

## Marion County, FL Land Development Code

### LAND DEVELOPMENT CODE OF MARION COUNTY, FLORIDA

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## DIVISION 1. - ADMINISTRATION AND ENFORCEMENT<sup>[1]</sup>

### **Footnotes:**

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**Editor's note**— Ord. No. 17-08, § 2(Exh. A), adopted April 11, 2017, amended Art. 4, Div. 1 in its entirety to read as herein set out. Former Art. 4, Div. 1, §§ 4.1.1—4.1.5, pertained to similar subject matter, and derived from Ord. No. 13-20, § 2, adopted July 11, 2013; Ord. No. 15-25, adopted Dec. 16, 2015.

### **Sec. 4.1.1. - Administrative official.**

The "Growth Services Director" shall be designated by the Board to interpret and administer the zoning regulations of Marion County. The Growth Services Director may request the assistance of any appropriate officer or agency of the County. He shall promptly refer all complaints or violations to the Code Enforcement Division. If he finds that any of the provisions of these zoning regulations are being violated, he shall notify in writing the Code Enforcement Division indicating the nature of the violation and the appropriate section of the Code. The Growth Services Director shall maintain written records of all official actions of his office with relation to interpretation and of all violations discovered.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.1.2. - Fees.**

The Board of County Commissioners shall establish by resolution all fees associated with this article, and no request shall be processed or accepted by the Growth Services Director until the required fee has been paid in full.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.1.3. - Violations.**

Nothing herein contained shall prevent the Code Enforcement Division or the Board from taking such other lawful action as is necessary to remedy any violation.

#### **Sec. 4.1.4. - General provisions and regulations.**

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- A. Conformity with Code. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered and no existing use, new use, or change of use of any building, structure or land or part thereof, shall be made or continued except in conformity with the provisions of this Code.
- B. Modification of lots or structures. No lot, or any structure thereon, shall be modified in any way which will not conform to the applicable zoning classification regulations, except:
  - (1) Where the Board of Adjustment, within its authority, grants a variance; or
  - (2) Where a portion of property has been acquired by a governmental agency that, by law, is exempt from these regulations.
  - (3) Non-conforming lots in zoning classifications R-1, R-2, R-3, and R-4 may be developed with a lot width of 75 feet, and a minimum of 7,500 square feet of buildable area, and shall comply with Marion County Comprehensive Plan density requirement of one single family residence and as set forth in Section 4.2-3.
  - (4) The Growth Services Director may issue a waiver of the required lot width and buildable area requirements in the above zoning classifications where the lot width is less than 75 feet, and it is impossible or impracticable to increase the lot width and buildable area.
- C. Minimum lot access. Every lot, parcel, tract or combination thereof upon which a structure is hereafter erected shall have a minimum access of 40 feet wide to a street.
- D. Oversight or error. No oversight or error on the part of The Growth Services Director, his assistants, staff, or any official or employee of Marion County shall legalize, authorize or excuse the violation of any of the provisions of this Code.
- E. Interpretation. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. When the requirements of any other regulation or ordinance are in conflict herewith, the most restrictive or that imposing the higher standards shall govern unless otherwise specifically provided.
- F. Zoning classification boundary extension. For purposes of determining zoning classification boundaries after vacation or abrogation of a plat, right-of-way, street, or other property dedicated or deeded to the public or County, the zoning classification applicable to the property abutting on either side of the property vacated or abrogated shall, after vacation or abrogation, be deemed to extend to the centerline of such vacated or abrogated right-of-way, street, or other property.
- G.



Uses not listed. The listing of permitted uses in a zoning classification is not meant to be all inclusive.  
Land Development Code

Uses not specifically permitted by this Code in a zoning classification shall be reviewed by the Growth Services Director in accordance with the provisions of the following paragraph and may require a Special Use Permit (SUP). The listing of a use in one or more zoning classifications does not prohibit such use in a zoning classification where it is not listed, either without, or with a SUP, as provided herein. SUP application procedures shall conform to the provisions of [Article 2](#) of this Code.

- (1) Criteria for reviewing uses not listed. Upon application for a use not listed herein, the Growth Services Director shall determine whether or not the use may be allowed in the specific zoning classification requested as a permitted use based on similarity with listed uses. If the Growth Services Director determines that the use is not sufficiently similar to uses specifically listed by this Code in a zoning classification, it shall require a SUP as set forth in [Section 2.8.1](#) of this Code.
  - (2) For reviewing unlisted uses the North American Industry Classification System (NAICS) Manual shall be used to determine the general classification of uses, and the similarity of a requested use with a listed use. Other factors, which may be considered, shall be traffic generation volume, type of traffic attracted to and generated by the site, parking requirements, compatibility with surrounding land uses, noise, lighting and visual impacts, hours of operation, and intensity of use.
  - (3) The Growth Services Director may, after review of the criteria herein, determine that certain uses are prohibited uses which shall not be allowed in a particular zoning classifications. In the event that a use is determined to be a prohibited use, record of the reasons given for that decision shall be kept on file and shall be used as a guide for subsequent use determinations.
  - (4) Appeals of decision on unlisted uses. Decisions on unlisted uses by the Growth Services Director are considered interpretations and may be appealed to the Board of Adjustment in conformance with the provisions of [Article 2](#).
- H. Official zoning map creation and adoption. The "Official Zoning Map of Marion County, Florida", including all explanatory materials and information, is adopted by reference and made a part of this Land Development Code.
- (1) The official zoning map shall be located in the Growth Services Department and maintained in a digital format.
  - (2) Background research materials, maintained in the Growth Services Department, of the adopted elements are not part of the LDC.
  - (3) The adoption of resolutions that rezone property as provided in [Article 2](#) would amend the official Zoning Map.

I.

Land Development Code

Setback exemptions. The following structures shall be exempt from the setback requirements of this Code: mailboxes, lawn posts, flag poles, bird houses, utility poles, fences, paper boxes, private culverts, driveways, utility piping, pad-mount transformers, telephone and cable company connection boxes, sidewalks and walkways. Septic tanks are exempt to within five feet of any property line; wells are exempt to within eight feet of any property line; and in all cases DOH approval is required. Other exemptions may be allowed if approved in writing by the Growth Services Director.

- J. Cross Florida Greenway. All structures on lands adjacent to the Cross Florida Greenway shall be setback a minimum of 50 feet from the Greenway. Exceptions are residentially zoned lots, stormwater management facilities and those facilities which further the conservation and recreational use of the Greenway. A variance to this setback requirement may be requested when a demonstrated hardship precludes the development of the property. The applicant has the burden of proving the existence of a genuine hardship.
- K. Prescriptive easements. After June 18, 1992 all new prescriptive road easements, if applicable, shall be established by Court Order prior to issuance of a Building Permit.
- L. Uncompleted structures. Any building or structure which has not passed a final inspection or received a certificate of occupancy within 12 months after the date of first inspection shall be classified as an unfinished structure unless said time period has been extended by the Building Manager. Construction shall be permitted to recommence under such conditions and for such period as may be determined as reasonable by the Board of Adjustment based on conformity with, and promotion of, the spirit and purpose of this Code and the Building Code. The Board of Adjustment may order removal of any building or structure not in compliance with any provision of this Code or condition imposed by the Board of Adjustment.
- M. Double frontage. On corner tracts or through tracts, the required front yard shall be determined by the property owner. On corner lots and tracts, the remaining street frontage shall become a side yard. On residential corner lots the side setback is fifteen feet, however, the Growth Services Director is authorized to reduce the side yard setback to a minimum of 8 feet, provided the reduction will not create site triangle or visibility problems from roads bordering such lots. This does not apply to R-E, Residential Estate zoning classification.
- N. Height limit exemptions. Chimneys, stacks, tanks, church steeples and roof structures used only for mechanical or aesthetic purposes may exceed the permitted height in any zoning classification up to a maximum height of 50 feet above finished grade of the supporting structure. Structures exceeding 50 feet above finished grade of the supporting structure shall be approved by SUP or PUD, Planned Unit Development. Radio, TV or wireless communication towers exceeding 50 feet above finished grade shall only be approved in accordance with [Section 4.3.25](#).
- O.

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

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

- Cable lines, either above or below ground

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

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

- Sewerage collection systems including lift stations

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

- Water supply wells, treatment facilities, and storage tanks serving fewer than 15 service connections, or commercial or industrial buildings or developments, which meet the requirements of Division 6.14.

Q. The following services shall obtain a SUP:

- Control buildings

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

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

- Landfill, construction, and demolition

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

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

- Treatment facility for residuals

- Utility company service yards

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

- Water wellfields

Land Development Code R. Communication, transmitter and broadcast towers and accessory structures will be approved only by SUP or by Administrative Permit when allowed by [Section 4.3.25](#) in all zoning classifications.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.1.5. - Varying design standards.**

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- A. Design standards may be varied by the Board pursuant to [Article 6](#).
- B. The Growth Services Director is authorized to reduce the tract width requirement in all residential and agricultural zoning classifications, when placement of the structure otherwise complies with the front, side and rear yard setbacks and the reduction is necessary due to an irregularly shaped lot.
- C. Where existing parcels or tracts of record do not abut for at least 40 feet on a street; or where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail
- D. Agricultural Building Permit Exemption:
  - (1) Any non-residential farm building located on a farm is exempt from the Florida Building Code and any county or municipal building code, which meets the minimum requirements, set forth by Florida State Statutes Chapter 604.50.
  - (2) The owner or their agent may request a Non-residential Farm Building Permit Waiver on a prescribed form obtained from the Growth Services Department. A fee in the amount established by the Board of County Commission is required at the time the request is made. This waiver request shall include a description of work, floor plan, and site plan, which will be, reviewed the Growth Services staff for compliance with Land Development Code requirements regarding Stormwater, setbacks, and floodplain.
- E. Acknowledgement of contiguous sustainable agricultural land.
  - (1) For properties contiguous to sustainable agricultural land as defined by FS 163.3163(3), prior to the issuance of a building permit for construction, expansion, and-or renovation of a new or existing structure for human habitation-occupancy wherein a new Certificate of Occupancy/Final Inspection will be required prior to habitation/occupancy of the structure consistent with the Florida Building Code, the property owners shall sign and submit a written acknowledgement that the project site is located contiguous to sustainable agricultural land. The acknowledgement shall be recorded in the Marion County Official Records by the owner or permit applicant prior to issuance of the permit and shall conform to the following, allowing for the appropriate owner signature (e.g., individual, corporate, etc.):

**ACKNOWLEDGEMENT OF CONTIGUOUS SUSTAINABLE AGRICULTURAL LAND**

*I, ...(name of property owner)..., understand that my property located on Parcel ID No. ... (property parcel id number)... at ... (address of nonagricultural land)..., as further described in the attached legal description, is contiguous to sustainable agricultural land located on ...(parcel id number of contiguous sustainable agricultural land)...*

*I acknowledge and understand that the farm operation on the contiguous sustainable agricultural land identified herein may be conducted according to generally accepted agricultural practices as provided in the Florida Right to Farm Act, s. 823.14, Florida Statutes.*

*Signature: ...(signature of applicant)...*

*Date: ...(date)...*

- (2) The requirement to complete and record the Acknowledgement of Contiguous Sustainable Agricultural Land (Acknowledgement) shall be deemed satisfied once a minimum of one executed Acknowledgement has been recorded in the Marion County Official Records in regards to the permit property, and the execution and recording of a new/additional Acknowledgement for subsequent permits shall not be required.
- (3) The requirement to complete and record the Acknowledgement of Contiguous Sustainable Agricultural Land (Acknowledgement) shall be deemed satisfied if the property is part of a subdivision plat that includes an Acknowledgement of Contiguous Sustainable Agricultural Land as provided in Section 6.3.1.C(15) and the permit property is contiguous to the lands identified as contiguous sustainable agricultural land by that subdivision plat. In the event the permit property is now contiguous to sustainable agricultural land not previously indicated on the subdivision plat, then completion of an Acknowledgement is required consistent with item (1) above.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.1.6. - Terminology.**

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Lot, parcel or tract of record may be used interchangeably herein

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**DIVISION 2. - ZONING CLASSIFICATION<sup>[2]</sup>**

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**Footnotes:**

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### **Sec. 4.2.1. - Zoning classifications.**

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.2.2. - General requirements for all agricultural classifications.**

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- A. Contained in the following sections are the allowed land uses, building and lot standards (including minimum setbacks), other general requirements, and permitted uses specified for all agricultural zoning classifications.
- B. Where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail.
- C. Special requirements for all agricultural zoning classifications:
- (1) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two and one-half feet into a required setback
  - (2) No structure or building may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement
  - (3) Outdoor ground and building lighting shall not cast direct light on adjacent properties.
  - (4) The sale, either retail or wholesale, of hay, either locally grown or imported from outside the State of Florida, is allowed as an accessory use on a working farm, as defined in CH 604.50 FS, where hay is already produced and sold. This provision is not permitted in the A-3 zoning classification.
  - (5) On A-1 zone parcels residential complexes for agricultural employees are allowed as an accessory use and may be clustered provided central water and sewage facilities are provided. Dwelling units may be conventional construction, or manufactured housing.
  - (6)

On legal non-conforming lots or parcels of one acre or less in size or lots up to nine and nine-tenths acres in size, the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, beefalo and other large farm animals is as follows:

- (a) The minimum square footage of contiguous open pasture area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal.
- (b) The total number of such animals that may be kept shall not exceed four per acre except offspring, which may be kept until weaned.

(7) Requirements of the Storage of Manure:

- (a) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare, or safety of humans or animals.
- (b) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
- (c) Compliance with [Article 5](#) Springs Protection Zone standards.

D. Permitted Uses:

Accessory use aircraft hangars in approved fly-in communities shall be permitted and include a maximum height of 30 feet.

Beekeeping Operations

Pigeon lofts meeting the requirements of [Sec. 4.3.20](#)

Pot-bellied pigs as pets

Silos, not exceeding 100 feet in height

Single-family guest cottage/apartment Refer to [Sec. 4.3.18](#)

Yard sales (up to three per year)

- E. Owners of properties located on waterbodies considered "non-ESQZ" waterbodies may elect to designate the yard fronting on the waterbody as the new front or rear yard of the property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.2.3. - General Agriculture (A-1) classification.**

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- A. Intent of classification. The General Agriculture classification is intended to preserve agriculture as the primary use. This classification in the Urban Area may be used for agriculture until it is rezoned to another permitted classification.

B. Permitted Uses:

Single-family dwellings

Land Development Code  
Manufactured buildings (DCA approved residential units)

Manufactured homes

Commercial vehicles utilized for transporting agricultural products raised or produced on the A-1 property of the vehicle owner may be parked on the A-1 zoned property; otherwise see Section 4.3.21.A. and B. for additional options on properties consisting of 5 acres or greater.

General farming, agricultural uses such as aquaculture, fish hatcheries, agricultural crop production including sod farms, agricultural production of livestock and forestry, including horses, cattle or the keeping and raising of ratites such as ostriches and emus

Greenhouse and plant nursery including both retail and wholesale, provided the products sold are raised on premises

Hay sales, refer to Sec. 4.2.2.C (4)

Single family, guest cottage, apartment. Refer to [Sec. 4.3.18](#)

Ornamental horticulture, floriculture, and nursery products retail, wholesale

Poultry farms, hatcheries

Public park, or other public recreational use or building

Racetrack, non-motorized, non-commercial for training only

Silviculture

Veterinary office, clinic, or hospital, no outside kennels permitted

C. Special Uses (requiring permit):

Airport, private

Aviaries

Bed and breakfast inn

Cemetery, mausoleum (private)

Church, Places of worship

Dude ranch, riding academy

Feedlots, cattle, hog, lamb, etc.



Land Development Code Gas meter facility and supply lines, high-pressure, except where such permits are pre-empted by state and federal regulations

Kennel

Landfill, construction, and demolition

Motorized Vehicle Racetrack or Practice Facilities shall be defined as: Motorized Vehicle Racetrack or Practice Facility: a place where ATV's, Motocross Bikes, Go Carts, Off Road Vehicles, or any similar vehicles, gather to compete against each other or against time on a tract of land or course constructed or designed for such purpose; A place to train, develop form, techniques or other skills related to competition

Nursery school

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Shooting range

School, accredited public, private, parochial

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

Specialty animals

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

Storage of explosives

Transportation services solely related to the transport of horses and livestock

Treatment facility for wastewater residuals

Veterinary office, clinic, or hospital, outside kennels permitted

Water wellfields

D. Development Standards:

Maximum Density Permitted: 1 du/10 acres, unless qualifies for the density exceptions provisions in [Sec. 4.3.2](#).

Minimum Lot Area: 10 acres

Minimum Lot Width: 150 feet

Maximum Building Height: 50 feet

Maximum Floor Area Ratio: None

E. Setbacks Minimums:  
Land Development Code

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

F. Accessory Buildings:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

G. Accessory Building Housing for Livestock:

Front Setback: 75 feet

Side Setback: 25 feet

Rear Setback: 25 feet

H. Accessory Building Housing for Poultry:

Front Setback: 100 feet

Side Setback: 25 feet

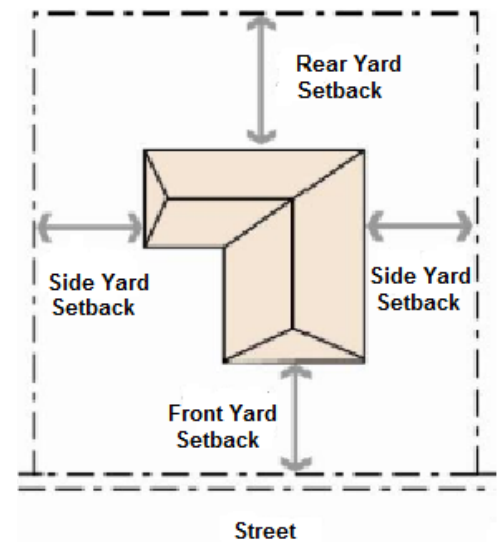
Rear Setback: 25 feet

I. Pool Enclosures:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 10 feet



(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.4. - Improved Agriculture (A-2) classification.**

A. Intent of classification. The Improved Agriculture classification is intended to provide for general farming and animal husbandry with accessory uses, involving substantial improvement and development, and for which certain restrictive zoning is necessary to minimize conflicts and protect the character of the area.

B. Permitted Uses:

Single-family dwellings

Manufactured buildings (DCA approved residential units)

Land Development Code  
Manufactured homes

Commercial vehicles utilized for transporting agricultural products raised or produced on the A-2 property of the vehicle owner may be parked on the A-2 zoned property; otherwise see section 4.3.21.A. and B. for additional options on properties consisting of 5 acres or greater

Dude ranch, riding academy

General farming and agricultural crop production, agricultural production of livestock including horses and cattle or the keeping and raising of raptures such as ostriches and emus. This section excludes aquaculture and limits the number of poultry to 25.

Greenhouse or plant nursery retail and wholesale, provided products sold are raised on premises

Hay sales, refer to Sec. 4.2.2.C (4)

Single family, guest cottage, apartment. Refer to [Sec. 4.3.18](#)

Ornamental horticulture, floriculture, and nursery products, retail, wholesale

Poultry, for personal use, not more than 25 birds.

Racetrack, non-motorized, non-commercial for training only

Silviculture

Veterinary office, clinic, or hospital, no outside kennels permitted

C. Special Uses (requiring permit):

Airport, private

Aquaculture, fish hatcheries

Aviaries

Bed and breakfast inn

Cemetery, mausoleum (private)

Church, Place of Worship

Feedlots, cattle, hog, lamb, etc.

Gas meter facility and supply lines, high-pressure, except where such permits are preempted by state and federal regulations

Kennel

Motorized Vehicle Racetrack or Practice Facilities shall be defined as: Motorized Vehicle Racetrack or Practice Facility - a place where ATV's, Motocross Bikes, Go Carts, Off Road Vehicles, or any similar vehicles, gather to compete against each other or against time on a tract of land or course constructed or designed for such purpose; A place to train, develop form, techniques or other skills related to competition

Nursery school

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Poultry, for personal use, more than 25 birds

Public park, or other public recreational use or building

Shooting range

School, accredited public, private, or parochial

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

Specialty animals

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

Storage of explosives

Transportation services solely related to the transport of horses and livestock

Treatment facility for waste water residuals

Veterinary office, clinic, or hospital, outside kennels permitted

Water wellfields

D. Development Standards:

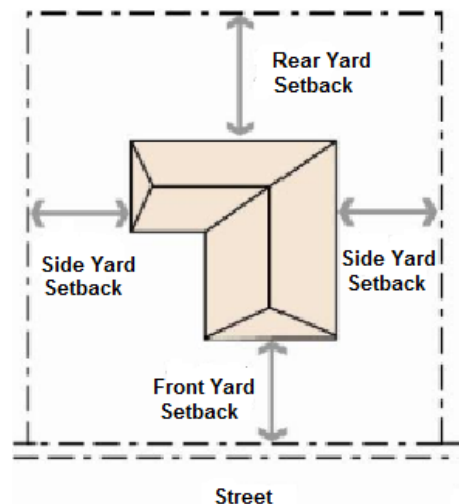
Maximum Density Permitted: 1 du/10 acres, unless qualifies for the density exceptions provisions in [Section 4.3.2](#).

Minimum Lot Area: 10 acres

Minimum Lot Width: 150 feet

Maximum Building Height: 50 feet

Maximum Floor Area Ratio: None



E. Setbacks Minimums:

Land Development Code

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

F. Accessory Buildings:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

G. Accessory Building Housing for Livestock:

Front Setback: 75 feet

Side Setback: 25 feet

Rear Setback: 25 feet

H. Accessory Building Housing for Poultry:

Front Setback: 100 feet

Side Setback: 25 feet

Rear Setback: 25 feet

I. Pool Enclosures:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 10 feet

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.5. - Residential Agricultural Estate (A-3) classification.**

⋮

- A. Intent of classification. The Residential Agricultural Estate Classification is intended to provide for areas whose present or prospective use is animal husbandry with attendant agricultural and accessory uses; providing a rural or farm atmosphere in which single family home ownership may be combined with small parcel development and where the growing of supplemental food supplies for families will be encouraged. It is also intended to permit a reasonable use of the property while protecting prime agricultural or natural area from urban encroachment and preventing rapid expansion of demands on public facilities such as school, roads, and water and sewer lines.

B. Permitted Uses;  
Land Development Code

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Manufactured homes

Commercial vehicles utilized for transporting agricultural products raised or produced on the A-3 property of the vehicle owner may be parked on the A-3 zoned property; otherwise see Sec. 4.3.21.A. and B. for additional options on properties consisting of 5 acres or greater.

General farming, agricultural crop production, agricultural production of livestock including horses, cattle or the keeping and raising of raptures such as ostriches and emus. This section excludes aquaculture, limits the number of poultry to 12.

Greenhouse and plant nursery including retail and wholesale, provided products sold are raised on premises

Hay sales, refer to Sec. 4.2.2.C(4)

Single family, guest cottage, apartment. Refer to [Sec. 4.3.18](#)

Ornamental horticulture, floriculture, and nursery products, retail, wholesale

Poultry for personal use, limited to 12 birds.

Public park, or other public recreational use or building

Racetrack, non-motorized, non-commercial for training only

Silviculture

Veterinary office, clinic, or hospital, no outside kennels permitted

C. Special Uses (requiring permit):

Airport, private

Aquaculture, fish hatcheries

Aviaries

Bed and breakfast inn

Cemetery, mausoleum (private)

Church, Places of worship

Dude ranch, riding academy

Land Development Code Feedlots, cattle, hog, lamb, etc.

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

Kennel

Motorized Vehicle Racetrack or Practice Facilities shall be defined as: Motorized Vehicle Racetrack or Practice Facility: a place where ATV's, Motocross Bikes, Go Carts, Off Road Vehicles, or any similar vehicles, gather to compete against each other or against time on a tract of land or course constructed or designed for such purpose; A place to train, develop form, techniques or other skills related to competition

Nursery school

Parking of commercial vehicles see [Sec. 4.3.21](#)

Poultry raising, for personal use, more than 12 birds

Shooting range

School, accredited public, private, parochial

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

Specialty animals

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

Storage of explosives

Transportation services solely related to the transport of horses and livestock

Treatment facility for wastewater residuals

Veterinary office, clinic, or hospital, outside kennels permitted

Water wellfields

D. Development Standards:

Maximum Density Permitted: 1 du/10 acres, unless qualifies for the density exceptions provisions in [Section 4.3.2](#).

Minimum Lot Area: 10 acres

Minimum Lot Width: 150 feet

Maximum Building Height: 50 feet

Maximum Floor Area Ratio: None  
Land Development Code

E. Setbacks Minimums:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

F. Accessory Building:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 25 feet

G. Accessory Building Housing for Livestock:

Front Setback: 50 feet

Side Setback: 25 feet

Rear Setback: 25 feet

H. Accessory Building Housing for Poultry:

Front Setback: 50 feet

Side Setback: 25 feet

Rear Setback: 25 feet

I. Pool Enclosures:

Front Setback: 25 feet

Side Setback: 25 feet

Rear Setback: 10 feet

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.6. - Requirements for all residential classifications.**

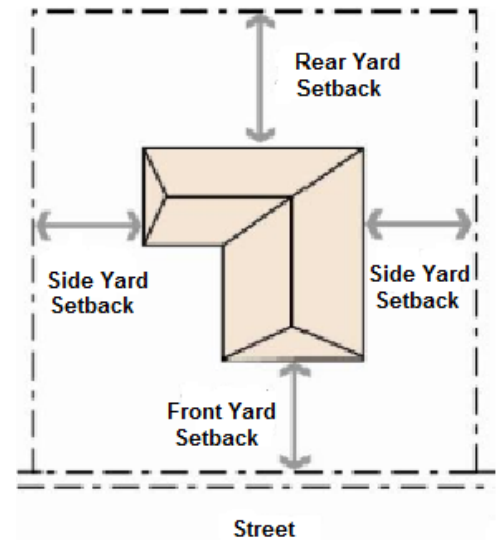
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A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks), and other general requirements specified for these zoning classifications.

B. These zoning classifications may apply for sites subject to the density exceptions provisions in [Sec. 4.3.2.](#)

C. General Requirements for all residential classifications:

(1)





Lot orientation. In residential zoning classification R-1, R-2, R-3, and R-4 a single-family residential dwelling, irrespective of construction method shall be situated on the lot so that the external wall which, by design, is intended to be the front, generally faces a street adjoining the lot.

(a) This requirement shall not apply in either of the following situations:

1. The dwelling is located on a "flag" lot; or
2. The dwelling is setback at least 100 feet from the street right-of-way on an interior lot.

(b) Alternatively, relief to this requirement is subject to the following conditions:

1. Any dwelling which cannot practically be located on the subject lot in any other manner; and,
2. The dwelling shall have sufficient architectural treatment so that the end wall does not appear to be an end wall, including at a minimum an entry feature consisting of a porch and an entry door. All construction of the entry feature must meet the applicable construction codes for the dwelling unit type.

(2) Movable awnings, may not project over three feet into a required setback.

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

(4) All setbacks shall be measured from the foundation or wall if no foundation is present; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two feet into the setback.

(5) See Environmentally Sensitive Overlay Zone (ESOZ) in [Article 5](#) for alternative lot and building standards for properties within that zone.

(6) Residentially zoned parcels located on a waterbody that is not listed in Table [5.2.1](#) (ESOZ) of this code, Sec. 5.2.2.A. may declare the lakeside as the front yard in determining the placement of accessory structures, provided all setbacks are observed.

(7) Private building for housing dogs, cats or similar small domesticated pets.

(8) Accessory structures shall be located in the rear or side yard provided required setbacks are observed

(9) Accessory use aircraft hangars in approved fly-in communities shall be permitted and include a maximum height of 30 feet.

(10) Outdoor ground and building lights shall not cast direct light on adjacent properties.

D. Requirements for keeping chickens in residential zoning classifications:

(1) Chicken shall mean a female of Gallus domesticus or a hen. Chicken shall not include the following:

(a) Any male chicken or rooster.

Land Development Code (b) Any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.

- (2) Number of chickens may not exceed six.
- (3) Roosters are prohibited.
- (4) Duplex, townhome, multi-family and similar units are prohibited from keeping chickens.
- (5) Hens must be contained within a covered and fully enclosed chicken coop from dusk to dawn and inside a coop and/or a fenced pen area the remainder of the time. The coop and fenced pen area must be located in the side or rear lot behind the principal structure.
- (6) It shall be unlawful for any person to allow hens to run at large upon the streets, alleys, public or private rights-of-way or other public places, or upon the property of any other person.
- (7) The coop and fenced pen area shall be setback 20 feet, based on the closest portion of the coop or fenced pen area, from any adjacent residential principal structure or accessory that contains a residential unit.
- (8) The coop and fenced pen area shall comply with all other zoning classification setback requirements.
- (9) The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition, which could potentially cause a nuisance (i.e. the coop should be cleaned frequently).
- (10) Stored feed must be secured in metal containers to prevent mice and other pests.
- (11) No routine slaughtering of the hens is allowed on the subject site.
- (12) Hens are to be kept for personal use of the residents of the site and no on-site retail sale of eggs, manure or hens shall occur.

E. Zoning lot and building standards shall conform to the standards outlined for each residential classification within the sections that follow.

F. General requirements in RR-1 Zoning, RE Zoning and in any zoning classification permitted by special use: For the keeping of horses, the minimum square footage of pasture area not including the dwelling shall be 9,000 square feet for the first horse and 6,000 square feet for each additional horse. The total number of horses shall not exceed four per acre, except foals, which may be kept until weaned.

