (3) The application shall include either a site plan or recent aerial photograph of the location where the trees are to be removed and the proposed locations of replacement trees.

D. Review and approval procedures.

- (1) The review time frame for each submittal for this application is five days.
- (2) The County Landscape Architect shall review this application and approve, approve with conditions, or provide further direction.
- (3) Conditions that may result in denial of the permit include, but are not limited to, the following:
 - (a) The tree’s location, age, size, rarity, uniqueness, historic value, status as a specimen tree, or other outstanding quality as further defined in this Code.
 - (b) The proposed method of removal and the effect on surrounding protected trees or existing vegetation.

E. Completion and closeout.

Stand alone Tree Removal Permits shall expire one year from date of issuance. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this subsection.

Sec. 2.22.5 Other applications from Marion County may include, but are not limited to, the following:

- A. 4-H/FFA Animal Exemption;
- B. Agricultural Building Permit Exemption;
- C. Electric Substation Preemption;
- D. Home Occupation Permit;
- E. Mining;
- F. Property Division Authorization;
- G. Special Event Permit;
- H. Temporary Sign Permit; and
- I. Temporary Use Permit.