G. Pigeon lofts meeting the requirements of [Sec. 4.3.20](#), on lots one acre or larger except in MH and PMH classifications.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.2.7. - Rural Residential (RR-1) classification.**

⋮

A. Intent of Classification. The Rural Residential Classification provides for rural residential development with home sites and certain agricultural uses, which are compatible with rural residential development. All residentially zoned parcels of record located in Rural Lands are eligible for rezoning to this classification. Agriculturally zoned parcels shall not be rezoned to this classification.

B. Permitted Uses:

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Manufactured homes

Community or personal use garden

Community residential home with six or less residents

Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F.)

Single family, guest cottage, apartment. Refer to [Sec. 4.3.18](#)

Private greenhouse or non-commercial (no retail sales) conservatory for plants or flowers

Public Park, playground or other public recreational use

C. Special Uses (requiring permit)

Accessory Uses on non-contiguous vacant lot

Church, Place of Worship

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Pot-bellied pigs as pets

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Sprayfields (or other type of effluent disposal area when application rate exceeds 10,000 gallons per day, if allowed by law)

D. Development Standards:

Vested, unless qualifies for the density exception provisions in (Sec. [4.3.2](#))

Minimum Lot Area: Vested and/or FLUE Appendix A

Minimum Lot Width: Existing

Land Development Code  
Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks Minimum:

Front Setback: 25 feet

Rear Setback: 25 feet

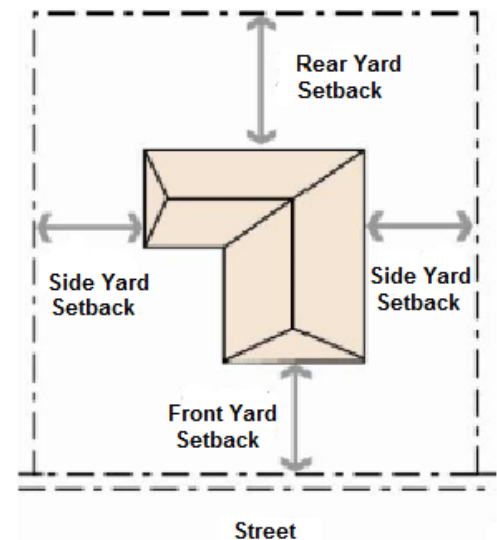
Side Setback: 8 feet

F. Accessory Structures:

Front Setback: 25 feet

Rear Setback: 8 feet

Side Setback: 8 feet



(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### Sec. 4.2.8. - Residential Estate (R-E) classification.

A. Intent of classification. The Residential Estate classification provides for low-density urban residential development with large lot home sites and certain agricultural uses, which are compatible with residential development.

B. Permitted Uses:

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Church, Places of Worship

Community or personal use garden

Community residential home with six or less residents

Horses or cattle for personal use. (See special lot area and number requirements in Sec. 4.2.6.F)

Museum

Private greenhouse or non-commercial (no retail sales) conservatory for plants or flowers

Public or private golf course or tennis facility, which may include a country club or clubhouse

Public Park, playground or other public recreational use

Single-family, guest cottage, apartment. Refer to [Section 4.3.18](#)

C. Special Uses (requiring permit)  
Land Development Code

Accessory Uses on non-contiguous vacant lot

Art gallery

Cemetery, crematory, mausoleum

Community residential home with seven or more residents

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Library

Manufactured Homes

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Plant nursery, wholesale

Pot-bellied pigs as pets

Private clubs and community centers

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Recreation building

School, accredited, public, private, parochial

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

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

Water wellfields

D. Development Standards:

One dwelling unit per acre, and subject to the density exception provisions in [Section 4.3.2](#)

Minimum Lot Area: 32,670 square feet

Minimum Lot Width: 150 feet

Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks:  
Land Development Code

Minimum Front Setback: 25 feet

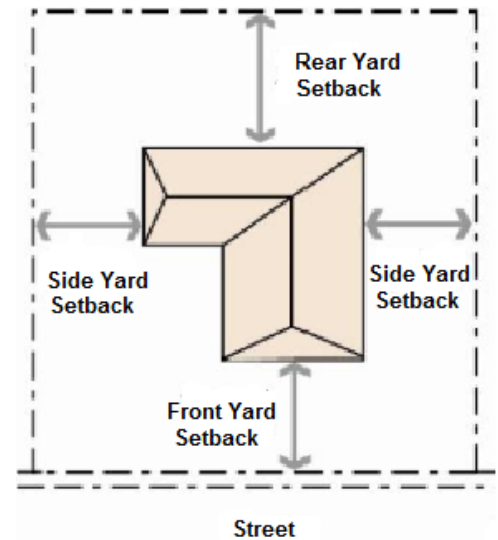
Minimum Rear Setback: 25 feet

Minimum Side Setback: 25 feet

F. Accessory Structures:

- (1) All accessory structures require a minimum of 25 feet rear and side yard setback.
- (2) For properties 1 acre or less, accessory structures require a minimum 8 feet rear and side yard setback (see placement requirements in Sec. 4.2.6.C.(8))

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)



**Sec. 4.2.9. - Single Family Dwelling (R-1) classification.**

A. Intent of classification. The Single Family Dwelling Classification is intended to provide areas for medium-density residential development.

B. Permitted Uses:

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Church, Places of Worship

Community and/or personal use garden

Community residential home with six or less residents

Museum

Public or private golf course or tennis facility, which may include a country club or clubhouse

Public Park, playground or other public recreational use

Single-family, guest cottage, apartment. Refer to [Section 4.3.18](#)

C. Special Uses (requiring permit)

Accessory Uses on non-contiguous vacant lot

Art gallery

Cemetery, crematory, mausoleum

Land Development Code Community residential home with seven or more residents

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Horses or cattle for personal use. (See special lot area and number requirements in Sec. 4.2.6.F)

Library

Low-power radio station

Museum

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Plant nursery, wholesale

Pot-bellied pigs as pets

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

School, accredited, public, private, parochial

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

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

Water wellfields

D. Development Standards:

Vested or underlying land use designation, unless qualifies for the density exceptions provisions in [Section 4.3.2](#).

Minimum Lot Area: 10,000/7,700\* square feet

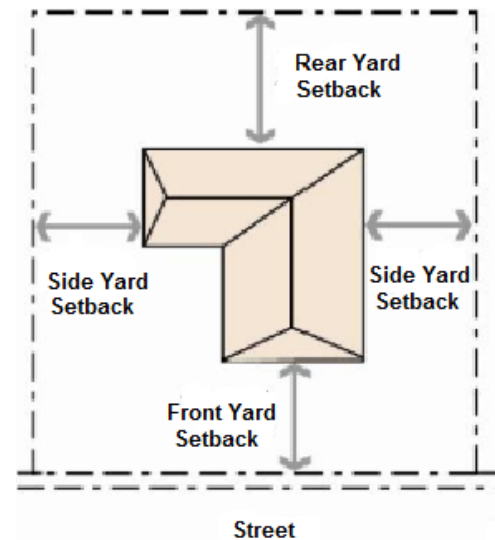
Minimum Lot Width: 85/70\* feet

Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks:

Minimum Front Setback: 25/20\* feet



Land Development Code Minimum Rear Setback: 25/20\* feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side, Height limit: 20 feet (see placement requirement in Sec. 4.2.6.C.(8))

\*For new residential subdivision development where central water and central sewer services are utilized.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.2.10. - One and Two-Family Dwelling (R-2) classification.**

⋮

A. Intent of Classification. The One- and Two-Family Dwelling classification is intended to provide areas for medium and high- density residential development and includes both one-family and two-family dwellings.

B. Permitted Uses:

Single-family dwelling

Two-family dwelling (when consistent with land use)

Manufactured buildings (DCA approved residential units)

Church, Places of Worship

Community or personal use garden

Community residential home with six or less residents

Public or private golf course or tennis facility, which may include a country club or clubhouse

Public Park, playground or other public recreational use

C. Special Uses (requiring permit):

Accessory uses on noncontiguous vacant lot

Art gallery

Cemetery, crematory, mausoleum

Community residential home with seven or more residents

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)



Land Development Code  
Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F)

Library

Manufactured homes

Museums

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Plant nursery, wholesale

Pot-bellied pigs as pets

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Recreation building

School, accredited, public, private, parochial

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

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

Water wellfields

D. Development Standards:

Maximum Density:

4 du/acre for single-family

6 du/acre for two-family

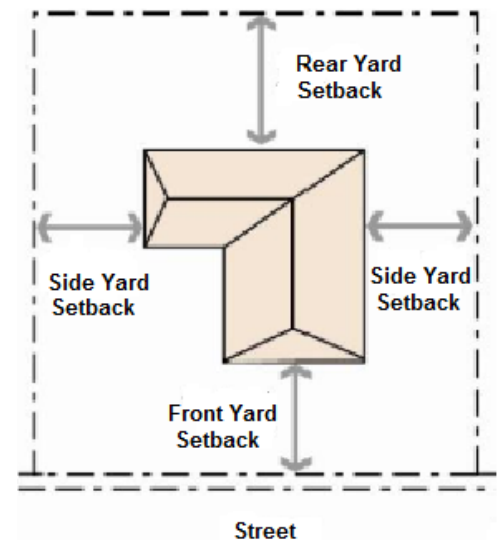
(Vested or underlying land use designation, unless qualifies for the density exceptions provisions in [Sec. 4.3.2.](#))

Minimum Lot Area:

10,000 square feet Single-family

12,500 square feet Two-family

Minimum Lot Width:



Land Development Code 85 feet Single-family

100 feet Two-family

Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks:

Minimum Front Setback: 25 feet

Minimum Rear Setback: 15 feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side, Height Limit: 20 feet (see placement requirement in Sec. 4.2.6.C.(8))

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.11. - Multiple-Family Dwelling (R-3) classification.**

⋮

A. Intent of Classification. The Multi-Family Dwelling classification is intended to provide for high-density and urban residential development, including multi-family dwellings in areas served by public or private water and sewer facilities.

B. Permitted Uses:

Multiple-family dwellings

Two-family dwelling (when consistent with land use)

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Church, Places of Worship

Community or personal use garden

Community residential home with six or less residents

Convalescent home, adult congregate living facility

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Public or private golf course or tennis facility, which may include a country club or clubhouse

School, accredited, public, private, parochial

C. Special Uses (requiring permit):

Accessory uses on noncontiguous vacant lot

Art gallery

Cemetery, crematory, mausoleum

Community residential home with seven or more residents

Daycare, child, adult

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F)

Library

Museums

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Plant nursery, wholesale

Pot-bellied pigs as pets

Private clubs and community centers

Professional office

Recreation building

Rehabilitation center, physical

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

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

Water well fields

D. Development Standards:

Maximum Density:

4 du/acre for Single-family

6 du/acre for two-family

Land Development Code 8 du/acre for Multiple-family

8-16 du/acre High-Urban Density

(Vested or underlying land use designation, unless qualifies for the density exceptions provisions in [Section 4.3.2.](#))

Minimum Lot Area:

7,500 square feet Single-family

12,500/7,700 square feet Two-family

12,500/7,700 square feet 3 or more family

Minimum Lot Width:

85/70\* feet Single-family

100/70\* feet Two-family

100/70\* feet 3 or more family

Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks:

Minimum Front Setback: 25/20\* feet

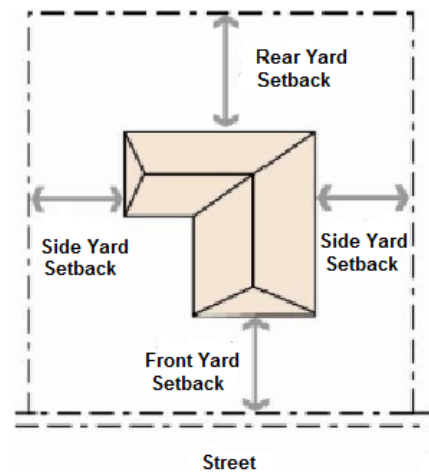
Minimum Rear Setback: 25/20\* feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side, Height Limit: 20 feet (see placement requirement in Sec. 4.2.6.C.(8))

\*For new residential subdivision development where central water and central sewer services are utilized.

Smaller lots sizes may be approved administratively through the waiver process in [Article 2](#), Division 10 including DRC, Development Review Committee, recommendation and approval by the Board.



(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.12. - Mixed Residential (R-4) classification.**

Land Development Code

A. Intent of Classification. The Mixed Residential classification is intended to provide for medium-density, single family or two-family, residential development utilizing a mix of single or double-wide manufactured homes and conventional construction homes.

B. Permitted Uses:

- Single-family dwelling
- Two-family dwelling (when consistent w/land use)
- Manufactured buildings (DCA approved residential units)
- Manufactured homes
- Church, Places of Worship
- Community and/or personal use garden
- Community residential home with six or less residents
- Convalescent home, adult congregate living facility
- Daycare, child, adult
- Orphanage
- Public Park, playground or other public recreational use
- School, accredited, public, private, parochial

C. Special Uses (requiring permit):

- Accessory uses on noncontiguous vacant lot
- Art gallery
- Cemetery, crematory, mausoleum
- Community residential home with seven or more residents
- Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)
- Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F)
- Library
- Museums
- Parking of commercial vehicles, see [Sec. 4.3.21](#)
- Plant nursery, wholesale

## Land Development Code

Pot-bellied pigs as pets

Private clubs and community centers

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Public or private golf course or tennis facility, which may include a country club or clubhouse

Rehabilitation center, physical

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

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

Water wellfields

### D. Development Standards:

Maximum Density:

4 du/acre for Single-family

6 du/acre for Two-family

8 du/acre for Multiple-family

8-16 du/acre High-Urban Density

(Vested or underlying land use designation, unless qualifies for the density exceptions provisions in [Sec. 4.3.2.](#))

Minimum Lot Area:

7,500/5000\* square feet Single-family

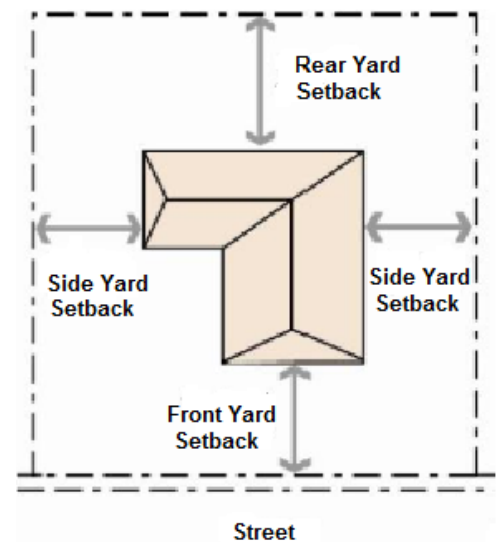
12,500/7,700\* square feet Two-family

Minimum Lot Width:

75/70\* feet Single-family

100 feet Two-family

Maximum Building Height: 40 feet



E. Setbacks:

Minimum Front Setback: 25/20\* feet

Minimum Rear Setback: 25/20\* feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side, Height Limit: 20 feet (see placement requirement in Sec. 4.2.6.C.(8))

\*For new residential subdivision development where central water and central sewer services are utilized.

Smaller lots sizes may be approved administratively through the waiver process in [Article 2](#), Division 10 including DRC recommendation and approval by the Board.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.13. - Manufactured Housing (MH) classification.**

⋮

A. Intent of Classification. The Manufactured Housing classification (MH) is intended to provide residential areas for manufactured housing development. Manufactured Housing dwelling units shall conform to the requirements of the National Manufactured Home Construction and Safety Standards (HUD Code).

B. Permitted Uses:

Single-family dwelling

Manufactured buildings (DCA approved residential units)

Manufactured homes

Church, Places of Worship

Community and/or personal use garden

Public or private golf course or tennis facility, which may include a country club or clubhouse

Public Park, playground or other public recreational use

C. Special Uses (requiring permit):

Accessory uses on non-contiguous vacant lot

Art gallery

Land Development Code Cemetery, crematory, mausoleum

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F)

Library

Museums

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Pigeon lofts meeting the requirements of [Sec. 4.3.20](#), on lots one acre or larger

Plant nursery, wholesale

Pot-bellied pigs as pets

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

School, accredited, public, private, parochial

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

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

Water wellfields

D. Development Standards:

Maximum Density:

4 du/acre for single-family

Minimum Lot Area:

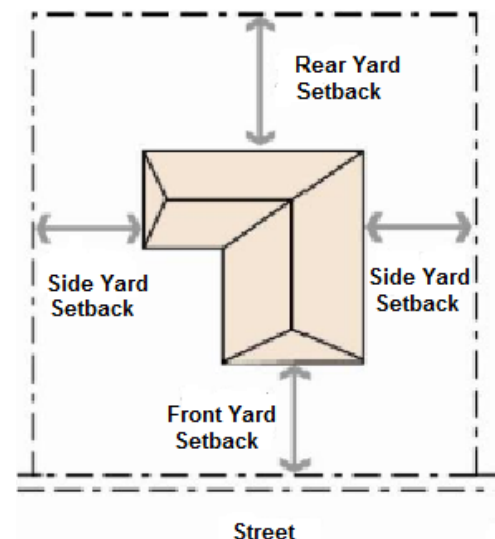
10,000 square feet

Minimum Lot Width:

85 feet

Maximum Building Height: 40 feet

Maximum Floor Ratio: None





E. Setbacks:  
Land Development Code

Minimum Front Setback: 25 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side (see height limitation and placement requirement in Sec. 4.2.6.C.(8))

F. All units shall also comply, if applicable, with [Sec. 4.3.6](#), Manufactured Home, and Park Trailer and Recreational Vehicle Regulations of this Code.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.14. - Manufactured Housing Park (P-MH) classification.**

⋮

A. Intent of Classification. The Manufactured Housing Park classification is intended to provide tracts of land designed to create a sense of community and maintained or used for the purpose of renting individual sites for manufactured homes.

B. Permitted Uses:

Manufactured buildings (DCA approved residential units)

Manufactured homes

Church, Places of Worship

Community or personal use garden

Public or private golf course or tennis facility, which may include a country club or clubhouse

Public Park, playground or other public recreational use

C. Special Uses (requiring permit):

Accessory uses on noncontiguous vacant lot

Art gallery

Cemetery, crematory, mausoleum

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Horses or cattle for personal use (See special lot area and number requirements in Sec. 4.2.6.F)

Library

Museums  
Land Development Code

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Pigeon lofts meeting the requirements of [Sec. 4.3.20](#), on lots one acre or larger Plant nursery, wholesale

Pot-bellied pigs as pets

Professional office

Public lodging establishments including resort condominium, non-transient apartment, transient apartment, rooming house, bed and breakfast inn, or resort dwelling

Recreation building

School, accredited, public, private, parochial

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

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

Water wellfields

D. Development Standards:

Maximum Density:

4 du/acre for single-family

6 du/acre for two-family

(Vested or underlying land use designation, unless qualifies for the density exceptions provisions in [Sec. 4.3.2.](#))

Minimum Lot Width:

85 feet Single-family

100 feet Two-family

Maximum Building Height: 40 feet

Maximum Floor Ratio: None

E. Setbacks:

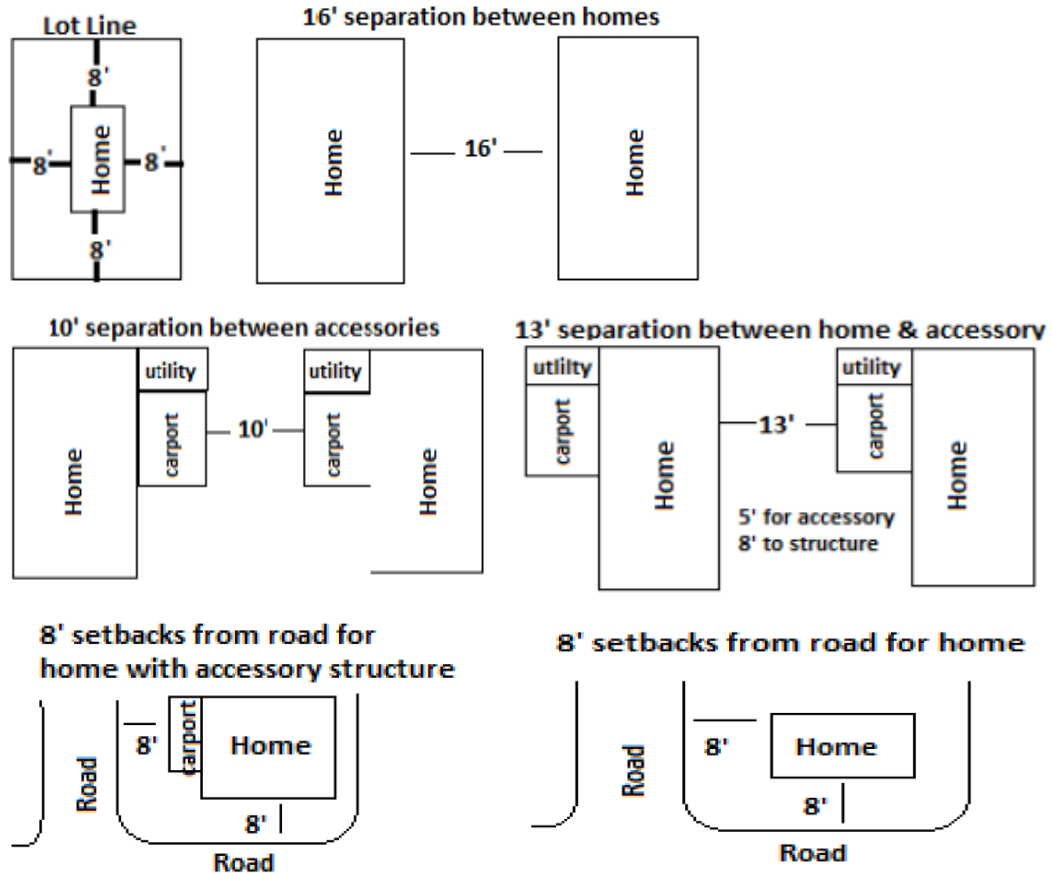
Minimum Front Setback: 25 feet

Minimum Rear Setback: 15 feet

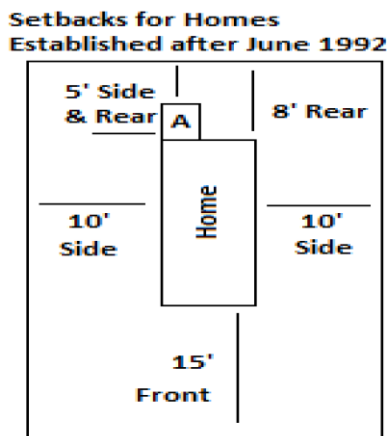
Land Development Code  
Minimum Side Setback: 25 feet

Accessory Structures: 8 feet rear and side (see height limitation and placement requirement in Sec. 4.2.6.C.(8))

Diagramed Setbacks for Manufactured Home Parks Established on or prior to June 11, 1992



Diagramed Setback for Manufactured Home Parks Established after June 11, 1992



(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Sec. 4.2.15. - Requirements for all commercial and industrial zoning classifications.

- A. Within commercially zoned districts, unless otherwise noted the listed uses shall mean the sale of finished products or units.
- B. No structure may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement.
- C. All security residences or residential units must be of similar construction and architectural style as the primary structure.
- D. All security or residential units must be to the side or rear of the primary structure and location shall be approved administratively.
- E. Ground and building lights shall be confined to the property and shall not cast direct light on adjacent properties. The maximum height of a light pole shall be 35 feet in all commercial zoning classifications except B-1 and RAC where the maximum height is 25 feet.
- F. For all other outdoor lighting requirements, refer to [Sec. 6.19.6](#).
- G. Trash containers shall be screened from public view, using opaque materials.
- H. All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs or pilasters may protrude two feet into a required setback. Gas pump island canopies may protrude ten feet into a required setback.
- I. Screening of Activities. Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage or uses shall be screened, buffered or fenced in such a manner as to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.2.16. - Residential Office (R-O) classification.**

- A. Intent of Classification. The Residential Office Zoning classification is intended to provide areas where residential uses and certain office uses which are compatible with residential development may be allowed to coexist. This normally occurs through the conversion of single-family dwellings to specific office uses. This zoning district is to be considered a restricted commercial zoning classification.
- B. Permitted Uses:
  - Agricultural uses as an interim use, except livestock
  - Barber, beauty shop
  - Church, Places of Worship
  - Club, private, lodge, fraternity, sorority

Land Development Code Community residential home with six or less residents

Daycare, child, adult

Model-home sales lot or model home complex

Orphanage

Professional office

Public Park, playground or other public recreational use

Studios, Art, Dance, Music, Photography, Tailor, dressmaker, pressing and mending

C. Special Uses (requiring permit):

Art gallery

Cemetery, crematory, mausoleum

Community residential home with seven or more residents and in accordance with the spacing requirements of Florida Statute

Gas meter facility and supply lines, high pressure (except where such permits are preempted by state or federal regulations)

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

Hospital

Library

Museum

Parking of commercial vehicles, see [Sec. 4.3.21](#)

Plant nursery, retail, wholesale

Sewage treatment plants (inflow exceeding 5,000 gallons per day)

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

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

Water wellfields

D. Development Standards:

Land Development Code

Maximum Density:

1 per unit

Minimum Lot Width:

85 feet

Maximum Building Height: 50 feet

Maximum Floor Ratio: None

E. Setbacks:

Minimum Front Setback: 25 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 8 feet

Accessory Structures: 8 feet rear and side (see placement requirement in Sec. 4.2.2.C.(5))

F. Special Requirement:

- (1) Existing residential uses will be allowed to continue as a permitted use of an existing residential structure until such time as the dwelling unit is converted through change of occupancy, sale, or lease for office or other permitted uses.
- (2) The front setback area shall not be utilized for the display, or storage of goods, commodities or merchandise offered for sale or rent whether on a temporary or permanent basis, unless permitted through the Temporary or Special Event Permitting Process. Refer to [Sec. 4.3.16](#) for procedures to obtain either a Temporary Use Permit or a Special Event Permit.
- (3) Uses allowed in this zoning district shall be located within an enclosed structure.

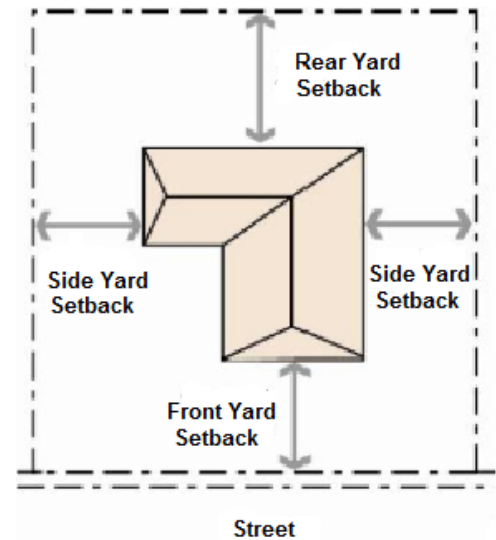
G. See Environmentally Sensitive Overlay Zone (ESOZ) in [Article 5](#) for alternative lot and building standards for properties within that zone.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### Sec. 4.2.17. - Neighborhood Business (B-1) classification.

A. Intent of Classification. The Neighborhood Business Classification is intended to provide for neighborhood retail and shopping facilities that would be appropriate with surround residential areas. All commercial activity involving retail sales or rentals shall take place in a completely enclosed building.

B. Permitted Uses:



Land Development Code Artisan shops, antiques, art gallery, art supplies, astrologer, books and stationary, camera,

clocks, clothing, craft, gifts, hobby supplies, ice cream shop, jewelry, leather goods, luggage, radio and television, shoes, souvenirs, smoke shop, tobacco, toys, watches and similar establishments including repair

Agricultural uses as an interim use, excluding livestock

Bait and tackle, sporting goods

Bakery, meats, delicatessen, or confectionary

Bank, credit union, financial and loan

Barber, beauty shop

Club, private, lodge, fraternity, sorority

Convenience store, gas station

Daycare, child, adult

Dwelling units for owner or employee

Fitness centers and gymnasiums

Golf course

Hospital

Land, farm management

Library

Museums

Orphanage

Parking lot

Parking of commercial vehicles for permitted business as an accessory use

Personal services, detective agency, dressmaker, dry cleaning - including picking-up, florist, interior design, locksmith, laundry, laundromat, pressing, mending clothing, shoes including repair, tailor, travel agency

Plant nursery, retail

Professional office

Public parks, playgrounds

Restaurant

Land Development Code Schools, public, and accredited private or parochial

Storage, mini-warehouses

Stores, department, furniture, hardware, household appliances, optical, pet

Studios, art, dance, music, photography, radio, television

Used merchandise, inside building

Veterinary clinic, small animals

C. Special Uses (requiring permit):

Bed and breakfast inn

Bicycles sales, rental

Church, Places of Worship

Garden supply

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

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

Household appliance, repair

Lawn mowers, power, sales and repair

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

Plant nursery, wholesale and retail

Produce sales (inside building)

Restaurant, fast food, or drive through

Seafood shop

Sewage treatment plants (inflow exceeding 5,000 gallons per day)

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

Utility company service yards

Water wellfields

D. Development Standards:



Land Development Code  
Maximum Density: 1 dwelling unit per shop or store

Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Ratio: 0.70

E. Setbacks:

Minimum Front Setback: 40 feet (65 feet w/gas pump)

Minimum Rear Setback: 8 feet

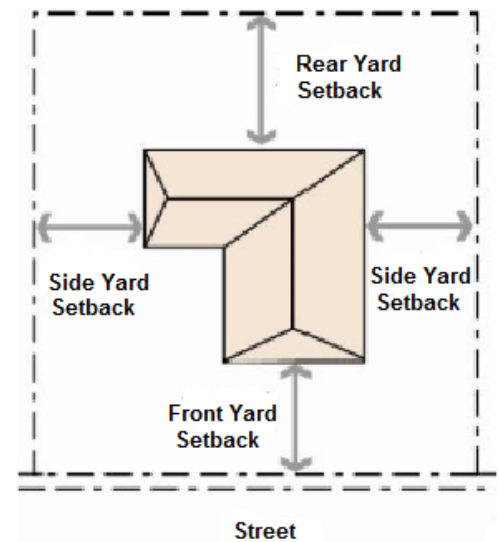
Minimum Side Setback: 10 feet (65 feet w/gas pump)

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirement:

- (1) The front setback area shall not be utilized for the display, or storage of goods, commodities or merchandise offered for sale or rent whether on a temporary or permanent basis, unless permitted through the Temporary or Special Event Permitting Process. Refer to [Sec. 4.3.16](#) for procedures to obtain either a Temporary Use Permit or a Special Event Permit.
- (2) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.



[↗ EXPAND](#)

Land Development Code Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 17-25, § 1(Exh. A), 10-3-2017)

**Sec. 4.2.18. - Community Business (B-2) classification.**



- A. Intent of Classification. The Community Business classification provides for the shopping and limited service needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and

personal services. All commercial activity involving retail sales or rentals shall take place in a completely enclosed building.

B. Permitted Uses (including all the permitted uses in B-1):

Advertising specialties

Air-conditioning, heating, ventilation equipment sales, service, repair

Automobile parts, new

Automobile rental

Automobile repair, no paint or body work

Bar, alcohol sales

Bicycle sales, rentals

Boats, marine motors sales, service

Bowling Alley

Church, Places of Worship

Employment office

Food catering

Game arcade, coin-operated

Garden supply

Golf cart, LSV sales

Gun shop

Hotel, motel

Household appliance, furnishings, sales, repair

Lawn mowers, power, sales, repair

Marina

Model home sales lot, model home complex

Nightclub

Office furniture, equipment, sales, service

Package liquor store

Paint and wallpaper

Land Development Code

Parking garage, public

Poolroom

Post Office, privately owned, leased

Recreation building

Recreational vehicle rental

Restaurant, including fast food, drive through

Seafood shop

Stores, drug

Tattoo, body-piercing parlor

Taxidermist

Theater

C. Special Uses (requiring permit):

Automobile, truck sales, new, used

Automobile paint and body shop

Bakery, industrial, commercial

Bottling plant (non-alcoholic beverages)

Cemetery, crematory, mausoleum

Construction or contractor yard

Garbage transfer station

Gas, bottled, refill cylinders

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

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

Lumberyards, building material sales

Motorcycle sales, service

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

Pawnshop

Land Development Code

Pest control agency, supplies

Plant nursery wholesale

Produce, outside building

Recreational vehicle sales

Sewage treatment plants (inflow exceeding 5,000 gallons per day)

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

Storage warehouses

Swimming pool supplies

Trailers, sales, and service

Used merchandise, outside building, including flea market

Utility company service yards

Water wellfields

D. Development Standards:

Maximum Density: 1 dwelling unit per shop or store

Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Ratio: 1.0

E. Setbacks:

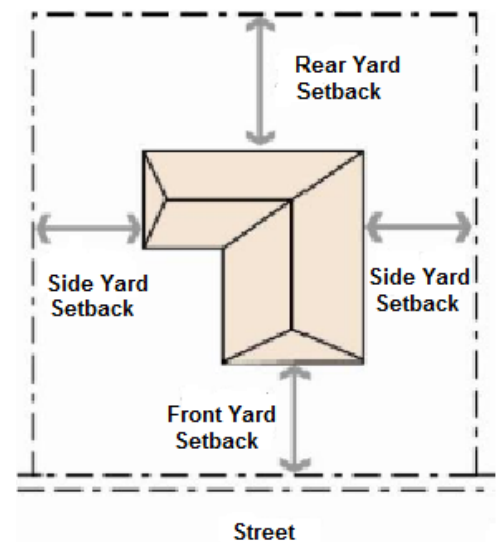
Minimum Front Setback: 40 feet (65 feet w/gas pump)

Minimum Rear Setback: 25 feet

Minimum Side Setback: 10 feet (65 feet w/gas pump)

Accessory Structures: 8 feet except for gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirement:



Land Development Code

- (1) All commercial activities involving retail sales or rentals shall take place in a completely enclosed building. Restaurant, garden center, plant nursery, boat, golf cart, LSV, bicycle and lawnmower sales, rentals, and displays may take place outside, if any lawnmowers, golf carts, LSVs and bicycles being displayed outside are stored inside the sales building after business hours.
- (2) Screening of Activities. Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage or uses shall be screened, buffered or fences in such a manner as to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height. Items for outside storage that are not for display for retail or rental purposes shall be located in the side or rear yard area and shall be subject to the buffering requirements below, and the additional requirements of [Section 6.8.6](#).
- (3) Within commercially zoned classifications, unless otherwise noted the listed uses shall mean the sale of finished products or units.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Land Development Code  
**Screening/Landscape Buffer Requirements for every 100 Lineal Feet**

Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
<b>B</b>	20'	2 shade/3 understory	50%	yes	
<b>C</b>	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
<b>D</b>	15'	2 shade/3 understory	25%	yes	
<b>E</b>	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 17-25, § 1(Exh. A), 10-3-2017)

**Sec. 4.2.19. - Specialty Business (B-3) classification.**



- A. Intent of Classification. The Specialty Business classification is intended to provide areas for the development of special commercial facilities requiring large parcels of land, which require access, by motor vehicles of all types including tractor-trailer units.
- B. Permitted Uses:
  - Agricultural farm equipment, tools, implements, machinery, including lease, repair, new, used
  - Agricultural uses as an interim use, excluding livestock
  - Bus terminal
  - Construction or contractor yard
  - Heavy machinery, equipment sales, new, used, leasing, rental, repair
  - Repair, detailing of motor vehicles, recreational vehicles, trailers

Shops performing custom work, electrical, plumbing, sheet metal, heating, ventilating, air conditioning, and motor vehicle custom body work

Truck stop facilities

C. Special Uses (requiring permit):

Automobile paint and body shop

Bakery, industrial, commercial

Cemetery, crematory, mausoleum

Church, Place of Worship

Flea market, new and used merchandise, inside, outside

Garbage transfer station

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

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

Monuments or memorials, retail

Produce sales, outside

Redemption, recycle center

Research, testing lab

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

Sports arena

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

Water wellfields

D. Development Standards:

Maximum Density: 1 dwelling unit per shop or store

Minimum Lot Area: None

Minimum Lot Width: 200 feet

Maximum Building Height: 50 feet



Land Development Code  
Maximum Floor Ratio: 1.0

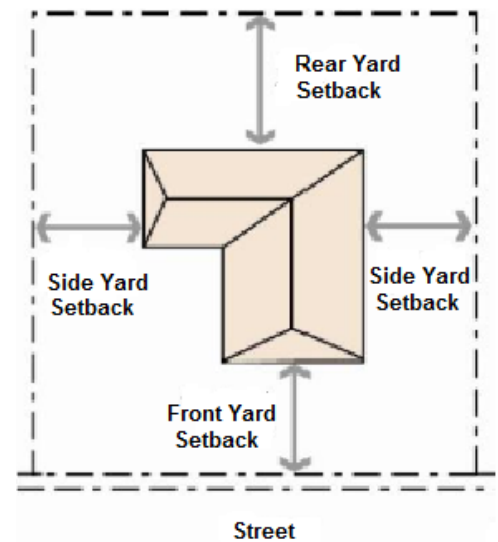
E. Setbacks:

Minimum Front Setback: 40 feet (65 feet w/gas pump)

Minimum Rear Setback: 20 feet

Minimum Side Setback: 20 feet (40 feet w/gas pump)

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.



F. Special Requirement:

- (1) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) The display of motor vehicles, recreational vehicles and trailers, farm tractors and equipment, and heavy construction equipment, which are for sale or lease, may be exhibited in the front setback; however, the front setback shall be increased to a minimum of 85 feet.
- (3) All uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:
  - (a) All outdoor activities and outdoor storage of materials, components, and finished goods shall be located in side or rear yard areas and shall be fenced and buffered from view from surrounding properties
  - (b) Temporary storage or parking of motor vehicles, recreational vehicles, trailers, farm tractors and equipment, which are for, inventory or in for repair shall be located in side or rear yard areas where they are buffered from view from adjacent properties.
  - (c) The temporary parking of commercial vehicles in truck stop facilities or public parking lots or facilities
- (4) Within commercially zoned districts, unless otherwise noted the listed uses shall mean the sale of finished products or units.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

# Land Development Code

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 feet within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	

Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 feet in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.20. - Regional Business (B-4) classification.**

⋮

A. Intent of Classification. The Regional Business classification is intended to create a zoning district to provide for the development of regional shopping centers; to establish and maintain intensive commercial activities and specialized service establishments that require centralized locations within a large service area; to provide a full range of merchandise and services usually obtainable in major department stores and their complimentary specialty shops; and to permit the development of major financial and administrative complexes that may serve a region and require a conspicuous and accessible location convenient for motorists.

B. Permitted Uses (including all the permitted uses in B-1 & B-2):

Agricultural chemical, fertilizer sales, including application companies

Agricultural farm equipment, tools, implements, machinery, lease, sales, new, used, retail, wholesale, repair

Auction houses, excluding animals

Automobile paint, body shop

Automobile, truck sales, lease, new, used

Awning sales

Blacksmith, farrier shops

Bottled gas, refilling of cylinders

Bottling plant (non-alcoholic beverages)

Land Development Code

Bus terminal

Farm, utility storage structures, sheds manufacturing, sales, retail, wholesale, installation

Glass, mirror shop

Horse trailers, farm wagons, manufacturing, sales, and repair

Kennel

Linen supply

Manufactured home, model home complex

Manufactured homes

Medical transport service

Mortuary

Motorcycle sales, service

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

Pawnshop

Pest control agency, supplies

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

Railroad terminal

Recreational vehicle sales

Refrigerating equipment, commercial, repair

Repair, detailing of motor vehicles, recreational vehicles, or trailers

Shooting facility, enclosed

Sign shop, painting

Skating ring

Trailers, sales, lease, new, used, repair

Upholstery shop, including repair

Veterinary office, supplies

C. Special Uses (requiring permit):

Auction houses, excluding those for animals

Land Development Code  
Automobile, parts used

Bakery, industrial, commercial

Cemetery, crematory, mausoleum

Construction or contractor yard

Flea market, new and used merchandise, inside, outside

Garbage transfer station

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by State or

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

Kennel

Lumberyards and building material sales

Monuments or memorials, retail

Produce, outside building

Redemption, recycle center

Research, testing lab

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

Shops performing custom work-electrical, plumbing, sheet metal, motor vehicle custom bodywork

Sports arena

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

Storage warehouses

Swimming pool supplies

Utility company service yards

Water wellfields

D. Development Standards:

Maximum Density: 1 dwelling unit per shop or store

Land Development Code  
Minimum Lot Area: None  
Minimum Lot Width: None  
Maximum Building Height: 50 feet  
Maximum Floor Ratio: 1.0

E. Setbacks:

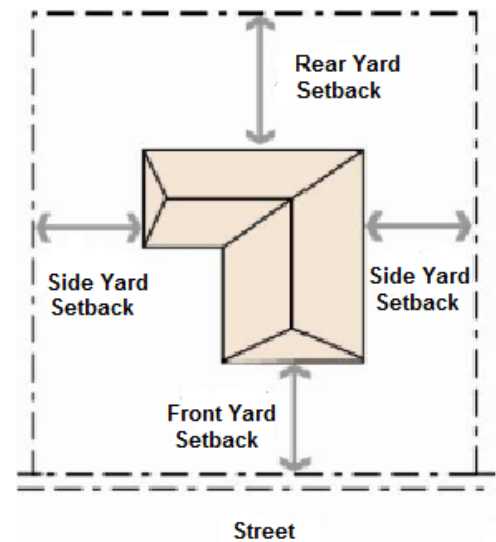
Minimum Front Setback: 40 feet  
Minimum Rear Setback: 25 feet  
Minimum Side Setback: 10 feet (45 feet w/gas pump)

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirement:

- (1) All uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:
  - (a) All outdoor activities and outdoor storage of materials, components, and finished goods shall be located in side or rear yard areas and shall be fenced and buffered from view from surrounding properties.
  - (b) Temporary storage or parking of motor vehicles, recreational vehicles, trailers, farm tractors and equipment, which are for, inventory or in for repair shall be located in side or rear yard areas where they are buffered from view from adjacent properties. The temporary parking of commercial vehicles in truck stop facilities or public parking lots or facilities.
  - (c) Within commercially zoned districts, unless otherwise noted the listed uses shall mean the sale of finished products or units.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.



↗ EXPAND

Land Development Code Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

## Sec 4.2.21 Heavy Business (B-5) classification.



A. Intent of Classification. The Heavy Business classification is intended to provide for those uses such as retail or wholesale, repair and service, which may require larger parcels for the outside storage of materials or equipment in inventory or waiting repair. Businesses are intended to serve clients and customers from a regional area providing access for large delivery trucks.

B. Permitted Uses (including all the permitted uses in B-1, B-2, B-3, & B-4):

Agricultural gypsum, lime, ground limestone, sulfur

Airport, general aviation

Amusement Park

Assembly, fabrication of goods using components manufactured elsewhere, brought to the site

Automobile parts, new, used

Awning, canvas, repair

Bakery, industrial, commercial

Boat yard

Bookbinding

Carpet, rug cleaning

Cold storage plant, locker

Construction equipment sales

Construction or contractor yard

Dry cleaning plant

Dude Ranch, riding academy

Farm irrigation, equipment sales, installation, and repair

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

Farm supply store including seed, feed, fertilizer, fencing posts, tack

Flea market, new and used merchandise, inside, outside

Fuel oil, sales and storage, retail, wholesale

Gas, bottled, sales and storage, retail, wholesale



Land Development Code

Grain elevator

Hatchery, fish, or fowl, wholesale

Heliports

Ice storage house

Industrial equipment, sales, lease, new, used

Laundry, commercial plant

Lumberyards, building materials

Machine shop

Manufacturer representative offices, warehouses

Milk distributing station

Monuments, memorials

Motor freight terminal, truck stop facilities including gas station, restaurants, convenience stores

Moving, storage firms, truck terminals

Newspaper printing plant

Produce sales, outside

Racetrack, any kind

Redemption, recycle center for used aluminum, glass, plastic, or steel

Research, testing lab

Restaurant

Shooting facility, outdoor

Shops performing custom work such as, air conditioning, cabinet, carpentry, concrete, electrical, heating, grinding, irrigation, metals, painting, pipes, plumbing, pumps, septic tanks, sheet metal, sharpening, swimming pools, ventilating, welding, tire recapping, varnishing, vulcanizing including maintenance, repair

Sports arena

Storage warehouses, including farm products

Theater, drive-in

Land Development Code

- Trailers, manufacturing
- Utility company service yards
- Wholesale businesses, warehouses
- Worm farm

C. Special Uses (requiring permit):

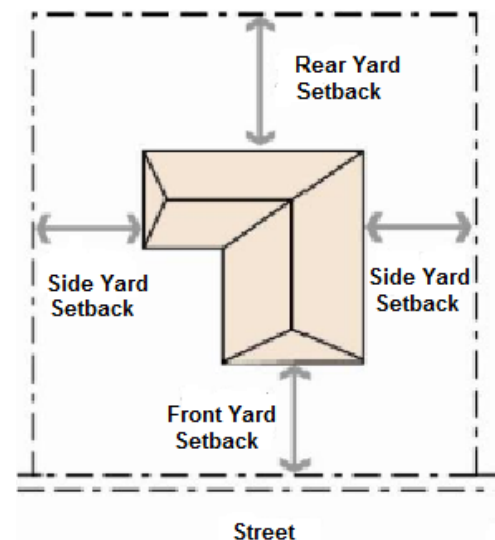
- Adult entertainment
- Cemetery, crematory, mausoleum
- Garbage transfer station
- Gas meter facility and supply lines, high-pressure, except where such permits are pre-empted by state or federal regulations
- Horses or cattle, not a sales operation (See special lot area and number requirements in Sec. 4.2.6.F)
- Kennel
- Pallet repair
- Sewage treatment plants with an inflow exceeding 5,000 gallons per day
- Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law
- Water wellfields

D. Development Standards:

- Maximum Density: 1 dwelling unit per shop or store
- Minimum Lot Area: None
- Minimum Lot Width: None
- Maximum Building Height: 50 feet
- Maximum Floor Ratio: 0.70

E. Setbacks:

- Minimum Front Setback: 40 feet (65 feet w/gas pump)
- Minimum Rear Setback: 25 feet



Land Development Code <sup>Minimum Side Setback: 10 feet (65 feet w/gas pump)</sup>

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirement:

- (1) All setbacks will be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) The display of items allowed within this zoning classification that are for sale or lease, may be displayed within the front setback. The front setback will be increased to a minimum of 85 feet for structures or buildings.
  - (a) Sales, rentals and display of motor vehicles, farm equipment, manufactured homes, motorcycles, landscape contractor's yard supplies, farm tractors, trailers, utility/storage sheds, restaurant service, garden center items, lawn mowers, bicycles, boats, golf carts, and plant nursery are permitted outside in this classification. All outdoor activities and outdoor storage of materials, components, and finished goods shall be located in side or rear yard areas and shall be fenced and buffered from view from surrounding properties.
  - (b) Temporary storage or parking of motor vehicles, recreational vehicles, trailers, farm tractors and equipment, which are for, inventory or in for repair shall be located in side or rear yard areas where they are buffered from view from adjacent properties.
  - (c) The temporary parking of commercial vehicles in truck stop facilities or public parking lots or facilities.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Development Code Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Landscape Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

## Sec 4.2.22 Rural Resort (RR) classification.

Land Development Code



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

B. Permitted Uses:

Accessory uses and structures such as private recreational facilities including swimming pool, archery range, shuffleboard, clubhouse, meeting room, and similar facilities needed to support a resort development

Agricultural uses as an interim use, excluding livestock

Bottled gas, refilling of cylinders

Dude ranch, riding academy

Dwelling Units for owner or employee

Bait and tackle, sporting goods

Convenience store, gas station for primary use of residents and their guests

Laundromat

Marina

Recreational vehicle (see PRV)

Restaurant

Service and maintenance buildings

Sports facilities which may include tennis facility, racquet ball facility or swimming club facility

C. Special Uses (requiring permit):

Church, Places of Worship

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Indoor, outside display or storage, limited to permitted uses

Land Development Code Sewage treatment plants (inflow exceeding 5,000 gallons per day)

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

Water wellfields

D. Development Standards:

Minimum Lot Area

1,500 square feet for Park model or travel trailer, without additions

2,400 square feet for Park model trailer, with additions

4,000 square feet for Manufactured homes

20,000 square feet for Group Campsite

Minimum Land Area for Recreation Facility: 8 acres

Maximum Impervious Area: 40% of gross parcel area

Minimum Lot Width:

30 feet for Park model or travel trailer, without additions

35 feet for Park model trailer, with additions

40 feet for Manufactured homes

Maximum Building Height: 40 feet

E. Setbacks:

Minimum Front Setback

20 feet for Manufactured home and Park model sites (8 feet for RV Parks designed and constructed prior to June 11, 1992)

If parking is provided elsewhere, this setback may be reduced to 8 feet

Minimum Side Setback

15 feet Separation between units

(8 feet for RV Parks designed and constructed prior to June 11, 1992)

Minimum Rear Setback

10 feet for Manufactured home or Park model sites. (8 feet for RV Parks designed and constructed prior to June 11, 1992)

F. Accessory Structures/Uses:  
Land Development Code

Additions (where noted) include screen room, awning, carport, utility room and storage shed.

Accessory uses (where permitted) require a 10' separation between additions, and must be located in a side or rear yard only.

Setbacks for accessory uses in Recreational Vehicle Parks designed and constructed prior to June 11, 1992 shall be separated by a minimum of 10 feet on the side and rear.

G. Special Requirements for the Rural Resort (RR) classification:

- (1) The proposed development or existing development shall have a total land area sufficient to meet all site design standards in this Code including, but not limited to: land required providing setbacks from abutting rights-of-way, water bodies, buffers, stormwater management, off-street parking and circulation, protection of wetlands or other provisions that may require land area to be set aside.
- (2) Temporary occupancy living accommodations for recreation or travel use which may include but are not limited to the following: fifth wheel travel trailer, travel trailers, camping trailer, truck camper, motor home, van conversion, tent vehicles and tents, cabins or bunk house sleeping quarters.
- (3) Park model trailers or manufactured homes may also be used as temporary occupancy living quarters, when owned by the property owner.
- (4) Developments proposed for private lands within one mile of or within the proclamation boundary of the Ocala National Forest shall be reviewed by the USDA Forest Service. Comments shall be considered by the county in granting approval for the proposed development.
- (5) Lake and riverine wetlands and grass beds shall be protected in accordance with [Article 5](#) and Florida Department of Environmental Protection. Any environmental disruptions will be mitigated. All proposed projects located within the Environmentally Sensitive Overlay Zone shall comply with the requirements of [Article 5](#) of this Code.
- (6) Proof of permits or exemptions by other regulatory agencies shall be provided to the Director prior to obtaining a building permit.

H. Access and Parking Requirements:

- (1) Access to the recreational resort shall be from a federal, state, or county maintained roadway.
- (2) Internal streets shall provide safe and convenient access to spaces and appropriate resort facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained, paved surface. Such surfaced roadways

shall be of adequate width to accommodate anticipated traffic, and in all cases shall meet the minimum width of 12 feet per lane.

- (3) Streets serving less than 50 spaces may be used as part of a pedestrian circulation system. If the relation of individual space locations to facilities within the resort calls for establishment of pedestrian ways, they shall be provided, preferably as part of a common open space system away from streets, but otherwise as sidewalks. No common access to such pedestrian ways or to facilities within the resort shall be through an individual space.
- (4) Temporary living accommodation spaces or permanent dwelling units shall be located with access to internal streets as to provide for convenient vehicular ingress and egress, and shall not have direct access to adjoining public rights-of-way.
- (5) Temporary living accommodation spaces shall be located in relation to pedestrian ways and principal destinations within the resort as to provide for safe and convenient pedestrian access to such destinations.
- (6) All parking and non-water dependent facilities must be built on upland areas.
- (7) Only boat docks, boat launching ramps and fueling facilities may be located within the one percent (100-year) flood plain. Fuel storage tanks shall be located on the upland area outside of the one percent (100-year) flood plain, and shall be designed to contain spills.
- (8) Boat launching/docking/marine facilities must provide vehicular-trailer parking at the rate of one space per boat if public launching is allowed.

I. Building and Construction Standards:

- (1) All facilities within the resort shall be served by a central water and sewage system. Fire flow and pressure shall be provided by the constructed water supply system. Refer to [Article 6](#).
- (2) Service buildings equipped with toilets, lavatories, showers, and laundry facilities shall be provided in accordance with Department of Health requirements.
- (3) All temporary living accommodation units owned by the property owner shall be permanently anchored in accordance with the manufacturer's instructions or ANSI A225.1, latest edition.
- (4) All temporary living accommodations, manufactured homes or park model trailers, owned and rented by the property owner shall be under skirted using stucco with a simulated block, brick or stone finish.
- (5) All side setbacks shall be measured from wall to wall of adjacent living units. The front setback shall be measured from the edge of paving.
- (6)



Accessory uses and structures shall be substantially related to and in the context of the character of the development and shall be located in the rear or side yard, provided the required setbacks are observed.

- (7) Storage sheds or facilities, provided by the property owner, shall be permitted provided they do not exceed 100 square feet in floor area per storage shed and the shed will fit within the required setbacks below.
- (8) Porches, either screened or unscreened, may be erected on the site provided setbacks can be met. They shall be so designed as to be self-supporting and capable of being removed from the dwelling unit.
- (9) Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance within the resort and in adjoining areas.
- (10) Only boat docks, boat launching ramps and fueling facilities may be located within the one percent (100-year) flood plain. Fuel storage tanks shall be located on the upland area outside of the one percent (100-year) flood plain, and shall be designed to contain spills.
- (11) Boat launching/docking/marine facilities must provide vehicular-trailer parking at the rate of one space per boat if public launching is allowed.

J. Building and Construction Standards:

- (1) All facilities within the resort shall be served by a central water and sewage system. Fire flow and pressure shall be provided by the constructed water supply system. Refer to [Article 6](#).
- (2) Service buildings equipped with toilets, lavatories, showers, and laundry facilities shall be provided in accordance with Department of Health requirements.
- (3) All temporary living accommodation units owned by the property owner shall be permanently anchored in accordance with the manufacturer's instructions or ANSI A225.1, latest edition.
- (4) All temporary living accommodations, manufactured homes or park model trailers, owned and rented by the property owner shall be under skirted using stucco with a simulated block, brick or stone finish.
- (5) All side setbacks shall be measured from wall to wall of adjacent living units. The front setback shall be measured from the edge of paving.
- (6) Accessory uses and structures shall be substantially related to and in the context of the character of the development and shall be located in the rear or side yard, provided the required setbacks are observed.
- (7)

Storage sheds or facilities, provided by the property owner, shall be permitted provided they do not exceed 100 square feet in floor area per storage shed and the shed will fit within the required setbacks below.

- (8) Porches, either screened or unscreened, may be erected on the site provided setbacks can be met. They shall be so designed as to be self-supporting and capable of being removed from the dwelling unit.
- (9) Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used so as to minimize fire hazards and smoke nuisance within the resort and in adjoining areas.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

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

A. Intent of classification. The Rural Commercial classification is intended to provide for agricultural related commercial uses that would be appropriate on Rural Lands not located in a Rural Activity Center. All undeveloped commercial parcels located in the Rural Lands shall rezone to this reclassification prior to applying for development approval.

B. Permitted Uses:

Agricultural chemical, fertilizer sales, including application companies

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

Agricultural gypsum, lime, ground limestone, sulfur

Agricultural uses as an interim use, excluding livestock

Bait and tackle, sporting goods

Bank, credit union, financial and loan

Blacksmith or farrier shops

Bottled gas cylinder refilling

Church, Places of Worship

Convenience store, gas station

Dude ranch, riding academy

Dwelling Units for owner or employee

Farm building, construction yard

Land Development Code Farm irrigation, equipment sales, installation, and repair

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

Farm storage structures, including manufacturing and installation

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

Grain elevator

Gun store

Hardware store

Hatchery, fish, or fowl, wholesale

Horse trailers and farm wagons, including repair and manufacturing

Professional office

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

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

Produce sales, outside

Restaurants

Storage warehouse for farm products

Veterinary office and supplies

C. Special Use (requiring permit):

Animal or marine fats and oils, manufacturing, rendering

Assembly and fabrication of goods using components manufactured elsewhere and brought to the site

Construction or contractor's yard

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

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

Kennel, outdoor

Limerock, phosphate, clay processing

## Land Development Code

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

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

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

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

Utility company service yards

Water wellfields

### D. Development Standards:

Maximum Density Permitted: 1 du per shop or store

Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Area: 0.30

### E. Setbacks:

Minimum Front Setback: 40 feet

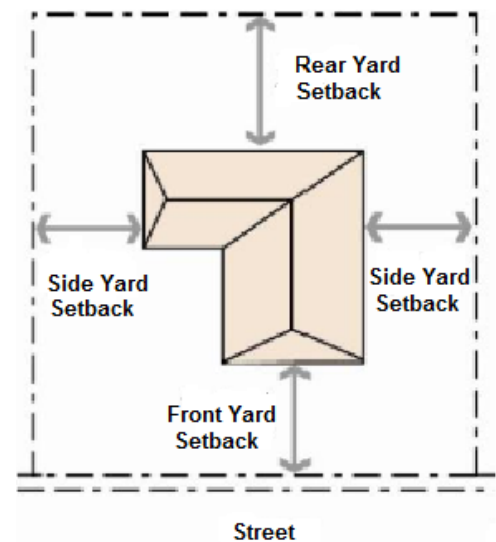
Minimum Side Setback: 10 feet

Minimum Rear Setback: 25 feet

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

### F. Special Requirements:

- (1) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) All uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:
  - (a) Farm building construction yard, bulk gypsum, lime, ground limestone or sulfur, farm storage structures, farm equipment, implements and supplies, and similar uses with outdoor activities and outside storage of materials. Components and finished goods



shall be fenced and screened from view from surrounding properties.  
 Land Development Code

- (b) Temporary storage or parking of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons, which are for inventory or in for repair, shall be in areas where they are screened from view from adjacent properties having dissimilar land uses.
- (c) The display of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons, which are for sale or lease, may be exhibited in the front setback.

G. Buffering Requirements: The table below is a modified version of Table 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Land Development Code  
**Screening/Landscape Buffer Requirements for every 100 Lineal Feet**

Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
<b>B</b>	20'	2 shade/3 understory	50%	yes	
<b>C</b>	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
<b>D</b>	15'	2 shade/3 understory	25%	yes	
<b>E</b>	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.24. - Rural Activity Center (RAC) classification.**



A. Intent of classification. The Rural Activity Center classification is intended to provide for the shopping and limited services needed by residents in the rural area, and encourage and allow for mixed use nodes of residential (single-family and multi-family), commercial uses, and agricultural-related commercial uses to meet the daily needs of residents in the Rural Area to reduce trips to the urban areas of the county for daily needs and services

B. Permitted uses:

Agricultural chemical, fertilizer sales, including application companies

Agricultural farm equipment, tools, implements, machinery, lease, sales, new, used, retail, wholesale, repair

Agricultural uses as an interim use, excluding animals

Artisan shops, antiques, art gallery, florist, ice cream, pets, smoke shop, tobacco, and similar establishments including repair

Land Development Code Automotive detailing, carwash, inside building

Automotive parts, new

Bait and tackle, sporting goods

Bakery, meats, delicatessen, or confectionary

Bank, Credit Union, Financial and Loan

Bar, alcohol sales

Barber or beauty shop

Bed and breakfast inn

Blacksmith or farrier shops retail

Bottled gas, refilling of cylinders

Cold storage plant, locker

Community residential home with six or less residents

Convenience store, gas station,

Daycare, child, adult

Dwelling Units for owner or employee

Farm building, construction yard

Farm irrigation, equipment sales, installation, and repair

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

Farm storage structures, including manufacturing, installation, retail or wholesale

Farm supply store including seed, feed, fertilizer, fencing posts, tack

Fitness centers, gymnasiums

Fuel oil, including sales and storage

Grocery, supermarket

Horse trailers, farm wagons, manufacturing, sales, and repair

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

Land Management services

Land Development Code

Laundromat

Lumber, building materials

Professional offices

Package liquor

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

Plant nursery, landscape contractor's yards

Post Office

Produce sales, outside

Refill, bottle gas cylinders

Restaurants

Sharpening and grinding shops

Storage, mini-warehouse

Stores, department, drug, gun furniture, garden supplies, hardware, household appliances including maintenance, repair

Tattoo or Piercing parlor

Veterinary office and supplies

C. Special Uses (requiring permits):

Agricultural gypsum, lime, ground limestone, sulfur retail, wholesale

Assembly and fabrication of goods using components manufactured elsewhere and brought to the site

Church, Places of Worship

Community residential home with seven or more residents

Construction or contractor yard

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

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

Pawnshop



Land Development Code

Restaurant, fast food, or drive through

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

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

Utility company service yards

Water wellfields

D. Development Standards:

Maximum Density Permitted: 2 per acre

Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Area: 0.35

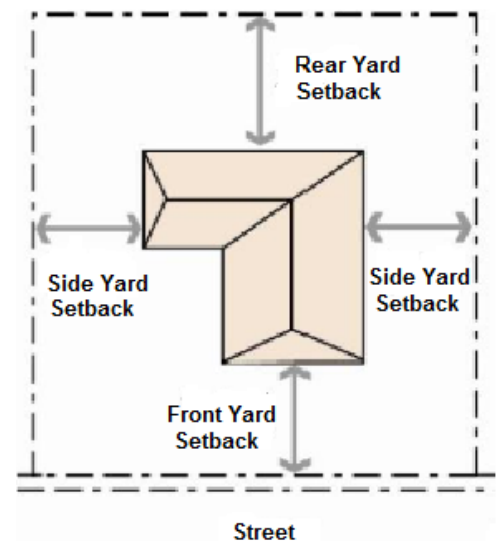
E. Setbacks:

Minimum Front Setback: 40 feet (65 feet w/gas pump)

Minimum Rear Setback: 25 feet

Minimum Side Setback: 10 feet (65 feet w/gas pump)

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.



F. Special Requirements:

- (1) Retained zoning. All property located in a Rural Activity Center as of the adoption date of this Code which is zoned B-1, B-2, B-3, B-4, B-5, M-1, or M-2 shall retain its respective zoning district, however, uses shall be limited to the uses designated above for a Rural Activity Center.
- (2) Proposed rezoning. Vacant property shall retain its respective zoning classification until such time as the property is to be developed. The property shall then be rezoned to RAC, Rural Activity Center District.
- (3) Single family dwelling units will be allowed on the second floor above shops or stores, or as attached ground floor units at the rear of the business, or as detached dwelling units at the rear of the shop or store. Dwelling units shall not exceed the density of two dwelling units per gross acre and are primarily for use by the business owner or employees.

(4) Residential development within the Rural Activity Centers shall be permitted at a density of up to two dwelling units per gross acre on properly zoned parcels qualifying for alternate development standards in [Article 3](#), or on a non-contiguous parcel of record in the Rural Area of the as set forth in Appendix A of the Comprehensive Plan and set forth in [Section 4.3.2](#) of the Land Development Code

(5) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.

(6) All uses allowed in this zoning classification shall be located within an enclosed structure with the following exceptions:

(a) Farm building construction yard, bulk gypsum, lime, ground limestone or sulfur, farm storage structures, farm equipment, implements and supplies, and similar uses with outdoor activities and outside storage of materials. Components and finished goods shall be fenced and screened from view from surrounding properties.

(b) Temporary storage or parking of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons, which are for inventory or in for repair, shall be in areas where they are screened from view from adjacent properties having dissimilar land uses.

(c) The display of farm tractors, machinery and equipment, farm irrigation equipment, horse trailers and farm wagons, which are for sale or lease, may be exhibited in the front setback.

G. Buffering Requirements: The table below is a modified version of Table 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Development Code Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

## Sec 4.2.25 Recreation Vehicle Park (P-RV) classification.

A. Intent of Classification. The Recreational Vehicle Park classification is intended to provide for the rental of areas or spaces that may include manufactured homes, park models, camper and tent vehicles, fifth wheel travel trailer, travel trailers, camping trailer, truck camper, motor home, van conversion, tent vehicles and tents, cabins or bunk house sleeping quarters. The uses allowed in this district may be water-related, water-dependent, or natural resource dependent and are necessary for the support of the guests and the immediate population.

B. Permitted Uses:

Accessory uses are permitted on lots greater than 2400 square feet

Accessory uses and structures such as private recreational facilities including swimming pool, archery range, shuffleboard, clubhouse, meeting room, and similar facilities needed to support a resort development

Additions (where permitted) include screen room, awning, carport, utility room, and storage shed

Agricultural uses as an interim use, excluding livestock

Bottled gas, refilling of cylinders

Dwelling Units for owner or employee

Convenience store, gas station for primary use of residents and their guests

Laundromats

Service, maintenance buildings

Sports facilities which may include tennis facility, racquet ball facility or swimming club facility

C. Special Uses (requiring permit):

Church, Places of Worship

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Sewage treatment plants (inflow exceeding 5,000 gallons per day)

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

Water wellfields

## D. Development Standards: Land Development Code

### Minimum Lot Area:

1,500 square feet for Park model or travel trailer,  
without additions

2,400 square feet for Park model trailer, with  
additions

4,000 square feet for Manufactured homes

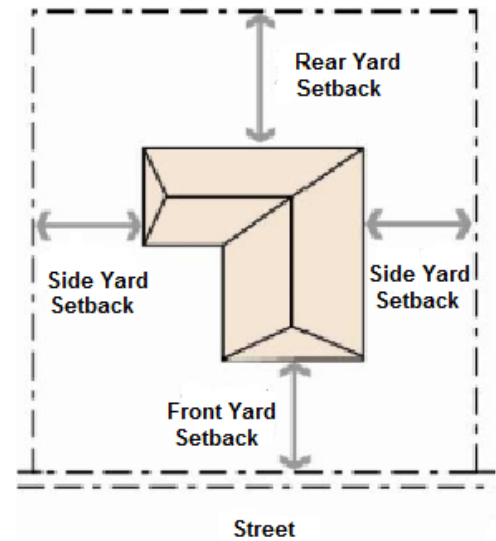
### Minimum Lot Width:

30 feet for Park model or travel trailer, without  
additions

35 feet for Park model trailer, with additions

40 feet for Manufactured homes

Maximum Building Height: 40 feet



## E. Setbacks:

Setbacks in Recreational Vehicle Parks designed and constructed prior to June 11, 1992 shall have front, side, and rear setbacks of 8 feet for main structures, and 10-foot rear and side setbacks for accessory use structures.

### Minimum Front Setback:

20 feet for Manufactured home and Park model sites if parking is provided elsewhere, this setback may be reduced to 8 feet.

### Minimum Side Setback:

15 feet for Manufactured home sites

15-foot separation unit to unit or unit to addition for Park Models

### Minimum Rear Setback:

10 feet for Manufactured home or Park model sites.

Accessory uses (where permitted) require a 10 feet separation between additions, and must be located in a side or rear yard only. Refer to Section 4.3.5.D for additional accessory structure standards.

## F. Special Requirement:

Land Development Code (1) A park shall consist of two or more units.

(2) All side setbacks shall be measured from the wall of one unit or addition to the wall of the adjacent unit or addition.

(3) Outdoor ground lighting shall not cast direct light on offsite dwellings.

(4) A service building equipped with toilets, lavatories, showers, and laundry facilities shall be provided.

(5) All additions on individual spaces must be constructed to standard building code.

(6) Indoor, outdoor display or storage is limited to permitted uses and must adhere to buffering requirements as outlined in [Sec. 6.8.6](#) of this Code.

(7) Under skirting shall be provided for all units used for rental purposes and for mobile homes that rent spaces for more than 12 months.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.2.26. - Industrial Complex (I-C) classification.**

⋮

A. Intent of classification. The Industrial Complex classification is intended to provide for the development of integrated wholesale and special retail businesses which require office, research and development, manufacturing, repair, service, sales, warehouse storage and distribution facilities. These businesses may require larger parcels for the outside storage of materials or equipment in inventory or awaiting repair.

B. Permitted uses:

Agricultural chemical, fertilizer sales, including application companies

Agricultural uses as an interim use, excluding livestock

Automobile, truck or trailer rental

Automobile used parts, retail and wholesale

Awning, canvas, repair

Bakery, industrial, commercial

Bank, credit union, financial and loan

Blue printing, photo-stating, photo engraving, printing, publishing, and bookbinding

Carpet, rug, and upholstery cleaning

Construction or industrial equipment, including sales, leasing, repair, retail, and wholesale

Convenience store, gas station

Daycare, child, adult

Land Development Code

Distribution and warehousing facility

Dry cleaning plant

Feed and fertilizer, retail and wholesale

Fitness centers, gymnasiums

Freight terminal

Gas, bottled

General construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, equipment rental yards, etc.

Heliport

Hotel or motel

Ice storage facility

Laundry, commercial plant

Mail and parcel delivery, private

Motor freight or truck terminal

Musical instruments, manufacture, or assembly

Newspaper printing plant

Parking of commercial vehicles

Pest control agency, supplies

Printing, photoengraving, publishing, and bookbinding

Professional office

Restaurants

Restaurant equipment sales

Shops performing custom work such as, air conditioning, cabinet, carpentry, computers including software, concrete, electrical, heating, grinding, irrigation, metals, painting, pipes, plumbing, pumps, septic tanks, sheet metal, sharpening, swimming pools, ventilating, welding, tire recapping, varnishing, vulcanizing including maintenance, repair

Storage, mini-warehouses

C. Special Uses (requiring permits):  
Land Development Code

Airport, general aviation

Airport, private

Garbage transfer station

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

Optical goods, manufacture, or assembly

Sawmill

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

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

Water wellfields

D. Development Standards:

Maximum Density Permitted: 1 Security Dwelling Unit

Minimum Lot Area: 40 acres (Smaller parcels by SUP)

Minimum Lot Width: 150 feet

Maximum Building Height: 50 feet

Maximum Floor Area: 0.75

E. Setbacks:

Minimum Front Setback: 40 feet

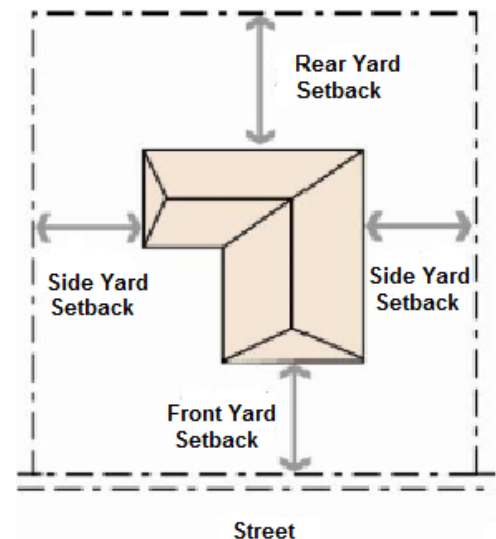
Minimum Side Setback: 10 feet

Minimum Rear Setback: 10 feet

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirements:

(1)





All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.

- (2) Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage shall be screened, buffered or fenced to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.
- (3) Phased developments are allowed. Consideration shall be given to transportation facilities (rail and highway) traffic circulation, parking, utility needs, aesthetics, and compatibility.

G. Buffering Requirements: The table below is a modified version of Table 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Land Development Code  
**Screening/Landscape Buffer Requirements for every 100 Lineal Feet**

Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
<b>B</b>	20'	2 shade/3 understory	50%	yes	
<b>C</b>	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
<b>D</b>	15'	2 shade/3 understory	25%	yes	
<b>E</b>	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.27. - Light Industrial (M-1) classification.**



A. Intent of classification. The Light Industrial classification is intended to provide land for primarily the manufacture of small articles and products which do not involve the use of any materials, processes, or machinery or production of a product likely to be detrimental to nearby or adjacent residential or business property. Phased developments are allowed. Consideration shall be given to transportation facilities (rail and highway) traffic circulation, parking, utility needs, aesthetics, and compatibility.

B. Permitted uses:

Agriculture, including all necessary structures and appurtenances as an interim land use

Airport, general aviation

Automobile repair, paint, and body

Automobile, truck or trailer rental

Awning and canvas, repair

Land Development Code Bakery, industrial, commercial

Bank, credit union, financial and loan

Blacksmith shop

Blue printing, photo-stating, photo engraving, printing, publishing, and bookbinding

Bottled gas, retail or wholesale

Canned, frozen, and preserved fruits, vegetables and food specialties, manufacturing, compounding, processing or treatment of

Carpet, rug, and upholstery cleaning

Clocks and watches, manufacture or assembly

Coffins, manufacture or assembly

Computer maintenance and repair

Convenience store, gas station

Daycare, child

Dairy products manufacturing or processing

Distribution and warehousing facility

Fitness centers, gymnasiums

Feed and fertilizer, retail and wholesale

General construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, equipment rental yards, etc.

Heliport

Hotels, motels

Ice storage facility

Limerock, phosphate, clay processing

Mail and parcel delivery, private

Meat products, prepared

Metal buffing, plating, polishing, sandblasting

Mortuary

Musical instruments, manufacture, or assembly

Land Development Code Newspaper printing plant

Pallet Repair

Parking of commercial vehicles

Pest control agency, supplies

Printing, photoengraving, publishing, and bookbinding

Process bottled water

Professional office

Radio/TV broadcasting facilities

Research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: Biochemical, Chemical, Electronics, Film and photography, Medical and dental, Metallurgy, Pharmaceutical and X-ray

Restaurants

Retail sales of products manufactured on site

School-vocational Shoes, manufacture, or assembly

Shops performing custom work such as, air conditioning, cabinet, carpentry, computers including software, heating, irrigation, painting, pipes, plumbing, pumps, sheet metal, satellite dish, sharpening, welding including maintenance, and repair

Signs, manufacture, or assembly

Sports facilities which may include archery range, golf course or driving range, horse racetrack, tennis facility, racquet ball facility or swimming club facility

Storage, mini-warehouses

Upholstery shop, including repair

C. Special Uses (requiring permits):

Adult entertainment

Agricultural laboratory

Airport, private

Composting of residuals, sewage sludge and food waste

Composting of wood products, manure and leaves

Land Development Code

Farm products, packing, crating and shipping

Freight terminal

Garbage transfer station

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

Hospital

Optical goods, manufacture, or assembly

Painting and varnishing

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

Sports arena

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

Water wellfields

D. Development Standards:

Maximum Density Permitted: 1 Security Dwelling Unit

Minimum Lot Area: None

Minimum Lot Width: 200 feet

Maximum Building Height: 50 feet

Maximum Floor Area: 0.75

Minimum Direct Access: None

E. Setbacks:

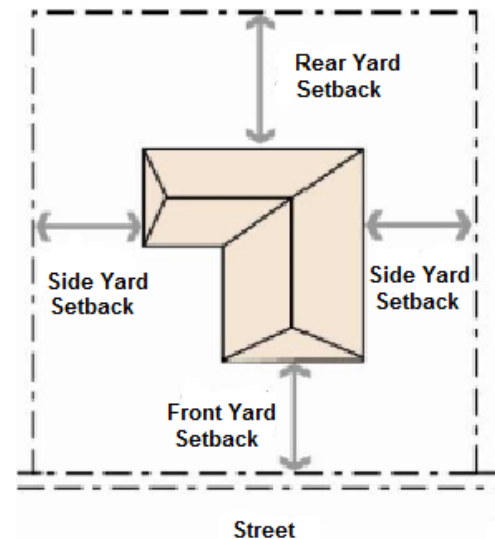
Minimum Front Setback: 40 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 25 feet

Accessory Structures: gas pumps or islands require a 25 feet setback; gas pump canopies may protrude 10 feet into a required setback.

F. Special Requirements:



Land Development Code (1) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.

(2) Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage shall be screened, buffered or fenced to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.

G. Buffering Requirements: The table below is a modified version of Table 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	

Land Development Code  
**Screening/Landscape Buffer Requirements for every 100 Lineal Feet**

Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.28. - Heavy Industrial (M-2) classification.**

⋮

A. Intent of Classification. The Heavy Industrial classification is intended to provide for those manufacturing activities which create some undesirable effects and are not compatible with other zoning districts. Phased developments are allowed. Consideration shall be given to transportation facilities (rail and highway) traffic circulation, parking, utility needs, aesthetics, and compatibility.

B. Permitted Uses:

Accessory uses are limited to Administrative and Professional offices, which are associated with permitted industrial uses, banks and financial institutions, medical and dental offices, employment and real estate agencies, food preparation, food service, eating facilities, and auditorium to serve employees.

Acids, non-corrosive, manufacturing, compounding, processing, or treatment

Agricultural chemicals, fertilizers, disinfectants, pesticides, herbicides, manufacturing

Agricultural laboratory

Agriculture, including & all necessary structures & appurtenances as an interim land use

Land Development Code Aircraft & related components, manufacture or assembly

Airport, general aviation

Aluminum, manufacturing, & products of

Animal & marine fats and oils, manufacturing & rendering

Automobile repair, paint, & body

Automobiles & parts, manufacturing/assembly

Awning and canvas, repair

Bags, except burlap bags or sacks, manufacturing & products of

Bakery (industrial)

Bakery, commercial, retail/wholesale

Batteries, manufacturing & products of

Blue printing, photo-stating, photo engraving, printing, publishing, & bookbinding

Boats, manufacturing/assembly

Bottled gas, retail/wholesale

Boxes, paper, manufacturing, & products of

Brass, manufacturing, & products of

Candles, manufacturing, compounding, processing, or treatment of

Canned, frozen, & preserved fruits, vegetables & food specialties, manufacturing,  
compounding, processing, treatment of

Cans, manufacturing & products of

Ceramic products, manufacturing/assembly

Chemical & allied products, manufacturing, compounding, processing, or treatment of

Child day care centers

Cigarettes & cigars, manufacturing, compounding, processing or treatment

Clocks & watches, manufacturing/assembly

Coffins, manufacturing/assembly



## Land Development Code

Commercial uses which are intended to service the needs of the employees and businesses within the surrounding industrial area. The following uses shall be allowed:

Retail commercial sales and services oriented to the needs of people employed within the surrounding industrial area; retail sales of products manufactured on site; and personal service businesses, including child care centers, financial service businesses, service stations, hotels and motels

Composting of wood products, manure & leaves

Concrete batch plant

Concrete products, manufacturing/assembly

Construction equipment, sales, leasing, repair, retail/wholesale

Copper, manufacturing, & products

Dairy products, manufacturing/processing

Detergents, manufacturing, compounding, processing, or treatment of

Disinfectants, manufacturing, compounding, processing, or treatment of

Distribution & warehousing facility

Dog and cat food, manufacturing, compounding, processing or treatment of

Dry cleaning plant

Dye, manufacturing, compounding, processing, or treatment of

Electrical appliances, manufacturing/assembly

Energy related uses: fuel oil & LPG storage above ground; gas regulator station; bulk oil storage & gasoline storage tank above ground

Express service

Farm equipment, manufacturing/assembly

Farm products, packing, crating & shipping

Feed and fertilizer, retail/wholesale

Feed grinding

Freight terminal

Gas, bottled, retail and wholesale

Land Development Code  
General construction industries relating to the building industry; general contractors; electrical contractors; plumbing contractors; equipment rental yards, etc.

Glass, manufacturing & products of

Grinding wheels, manufacturing & products of

Hatchery

Heating & ventilating equipment, manufacturing/assembly

Heliport

Horse or cattle sales facility

Industrial equipment retail/wholesale

Iron, manufacturing, & products of

Kennel

Laundry, commercial plant

Limerock, phosphate, clay processing

Linen and uniform supply

Linoleum, manufacturing, & products of

Lubricating oil & petroleum products, manufacturing, compounding, processing or treatment of

Machine shop

Machinery & machine tools, manufacturing/assembly

Mail and parcel delivery, private

Matches, manufacturing & products

Mattresses, manufacturing & products of

Meat packing plant

Meat products, prepared

Metal buffing, plating, polishing, sandblasting

Miscellaneous food preparations & kindred products, manufacturing, compounding, processing, or treatment of

Motor freight or truck terminal

Land Development Code Motor vehicle junkyard or recycling facility

Musical instruments, manufacture, or assembly

Neon signs, manufacturing/assembly

Newspaper printing plant

Novelties, manufacturing assembly

Oil well valves and repairs, manufacturing/assembly

Optical goods, manufacturing/assembly

Painting and varnishing

Paper, manufacturing, & products

Parking of commercial vehicles

Pharmaceutical products, manufacturing, compounding, processing, or treatment of

Pipe, metal, plastic, retail/wholesale

Plastics, manufacturing, compounding, processing, or treatment of

Poultry slaughtering, processing, manufacturing, compounding, processing, or treatment of

Printing, photoengraving, publishing, & bookbinding

Process bottled water

Railroad switching yard; storage of road building materials

Recreation facilities such as; golf driving range; racing activities; shooting range; sporting clays, skeet or trapshooting facilities.

Refrigeration, manufacturing/assembly

Repair of heavy equipment, trucks, & trailers

Retail and wholesale of used & recycled merchandise

Satellite dish areas & accessory facilities

Sawmill

Screw machine products, manufacturing/assembly

Septic tank & chemical toilet manufacturing

Sheet metal shop & products, manufacturing/assembly

Land Development Code Shoes, manufacturing/assembly

Signs, manufacturing/assembly

Silk screens, manufacturing/assembly

Sporting goods, manufacturing/assembly

Sports arena

Springs, manufacturing/assembly

Steel, manufacturing, & products of

Stencils, manufacturing/assembly

Stone cutting

Storage warehouse including inside Bulk Storage

Storage, bulk oil or gasoline tank, above ground

Tin, manufacturing, & products of

Tire recapping and vulcanizing

Tire store, retail and wholesale

Toiletries, manufacturing, compounding, processing, & treatment of

Toys, manufacturing/assembly

Trailers, manufacturing/assembly

Truck stop facility

Truck terminal or parking facility

Trucks, manufacturing/assembly

Upholstery or seat covers shop

Veterinary supplies, manufacture of

Vitamin products, manufacturing, compounding, processing, or treatment

Waxes and polishes, manufacturing, compounding, processing or treatment

Welding shop

Woodworking, cabinet, carpentry & furniture shops

Wool, manufacturing, & products of

Land Development Code

Yarn, manufacturing, & products of

C. Special Uses (requiring permit):

Airport, private

Animal burying

Animal refuse

Asphalt plant

Bar, bottle club, alcoholic

Cemetery, crematory, mausoleum

Composting of residuals, sewage sludge and food waste

Garbage transfer station

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

Livestock auction market

Manufacture or storage of explosives

Paper and pulp mill

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

Smelting or refining

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

Stockyard

Storage, insecticides

Storage, poisonous gases

Water wellfields

D. Development Standards:

Maximum Density: 1 Security Dwelling Unit

Minimum Lot Area: None

Minimum Lot Width: 200 feet

Maximum Building Height: 50 feet

Land Development Code  
 Maximum Floor Ratio: 0.75

Minimum Direct Access: None

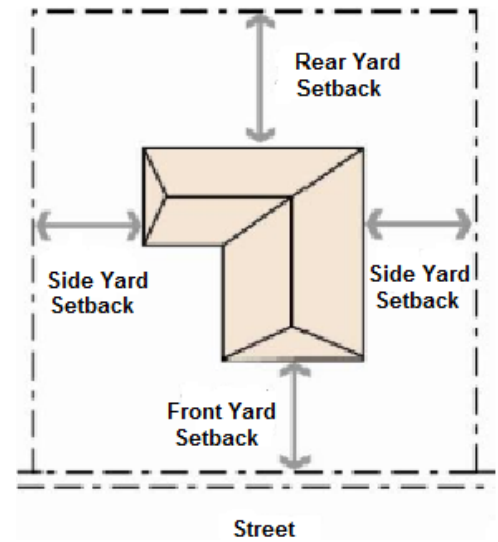
E. Setbacks:

Minimum Front Setback: 40 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 25 feet

Accessory Structures: gas pumps or islands  
 require a 25 feet setback; gas pump canopies  
 may protrude 10 feet into a required setback.



F. Special Requirement:

- (1) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage shall be screened, buffered or fenced to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.

G. Buffering Requirements. The table below is a modified version of Tables 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.29. - Rural Industrial (R-I) classification.**



A. Intent of classification. The Rural Industrial classification is intended to provide land for agricultural related research, agricultural assembly operations, or agricultural manufacturing uses. All undeveloped industrial parcels located in Rural Lands, as designated by the Marion County Comprehensive Plan as amended, which are not in a Rural Activity Center and which are zoned M-1 or M-2 shall retain their respective zoning. Prior to filing for development approval, the property owner shall apply to rezone the property to this zoning district.

B. Permitted uses:

- Agricultural chemicals, fertilizers, disinfectants, pesticides, herbicides, manufacturing of
- Agricultural laboratory

Land Development Code Agriculture, including all necessary structures and appurtenances as an interim land use

Blacksmith shop

Bottled gas sales

Child day care centers

Composting of residuals, sewage sludge and food waste

Composting of wood products, manure and leaves

Dairy products manufacturing or processing

Farm equipment, manufacture, or assembly

Farm products, packing, crating and shipping

Feed grinding

Feed and fertilizer sales

Gas, bottled, retail, and wholesale

General construction industries relating to the building industry, such as general contractors, electrical contractors, plumbing contractors, equipment rental yards, etc.

Hatchery

Horse or cattle sales facility

Ice storage facility

Limerock, phosphate, clay processing

Machine shop

Meat packing plant

Parking of commercial vehicles

Recreation facilities such as but not limited to: archery range; golf course; golf driving range, horse racetrack. This does not include shooting ranges, skeet shooting or trapshooting facilities Sawmill

Veterinary supplies, manufacturing

C. Special Uses (requiring permits):

Animal and marine fats and oils, manufacturing and rendering

Garbage transfer station



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

Recreation facilities such as but not limited to the following: racing activities; shooting range; sporting clays, skeet or trapshooting facilities. Sewage treatment plants with an inflow exceeding 5,000 gallons per day

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

Water wellfields

D. Development Standards:

Maximum Density Permitted: NA

Minimum Lot Area: NA

Minimum Lot Width: NA

Maximum Building Height: 50 feet

Maximum Floor Area: 0.75

E. Setbacks:

Minimum Front Setback: 40 feet

Minimum Side Setback: 25 feet

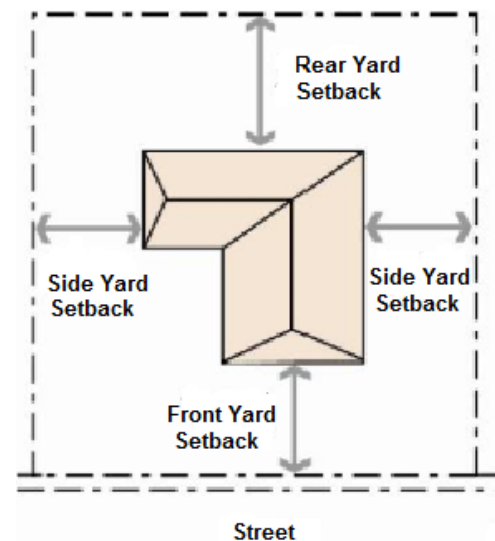
Minimum Rear Setback: 25 feet

Accessory Structures: NA

F. Special Requirements:

- (1) All setbacks shall be measured from the outside wall of buildings or structures and from the concrete curb surrounding gas pumps; however, eaves, roof overhangs, or pilasters may protrude two feet into a required setback.
- (2) Areas used for parking of commercial vehicles, or storage of vehicles, or outdoor storage shall be screened, buffered or fenced to screen said areas from view from access streets, freeways and incompatible adjacent properties. Such screening shall form a complete opaque screen up to a point eight feet in vertical height.
- (3) Phased developments are allowed. Consideration shall be given to transportation facilities (rail and highway) traffic circulation, parking, utility needs, aesthetics, and compatibility.

G.



Buffering Requirements: The table below is a modified version of Table 6.8-2 of the Land Development Code and provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use. Refer to [Section 6.8.6](#) for additional requirements.

 EXPAND

Land Use Buffer Requirements		Existing or Permitted Land Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	COM	D	B	B	-	E	C	C
	PUB	E	B	C	C	C	-	C
	IND	B	B	B	B	-	B	C/D*
	AG	-	-	-	-	-	-	-

\*D Type Buffer if residential adjacent to ROW

 EXPAND

Screening/Landscape Buffer Requirements for every 100 Lineal Feet					
Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
B	20'	2 shade/3 understory	50%	yes	
C	15'	2 shade/3 understory	50%	no	Shrubs and groundcover excludes turfgrass and must have a min. height of 3 ft. within 1 yr. of planting
D	15'	2 shade/3 understory	25%	yes	

Land Development Code  
**Screening/Landscape Buffer Requirements for every 100 Lineal Feet**

Buffer Type	Required Width	Number of Trees	Shrubs & Ground Coverage	Wall Required	Additional Requirement/Notes
E	5'	4 shade trees	shrubs only	no	Shrubs shall be planted in a double-staggered row and reach a maintained height of 6 ft. in 3 yrs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.30. - Government Use (G-U) classification.**



- A. Intent of Classification. The Governmental Use classification is intended to apply to those areas where the only activities conducted are those of the U. S. Government, State of Florida, and Marion County Board of Commissioners, Marion County School Board or incorporated communities in Marion County.
- B. Special Uses (requiring permit):
  - Airport
  - Armory
  - Equipment yards
  - Fire station
  - Garbage transfer station.
  - Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)
  - Government owned auditorium
  - Hospital (County owned)
  - Landfill, any type
  - Landfill, construction, and demolition
  - Park and recreation areas
  - Penal institution, jail
  - Post Office (US Postal Service owns land and building)

Land Development Code <sup>Schools</sup>

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

Sheriff's Substation

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

Water wellfields

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.2.31. - Planned Unit Development.**

⋮

- A. Intent of classification. The Planned Unit Development Classification is intended to provide a process for the evaluation of unique individually planned residential, commercial, industrial, and mixed use developments, which may not otherwise be permitted in the standard zoning classifications established by this Division. The purpose of a PUD is to:
- (1) Plan land as a whole to be developed as a single operation or as defined in a series of phases;
  - (2) Simplify the procedure for obtaining approval of proposed development through the simultaneous review by the county of proposed land use, special uses, accessory uses, and structures that are related to and complement the area within and surrounding the PUD, lot and setback consideration, public needs and requirements, and health and safety factors;
  - (3) Provide flexibility in design to take the greatest advantage of natural and protected resources, land, trees, living species, historical and other features;
  - (4) Allow a variety of housing types and compatible neighborhood arrangements that promote residential diversity and a larger selection of living environments and living units;
  - (5) Provide the developer sufficient freedom to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the community; and
  - (6) Design the environment in a multi-modal manner that enhances pedestrian, bicycle, and transit connectivity within the development and in connecting to the surrounding community.
- B. Permitted uses:
- (1) Any permitted use, special use, or accessory use in any zoning classification listed within the County's LDC, including, manufactured buildings or manufactured homes, may be considered in a PUD, provided the proposed use is consistent with the County's future

land use designation for the site, and the provisions of the LDC for each use.  
Land Development Code

- (2) Uses identified as ordinarily requiring a Special Use Permit in the Division may be authorized as permitted within all or a part of a PUD without the necessity of a separate SUP application, Division 2.8 review and approval as long as the following apply to the requested use:
    - (a) The special use is identified for inclusion within the PUD as part of the PUD Conceptual Plan materials,
    - (b) The special use is accessory to and completely internal to the PUD wherein the internal location is sufficiently internal to the PUD that the location(s) of the special use are setback equal to, or greater than, any required supplemental minimum surrounding property owner public notice area and/or any related protection zone for that use (e.g., telecommunications tower, wellhead protection area, etc.), and
    - (c) The special use is consistent with the Comprehensive Plan, demonstrates compliance with the general SUP application review criteria listed in Sec. 2.8.2.C, and demonstrates compliance with any specific requirements applicable to that special use as may be listed elsewhere within this Code.
  - (3) Owners of parcels within the PUD may subsequently request the authorization of additional special uses following approval of the PUD by undertaking the SUP application process for the proposed additional use without applying for an amendment to the PUD
  - (4) As part of any PUD, the PUD shall set forth the permitted uses and all incorporated special uses by using one or more of the following methods, provided the uses are consistent with the PUD site's Comprehensive Plan future land use designations and their provisions of this section:
    - (a) Incorporate by reference one, or more, of the standard zoning classifications as listed elsewhere in this Division.
    - (b) Provide an independent specific list of uses for the PUD,
    - (c) Provide an independent specific list of prohibited uses for the PUD.
  - (5) For the PUD, the intended character of the PUD shall be identified, including the structure types, architectural styles, ownership forms, amenities, and community management form (e.g., property owner association, community development classification, municipal service unit, etc.) or suitable alternative, all of which must be approved by the Board upon final consideration of the PUD approval.
- C. Minimum project size. The minimum acreage requirement for a PUD classification is ½ half acre, and all acreage must be under common ownership or control at the time of submitting for and obtaining approval of a rezoning application for a PUD zoning.
- D.

Density/Intensity:  
Land Development Code

- A. Maximum. The maximum allowable density/intensity for a PUD cannot exceed that established by the Comprehensive Plan Future Land Use Designation(s) for the site, along with any density or intensity bonuses and/or transfers acquired for the site as enabled by the Comprehensive Plan and the LDC; however, if the PUD site is vested for a higher density/intensity as established consistent with the Comprehensive Plan and the LDC, the PUD may propose densities and/or intensities consistent with the vested status.
- B. Approval. The final maximum density/intensity permitted shall be established by the Board upon recommendation of the Development Review Committee and the Planning and Zoning Commission. The Board is not obligated to authorize the maximum density/intensity as potentially allowed by the Comprehensive Plan future land use designation(s) and/or bonuses and/or transfers acquired for the PUD site. The criteria for establishing a maximum density/intensity includes existing zoning, adequacy of existing and proposed public facilities and services, site characteristics, and the requirements of the Comprehensive Plan for any residential or non-residential land use involving the area in question, with additional focus on the compatibility of the PUD's proposed uses with the adjoining and surrounding properties.
- C. Increases. Density/intensity increases may be attained through any of the following methods, consistent with the Comprehensive Plan and LDC provisions:
  - (a) Transfer of Development Rights (TDR) Program (Division 3.4),
  - (b) Transfer of Vested Rights (TVR) Program (Division 3.4),
  - (c) Rural Land development density bonuses (Sec. [3.3.3](#)).
- D. Blending. The Comprehensive Plan Future Land Use Element Table 2-1 - Urban Area Low Residential, medium Residential, High Residential, Urban Residential, Commercial, Employment Center, and Commerce Center Increases. Density/intensity increases may be attained through any of the following methods, consistent with the Comprehensive Plan and LDC provisions.
- E. Averaging.
  - (a) The gross amount of density/intensity of uses in a PUD may be allocated to any area of the total PUD site; however, proposed uses that are subject to the special setback and/or protection zone/area requirements shall be required to comply with those applicable standards as established within the Comprehensive Plan and this Code both within, and to areas outside the boundary, of the PUD.
  - (b) The PUD may propose alternative setback and/or protection zone/areas meeting the intent of the Code for uses internal to the PUD site as part of the PUD review and consideration, subject however to the Comprehensive Plan.

Land Development Code (c) If the PUD is for a cluster type project that must be enabled as a PUD as established by the Comprehensive Plan (e.g., Rural Residential Cluster or Hamlet Division 3.3), then the PUD shall be subject to compliance with the applicable natural open space preservation requirements, with the remaining lands available for development then being eligible for density and/or intensity averaging, subject to any special requirements of the particular PUD cluster type as required by the Comprehensive Plan and this Code.

F. Perimeter Buffer. Whenever a PUD abuts existing development with lower density and/or intensity land uses, the Board may impose special perimeter buffer requirements to maintain compatibility with the existing adjoining use. The PUD must comply with the minimum buffer requirements as established in this Code, or an alternative design meeting the intent of the Code may be proposed for consideration. If an alternative design is proposed, the proposal shall include, at a minimum, scaled typical vertical and horizontal cross-sections of the buffer, including depictions of all proposed alternative buffer improvements and scaled representations of the existing principal structures and improvements that are located on the adjoining properties being buffered from the PUD.

E. Site Development Standards:

(1) Access.

(a) Vehicles. All properties resulting from a PUD shall have paved access to paved public or private street right-of-way; however, ingress/egress or cross-access easements may be proposed as an alternative to a right-of-way as part of the PUD, provided all access is paved.

(b) Non-vehicular. The PUD shall include pedestrian and/or bicycle facilities internally to address internal circulation needs and externally to provide for integration of the PUD to surrounding existing for future facilities.

(c) Multi-modal. The PUD shall include multi-modal design accommodating pedestrian, bicycle, transit, and vehicular access focusing on integrating the modes with the proposed PUD uses and expected activity levels and/or focus (e.g., employment, residential, institutional, etc.).

(d) Parking and loading. Parking and loading spaces shall be provided consistent with the requirements for developed uses as listed in [Section 6.11.8](#); however alternative parking and loading standards may be proposed, provided such standards are based on accompanying technical information and analysis provided by a qualified professional. The use of shared parking is encouraged, along with the integration of parking as part of a multi-use structure as provided in Section 4.2.6.D(8).

(e)

Utilities. All appropriate utility infrastructure shall be made available to and provided for the PUD.  
Land Development Code

- (f) Stormwater. All appropriate and necessary stormwater infrastructure shall be provided for the PUD development to ensure compliance this Code.
  - (g) Minimum construction. All access, regardless of mode and/or infrastructure, shall be provided in compliance with the requirements of [Article 6](#).
- (2) Easements:
- (a) Provision. Easements shall be provided to address the maintenance and upkeep of all PUD infrastructure (e.g., Stormwater systems, utilities, etc.) and/or when necessary to allow adjoining property owners reasonable access for the maintenance and upkeep of improvements (e.g., access for zero-lot line structure, etc.). Any easements necessary shall be provided, established, and conveyed consistent with the provisions of [Article 6](#).
  - (b) Encroachment. No principal or accessory structure may be erected, placed upon, or extend over any easement unless authorized in writing by the entity holding title to said easement, with such authorization being recorded in the Marion County Official Records. Such authorizations may include, and are encouraged to set forth, terms and conditions, regarding the easement encroachment (e.g., duration, maintenance, removal, sunset, etc.) for reference by all current and future parties.
- (3) Setbacks and separations:
- (a) All PUD setbacks and separations shall be set forth with the PUD, and be identified in a manner that addresses principal and accessory structures for all setback directions and separations as follows:
    - 1. Similar to the authorization of uses in Section 4.2.6.A(4), the PUD may use or reference an existing standard zoning classification's setback standards or propose alternative setbacks.
    - 2. The front yard setback for all PUDs shall ensure the safe and effective provision of services, maintenance, and support of the PUD development (e.g., multi-modal access, utility lines, landscaping, etc.).
    - 3. All setbacks for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.
  - (b) All setbacks shall be measured from the foundation, walls, or similar building structural support components and/or habitable areas; however eaves, roof overhangs, and other similar non-habitable architectural features may encroach or protrude by not more than two feet into any required setback.



(c) Building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure, particularly those that make up habitable space, shall comply with established principal structure setbacks; however, the PUD may propose authorized encroachments not to exceed two feet into any setback, subject to compliance with building construction standards (e.g., fire code) for the encroachment structure, except no encroachment into an established front yard setback is permitted.

(d) Structure to structure.

1. Separations between structures shall comply with the setbacks set forth for the PUD.
2. In the event specific setbacks are not be applicable (e.g., multiple-family development), then the following shall apply:
  - a. At a minimum, structures on the same property shall be separated by a minimum of ten feet, In the event a dedicated easement is between the structures, the separation between structures shall be increased to provide a minimum of five feet of separation from each structure to the boundary of the easement, and
  - b. All structures shall comply with applicable fire code and building code separation and/or construction requirements.

(4) Heights:

- (a) All PUD maximum heights shall be set forth with the PUD, and be identified in a manner that addresses height limits for all principal and accessory structures as follows:
  1. Similar to the authorization of uses in Section 4.2.6.A(4), the PUD may use or reference an existing standard zoning classification's maximum height standard or propose alternative height limits.
  2. The maximum height limit for all PUDs shall be seventy-five feet; however, an alternative maximum height limit may be proposed, subject to ensuring the safe and effective provision of services, maintenance, and support of the PUD development (e.g., fire service/ladder truck) and the provision of sufficient buffering to surrounding uses both within and outside the PUD.
  3. All maximum height limits for principal and accessory structures shall be provided in both typical illustration and table format. The typical illustration and table shall be included on all development plan submissions as related to the development type, and shall particularly be provided on the Master Site Plan and/or Final Plat Plan.

(b) Dissimilar Uses:

1. Residential and non-residential. When commercial, industrial, or institutional uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use or zoning classification outside the PUD is residential:
  - a. A non-residential structure may not exceed a height that is twice the height of the closest existing abutting residential structure; however, the height of the non-residential structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
  - b. If the residential zoned land directly adjacent to the PUD is vacant land, then the height of a non-residential structure within the PUD shall not exceed the maximum height allowed in the abutting residential classification.
  - c. An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the non-residential use in relation to the existing residential use and/or residential zoning classification; however, the Board is not obligated to agree and/or accept the alternative proposal.
2. Single-family and multiple-family residential. When multiple-family residential uses are provided within a PUD within 100 feet of the boundary edge of the PUD, the following shall apply to that development when the abutting existing use is a single-family use or the zoning classification outside the PUD permits only single-family residential uses:
  - a. A multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence; however, the height of the multiple-family structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
  - b. If single-family residential classification zoned land directly adjacent to the PUD is vacant land, then the height of a multiple-family structure within the PUD shall not exceed the maximum height allowed in the abutting residential single-family residential classification.
  - c. An alternative height limit may be proposed; however, it is the PUD applicant's responsibility to fully demonstrate the alternative will be sufficiently mitigated to address potential impacts of the increased height of the multiple-family residential use in relation to the existing residential use and/or residential zoning classification.

Outdoor Lighting. Outdoor lighting shall be provided to support and encourage a safe and secure environment within the PUD, while limiting potentially adverse impacts within the PUD and to surrounding properties as follows:

- (a) Illuminate the following:
    1. Potentially dangerous and/or hazardous locations to promote and maintain health and safety (e.g., roadway intersections, cross-walk locations, etc.).
    2. Structures and facilities to discourage and deter criminal activity (e.g., loading docks, utility facilities, etc.).
    3. Structures and facilities consistent with their authorized hours of operation (e.g., recreation facilities, business, etc.).
  - (b) All lighting shall be installed in a manner to illuminate the identified structure, facility, or activity while ensuring the lighting does not cast direct light on adjacent dwellings or properties in a negative manner, or cast light in an upward manner so as to illuminate the night sky and/or become a hazard to air navigation.
  - (c) All outdoor lighting shall be provided consistent with the provisions of [Section 6.12.14](#) and Division 6.19.
- (6) Buffers. Buffers shall be provided externally and internally, between the PUD and surroundings and between internal PUD uses, in order to maintain compatibility between uses and avoid and/or limit adverse impacts between uses and nuisance situations as follows:
- (a) Buffers shall be provided between the proposed PUD uses and the PUD's surroundings, and between the PUD's internal uses, in a manner that conforms to the requirements of [Section 6.8.6](#); however, a PUD may propose alternative buffer standards and designs provided the intent of the buffer requirement is satisfied,
  - (b) A PUD may propose the elimination of internal buffers within the PUD; however for significantly dissimilar uses (e.g., residential versus industrial), mechanisms to ensure future PUD residents and occupants are aware of the elimination of such requirements may be required in response to such a proposal.
- (7) Open Space:
- (a) For a PUD implementing a Rural Land - Residential Cluster, Rural Land - Hamlet, or Rural Community development form as authorized by the Comprehensive Plan future land use element and Division 3.3, the PUD shall be subject to the following:
  - (b) The PUD shall identify all the required natural open space (NOS) acreage to be permanently conserved consistent with the Comprehensive Plan and this Code, with particular attention to Sec. 6.6.6.A., along with the intended form and/or method of

conservation.  
Land Development Code

1. If the PUD is also subject to a native habitat vegetation preservation requirement as listed in [Section 6.6.5](#), the minimum 15% native habitat to be preserved should be included within the natural open space, thereby simultaneously complying with the NOS and native habitat conservation requirements; additionally, the applicant is encouraged to preserve as much of the native habitat within the NOS as possible.
2. The PUD shall provide a minimum of five percent improved open space as provided in Section 6.6.6.B, with this improved open space being focused on satisfying the recreation facility needs of the PUD as listed in (c) below

For all other PUDs, whether residential, institutional, commercial, industrial, or mixed-use, improved open space (IOS) consistent with Section 6.6.6.B shall be provided as a minimum of 20 percent of the PUD gross land area.

(c) Design Criteria:

1. IOS shall be permanently set aside and shall be designated on the PUD and be established as separate properties/tracts to be owned and managed by a governing association for the PUD, whether a private property owners association, community development district, or municipal service unit, unless otherwise approved by the Board upon recommendation by the DRC.
2. The PUD's minimum required IOS amounts shall be listed on the PUD's related plans, and shall be depicted to depending on the level of development review, allowing for more general with conceptual and proceeding to detailed for platting and/or site planning.
3. IOS is intended to be integrated into the PUD design and provide the primary avenue for satisfying overall landscaping requirements for all development as required in Divisions 6.7, 6.8, and 6.9.
4. IOS shall be integrated throughout the PUD to provide a linked access system to the IOS.
5. IOS shall be improved, including compatible structures, to the extent necessary to complement the PUD uses.

(d) Improved Open Space Eligibility Standards:

1. Landscape buffers required for the PUD perimeter to surrounding properties, and within the PUD to provide internal buffering shall be counted at 100 percent,
2. Parks, playgrounds, beaches, bikeways, pedestrian walks, equestrian trails, and other similar improved, usable outdoor areas shall be counted at 100 percent,

3. Up to 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the facility, wherein the stormwater facilities provide a stable, dry, surface for extended periods of time and are not subject to erosion and/or damage to key design components when subjected to active use by PUD residents, employees, and patrons.
4. Parking areas and road rights-of-way may not be included in calculations of IOS; however, separate tracts exclusive of rights-of-way providing landscaping buffers, or landscaped pedestrian, bicycle and other non-vehicular multi-use trails may be classified as IOS.
5. Waterbodies in the PUD may be used to partially fulfill IOS space or recreational space requirements in accordance with the following criteria:
  - a. Waterbodies available and used for active water oriented recreation uses such as boating, kayaking, canoeing, paddle boarding, fishing, water/jet skiing, and swimming may be used in calculations of IOS area of waterbodies but shall not exceed 50 percent of the total IOS; however the adjoining recreational lands supporting the active water oriented recreation uses may be counted at 100 percent.
  - b. Waterbodies not available or used for the noted active water oriented recreation uses may be used in calculations of IOS but shall not exceed 10 percent of the total IOS; however the adjoining recreational lands supporting the waterbody that are established as recreation/amenity space may be counted at 100 percent recreational space. Only those waterbodies which are available to the development for water oriented recreation use such as boating, fishing, water skiing, swimming and have associated recreational land areas may be used in meeting these requirements.
6. If golf courses and/or driving ranges are provided to partially fulfill recreation space requirements, a maximum of 60 percent of the golf course and/or driving range land may be counted toward the required IOS. A golf course, driving range, and waterbodies combined cannot exceed 75 percent of the required IOS.

(8) Maximum Commercial Use Area in a Residential PUD in a Residential Future Land Use Designation.

- (a) Ratio. Commercial uses may be provided within the PUD, at a ratio of two acres of commercial use area per each 250 dwelling units, with a minimum of 250 units required before any commercial use area may be authorized in the PUD.

(b)

Intensity. The type of commercial uses permitted in the commercial use area shall comply with the Land Development Code following:

1. Those uses permitted in the B-1 (Neighborhood Business Classification) for projects of a size equal to or greater than 250 dwelling units but less than 800 dwelling units; and
  2. Those uses permitted in the B-2 (Community Business Classification) for projects of a size equal to or greater than 800 dwelling units.
  3. More intense commercial uses and special uses may be permitted by the Board upon review and recommendation of the Development Review Committee, consistent with Section 4.2.6.A.
- (c) Internal. The commercial use areas shall be situated internally to the PUD and buffered so as not to create a detrimental effect on adjacent internal residential areas. Said areas shall be located so as to best serve the residents of the project. Said areas shall not be located at the perimeter of the project with frontage on or direct access to an existing functionally classified or major through road so as to attract a market substantially outside of the project; however, a PUD that provides for the creation of a new internal functionally classified or major through road which is not access controlled and is open and available to the public may establish the commercial use area along that roadway, subject to compliance with the traffic and access management provisions of Divisions 6.11 and 6.12.
- (d) The commercial use area shall be specifically included in the development schedule.

F. Procedure for Rezoning to the Planned Unit Development (PUD) Classification

- (1) Pre-application stage. A pre-application meeting shall be conducted before a PUD rezoning application can be accepted.
  - (a) Pre-application meeting. The pre-application meeting is a service provided at no cost to the prospective applicant and is intended to provide for an informational exchange between the applicant and the administrative staff and will be arranged by the Growth Services Department. At a minimum, the applicant will be advised of the PUD procedures and requirements, forms, application materials, guidelines, checklists, the comprehensive plan, zoning and other land development regulations.
  - (b) The applicant need not submit any official plans, however, the more information provided to staff for the proposed PUD assists staff in providing guidance. At a minimum, the applicant is encouraged to present at least a sketch plan of the proposed PUD, as well as the following recommended items:
    1. Parcel number,
    2. Intent and character of the development,

Land Development Code 3. Legal property description and/or metes and bounds, especially if different from the description of the parcel number provided,

4. A location and aerial map,
5. Total size of the project,
6. Location and names of streets and right-of-ways,
7. The number and type of residential units, if any, along with their intended ownership method, and
8. The number and type of non-residential uses.

(2) PUD Rezoning Application Submittal and Development Review.

- (a) Following the pre-application meeting, a Rezoning Application to a PUD classification shall be submitted pursuant to Division 2.7, accompanied by a Conceptual Plan, Master Plan, Major Site Plan or Preliminary Plat.
- (b) At a minimum, the PUD Rezoning Application shall be accompanied by a Conceptual Plan, in compliance with Division 2.13 and this Section, along with accompanying documentation for review by the County Growth Services Department and shall provide documentation addressing the following:
  1. The name of the proposed PUD shall be centered at the top of the sheet along the long dimension of the sheet.
  2. Vicinity map that depicts relationship of the site to the surrounding area within a 1 mile radius.
  3. Drawing of the boundaries of the property showing dimensions of all sides.
  4. Provide the acreage of the subject property along with a legal description of the property.
  5. Identify the Comprehensive Plan future land use and existing zoning of the subject property and for all properties immediately adjacent to the subject property.
  6. Identify existing site improvements on the site.
  7. A list of the uses proposed for the development.
  8. A typical drawing of an interior lot, corner lot, and cul-de-sac lot noting setback requirements. For residential development, the typical drawings will show a standard house size with anticipated accessory structure.
  9. Proposed zoning and development standards (setbacks, FAR, building height, etc.).
  10. Identify proposed phasing on the plan.
  11. Identify proposed buffers.
  12. Identify access to the site.

Land Development Code 13. Preliminary building lot typicals with required yard setbacks and parking lot locations.

14. Preliminary sidewalk locations.
15. Proposed parallel access locations.
16. Show 100 year floodplain on the site.
17. Show any proposed land or right of way dedication.
18. Identify any proposed parks or open spaces.
19. A note describing how the construction and maintenance of private roads, parking areas, detention areas, common areas, etc. will be coordinated during development and perpetually after the site is complete.
20. Architectural renderings or color photos detailing the design features, color pallets, buffering details.

(3) Recommendation. Following consideration of the development plan by the Development Review Committee (DRC), the DRC shall make a recommendation for approval, approval with conditions, or for denial to the Planning and Zoning Commission and to the Board. The rezoning and the corresponding development plan will then require public hearings before the Planning and Zoning Commission and Board of County Commissioners for approval.

(4) Final Development Plans.

- (a) The final development plan (either entire project or phase), submission, shall include but not be limited to, a master plan, a major site plan, improvement plan, a preliminary plat and/or final plat, as deemed necessary for the specific project.
- (b) The final development plan shall be in accordance with requirements of the Land Development Code and shall be considered by the DRC. At the direction of the Board, DRC, or Growth Services Director, the final development plan may be brought back to the Board for final action.
- (c) If necessary, a final development plan (entire project or phase) may be submitted with the conceptual plan for consideration.
- (d) Submittal of a Master Plan, Major Site Plan, Improvement Plan, Preliminary Plat and/or Final Plat for review will require the items listed above in B(1) for the Conceptual Plan submittal, plus the following additional items (as outlined under the table in Section 2.11-1 "Application Requirements");
  1. Title block (Sec. [2.12.3](#)).
  2. Front page requirements (Sec. [2.12.4](#)).
  3. Concurrency (as per Division 1.8).



## Land Development Code

4. Location of septic systems and wells.
  5. Boundary and topographic survey (1 ft. intervals for 100 ft. beyond project boundary).
  6. NRCS soil survey.
  7. USGS Quad map showing contributing watershed(s) and project boundary.
  8. National Wetland inventory map.
  9. Environmental assessment of listed species and vegetative communities onsite.
  10. Karst and geologic assessment on and offsite within 200 ft. of project boundary.
  11. Marion-friendly landscaped areas, parks, recreation areas and natural areas to be retained (Sec. [2.12.21](#) and [2.12.25](#)).
  12. Traffic impact analysis.
  13. Construction entrance and route plan.
  14. Photometric plan for non-residential development.
  15. Building elevation plans for non-residential development.
  16. Phasing plan, if proposed.
  17. Architectural renderings or color photos detailing the design features, color pallets, buffering details.
- G. Maintenance agreement. A developer shall file a legally constituted maintenance association agreement, or such documents as are necessary to show how the common areas are to be improved, operated and/or maintained. Such documents shall be subject to review by the County and shall be recorded in the office of the Clerk of the Circuit Court for Marion County.
- H. Conditions of Approval. The Growth Services Department staff, the Development Review Committee, and the Planning and Zoning commission may recommend to the Board that the PUD rezoning/development plan be approved, be approved subject to stated conditions, or denied. All conditions approved by the Board shall functionally be deemed included as part of approving any PUD development plan by the Board.
- I. Granting of PUD Zoning. Upon approval of the PUD zoning by the Board, a Final Development Plan may proceed for final DRC approval. A Conceptual Plan shall not be required to obtain further DRC review unless the Board requires revisions to the plan.
- J. PUD Time Limits.
- (1) The Board may establish time limits for the submittal of a master plan, major site plan, preliminary plat, or final plat for the development of an approved conceptual plan.
  - (2) Any such time limits may be extended by the Board for reasonable periods upon the petition of the developer for an amendment to the conceptual plan and based upon good cause, as determined by the Board; provided that any such extension of time shall not

automatically extend the normal expiration date of a building permit, site plan approval, or other development order. If time limits contained in the approved development plan are not completed or not extended for good cause, no additional permits will be approved.

- (3) Time limits for completion and close out of master plans, major site plans, preliminary plats, and final plats once approved shall be according to [Article 2](#) of this Code Review and approval procedures:

K. PUD Amendments:

- (1) Changes to the plan of development which will affect the following items shall be subject to review and approval by Development Review Committee:
  - (a) Changes in the alignment, location, direction or length of any internal local street,
  - (b) Changes or adjustments in lot or parcel development standards which do not reduce the minimum lot or parcels standards listed in item (a)3,
  - (c) Changes in commercial gross leasable areas (GLA) for individual lots or tracts which do not result in increased overall GLA square footage,
  - (d) Changes in industrial building square footage or lot coverage percentage which do not result in increased overall building square footage or total lot coverage percentage,
  - (e) Changes in mixed use land uses and overall dwelling unit densities, or commercial GLA square footage or industrial building square footage or total lot coverage percentage, which do not result in an increase to the above categories,
  - (f) Reorientation or slight shifts or changes in building or structure locations including setbacks,
  - (g) Major changes listed below which are subject to final review and approval by the Board.
- (2) Changes which will modify or increase the density or intensity of items shall be subject to review and approval by the Board through the PUD rezoning application process.
  - (a) Intent and character of the development.
  - (b) Location of internal and external arterial or collector streets and connection points between and to those streets within the development.
  - (c) Minimum lot/parcel sizes including heights or project design standards based on use such as residential vs. non-residential.
  - (d) Building setbacks.
  - (e) Dwelling unit types or mixes and maximum development density and units.
  - (f) Maximum commercial gross leasable areas (GLA) for individual lots or tracts and project wide.

Land Development Code (g) Industrial building square footage or lot coverage percentage for individual lots or tracts and project wide.

(h) Minimum size and general location of common open space including buffer areas or zones and method of ownership and maintenance.

(i) Conservation open space areas with intended method of preservation ownership or maintenance.

(j) Location of water and sewage facilities.

L. Timing.

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

(2) Construction Commencement. Construction of a development under a PUD shall commence within five years from the date of passage of the ordinance approving the granting of the PUD rezoning, and shall proceed to completion in accordance with the phasing program, if any contained, within the approved PUD materials.

(3) Upon written application, the Board may authorize extensions of any time period specified hereinabove, at any time prior to the expiration of such time period but each such extension shall not exceed one year at a time.

M. Revocation.

(1) A PUD shall be deemed revoked if one or more of the following circumstances occurs:

(a) The application for approval of the final development plan is not filed within five years from the date of approval of the Preliminary Plat or Major Site Plan,

(b) Construction does not commence within five years from the date of approval of the final development plan,

(c) For a PUD with a phasing plan, the initial phase of construction has not commenced within five years of the approval of the PUD,

(d) The construction of any of the subsequent phases has not commenced or is not completed in accordance with the terms of the phasing plan,

(e) The developer requests revocation of the PUD.

(2) Revocation of a PUD Special Use. A special use authorized within a PUD as part of the approved PUD pursuant to Section 4.2.6.A(2) shall be subject to revocation and removal from the PUD's authorized uses by the Board under any of the following circumstances:

(a) Failure to submit the final development plan within five years from the date of approval of the Preliminary Plat or Major Site Plan; or

(b)

Failure to commence construction of the proposed use within five years from and after the date of the filing of the final plan.

- (c) Following the issuance of occupancy permits, abandonment, or other failure to utilize the property for the purposes permitted by the PUD special use for a period of two months out of any consecutive six month period.
- (d) Failure to meet the PUD development plan and/or conditions as approved for the special use and PUD development plan shall constitute grounds for the repeal of the PUD and/or PUD special use approval by the Board of County Commissioners.

A PUD plan that expires or is revoked shall cause the property to revert to the zoning classification that existed prior to the rezoning of the PUD, and any Special Use approved and permitted onsite at the time of the expiration or revocation shall no longer be considered valid onsite.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 19-27, §§ 1, 2(Exh. C), 11-26-2019)

## DIVISION 3. - SPECIAL REQUIREMENTS<sup>[3]</sup>

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Footnotes:**

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**Editor's note**— Ord. No. 17-08, § 2(Exh. A), adopted April 11, 2017, amended Art. 4, Div. 3 in its entirety to read as herein set out. Former Art. 4, Div. 3, §§ 4.3.1—4.3.26, pertained to similar subject matter, and derived from Ord. No. 13-20, § 2, adopted July 11, 2013.

### Sec. 4.3.1. - Home occupation.

- A. A home occupation shall be defined as any business or commercial activity that is:
  - (1) Conducted within a single family residential dwelling unit in a residential zoning classification and is clearly incidental to the principal residential use of the premises, or
  - (2) Conducted on the same tract with the principal structure in an agricultural zoning classification, and
  - (3) Which is a permitted use within the agricultural zoning classification and conducted without significantly adverse impact on the surrounding area.

A.

The use shall not generate more traffic than would be associated with the allowable residential use.  
Land Development Code

B. Non-inclusive examples of enterprises that may be considered as Home Occupations if they meet the forgoing definitional criteria are: the office or studio of an artist, musician, lawyer, architect engineer, teacher, accountant or similar professional; workshop for pottery; tailoring and dressmaking; single chair or station barber or beauty shop, computer programming, telephone answering service and gun dealers.

B. Residential—General requirements:

- (1) A Home Occupation Permit requires the approval of the Growth Services Director on an application form confirming the following requirements:
  - (a) The area used for the Home Occupation shall not exceed 20 percent of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall conform to all applicable codes.
  - (b) No part of the proposed activity or use shall be conducted in an accessory building or structure.
  - (c) No goods, stock-in-trade or other commodities shall be displayed on the exterior.
  - (d) No on-premises sales shall occur.
  - (e) Only bona fide members of the family lawfully occupying the dwelling unit shall be employed in, or work at, the Home Occupation.
  - (f) The proposed activity shall not create objectionable noise, fumes, odor, dust, vibration, electrical interference or hazardous wastes.
  - (g) If the garage portion of the dwelling unit or one bay of a two bay garage is committed to Home Occupation use, an additional parking space on the lot shall be provided in order to meet the residential parking requirements.
  - (h) Signage is limited to a non-illuminated wall sign having no moving parts or flashing lights, does not exceed two square feet and is compatible with the neighborhood architectural character. There shall be no off-site advertising signs.

C. Agricultural—General requirements:

- (1) A Home Occupation permit requires the approval of the Growth Services Director on an application form confirming the following requirements:
  - (a) The Home Occupation may be conducted within the dwelling unit or in an accessory building.
    1. Within the dwelling unit, the area used for the Home Occupation shall not exceed 20 percent of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall conform to all applicable codes.
    - 2.

Land Development Code  
Within an accessory building, the area used for the Home Occupation shall not exceed 600 square feet and shall conform to all applicable codes.

- (b) No goods, stock-in-trade or other commodities shall be displayed on the exterior.
- (c) No on-premises sales shall occur.
- (d) Only one person, in addition to members of the family lawfully occupying the dwelling unit, may be employed in, or work at, the Home Occupation.
- (e) The required number of parking spaces for a dwelling unit shall be maintained if a portion of the garage is used for the Home Occupation plus one space per employee.
- (f) Accessory building parking spaces shall be provided in the ratio of one space per 300 square feet of gross floor area or fraction thereof.
- (g) Signage. One sign, either single or double faced non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front tract line of the tract on which the Home Occupation is conducted.

D. Permit revocation. Upon the complaint of the County or any person, the County's Board of Adjustment may revoke a permit authorizing a Home Occupation, after notice to the holder of the permit and public hearing, for noncompliance with or violation of the requirements of this section.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.2. - Density exceptions and aggregation of contiguous lots.**

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A. The following definitions apply to this subsection:

- (1) Contiguous parcels are those parcels of land with at least one common property line.
- (2) Non-contiguous parcels are those parcels that do not have any common property lines, or which are separated by platted or unplatted roads, streets or alleys which have been dedicated for public use, or prescriptive easements for road right-of-way purposes.
- (3) Parcels or Tracts of Record:
  - (a) Recorded or registered parcels or tracts and those parcels or tracts shown on all other unrecorded subdivisions, plats or surveys existing as of August 14, 1970; or
  - (b) Lots, parcels or tracts which were created and recorded in the public records of Marion County on or before January 1, 1992; or
  - (c) Parcels in subdivisions approved by the Board of County Commissioners and recorded in the public records of Marion County prior to January 1, 1992; or
  - (d) Parcels located in unrecorded subdivisions or registered divisions of land into "flag lots," as that term is commonly known in Marion County, which were filed and accepted by Marion County and existed as of January 1, 1992.

Land Development Code (4) For definitions of subdivision, plat, recorded subdivision, unrecorded subdivision and registered divisions of land see [Article 2](#).

- B. An exception to the densities prescribed in the Marion County Comprehensive Plan, Future Land Use Element, shall be allowed for all non-contiguous parcels of record, under one ownership, created on or before January 1, 1992, and evidenced by a properly executed deed or contract for deed held by the purchasing party, as of August 11, 1993, for the purpose of constructing one single-family residential unit.

The deed or contract for deed shall be recorded in the public records of Marion County on or before August 11, 1993, or proven by clear and convincing evidence to have been in existence on or before August 11, 1993. Clear and convincing evidence shall require a copy of the document, properly executed, and copies of cancelled checks or other proof of payments having been made prior to August 11, 1993.

- C. Recorded and unrecorded subdivisions that are allowed density exceptions or that will be required to aggregate contiguous lots are as follows:

- (1) Parcels within that phase of a recorded or unrecorded subdivision which met the applicable conditions set forth below prior to January 1, 1992, shall be permitted to develop at the density established for that subdivision provided that all Ch. 10D-6 FAC requirements and all other requirements of the Comprehensive Plan as amended, the Land Development Code as amended, and all other applicable codes are met.

Those recorded or unrecorded subdivisions not meeting the requirements listed below will be required to aggregate parcels to meet the density requirements of the Comprehensive Plan as amended.

- (a) Subdivisions that have direct access to a county paved road and in which all parcels front on a continually maintained paved or stabilized road that meets the standards established by Marion County; and
- (b) Parcels within subdivisions in which all parcels are served by a stormwater management system that functions at the standards established by Marion County; and
- (c) Parcels within subdivisions in which the sale of individual lots to persons by the original subdivider has occurred at the following rates prior to August 11, 1993:
1. At least 85 percent of the total number of lots are sold if the subdivision was created in 1982 or before;
  2. At least 60 percent of the total number of lots are sold if the subdivision was created from 1983 to 1987 inclusive;
  - 3.

At least 50 percent of the total number of lots are sold by 1997 if the subdivision was created in 1988 through 1992.

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.3. - 4-H and FFA exemptions from Code requirements.** ⋮

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.4. - Alcoholic beverages.** ⋮

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



of beer and wine for off premises consumption.  
Land Development Code

- C. The term "public park" as used in this section shall mean a park open to the general public owned either by Federal, State, County or City Governmental Agencies or church parks adjacent to churches.
- D. Establishments existing on the effective date of this Code which do not meet the above requirements shall be deemed non-conforming uses.
- E. For the purposes of this section, a church, school or establishment shall be deemed to be existing if all necessary permits for construction have been acquired and remain active.
- F. For purposes of distance limitations, the measurement shall be made by extending a straight line from the nearest building line point of the regulated establishment to the nearest property line point of improved school or church grounds used as part of the school or church; or the nearest property line point of the park grounds.
- G. If a school, church or park is located within the limits of an incorporated city or town or within another county, the requirements specified in Sections 4.3.4.A, 4.3.4.B and 4.3.4.F above shall apply.
- H. On premises sale and consumption of beer, wine, liquor or other intoxicating beverages may be permitted by right in golf course clubhouses, subject to the requirements of this section and the State of Florida.
- I. On premises sale and consumption of beer, wine, liquor or other intoxicating beverages may be permitted by right and exempt from spacing requirements in a restaurant establishment where the requirements of the State of Florida License include a majority of the sales to be food items and the restaurant floor space is a minimum of 2,500 square feet in size with at least 150 seats.
- J. Special events requiring a temporary one-, two-, or three-day permit from the State of Florida for on premises alcohol consumption and Churches or other Houses of Worship holding celebrations requiring the same State of Florida permit shall be exempt from the spacing requirements above.
- K. An applicant may request a SUP for an establishment proposing sales of alcohol where the above referenced spacing requirements cannot be met. Notification of all church, school, or public park facilities within the prescribed spacing distances above is required.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.5. - Manufactured buildings and manufactured homes.**

- A. **Manufactured Buildings.** Manufactured Buildings, as defined in this Code and Chapter 553, Part IV, Florida Statutes, which are used for residential structures and approved by the Department of Economic Opportunity with proper insignia attached, will be allowed as a

Land Development Code  
matter of right in all zoning classifications, which allow residential structures.

- B. Manufactured Homes and Mobile Homes. Manufactured Homes and Mobile Homes, as defined in this Code and Chapter 553, Part IV, Florida Statutes, which are used for residential structures, will be allowed as a matter of right in the following zoning classifications: A-1, A-2, A-3, RR-1, and R-4.
- C. Special Use Permit (SUP). The Board may approve the installation of manufactured homes in the R-2, R-3, and R-E zoning classifications by SUP, subject to the following requirements.
  - (1) Compatibility. The applicant shall demonstrate that the installation of the manufactured home is compatible with existing uses in the surrounding area and meets all requirements for issuance of a SUP.
  - (2) Construction. The manufactured home must be new (never previously titled or occupied).
  - (3) Main Body. The main body of the manufactured home, as located on the site, shall be a minimum width of 20 feet.
  - (4) Roof Pitch, Overhang and Materials. The main roof of the manufactured home shall have a nominal roof pitch of at least one foot rise for each four feet of horizontal run and the minimum roof overhang shall be one foot. All roofing material shall be consistent on such roof and shall be compatible with site built houses in adjacent or nearby locations.
  - (5) Exterior Finish. Exterior finish shall be consistent with site built homes in adjacent or nearby locations, provided however, that reflection from such exterior finish shall not be greater than from siding coated with clean white gloss exterior enamel.
  - (6) Skirting. All manufactured homes shall have stucco skirting on all sides of simulated or real block, brick, stone or equivalent.
  - (7) Foundations. All manufactured homes shall be located on approved foundations similar and compatible in appearance to foundations of adjacent or nearby site built residences.
  - (8) Site Orientation. All manufactured homes shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.
  - (9) Garages, Carports and Driveways. A manufactured home shall be required to have a garage or carport compatible with adjacent or nearby site built garages or carports. Driveways and the floors of garages or carports shall be paved compatible with adjacent or nearby site built residences.
  - (10) Steps. Front and back steps to manufactured homes shall be concrete with hand rails, as required by the Building Code. Wooden steps with an attached deck may be allowed if compatible with adjacent or nearby sites.
  - (11) Underground Utilities. Underground electric service shall be required.

Land Development Code (12) Additional Conditions. The Board may include additional conditions or modify these required conditions to assure similarity in exterior appearance and compatibility between manufactured housing and site built dwellings in adjacent or nearby locations.

D. Recreational vehicle (RV) and manufactured home park permitted accessory structures.

- (1) The following structures shall be permitted as an accessory structure in a recreational, park trailer, or manufactured home park , provided that written approval is received from the park HOA or property owner if the lots within the park are not under individual ownership;
  - (a) A storage shed shall be permitted provided it does not exceed 100 square feet in area.
  - (b) Temporary structures such as canvas awnings, screened enclosures, or platforms may be erected but must be removed when the recreational vehicle or manufactured home space is vacated.
- (2) All accessory structures must meet the setbacks under the standards set forth for each classification under Sec. 4.2 of the Land Development Code

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.3.6. - Manufactured home, park trailer, and recreational vehicle regulations.**

A. Temporary Use.

- (1) A manufactured home, park trailer or travel trailer may be used as a temporary residence incidental to construction on or development of property for a residential use on which the manufactured home, park trailer or travel trailer is located only during the time in which construction or development is actively underway with an active building permit, and in no case for more than six months, subject to renewal. Except that a manufactured home is prohibited from use as temporary residence on R-1 zoned property. Such use is subject to the approval of the Growth Services Director
- (2) A single recreational vehicle which has a self-contained disposal system shall be permitted to be occupied in any residential zoning as a non-commercial guest of the resident of the property involved, for a period not to exceed 21 days in any 60-day period by a Temporary Use Permit through the Growth Services Planning and Zoning Division.
- (3) Recreational vehicles which have a self-contained disposal system shall be permitted to be occupied in any agriculture zoning as a non-commercial guest of the owner or resident of the property involved, for a period not to exceed 60 days in any 365-day period. A limit of five travel trailers or recreation vehicles is permitted at one time by a Temporary Use

Permit through the Growth Services Planning and Zoning Division, six or more by Special Event Permit  
Land Development Code  
with the approval of the Marion County Department of Health and the County Administrator.

- B. Parking of recreational vehicles. Recreational vehicles and trailers may be permitted to be parked within the front yard provided that the vehicle shall be setback a minimum of 10 feet from the edge of the adjacent public right-of-way, easement, or sidewalk and shall not obstruct or interfere with the maintenance or use of such right-of-way or sidewalk, and shall not obstruct the neighboring property owner's view of oncoming vehicular traffic, pedestrians, or bicyclists.

Use of manufactured homes and recreational vehicles.

- (1) Manufactured homes, recreational vehicles, park trailers, boats, and vans, shall only be used for their designed and intended purpose as evidenced by the manufacturer's certification.
- (2) It shall be a violation of the County's Land Development Code for any person, firm or corporation to keep, dump, store, place or deposit abandoned, unlicensed, inoperable, junked, disabled, wrecked, discarded or otherwise unused recreational vehicles, park trailers, or manufactured homes on any property, street, or highway, except;
  - (a) When such property is located upon the premises of a lawfully established and maintained junkyard, vehicle repair business, or other similar facility as allowable by law.
  - (b) For the storage, service or repair of such property, when located within the confines of a completely enclosed permitted structure, not to include open carports.
- (3) Unoccupied recreational vehicles, park trailers, manufactured homes shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.
- (4) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.7. - Junk yards.**

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- A. All junk yards shall comply with the following standards:
- (1) Minimum lot size. No junk yard shall be located upon any lot or tract of land consisting of less than 20 acres, except those junk yards in existence on the adoption date of this Code.
  - (2) Adjacent zoning. No junk yard shall be located within 300 feet of property zoned for residential, commercial, A-2 or A-3, excluding those junk yards in existence on the adoption date of this Code.

(3) Screening and Buffering. All junk yards shall be completely enclosed by an opaque screening device with a minimum height of eight feet. The device may have no more than two gates, which gates shall be non-transparent when closed. The screening device may be constructed of vegetation, wood, metal, chain link fencing, masonry or other similar material, provided that the device must be designed, constructed and maintained to obscure the view of the interior of the junk yard from the outside. Further, the screening device shall be constructed of the same material and be of relatively uniform height or slope along the entire length of a property line; however, different screening devices may be used on different property lines. Except for vegetation, no screening device shall exceed a height of 20 feet. Except as provided in Section 4.3.7.F below, all screening devices shall comply with minimum required structure setbacks; provided, however, that a screening device of vegetation may be located within the required front yard setback as long as all junk is stored behind the setback line. Screening devices shall be properly maintained.

- B. Site Plan Submittal. All applicants shall submit a site plan drawing and a topographical map (including elevations to the centerline of the nearest roads) of the site, showing the proposed screening method and materials to be used on all lot lines.
- C. Approval of junk yard. The Board shall not approve the location of a junk yard upon any parcel if the topography of the parcel is such that the interior of the junk yard cannot be screened from view from the outside of the junk yard.
- D. Deletion of screening device. The Board may, after proper application and public hearing, authorize deletion of a screening device along one or more property lines if the Board finds that the view of the interior of the junk yard will be adequately screened without requiring a screening device.
- E. Storage of junk. No junk, vehicles, or other material may be piled up or stored at an elevation higher than the top of the screening device at its lowest point. In approving the screening devices for existing junk yards under Section 4.3.7.F below, the Board may authorize higher storage limitations to the extent reasonably necessary, because of the size and topography of the lot or tract on which the junk yard is located. Such authorization for higher storage limitations may be rescinded by the Board upon notice to the affected junk yard owner and an opportunity to be heard.
- F. Existing Junk Yards. All legal junk yards existing on June 18, 1992 were required to file a screening plan showing the topography of the junk yard, the location of the proposed screening device, the nature of the proposed screening device, and the location and type of proposed gates by December 18, 1992. Any above referenced junkyard existing on July 11, 2013 which does not have an approved screening device constructed in accordance with an

approved plan shall be deemed to be a non-conforming use and a public nuisance, and must comply with current buffering and screening requirements, the County may take appropriate steps to abate such a non-conformity and/or public nuisance.

G. See Springs Protection Overlay Zone for specific requirements within that zone.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.8. - Nursery schools, day schools and kindergartens.**

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

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.9. - Performance standards for commercial and industrial zoning classifications.**

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- A. Application. All uses in the B-3, B-5, IC, RAC, M-1, and M-2 zoning classifications shall comply with the performance standards set forth below:
- B. Methods for Measurement. In determining compliance with the requirements herein, standard instruments which have been accepted by the particular industry involved shall be used. Listed below are the instruments and manuals which shall be used, except that suitable substitutes as determined by the Growth Services Director may also be used. The initials listed before the particular instruments or manuals are symbols which will be used elsewhere in these regulations. The manuals, codes, and description of measuring devices cited below, are hereby adopted by reference as if the works appeared in this Code in their entirety. The most recent amendment or revision of each code or manual shall be used.
- C. Standard Manuals and Measuring Devices:
  - (1) The following devices and instruments standardized by the American Standards Association shall be used:
    - A.D.I. ATMOSPHERIC DUST IMPINGER

Land Development Code (2) One of the following devices or its equivalent for measuring cup flash points shall be used:

PENSKY-MARTENS

TAGLIABUE

(3) The following charts and manuals are hereby adopted by reference as they may apply to the regulations set forth herein:

BMI 6888 THE RINGELMANN CHART DESCRIBED IN US BUREAU OF MINES INFORMATION CIRCULAR 6888.

APAM "AIR POLLUTION ABATEMENT MANUAL" OF THE MANUFACTURING CHEMIST ASSOCIATION.

PHR 47 US PUBLIC HEALTH REPORT 47, NO 12. "MEASUREMENT OF DENSITY OF MINERAL DUSTS"

ICR 12 INDUSTRIAL CODE RULE NO. 12 ADOPTED BY THE BOARD OF STANDARDS AND APPEALS OF THE NEW YORK STATE DEPARTMENT OF LABOR

CFR 10 TITLE 10, CHAPTER 1, PART 20 CODE OF FEDERAL REGULATIONS, "STANDARDS FOR PROTECTION AGAINST RADIATION"

D. Smoke. For the purpose of determining smoke units, the Ringelmann Chart shall be employed (BMI 6888). Each reading (Ringelmann Number) shall be multiplied by the time in minutes for which it was observed, and the products added together to give the total number of smoke units observed during the total period of observation. This total shall then be converted into units per hour. The emission of more than ten smoke units per hour per stack, and smoke with a density in excess of Ringelmann No. 2 is prohibited except as indicated below. For special operations, the following limitations apply:

MAXIMUM FREQUENCY AND PERMITTED SMOKE UNITS AND DENSITIES FOR SPECIAL OPERATIONS

MAXIMUM FREQUENCY PERMITTED:

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

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

RINGELMANN NO. 1 .....20

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

**Table 4.3-1**  
**Total Capacity of Flammable Materials Permitted**  
**(In Gallons)**

 EXPAND



Land Development Code  
M-1 Classification

<b>Indutries Engaged in Storage Only</b>	<b>Above Ground</b>	<b>Under Ground</b>
Materials with Closed Cup Flash Point Over 187 Degrees F.	Prohibited	100,000
Flash Point 105 Degrees F.	Prohibited	40,000
Flash Point Under 105 Degrees F.	Prohibited	20,000
<b>Industries Engaged in Utilization and Manufacture of Flammable Materials</b>	<b>Above Ground</b>	<b>Under Ground</b>
Materials with Closed Cup Flash Point Over 187 Degrees F.	50,000	100,000
Flash Point 105 Degrees F.—187 Degrees F.	20,000	40,000
Flash Point Under 105 Degrees F.	5,000	10,000
<b>M-2 Classification</b>		
Unrestricted, provided, that storage, handling and use shall be in accordance with "Standards of National Board of Fire Underwriters for Storage, Handling, and use of Flammable Liquids," National Board of Fire Underwriters Pamphlet No. 30, June, 1959.		

- I. Electromagnetic Interference. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in residential or business districts.
- J. Violation of standards:
  - (1) If in the opinion of the Growth Services Director a violation of these performance standards has occurred, the Director shall send a written notice of said violation to the owner of the property by certified mail. The owner shall have 30 days to correct the violation unless, in the opinion of the Director, there is an imminent peril to the life and property of persons adjacent to the alleged violation, in which case the violation shall be corrected within ten calendar days.
  - (2)

Where determinations of a violation can be made by the Director using equipment normally available to the County or obtainable without extraordinary expense, such determination shall be made before notice of violation is issued.

- (3) Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary to make the determination of violation, then the County shall call in properly qualified experts to make the determination. If expert findings indicate a violation of the performance standards, the costs of the determination shall be assessed against the properties or persons responsible for the violation in addition to the other penalties prescribed by this Code. If no violation is found, cost of the determination shall be paid entirely by the County.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.10. - Sales offices in residential subdivisions.**

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- A. A single sales office will be allowed by right, located on a platted and recorded residential subdivision lot, in a model home, subject to the provisions of parking, water and sewage facilities meeting the requirements of this Code.
- B. Sales of land or homes or property not located within the subdivision is prohibited. Upon the cessation of sales, the model home shall be removed or converted for use as a private home.
- C. A single non-illuminated on-site advertising sign may be permitted. The maximum size of the sign is 32 square feet and maximum height shall be 10 feet.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.11. - Mining and excavation.**

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- A. Existing mines which are permitted in conformance with the requirements of the Florida Statutes and the Florida Administrative Code will be allowed to continue operation in rural and urban areas wherein the excavation, screening, crushing, processing, storing or distributing of limerock, phosphate, sand, gravel, clay or other mineral resources, within the same ownership or leasehold, has been actively pursued within the three-year period prior to June 11, 1992.
- B. Resource extraction from sites other than existing mines will be allowed in any zoning classification by SUP. Buffers and screening will be provided within a minimum setback of 25 feet in accordance with [Article 6](#). Resource extraction shall be conducted in accordance with federal and state statutes.
  - (1) Exceptions. A SUP is not required for the following activities:
    - a. Existing mines covered by Section 4.3.11.A above.
    - b. Expansion of existing, on-going aquaculture operations.

Land Development Code c. Removal of excess material resulting from commercial, industrial and residential site improvements, except fish ponds.

- d. Any size pond, providing excavated material remains on site.
  - e. Road construction projects wherein materials are reused or excess materials must be removed.
- C. New and expanding mining projects which include: (a) at least 35 percent of the proposed excavated area is located in a MCAVA category of "more" or "most" vulnerable, or (b) the operations will excavate within 15 feet of predicted height of potentiometric surface, or lime rock, whichever is higher, shall meet the requirements of the Springs Protection Overlay Zone in [Article 5](#).

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.12. - Roadside vendors.**

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

Parking areas shall be covered with a layer (minimum 1½" thick) of bark chips, sawdust, shavings or combination thereof, or construct a stabilized base parking area or pave the parking area.

- (4) On site rest room facilities are to be provided when more than two persons are employed on the site.
- (5) Water and soap for the washing of hands shall be available on site.
- (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
- (7) Products to be sold will be covered overnight or removed from the site and if required by State law, refrigeration will be provided.
- (8) A roadside stand for the sale of farm products raised or produced on the premises shall be permitted provided such stands are located not less than 30 feet from any street, highway or right-of-way. A site plan will be submitted as part of the building permit process for a permanent structure or for the installation of electrical, water or rest room facilities. The applicable site plan shall be submitted as set forth in [Article 2](#) of this Code.

All advertising signs shall be removed when the roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall be no larger than six square feet in size.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.13. - Model home sales lot or model home complex.**

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- A. This commercial development shall provide a paved parking lot with five parking spaces per model home. One parking space for the handicapped per model home or complex is required. The unit(s) must be handicapped accessible, have all utilities including telephone installed and shall be fully functional as a commercial development.
- B. Upon cessation of use as a model home sales lot or model home complex, the model homes may be torn down and removed or the structures converted to office use. Signage shall meet the requirements for an on-site sign in accordance with Division 4 of the Land Development Code.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.14. - Existing businesses in rural land area.**

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- A. Industrial and commercial uses which were in existence as of April 7, 1994, shall be considered conforming uses. Expansion shall be allowed on property, with the same ownership, properly zoned and contiguous to the existing industrial or commercial use as of April 7, 1994.
- B.

Land Development Code  
Clear and convincing evidence proving the business to have been in existence on the specific site on or before April 7, 1994, shall be submitted to the Growth Services Director. Such evidence shall include but not be limited to copies of the following: copy of deed, occupational license, bills of sale for merchandise, invoices for services rendered, business tax returns, power company history of service in name of company, or other similar documentation.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.15. - Well permits.**

- A. All new and expansion of existing wells and/or wellfields that supply water for qualified Community Water Systems (CWS), as defined in FAC Chapter 62-521.200(1) and operated by local governments, community or special districts, or private utility providers regulated by the Florida Public Service Commission (PSC), are required to obtain a Special Use Permit (SUP) from Marion County.
- B. The SUP request shall include public notice that the establishment of the well/wellfield and its concurring Well/Wellfield Protection Area, as defined in [Article 5](#), "Well Head Protection".
- C. This provision shall not be implemented in a manner that conflicts with the exclusive jurisdiction of the water management districts to regulate the consumptive use of water under FS Chapter 373. Upon approval of the SUP, the well and/or wellfield shall be added to the FLUM Series Map #2, Well and Wellhead Protection Areas, with the next available administrative Comprehensive Plan Amendment Cycle.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

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

The sale of goods or merchandise associated with a commercially zoned development by merchants in that development may be permitted as a temporary sales event for a limited period of time. A Temporary Use Permit shall be issued by the Growth Services Director upon receipt of a complete application and payment of a fee set by the Board of County Commissioners.

- A. The Growth Services Director may issue temporary use permits for off-premises locations subject to the applicable restrictions set forth in this section.
  - (1) Temporary use permits for off-premises locations shall be restricted to those zoning districts in which the sale of the items would normally be permitted.
  - (2) Written permission from the property owner shall be provided.
  - (3) No more than one temporary use permit per applicant and per site shall be issued in any 90-day period of time and shall not exceed a period of seven days.
  - (4) The Growth Services Director may stipulate any special conditions or restrictions

consistent with the preservation of the public health, safety or welfare.  
Land Development Code

- (5) The driveway apron must be permitted and constructed to the appropriate agencies specification.
- (6) The provisions of this section shall not apply to roadside vendors meeting the provisions of [Section 4.3.12](#).
- (7) A violation of this section may be punished by a fine not to exceed \$500.00 or by imprisonment in the County Jail not to exceed 60 days or by both such fine and imprisonment. Each day any violation of any provision of the Code shall continue shall constitute a separate offense.
- (8) All sales of motorized vehicles shall be titled and registered in Marion County.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.17. - Landfills.**

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.18. - Family/guest cottage/apartment.**

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- A. The family/guest cottage/apartment is an accessory non-commercial dwelling unit designed as an independent living unit smaller than the primary structure, which may be connected to the utility systems of the primary dwelling.
- B. The family/guest cottage/apartment may be constructed on a concrete foundation or slab, and shall be located in the rear or side yard of a principal dwelling.
- C. Family/guest cottage/apartment units may be located in the front yard and/or forward of the principal single-family dwelling when located within the A-1 "General Agriculture" Zoning Classification.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.19. - Temporary storage of construction materials.**

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Temporary storage of road construction materials, surplus material or clean fill from a county or state permitted roadway construction project may be allowed by a Temporary Use Permit issued by the Growth Services Director under the following conditions which are to be a part of the permit:

- A. Written permission of the property owner,
- B.

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.20. - Homing pigeons.**

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- A. The term "homing pigeons" shall include those pigeons which have been trained to return home including racing or carrier pigeons. Such pigeons and pigeon lofts in existence as of April 6, 2000, shall be considered conforming uses in the respective zoning classifications.
- B. Pigeon lofts shall be used for the breeding and husbandry of pigeons. All pigeons shall be confined in a loft, except for limited periods necessary for exercise, training and competitions. Pigeons shall be fed within the confines of the loft.
- C. Pigeon lofts are permitted uses in the A-1, General Agriculture, A-2, Improved Agriculture, or A-3, Residential Agricultural Estate zoning classification.
- D. Pigeon's lofts are allowed by right in residential zoning classifications on parcels of one acre or greater.
- E. Pigeon lofts may be located in all other zoning classifications by SUP.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.21. - Parking of commercial vehicles.**

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- A. All Commercial vehicles in excess of 16,000 pounds (GVW) shall be prohibited from parking or being stored in any public or private right-of-way, or any in residentially or agriculturally zoned classifications (including a manufactured home or recreational vehicle park) for more than 1 hour, except:
  - (1) Those properties located within a residential or agricultural zoning classification consisting of less than five acres which may permit one commercial vehicle through the Special Use permit review and permitting process, and only when the following conditions can be met, unless otherwise approved by the Board of County Commissioners;
    - (a) The commercial vehicle must be engaged in an approved commercial use; and
    - (b) No proposed parking of a commercial vehicle shall be allowed in an established front yard and must be parked within the side or rear yard in a location that is a minimum of 100 feet from the nearest neighboring residential structure; and

- (c) The commercial vehicle must be stored within an enclosed structure, or behind an opaque wall or fence high enough to screen the vehicle from the neighboring properties and the right-of-way serving the property (walls and fences may require a building permit from the County); existing vegetation as a screening method may be considered if the Growth Services Director determines that the existing vegetation provides an adequate buffer for screening purposes; and
  - (d) Vehicles of any size with actively operating (running) cab or refrigerating cooling units are prohibited on any residentially or agriculturally-zoned property.
  - (e) No mechanical repairs/maintenance on the commercial vehicle shall take place.
  - (f) The owner and operator must reside onsite and applications for the Special Use permit shall run with the owner of the property; and
  - (g) The parcel where the commercial vehicle will be parked must meet the minimum tract width along the paved and maintained Marion County right-of-way providing the access to the property; and
  - (h) The roadway providing access to the property shall be adequately rated to accommodate the heavy vehicle/truck traffic as per the Office of the County Engineer; and
  - (i) Access to property shall not include a road which has been improved by an MSTU project; and
  - (j) Only one truck per lot of record may be permitted.
- (2) Those agriculturally-zoned properties;
- (a) Consisting of five acres or greater, one commercial vehicle (with or without associated trailer) may be parked onsite and processed administratively as a Temporary Use Permit for a period not to exceed three years, provided the same conditions under Section A(1)(a)—(i) above can be met; The Temporary Use Permit may be renewed provided no objections to the use have been filed in relation to the use; in such circumstances, any request for renewal must proceed as a Special Use Permit request.
  - (b) Consisting of 10 acres or greater and not being used in connection with a bona fide agricultural use onsite as set forth under Florida Statute 193.461(3)(b)(1)(a)—(g) shall be permitted to park one commercial vehicle onsite (with or without associated trailer), and processed administratively as a Temporary Use Permit for a period not to exceed three years, with the following conditions:
    - (1) The commercial vehicle must be utilized in an active employment status; and
    - (2) No proposed parking of a commercial vehicle or trailer shall be allowed to be parked within the established front yard or within 100 feet from the nearest



- (3) Up to one additional detachable trailers (semi-trailers) shall be permitted to be parked on-site, provided that they are used for active employment purposes and not used for storage onsite; and
  - (4) No mechanical repairs/maintenance on the commercial vehicle shall take place on-site; and
  - (5) The owner must reside onsite; and
  - (6) The roadway providing access to the property shall be adequately rated to accommodate the heavy vehicle/truck traffic as per the Office of the County Engineer; and
  - (7) Access to property shall not include a road which has been improved by an MSTU project; and
  - (8) Only one truck per lot of record may be permitted.
- (3) Those vehicles engaged in the commercial delivery or pickup of goods not exceeding 30 minutes; vehicles engaged in commercial moving services; the delivery of materials to be used in bona fide repair, alteration, remodeling, or the construction of any building or structure for which a building permit has previously been obtained when required; lawn care services being performed onsite; or for the purpose of public works projects; or
  - (4) When the vehicle is parked in connection with and is owned or leased by an approved business in a non-residential zoning classification, or when the vehicle is loading or unloading goods in connection with such a business and is parked adjacent to a loading dock or loading area for a period of time not to exceed 48 hours; or
  - (5) Utility company vehicles that are used for 24 hour emergency on-call.
- B. Cars, motorcycles, passenger vans and pick-up trucks utilized for commercial purposes are exempt, provided that the vehicle and/or any equipment attached to the vehicle such as racks or utility beds, cannot exceed 16,000 pounds, and only one such vehicle shall be permitted within a residential zoning classification and parked within a garage, on a driveway, or in the side or rear yard.
- C. No provision of this section shall exempt any vehicle from complying with the weight limitations of a roadway as specified by federal or state regulatory agencies.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.22. - Non-conforming uses.**

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

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

- B. Non-conforming use—Extension. Any non-conforming uses, which occupied a conforming building, or land or portion of a building or land shall not be extended to occupy any other part of the same conforming building or land within the same zoning classification. This section shall not apply to the excavation, screening, crushing, processing, storing or distributing of lime rock, phosphate, sand, gravel or clay within the same ownership or leasehold, where such activities were actively pursued within the three-year period prior to June 11, 1992.
- C. Repair, alteration, enlargement. A conforming structure or a portion of a conforming structure occupied by a non-conforming use may be:
  - (1) Improved and repaired in such a manner so as the improvements and repair shall not increase the cubical content or the floor area of the building or the portion of the building devoted to the non-conforming use.
  - (2) Enlarged or expanded if the enlargement or expansion is necessary to bring the structure into conformance with the Building Code and the enlargement or expansion cost does not exceed 50 percent of the assessed value of the structure.
  - (3) Nothing in this section shall prevent compliance with applicable laws relative to the safety and sanitation of a conforming building or portion of a conforming building occupied by a non-conforming use.
- D. Reconstruction after catastrophe. Any building or portion of a building occupied by a non-conforming use, which is damaged by fire, flood, explosion, collapse, wind, war or other catastrophe to the extent that the cost of rebuilding, repair or reconstruction will exceed 120 percent of its assessed value at the time of the damage, shall not again be reconstructed for use by a non-conforming use. If the repair or reconstruction cost is less than one 120 percent of the assessed value, the building may be repaired or reconstructed for use by the existing non-conforming use.
- E. Change of non-conforming use.
  - (1) There may be a change of tenancy, ownership or management of a non-conforming use provided there is no change in the nature or character of such non-conforming use except as may be permitted by this section.

Land Development Code (2) The change from a non-conforming use of land, to a conforming use of land is encouraged.

F. Discontinuance or abandonment of a non-conforming use.

- (1) This restriction shall not apply to temporary cessation or discontinuance of uses involving excavation, screening, crushing, storing and distributing of lime rock, phosphates, sand or gravel or other rock or minerals within the same leasehold or ownership, where such uses were actively pursued within three years prior to June 11, 1992 and where such temporary cessation or discontinuance does not exceed a period of three years.
- (2) If for any reason the occupancy of a building, part of a building, or use of land by a non-conforming use, ceases or is discontinued for a period of 12 months or more, the building or portion thereof shall not thereafter be occupied by a non-conforming use.
- (3) Any building, structure or land, or portion thereof, occupied by a non-conforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a non-conforming use.
- (4) Any non-conforming junk yard shall be brought into conformity with all of the applicable provisions of [Section 4.3.7](#) herein, except area and dimension requirements, where conformity is impossible (a) because of the size and dimensions of the parcel upon which the non-conforming use is located, or (b) without relocation of the principal building containing such non-conforming use.

G. Special uses not non-conforming uses. Any use which is permissible in a zoning classification as a special use under the terms of this Code shall not be deemed a non-conforming use in such classification, but shall without further action be considered to be a conforming use.

H. Casual or temporary use. The casual, temporary, or illegal use of land or a structure shall not be sufficient to establish the existence of a non-conforming use or to create any rights in the continuance of such a use. The legal change of a zoning classification or classification regulations is the only way to create a non-conforming use or to create any rights in the continuance of a non-conforming use of land.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

### **Sec. 4.3.23. - Non-conforming structures.**

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

- A. Such structures may be enlarged or altered provided the enlargement and alteration meets the requirements of this Code and does not increase the non-conformity.

- B. Such structures existing as of the adoption of this Code, shall be permitted to be rebuilt and repaired in the event of destruction or damage by accident, fire, flood, explosion, collapse, wind, war or other catastrophe, provided the reconstruction does not increase the gross density or intensity of the property, shall meet other applicable codes, and does not increase the non-conformity.
- C. Should such structure be moved for any reason for any distance whatever, it shall be required to conform to the regulations for the zoning classification and overlay zone in which it is located after it is moved.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.24. - Adult entertainment business.**

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- A. The Board hereby finds as follows:
  - (1) The possession, display, exhibition, production, distribution and sale of books, magazines, motion pictures, video tapes, prints, photographs, periodicals, records, novelties and similar devices which depict, illustrate, describe or relate to specified sexual activities is a business that exists within the State of Florida.
  - (2) The operating and maintaining of places presenting dancers displaying or exposing specified anatomical areas are businesses that exist within the State of Florida.
  - (3) When the activities detailed in Sections 4.3.24.A(1) and 4.3.24.A(2) are present in an area, other activities tend to accompany them which are illegal, immoral or unhealthful, such as prostitution; lewd and lascivious behavior; exposing minors to harmful materials; possession, distribution and transportation of obscene materials; sale or possession of controlled substances; and violent crimes against persons and property; and these illegal, immoral or unhealthful activities tend to concentrate around and be aggravated by the presence of the activities detailed in Sections 4.3.24.A(1) and 4.3.24.A(2) above.
  - (4) Based upon evidence and testimony from the County's professional planners, the grouping together of the activities described above lowers property values, detracts from the aesthetic beauty of residential, commercial and institutional neighborhoods and is harmful to juveniles who congregate in such residential and institutional areas.
  - (5) Based upon evidence and testimony from the County's professional law enforcement officers, the grouping together of the activities described above creates an inordinate amount of concentrated crime in such areas.
  - (6) Also based upon evidence and testimony from the County's professional law enforcement officers, many of the types of establishments at which the activities described above occur are likely to attempt to locate in this County.
  - (7)

Also based upon evidence and testimony from the County's professional law enforcement officers and the County's professional planners, the location of the activities described above near residential, institutional or other areas where juveniles often congregate lowers property values in such areas and exposes juveniles to the activities described in [Section] 4.3.24.A(3) above.

- (8) Based upon evidence and testimony received from the County's professional planners, there will be free and reasonable access for and to the regulated uses, and the limitations imposed herein will not preclude robust competition with other regulated uses.
- (9) Based upon the experiences of other localities statewide and nationwide, the evidence and testimony of the County's professional planners and law enforcement officers appear to be correct.

B. Spacing requirements.

- (1) A regulated use may not be established or continued in any permitted zoning classification unless all other requirements of this Code pertaining to such zoning classification and to buildings generally are met and unless the regulated use is at least:
  - (a) One thousand five hundred feet from any other regulated use;
  - (b) One thousand five hundred feet from any established church, public or private school, public and private playground or park; and
  - (c) One thousand five hundred feet from any area with a residential zoning classification.
- (2) For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the "regulated use" to the nearest property line occupied by any other regulated use or to the nearest property line of property owned by any church or school or to the nearest property line of any residential area, playground, or park.

C. Obscenity not permitted. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law, including Ch. 847 FS relating to obscenity.

D. Other uses "moving to" regulated use. Any use herein defined as a "regulated use" or an "adult and sexually-oriented business" which is established in conformity with this section and other applicable laws and ordinances shall not be made unlawful if, subsequent to the establishment and operation of such "regulated use," a church, or school acquires property or a playground, park or residential area is created or established within the distance limitations for the "regulated use" specified in this section.

E. Zoning classifications. All regulated uses and adult and sexually-oriented businesses shall be a permissible use in a B-5 and M-1 districts only, and only upon issuance of a SUP.

F. Adult theaters. The following special requirements shall apply to adult theaters, adult mini-motion picture theater or adult motion picture theater.

Land Development Code (1) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

- (a) Have individual or separate seats, not couches, benches, beds, or the like, to accommodate the maximum number of persons who may occupy the area; and
- (b) Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
- (c) Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at floor level.
- (d) It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

(2) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:

- (a) Have a sign posted in a conspicuous place at or near the entrance way which states that only one person may occupy the booth; and
- (b) Have a permanently open entrance way for each booth not less than two feet eight inches wide and not less than seven feet high, which will never be closed or partially closed by a curtain, door, or other partition which would be capable of wholly or partially obscuring a person situated in the booth; no curtains, doors, or other partitions shall be affixed, attached, or connected to the permanently open entrance way of a booth; and
- (c) Have one individual seat, not a couch, bench, or the like; and
- (d) Except for the open entrance way of each booth, each booth shall have walls or partitions of solid construction without holes or openings in such walls or partitions; and
- (e) Premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at floor level.
- (f) It shall be the duty of the licensee, the owners, and operator and it shall also be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

(3) If the theater has an area in which a private performance occurs, it shall:

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

Land Development Code 3. Adult Encounter Parlor

4. Adult Cabaret
5. Adult Lounge
6. Adult Novelty
7. Adult Entertainment
8. Adult Modeling Studio

(c) Primary signs for Adult Movie Theaters may contain the additional phrase, "Movie Titles Posted on Premises."

(3) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such letter on the display surface of a primary sign shall be of a uniform and solid color.

(4) Secondary signs shall have only one display surface. Such display surface shall:

- (a) Be a flat plane, rectangular in shape;
- (b) Not exceed 20 square feet in area;
- (c) Not exceed five feet in height and four in width; and
- (d) Be affixed or attached to any wall or door of the establishment.
- (e) The provisions of Sections 4.3.24.G(1)(a), 4.3.24.G(2), and 4.3.24.G(3) above shall also apply to secondary signs.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.3.25. - Telecommunications towers and antennas.**

⋮

A. Purpose and intent. The intent of this section is to provide standards and regulations for the location of telecommunication antennas and towers in the unincorporated area of Marion County. These regulations and requirements are adopted with the intent and purpose of protecting the health, safety, and welfare of the public; of encouraging users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; of protecting residential areas, scenic roads, historical sites and other land uses from potential adverse impact of antennas and towers; to minimize adverse visual impact of antennas and towers through careful design, siting, and landscaping; to encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; to promote and strongly encourage shared use (collocation) of existing towers and antenna support structures as a primary option rather than construction of additional single-use towers; to avoid potential damage to property caused by antennas and towers by ensuring such structures are soundly and carefully designed, constructed, modified and maintained; to ensure that antennas and towers are



compatible with surrounding land uses; and to enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

B. Location priority:

(1) It is recognized that different wireless telecommunication services and providers have distinct geographical areas in which they must be located to provide their service, but it is also recognized that there is usually some flexibility in the type of antenna and type of support structure on which the antenna is to be located. Therefore, all antennas and towers subject to this section shall to the extent possible be located in accordance with the following prioritization of types of facilities and sites:

(a) Antennas on existing towers.

(b) Antennas on existing antenna support structures.

(c) Antennas on modified or reconstructed towers designed to accommodate the collocation of additional carriers as set forth in Section 4.3.25.G(4) and (5).

(d) Towers and antennas on limited replacement/modified light standards, power poles, or other such Antenna Support Structures in a non-residential zoning district (zoning districts other than R-1, R-2, R-3, R-4, RE and Residential PUD).

(e) Towers on property controlled and used by a governmental or quasi-governmental entity.

(f) New construction and new towers.

C. Permitted use. A communication tower meeting the requirements of this section and Sections 4.3.25.E and 4.3.25.G shall be a permitted use of land requiring administrative review and administrative permit only. A communication tower allowed as a permitted use under this section shall be limited to a maximum of 150 feet in height and shall be a monopole tower. A communication tower which fails to meet the requirements of this section as a permitted use may be permitted by SUP issued by the Board.

(1) On designated County property.

(2) On Federal, State, or municipal property.

(3) On school sites as designated by the School Board.

(4) On property with an industrially or commercially designated land use.

(5) On property within an urban commerce district or specialized commerce district.

(6) On new structures and replacement structures on electrical substation properties as long as the new structure is setback at least 75 percent of the height away from an existing residential structure and the new structure is no more than 150 feet in height.

D.

No person shall erect or modify an antenna or an antenna support structure, construct a new tower, or modify an existing tower without first obtaining a SUP pursuant to this section, or an administrative permit as set forth herein. The Board is under no obligation to approve a SUP application unless and until the applicant meets their burden of demonstrating that the proposed use will not adversely affect the public interest, the proposed use is consistent with the Comprehensive Plan and the proposed use is compatible with land uses in the surrounding area. The Board's determination shall be based on substantial and competent evidence, documentation and testimony received at the public hearing including but not limited to the recommendation of the County Growth Services staff, the recommendation of the Planning and Zoning Commission, information and recommendation of County engineering consultants, information from the applicant and any party in support or opposition, or their respective representatives. In addition, the Board shall consider the following factors in determining whether to issue a SUP for a new tower, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this section are better served thereby.

- (1) Height of the proposed tower; surrounding topography; surrounding tree coverage and foliage; nature of uses on adjacent and nearby properties; proposed ingress and egress; and availability of suitable existing towers and other structures as set forth in this section.
- (2) Proximity of the tower to residential structures and residential subdivision boundaries, including the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed by the applicant;
- (3) Proximity of the tower to public and private airports, including but not limited to the effect on the airport traffic pattern and visual and instrument approaches, orientation to the runway heading and type and volume of aircraft traffic operating at the airport.
- (4) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including the extent to which the tower is designed and located to be compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate, the tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact of a tower;
- (5) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board that no existing tower or antenna support structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or antenna support structure can accommodate the applicant's proposed antenna must be submitted with the application and may consist of any of the following:

- (a) No existing towers or antenna support structures are located within the geographic area required to meet applicant's engineering requirements.
- (b) Existing towers or antenna support structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or antenna support structure, or the antenna on the existing towers or antenna support structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or antenna support structure or to adapt an existing tower or antenna support structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and antenna support structures unsuitable.

E. Development standards. The following development standards shall govern the application, consideration and issuance of administrative and SUPs. The applicant shall comply with the following conditions, unless the applicant can demonstrate that the goals of this section are better served by the waiver of these requirements.

- (1) Setbacks and Locational Requirements. The following requirements shall apply to all towers including towers allowed as a permitted use under Section 4.3.25.C; provided, however, that the Board may reduce the requirements if the goals of this section would be better served thereby.
  - (a) Setbacks from Parent Property Lines. Tower setbacks shall be measured from the base of the tower to the property lines of the parent parcel. The tower owner shall provide a lease or deed or recorded fall zone easement covering the certified fall radius, and all towers shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parent parcel. The fall radius of the tower shall be determined and certified by a Florida Licensed Engineer. Structural Support devices such as peripheral anchors, guy wires or other supporting devices shall be located no closer than 25 feet from any property line of the parent parcel.
  - (b) Locational Requirements Relative to Off-Site Uses and Zoning. Towers shall meet the locational requirements set forth in the table below from adjacent and surrounding properties of the parent tract.

Land Development Code (c) If the owner of the property where the tower is to be located owns residential units thereon or on surrounding properties (or if such properties are owned by his or her parents or children and they have consented in writing), those units shall not be taken into consideration when calculating the setback and locational requirements in this section.

**Table 4.3-2 Tower Locational Requirements**

 EXPAND

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

(2) Collocation. All new towers shall be designed and constructed to allow collocation of a minimum of two antennas for monopoles and four antennas for other towers. The tower owner/operator shall submit executed collocation agreements or binding letters of intent for each collocation as support for granting the permit to locate the tower, if any. Collocation agreements or binding letters of intent shall be in a form acceptable to the Growth Services Director that shall provide that each of the additional users will be utilizing the tower upon its completion.

(3) Tower Clustering. Application for tower clustering shall be filed with the Growth Services Department and shall include a site plan showing the location and fall zone radius of each tower. The Growth Services Department shall prepare and forward a recommendation and supporting documents to the Board. The Board may approve or deny such site for tower clustering by adoption of a resolution, provided however, if one or more of the towers require a SUP, the resolution of approval shall be subject to issuance of the necessary SUP. Unless otherwise approved by the Board, towers shall be separated from each other a minimum distance equal to the certified fall radius.

(4)

Landscaping of tower electrical control equipment facilities shall apply to those sites which are adjacent to or within 330 feet (straight line distance) of a residence or development. A planting area a minimum of four feet wide, around the outside perimeter of the fence around the tower compound shall be established. The area shall be planted with a hedge of native or ornamental evergreen shrubs at least 30 inches in height at planting and capable of growing to at least 40 inches in height within the first growing season. Plants shall be mulched using two inches of material. A drip or low volume/pressure irrigation system or other alternative means of insuring hearty growth of vegetation shall be utilized. These plant materials shall be designed and placed to effectively screen the view of the tower compound from adjacent property. Ornamental trees may be included in the design to achieve this goal. Landscape buffering on the parent parcel shall be installed along the portion of the parent parcel boundaries between the tower and off-site residentially zoned property as necessary to buffer residential property when vegetative buffers are non-existent or provide insufficient screening. Plant materials shall be designed and placed to screen the view of the tower compound. Ornamental trees may be included in the design to achieve this goal. Existing mature tree growth and natural land forms on the property shall be protected and preserved to the maximum extent possible. New trees shall be a minimum of two inches DBH and shall be container grown. Shrubs shall be a minimum of 18—24 inches in height. Plants shall be mulched using two inches of material. All plant material shall be maintained in perpetuity following final inspection and approval. Replacements shall be made annually and coordinated with the Growth Services Director or his designee. The Board may require a greater buffer where appropriate or waive or modify any or all of these requirements if the goals of this section would be better served thereby.

- (5) Lighting. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, the County shall review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding views, including but not limited to installation of bottom shielding on all lights.
- (6) Color. Towers shall either maintain a galvanized steel finish, or concrete, or be painted a color so as to reduce visual obtrusiveness, subject to any applicable standards of the FAA, except for camouflage towers. The wiring conduit and coaxial cable shall be designed or painted to reduce visual obtrusiveness.
- (7) Buildings. At the tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. Outdoor storage is not permitted at a tower site.
- (8) Antenna. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna

and related equipment as visually unobtrusive as possible.  
Land Development Code

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

provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the Board may remove such tower at the expense of the owner and/or landowner.

(14) Public notice. For purposes of this section, any SUP for a tower shall require public notice to all abutting property owners and all owners of property that are located within 500 feet of the perimeter of the parent parcel upon which the proposed communication tower is located, including municipalities within one mile of the proposed site and notice to owners of private and public airports within a two-mile radius of the proposed site. Failure of a municipality to respond within 30 days after notification shall be interpreted as no objection.

F. Permit application. An applicant requesting a new tower permit, a permit to modify an existing tower, or a permit for a new antenna on an antenna support structure or a tower shall include the following:

- (1) Information Required. Each applicant requesting a SUP shall submit a complete application as set forth herein, including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location (including longitude, latitude and State Plane Coordinates) and dimensions of all improvements, including information concerning topography, radio frequency coverage, geographical area required to meet applicant's engineering requirements (applicant's search ring), tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Board to be necessary to assess compliance with this section. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer. For new towers only, a site plan (20 copies) drawn to scale. The Growth Services Director shall provide a checklist of items required for the site plan. The site plan shall also include the criteria pursuant to this section;
- (2) The height of the proposed or modified tower or antenna support structure (including the antenna);
- (3) For new towers only, the location of the proposed new tower, antenna support structure or modified tower, placed upon an aerial photograph possessing a scale of not more than one inch equals 660 feet (1" = 660'), indicating all adjacent land uses within a radius of 3,000 feet from all property lines of the proposed tower location site. For a permit to modify an existing tower, written documentation that the modified tower can

accommodate collocation and will not exceed 40 feet over the tower's existing height. For a new antenna on an antenna support structure or tower, a description of the antenna and antenna support structure with technical reasons concerning its design.

- (4) For new towers only, the names, addresses and telephone numbers of all owners of the proposed tower and the location of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, and within the geographic area required to meet applicant's engineering requirements (applicant's search ring), including property zoned GU and property that is owned by a government entity within one mile radius of the proposed site, which meets the requirements of Section 4.3.25.C.
- (5) For new towers only, written approval or a statement of no objection from the FCC, FAA and other state and federal government agencies that regulate towers. In addition, all applications for new towers within a two mile radius of a public or private airport shall demonstrate that the tower location will not interfere with or obstruct the flight path of the airport.
- (6) For new towers only, written documentation demonstrating that the applicant made diligent efforts for permission to collocate on towers, or usable antenna support structures or locate on County owned property located within the applicant's search ring and within a one mile radius of the proposed site, which meets the requirements of Section 4.3.25.C.
- (7) A description of the tower, or antenna and antenna support structure with technical reasons concerning its design.
- (8) For new and replacement towers only, written documentation from a qualified radio frequency engineer that the construction and placement of the tower will not interfere with public safety communication and the usual and customary transmission or reception of radio, television, or other communication service.
- (9) Written, technical evidence from an engineer(s) that the proposed antenna tower or structure meets the structural requirements standards as defined in this section. The applicant is required to submit the necessary building plans to the building department.
- (10) For new towers only, if volatile, flammable, explosive or hazardous material (such as LP gas, propane, gasoline, natural gas, corrosive or other dangerous chemicals) except standard battery backup systems typically used in the telecommunication industry, are present on the site or in proximity thereto, written technical evidence from a qualified engineer(s) acceptable to the fire marshal and the building official that such material is properly stored consistent with applicable Codes and does not pose an unreasonable risk of explosion, fire or other danger to life or property.

(11)



For new towers only, 20 copies of the final written report of all experts which the applicant will rely upon to support its application. The applicant may supplement such reports during the public hearing process to address additional issues raised at the public hearings.

- (12) Payment of all permit fees, as well as other fees and charges assessed by the County (e.g. fees for building permits, site plan review, etc.). The applicant shall pay any reasonable additional costs incurred by the County in processing the application including, without limitation, compensation for engineers (including radio frequency engineers) or other technical consultants retained by the County.

G. Administrative permit. No person shall erect or modify an antenna on an antenna support structure, construct a new tower as a permitted use, or modify an existing tower without first obtaining an administrative permit pursuant to this section. The Growth Services Director shall issue administrative permits consistent with the requirements of this section, and Sections 4.3.25.B, 4.3.25.C, 4.3.25.E, and 4.3.25.F. An application for an administrative permit shall be in writing and in such form and content necessary to justify the permit. Within 15 days of receiving an application or a supplement to a pending application, the Growth Services Director shall determine and notify the applicant whether the information in the application is sufficient or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the Growth Services Director in writing that the information will not be supplied and the reasons therefore. If the applicant does not respond to the request for additional information within 60 days, the application shall be deemed to be withdrawn. Within 30 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the Growth Services Director shall grant or deny the application. If the Growth Services Director denies the application for an administrative permit, the applicant may appeal such denial to the Board of Adjustment. The following uses may be approved in writing by the Growth Services Director or his designee after submission of a complete application, an administrative review and issuance of an administrative permit:

- (1) Towers allowed as a Permitted Use.
- (2) Installing an antenna on an existing structure other than a tower (such as a building, light pole, water tower, or other free-standing nonresidential structure) that is 50 feet in height or greater, so long as said additional antenna adds no more than 40 feet to the height of the originally approved structure.
- (3) Installing an antenna on any existing tower of any height, including the placement of additional equipment buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 40 feet to the height of the originally approved tower.

- (4) Replacement Towers, Antenna Support Structures or Tower Modifications meeting the requirements of this section. A communication tower may be modified or reconstructed to accommodate the collocation of an additional communication antenna by administrative permit and shall be subject to the following provisions:
- (a) The modified or replacement structure shall be either of the same tower type as the existing communication tower or a monopole tower that is replacing an existing lattice or guyed tower, not to exceed 40 feet above the original structure height.
  - (b) An existing communication tower may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's original height, to accommodate the collocation of additional communication antennas.
  - (c) The modified or replacement structure shall be exempt from any of the separation requirements set forth in Section 4.3.25.E(1).
- (5) An existing transmission line tower or pole-type Antenna Support Structure (such as utility structure/pole) may be modified or replaced by administrative permit to allow for the collocation of additional antenna(s), providing the following criteria are met. If the following criteria cannot be met, an existing pole-type Antenna Support Structure may be modified or replaced by SUP.
- (a) The communication antenna attached to the existing electrical transmission tower or pole-type structure or replacement monopole shall not extend above the highest point of the pole-type structure or replacement monopole more than 40 feet, as measured from the height of the original pole-type structure and the modified or replaced structure shall not exceed a height of 150 feet.
  - (b) If the resulting structure/tower adds additional height over the original pole-type structure, the closest residential structure shall be located a distance of at least 150 percent the height of the structure/tower from the base of the pole-type structure or replacement tower.
  - (c) If no additional height over the height of the original pole-type structure is added by either:
    - 1. The attachment of the communication antenna to the existing pole-type structure, or
    - 2. The replacement tower including the communication antenna, then the structure/tower is permitted with no additional distance separation or setback from residential structures over that which was provided by the original pole-type structure.
  - (d) The communication antenna and support structure comply with all applicable FCC and FAA regulations.

(e) The communication antenna, pole-type structure, and/or replacement monopole tower comply with all applicable building codes.

(f) Pole-type structures (i) within public road rights-of-way, or (ii) if used for power distribution shall be eligible for use under this subsection. Notwithstanding the foregoing sentence, pole-type structures within front yard, side yard or rear yard residential subdivision easements are not eligible for use under this subsection.

(g) In the event that the utility pole or structure is abandoned for its initial/primary use as a utility pole, the secondary use as a communication tower shall also cease to operate and the structure and communication antenna removed.

H. Abandonment of communication towers:

(1) Compelling public interest. The Board finds and declares that, because of the national public policy of ensuring that the wireless communications industry and its evolving new technologies are accommodated notwithstanding the undesirable effects that communication towers may have on the aesthetics of communities and neighborhoods, there is a compelling public interest in ensuring that communication towers are promptly disassembled, dismantled, and removed once they are no longer being used. Further, the Board finds that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for towers.

(2) Abandonment. In the event the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Growth Services Director, who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Failure or refusal for any reason by the owner/operator to respond within 20 days to such a request shall constitute prima facie evidence that the communication tower has been abandoned. Upon a determination of abandonment and notice thereof to the owner/operator, the owner/operator of the tower shall have an additional 180 days within which to:

(a) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower within the 180-day period, or

(b) Dismantle and remove the tower. At the earlier of 181 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any approval for the tower shall automatically expire.

(3) Duty to Remove Abandoned Towers. Notwithstanding the provisions of Section 4.3.25.H(2), upon abandonment of a communication tower as determined under Section 4.3.25.H(2) by the Growth Services Director and the failure or refusal by the

owner/operator of the tower to either reactivate the tower or dismantle and remove it within 180 days as required by Section 4.3.25.H(2), the following persons or entities (the "responsible parties") shall have the duty jointly and severally to remove the abandoned tower.

- (a) The owner of the abandoned tower (and, if different, the operator of the abandoned tower);
- (b) The owner of the land upon which the abandoned tower is located;
- (c) The lessee, if any, of the land upon which the tower is located;
- (d) The sublessee or sublessees; if any, of the land upon which the tower is located;
- (e) Any communication service provider who or which by ceasing to utilize the tower or otherwise failing to operate any of its transmitters or antennas on the tower for which it leased space or purchased the right to space on the tower for its transmitters or antennas and such ceasing or failure to utilize the tower in fact caused the tower to become abandoned;
- (f) Any persons to whom or entity to which there has been transferred or assigned any license issued by the Federal Communications Commission and under which the tower owner/operator operated the tower.
- (g) Any person or entity which has purchased all or a substantial portion of the assets of the tower owner or operator;
- (h) Any entity which has merged with, or which has arisen or resulted from a merger with, the tower owner or operator;
- (i) Any person or entity which has acquired the owner or the operator of the abandoned tower;
- (j) Any parent or subsidiary of any of the foregoing which happens to be a corporation;
- (k) Any managing partner of any of the foregoing which happens to be a limited partnership; and
- (l) Any partner of any of the foregoing which happens to be a general partnership. The abandoned tower shall be removed on or before the ninetieth day after receipt by the responsible party or parties of a notice from the Growth Services Director ordering its removal. The duty imposed by this paragraph shall supersede and otherwise override any conflicting provision of any contract, agreement, lease, sublease, license, franchise or other instrument entered into or issued on and after May 3, 1998.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.3.26. - Electrical substations.**

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

- (3) In the event the substation parcel of land is of a size in which the buffer area along one or more boundaries would exceed the 100-foot minimum, the equipment/structure area shall be shifted to provide the maximum separation between the equipment area and property boundaries adjacent to residential uses.
- (4) Ground and building lighting, if any, shall be limited to the permanent equipment/structure area, and shall be shielded to cast light down on the substation property and not onto adjacent properties. The maximum height of a light pole shall be 20 feet.
- (5) Electric substations shall be prohibited in the conservation and natural reservation land use categories.

F. Electrical substations in non-residential areas.

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

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.3.27. - Accessory structures.**

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Sheds, storage buildings, and detached carports, not exceeding 12' x 12' in size, may be exempted from side or rear setbacks subject to the following:

A.

The adjacent property owner and subject property owner must provide a signed and notarized statement agreeing to the reduction in setback. A site plan indicating the proposed location of the structure, with setback dimensions, shall be included in the agreement. The agreement shall include statements from both parties acknowledging that placement of accessory structure less than required setbacks shall be equally recognized for both parties involved. This agreement must be submitted to the Growth Services Department prior to placement of structure.

- B. Residentially-zoned properties, and agriculturally-zoned properties less than 1 (one) acre in size are eligible for this exemption. This exemption shall not apply, when streets or rights-of-way are adjacent to side or rear property lines.
- C. No structure may be erected, placed upon, or extend over any easement unless approved in writing by the person or entity holding the said easement.
- D. A principal structure must be located on subject property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 4.3.28. - Reserved.**

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**Editor's note**— ; Ord. No. 17-25, § 1(Exh. A), adopted Oct. 3, 2017, repealed [§ 4.3.28](#), which pertained to Medical Marijuana Treatment Center Dispensaries and derived from Ord. No. 17-08, § 2(Exh. A), adopted April 11, 2017; Ord. No. 17-11, §§ 2, 3, adopted May 16, 2017.

**DIVISION 4. - ADVERTISING SIGNS**

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**Sec. 4.4.1. - General provisions.**

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- A. Relationship to building and electrical codes. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the Board. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.
- B. No defense to nuisance action. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.
- C. Maintenance.
  - (1) All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Marion County.
  - (2) Exposed surfaces shall be cleaned and finished. Defective parts shall be replaced. The Planning/Zoning Manager shall have the right under Section 4.4.1.E, to order the repair or removal of any sign which is defective, damaged or substantially deteriorated. All

Land Development Code decisions of the Planning/Zoning Manager are appealable to the Board of Adjustment.

- (3) The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed. No rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

D. Permitting:

- (1) No person may engage in the business of erecting, altering, relocating, or constructing a sign, without a valid Contractor's License and all required State or Federal licenses.
- (2) A sign company wishing to install, either or both, on-site or off-site signs shall submit an application to the Planning/Zoning Manager and the Building Manager on a form supplied by the County.
- (3) The application form shall be accompanied by a site plan conforming to the requirements set forth in Articles 2 and 6 for a Minor Site Plan or building permit site plan. The applicant shall also provide construction and installation details meeting the requirements of the Florida Building and Electrical Codes.

Upon review and approval by the Growth Services Department and the Building Department, a permit shall be issued. The permit number shall be attached to the sign structure using the following size letters and numbers in a location where it is readily visible for inspection:

**Table 4.4-1 Sign Lettering**

 EXPAND

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

E. Inspection and removal of signs:

- (1) Any sign which is located on or adjacent to the right-of-way of any county road, which was erected without the permit required in this section after adoption of this Code, is declared illegal and shall be properly permitted or removed as provided herein.
- (2)



Any sign which is determined by the Planning/Zoning Manager to be defective, damaged, unsafe, or substantially deteriorated or abandoned, shall be repaired or removed as provided herein.

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- (3) Upon a determination by the Planning/Zoning Manager that a sign is in violation of this Code, the Code Enforcement Division shall prominently post on the sign face a notice stating that the sign is illegal, defective, damaged, unsafe or substantially deteriorated or abandoned and must either be brought into conformity with this Code or must be removed within 30 days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address or the telephone number of the sign owner, the Code Enforcement Division shall, concurrently with and in addition to posting the notice on the sign, provide a written notice to the owner stating the sign is illegal, defective, damaged, unsafe or substantially deteriorated and must be brought into conformance with the Code or permanently removed within the 30-day period specified on the posted notice or a permit obtained for the sign and payment of twice the stipulated fee as penalty. The written notice shall further state that the sign owner has a right to request a hearing before the Code Enforcement Board. Said request must be filed with the Planning/Zoning Manager within 30 days after the date of the written notice. The filing of the request for a hearing will stop the removal of the sign until a decision is reached by the Code Enforcement Board. Should the notice for removal be upheld by the Code Enforcement Board, the owner shall remove the sign within 30 days after the hearing or the County may remove the sign without further notice and without incurring any liability as a result of such removal. The cost of removing the sign may be assessed against the owner of the sign by the Code Enforcement Division.
- (4) If, pursuant to the notice provided, a permit for the sign is not obtained, or a hearing is not requested by the sign owner, or the sign is not removed by the sign owner within the prescribed period, the Code Enforcement Board shall refer the matter to the Board. At its option, the Board may either:
  - (a) Accept the findings and order of the Code Enforcement Board, and direct the County Administrator to cause the abandoned sign to be removed; or
  - (b) After giving Due Public Notice to intended parties, hold an additional hearing. At the conclusion of said additional hearing, the Board may either:
    1. Quash the order of the Code Enforcement Board; or
    2. Grant up to 60 days additional time for the performance of remedial acts; or
    3. Direct the County Administrator to cause the sign to be removed. The decision as to whether to hold such an additional hearing rests solely with the Board. Nothing contained herein shall be deemed to give any interested party a right to any hearing in addition to that held by the Code Enforcement Board.

Land Development Code (5) A notice to the sign owner shall constitute sufficient notice and additional notice is not required to be provided to the lessee, advertiser, or the owner of the real property on which the sign is located.

F. Signage requirements for adult and sexually oriented businesses: These requirements are located in [Section 4.3.24](#).

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 4.4.2. - Exempt signs.**

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

- (1) Signs that are designed or located to be invisible from any street or adjoining property.
- (2) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission of the State of Florida, the Federal government, or the County of Marion.
- (3) Legal notices and official instruments of governmental agencies.
- (4) Decorative flags and bunting for a ceremonial purpose when authorized by the Planning/Zoning Manager for a prescribed period of time, not to exceed 30 days.
- (5) Holiday lights and decorations.
- (6) Merchandise displays behind storefront windows.
- (7) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- (8) Signs incorporated into machinery or customarily affixed to machinery or equipment such as vending machines, newspaper racks, telephone booths, and gasoline pumps.
- (9) Advertising and identification signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers. Refer to Section 4.4.3.B.(17) below.
- (10) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (11) Signs carried by a person.
- (12) Political signs. Political signs proposed to be located in a residential zoning classification shall not exceed eight square feet and shall be located behind the property line. Political signs proposed to be located in all other zoning classifications shall not exceed 32 square feet and shall be located behind the property line. Said signs may be placed or erected on private property with the permission of the owner, except in the sight triangle which

occurs on the corners of intersecting streets or on the corners of driveways. Refer to [Section 7.3.1](#) for Land Development Code construction details. Signs exceeding 32 square feet in size shall obtain a sign permit.

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

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

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

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 4.4.3. - Prohibited signs.**

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- A. Generally. It shall be unlawful to erect, cause to be erected, or maintain any sign not specifically authorized by, or exempted from, this Code.
- B. Specifically. The following signs are prohibited unless exempted by [Section 4.4.2](#) of this Code or expressly authorized by Sections [4.4.4](#) and [4.4.5](#) of this Code:
  - (1) Any sign that, in the opinion of the Planning/Zoning Manager and the Building Safety Director, does or will constitute a safety hazard.
  - (2) Blank temporary signs.
  - (3) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature date signs and electronic message boards. Refer to Section 4.4.4.C(3).
  - (4) Signs, commonly referred to as wind signs, consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move by force of wind. These signs may be permitted under Section 4.4.4.B(6) as temporary signs for special sales events and shall be securely anchored.
  - (5) Signs that incorporate projected images (movies, slides, etc.), emit any sound that is intended to attract attention, or involve the use of live animals.
  - (6) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.
  - (7) Signs that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by the Building Code or that obstructs the vision of the cashier from the exterior of a building by a Sheriff's Deputy or Code Enforcement Officer.

- (8) Signs that resemble any official sign, flag, or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may conceal or be reasonably confused with or construed as a traffic-control device.
- (9) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (10) Non-governmental signs adjacent to the right-of-way of any county road that use only the words "stop," "look," "danger," or any similar word, phrase, or symbol which implies the need or requirement of stopping or the existence of danger.
- (11) Signs, within ten feet of public right-of-way or 100 feet of traffic-control lights, that contain red or green lights which might be confused with traffic control lights.
- (12) Signs of such intensity or brilliance to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or nuisance to occupants of adjacent property because of height and glare.
- (13) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (14) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- (15) Signs erected on public property or right-of-way or on private utility poles located on public right-of-way except signs erected by governmental entities for public purposes.
- (16) Signs erected over or across any public street except those expressly authorized by this Code.
- (17) Vehicle signs with a total sign area on any vehicle in excess of 12 square feet, when the vehicle:
  - (a) Is visible from the street right-of-way and is parked for more than one hour within 100 feet of any street right-of-way; and
  - (b) Is not regularly used (cannot be started and used once a week) in the conduct of the business advertised on the vehicle. A vehicle used primarily for the purpose of providing transportation for owners or employees of the business concern advertised on the vehicle, on the site of the business, shall be considered a vehicle used in the conduct of the business.
- (18) Portable signs as defined by this Code except as allowed in Section 4.4.4.B of this Code.
- (19)

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Signs which are not placed by the property owner and are nailed, fastened or affixed to any tree, stone, fence, stump, utility pole, mile board, danger sign, guide sign, guide post, highway sign, historical marker, fence post, or other object or structure adjacent to a public right-of-way or within 50 feet of a public right-of-way excluding trespassing signs and markers.

(Ord. No. 13-20, § 2, 7-11-2013)

#### **Sec. 4.4.4. - On-site signs.**

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##### A. Signs not requiring permits.

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

##### B. Temporary signs.

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

Land Development Code (7) Construction signage shall not be displayed more than 60 days prior to the beginning of actual construction of a project and shall be removed when construction is completed. Should construction be discontinued for any reason, for a period of more than 60 days, the signage shall be removed pending resumption and continuation of construction activities.

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

C. Permanent signs.

(1) Permanent signs may be a ground or building sign.

(2) No person shall erect or place any commercial sign upon benches, transit shelters or waste receptacles of 55 gallons or less, or be placed on the County road right-of-way without obtaining approval from the Board.

(3) Electronic message signs and Time Temperature Date Signs are permitted on commercially developed parcels. These signs shall display information in an easily comprehensible way. The information shall be visible for a minimum of three seconds and shall be kept accurate. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of an occupant's allowable sign area.

(4) Directional signs are limited in area to six square feet, giving directions to motorists regarding the location of parking areas and access drives. They shall be allowed as permanent signs on all parcels and shall not be counted as part of an occupant's allowable sign area.

(5) Entrance signs. A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches. Refer to Section 4.4.4.E for residential development sign setbacks.

(a) Restrictions.

1. An entrance sign is permitted at only one entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two faces of equal size or may be a single face sign located on each side of the entrance. No

single face of the sign shall exceed 64 square feet in size with a maximum total size of 128 square feet and may be illuminated by a steady light source only.

Land Development Code

2. When considering the placement of such signs, the Planning/Zoning Manager shall consider the location of public utilities, sidewalks and future street widening.
  3. The Planning/Zoning Manager shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owner's association, or some other person who is legally accountable under a maintenance arrangement approved by the Planning/Zoning Manager. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for the maintenance of them, the signs shall be removed by the developer or owner.
- (6) Flags.
- (a) Number. No more than three flags or insignias of, religious, charitable, fraternal or other organizations may be displayed on any one parcel of land. Cemeteries are exempt from this provision.
  - (b) Size. The maximum distance from top to bottom of any flag shall be 20 percent of the total height of the flag pole, or in the absence of a flag pole, 20 percent of the distance from the top of the flag or insignia to the ground.
- (7) Utility signs. Public utility signs that provide information or identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted along utility easements and rights-of-way so long as they do not exceed three square feet in size.
- (8) Blocking exits, fire escapes, etc. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
- (9) Clearance standards. All signs over pedestrian ways shall provide a minimum of 7 feet 6 inches of clearance. All signs over vehicular ways shall provide a minimum of 13 feet 6 inches of clearance.
- (10) Relationship to building features. A building sign shall not extend beyond any edge of the building or the building surface to which it is attached, nor disrupt a major architectural feature of the building such as windows or doors.
- (11) Signs painted on building walls or innovative signs which meet the requirements of this article may be issued a permit in accordance with Section 4.4.1.D. Applications for these type signs shall include information on layout, graphics, color and any additional information requested by the Planning/Zoning Manager or provided by the applicant to support his application for the construction permit.
- (a)

Signs painted on building walls shall be located in B-4, IC, M-1 and M-2 zoning classifications. The size of the sign face shall not exceed 675 square feet.

- (12) Maximum projection. A building sign shall project no more than four feet perpendicularly from the surface to which it is attached.
- (13) Maximum window coverage. The combined area of permanent and temporary signs placed on the exterior of or attached to windows of retail stores shall not exceed 50 percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed. Window signage on convenience store windows shall be installed and maintained so that there is a clear and unobstructed view of the cash register and transaction area from the exterior of the store.
- (14) Multiple occupancy complexes. Signage for multiple occupancy complexes such as an office building, shopping plaza, shopping center or any commercial or industrial building having more than one tenant, constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in the Growth Services Department. The format shall be presented as a master signage plan or sketch, together with written specifications in sufficient detail to enable the Planning/Zoning Manager to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Planning/Zoning Manager upon submission of a revised master signage plan and specifications detailing the revised format.

D. Location and design criteria.

(1) General Requirements.

- (a) Where a sign is composed of letters or pictures attached directly to a wall or facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
- (b) The signable wall or facade area is a continuous portion of a building unbroken by doors or windows and shall be measured by determining the area within an imaginary rectangle drawn around the area. The area shall include roof slopes of less than 45 degrees as measured from the vertical plane, that form a side of a building or unit.



Land Development Code (c) Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces.

(d) Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two. The "projected image" is that image created by tracing the largest possible two dimensional outline of the sign.

(2) Temporary Signs.

(a) Real Estate Signs - Residential shall comply with the following table:

**Table 4.4-2 Real Estate Signs—Residential Standards**



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

(b) Real Estate Signs - Commercial or Industrial and Construction Signs shall comply with the following:

1. Number - maximum of two signs per parcel. Refer to Section 4.4.4.H(2) for large parcels and corner parcels.
2. Size - one square foot of signage per ten feet of frontage up to a maximum of 96 square feet. An individual sign shall not exceed 64 square feet.

Land Development Code 3. Height - maximum of 16 feet.

4. Spacing - minimum of 100 feet apart.

(c) All other temporary signs:

Number, size, height and spacing to be specified in special permit to be issued by the Planning/Zoning Manager.

E. Signs permitted in residential zoning classifications:

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

- (a) Two subdivision identification signs per neighborhood, subdivision, or development, not to exceed 64 square feet in sign area per sign.
- (b) Two identification signs per apartment or condominium complex, not to exceed 64 square feet in sign area per sign.
- (c) For permitted non-residential uses, including places of worship, one freestanding sign, not to exceed one square foot in sign area for every two lineal feet of street frontage and one wall sign not to exceed 24 square feet in sign area. Total aggregate sign area shall not exceed 200 square feet.

(2) Special sign regulations for residential zoning classifications are as follows:

- (a) All allowed freestanding signs shall have a maximum height limit of ten feet and shall have a setback of five feet from the front and side property line.

F. Signs permitted in commercial and office zoning classifications:

(1) Signs allowed in commercial and office zoning classifications and in the R-O, P-MH and P-RV zoning classifications are as follows:

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

**Table 4.4-3 Multiple Occupancy Usage Sign Standards**

 EXPAND

Zoning Classification	Maximum Size
B-1, Neighborhood Business	200 square feet per sign face
B-2, Community Business	300 square feet per sign face

Land Development Code Zoning Classification	Maximum Size
B-4, Regional Business	350 square feet per sign face
RAC, Rural Activity Center	200 square feet per sign face

(c) Wall Signage:

1. Single occupancy. Three wall signs, not to exceed two square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 96 square feet in aggregate sign area. One of the allowed wall signs above may be placed on the side of the occupancy.
2. Shopping centers. Wall signage shall not exceed one and three-quarters square feet in sign area for each linear foot of each occupancy's building frontage.

(d) Surface area of the on-site sign structure supporting the sign face may not exceed the allowable sign area.

(e) One under-canopy sign per occupancy, not to exceed four square feet in sign area.

(f) Incidental signs, not to exceed six square feet in aggregate sign area per occupancy.

(g) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.

(h) Outdoor Menu Boards for fast food or drive-thru restaurants shall not exceed 60 square feet in aggregate sign face area.

(2) Location, Setbacks and Height:

(a) The onsite identification or directory sign shall be located in the area between the structure and the access street and shall be set back a minimum of five feet from the front property line.

(b) On-site signs shall not exceed a height of 30 feet.

(3) Special regulations and allowances for commercial and office zoning classifications are as follows:

(a) Where occupancy is on a corner or through lot, or has more than one main street frontage, two wall signs and one additional freestanding sign will be allowed on the additional frontage, not to exceed the size of other allowed wall and freestanding signs.

(b)

Freestanding and under-canopy signs shall have a setback of five feet from any public vehicular right-of-way and a minimum clearance of 12 feet over any vehicular use area and seven feet over any pedestrian use area.

- (c) Auto dealerships, furniture stores, boat sales and similar retail sales facilities are allowed to combine the freestanding on-site signage and the building signage, not to exceed two square feet in sign area for each linear foot of main street frontage. The freestanding signage shall not exceed 130 square feet per sign face. Multiple freestanding signs are allowed and shall be spaced a minimum of 150 feet apart.

G. Signs permitted in agricultural zoning classifications:

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

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

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

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

- (a) One freestanding on site sign per premises, not to exceed two square feet in sign area for each linear foot of main street frontage up to a maximum of 400 square feet per sign face.
- (b) One wall sign per occupancy, not to exceed one and three-quarters square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 200 square feet; or  
Two roof signs per premises, not to exceed two square feet in sign area for each linear foot of that occupant's building frontage up to a maximum of 200 square feet; or  
Three awning signs per occupancy not to exceed 30 percent of the surface area of an awning, or three marquee signs, not to exceed 50 square feet in sign area for each marquee.

Land Development Code (c) Two under-canopy signs per occupancy, not to exceed eight square feet in aggregate sign area.

(d) Incidental signs not to exceed six square feet in aggregate sign area per occupancy.

(e) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.

(f) The freestanding on-site signage or directory signage shall be located in the area between the structure and the local commercial access street and shall be set back a minimum of five feet from the front property line.

(g) On-site signs shall not exceed a height of 30 feet.

(2) Truck stop signage:

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

(b) Wall signage or roof signage or combination thereof per occupancy, not to exceed two and three-quarters square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 520 square feet: Signage may be placed on the front or side of the building.

(c) Direction signs not to exceed 16 square feet of sign area per face: Such signs shall not exceed a height of ten feet.

(d) Menu boards, either single faced or double faced, for drive-thru restaurants shall not exceed 60 square feet in sign face area, measured on one face of the sign.

(e) Truck scale signs shall not exceed 80 square feet per sign face and shall not exceed 20 feet in height.

(f) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.

(g) The on-site identification sign(s) shall be set back a minimum of five feet from the front property line.

(h) All signage shall conform to the requirements of Section 5.5.16 sight triangle (corner vision clearance) requirement at all access and egress points.

(3) Special Regulations and Allowances for Heavy Commercial and Industrial Zoning Classifications are as follows:

(a) Where a lot has in excess of 300 feet of main street frontage, one additional freestanding sign will be allowed for each additional 150 feet of main street frontage. Such signs shall be subject to the size and height limitations of the first allowed

freestanding sign and may be placed no closer than 150 feet to any other freestanding sign on the same premises.  
Land Development Code

- (b) A projecting sign may be used instead of any allowed wall or freestanding sign, not to exceed a sign area of two square feet for each linear foot of occupancy's building frontage up to a maximum of 64 square feet.
- (c) All freestanding, projecting, awning, marquee, and under-canopy signs shall have a minimum setback of five feet from any vehicular public right-of-way, and a minimum clearance of 13 feet, six inches over any vehicular use area and seven feet over any pedestrian use area.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 4.4.5. - Off-site signs.**

- A. Permitted Signs. Off-site advertising signs are allowed in the B-2, B-3, B-4, B-5, IC, M-1, M-2, RC-1, RAC, RI, A-1 and PUD zoning classifications.
- B. Allowances:
  - (1) For permitting purposes only, the number of signs will be based upon the number of supporting structures. For example, two sign faces placed back to back mounted on a single supporting structure will be considered as a single, double faced sign. The supporting structure may consist of a single metal post structure or a set of wooden poles placed together which constitute a single supporting structure.
  - (2) Within the A-1 Classification. Off-premise signs are permitted within the A-1 Classification when the determination as to zoning by the local government for the parcel meets all of the following criteria:
    - (a) The parcel is comprehensively zoned and includes commercial or industrial uses as allowable uses, and
    - (b) The parcel reasonably accommodates a commercial or industrial use under the Future Land Use Map of the comprehensive plan and land use development regulations.
- C. Double and triple decker signs are prohibited.
- D. Location and Design Criteria:
  - (1) Maximum Size. No off-site advertising sign face shall exceed 675 square feet in size of message area except for temporary (not to exceed 12 months) additions which shall not exceed ten percent of the base size.
  - (2) Number of Signs. For permitting purposes only, the number of signs will be based upon the number of supporting structures. For example, two sign faces placed back to back mounted on a single supporting structure will be considered as a single, double faced sign. The supporting structure may consist of a single metal post structure or a set of

wooden poles placed together which constitute a single supporting structure. Where two sign faces are placed back to back on two separate supporting structures to form a V, and which are at the point no more than five feet apart and at the apex less than 20 feet apart shall be counted as a single sign.

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- (3) Sign Area. The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face excluding temporary additions or extensions. Where two sign faces are placed back to back on a single sign structure and the faces are no more than five feet apart at any point, the allowable area of the sign shall be counted as the area of both faces. The exception for V-structures as defined in Section 4.4.5.C(2) shall also apply.
- (4) Spacing and Location:
  - (a) Locations for off-site advertising signs shall be spaced at 1,000-foot intervals measured from center to center along the same side of a common right-of-way. No other off-site sign shall be located within the 1,000-foot interval and to a property depth of 600 feet along the side of the thoroughfare to which the sign is directed. Spacing shall be determined based on signs that have received the necessary county permit pursuant to this Code as well as those signs existing prior to the adoption of this Code. Signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions.
  - (b) Permitting:
    - (1) County Roadways. Where two or more applications from different persons or companies conflict with each other, only one of the applications may be approved. The first application received by the Growth Service Department will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and that the first application is being acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall be considered for approval.
    - (2) State Highways. Replacement signs are signs which do not meet the required spacing without the removal of an existing sign. Applicants submitting an application for a sign replacement may be issued Letters of Intent in the order they are received by the Growth Services Department. The first applicant to present the required State Permit and a copy of the state tags will receive the permit for the sign construction.
  - (c) Placement Standards:
    - (1)

Signs shall not be located within a clear visibility triangle, at intersections of driveway and street or street and street, as said triangle is defined in Division 6.11 Traffic Management.

- (2) Supports for signs or sign structures shall not be placed in or upon a private right-of-way or private easement without demonstrating permission from the private land owner.
  - (3) No sign shall project over or be placed in or upon a public right-of-way.
  - (5) Maximum Height. No off-site advertising sign, or combination of signs, shall exceed the height of 50 feet.
  - (6) Maximum Width. No off-site advertising sign, or combination of signs, shall exceed 50 feet in width.
  - (7) Minimum Setbacks are as follows:
    - (a) Fifteen feet from street right-of-way or property line.
    - (b) No sign shall be erected within 300 feet of a residential zoning classification, or within 150 feet of a church, public or private school, Public Park or playground, civic, historical or designated scenic area or a cemetery located along a common right-of-way.
    - (c) No advertising sign shall be located nearer than the height of the sign plus ten feet to any existing residence.
  - (8) Illumination Standards are as follows:
    - (a) Sign lighting shall not be designed or located to cause confusion with traffic lights.
    - (b) Illumination by floodlights or spotlights is permissible and shall be directed so that the light shall not shine directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public thoroughfares.
    - (c) Illuminated signs shall not have lighting mechanisms that project more than three feet perpendicularly from any surface of the sign over public right-of-way.
- E. General Requirements. All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by Marion County.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

#### **Sec. 4.4.6. - Non-conforming advertising signs.**

- A. Continuation of Existence. Non-conforming permanent signs, both on-site and off-site may continue until they are removed or relocated. Non-conforming signs are declared by this Code to be incompatible with permitted uses in the zoning classification where located. Non-



conforming signs shall not be enlarged or reconstructed to continue their nonconformity after relocation or major damage. Major damage is defined to have occurred when the cost of repair exceeds 90 percent of the tangible tax value of the sign for the latest tax year.

- B. Repair, Alteration, Enlargement. A non-conforming sign may be repaired in any one year in an amount not exceeding 25 percent of the tangible tax value of the sign for that year. Any repair or refurbishing of the sign that enlarges the dimensions of the sign face, or that raises the height above ground level of the sign so as to enhance the signs visibility or the period of time that the sign is visible shall be considered erection of a new sign and not reasonable repair or maintenance and shall be prohibited. Nothing in this section shall be deemed to prevent compliance with applicable laws relative to the safety of a non-conforming sign.
- C. Reconstruction after a Catastrophe. A sign which is destroyed by an Act of God or by fire, explosion, war or other catastrophe shall not be reconstructed. Destroyed is defined as the cost to reconstruct the sign when that cost exceeds 90 percent of the tangible tax value of the sign immediately prior to destruction.

(Ord. No. 13-20, § 2, 7-11-2013)

< Sec. 3.5.6. - Board of County Commissioners adoption.

Article 5 - OVERLAY ZONES AND SPECIAL AREAS >