

Land Development Code

Article 1	Administration
Article 2	Application Type and Submittal Requirements
Article 3	Comprehensive Plan
Article 4	Zoning
Article 5	Overlay Zones and Special Areas
Article 6	Technical Standards and Requirements

Division 1 General Provisions.

Sec. 6.1.1 Purpose and intent.

The purpose of this article is to provide minimum technical standards and design requirements, as well as the procedural guidelines necessary to support applications outlined in Article 2, and to safeguard the health, safety, and welfare of the general public.

Sec. 6.1.2 Applicability. This article applies to all projects except:

- A. A single family residence unless otherwise indicated herein.
- B. Projects which are vested from meeting the requirements of the Code by either a vesting determination or a Development Agreement.

Sec. 6.1.3 Conflicts. Where the provisions of this article are in conflict with regulations of any other article of this Code, the more restrictive provisions shall take precedence.

Sec. 6.1.4 Approval of alternative design standards. The County Engineer or designated representative may approve alternative design standards if demonstrated to be environmentally sensitive and technologically advanced, with proven capability or effectiveness, while adhering to the intent of this Code.

Division 2 Plan Requirements.

- A. The following requirements apply to all supporting plans:
 - (1) Plans shall be prepared by a professional licensed by the State of Florida. The name, signature, date, license number, and seal of the responsible professional shall be shown on each plan sheet. The same shall be provided on the cover page of any supporting documents and calculations.
 - (2) Plans shall be legible and meet typical industry standards.
 - (3) Standardized sheet size shall be 24" x 36". Any exceptions must be pre-authorized by the County Engineer.
 - (4) All sheets shall indicate each sheet number and the total number of sheets. Cross references between sheets is required.
 - (5) Provide drawing legend.
 - (6) Provide north arrow and drawing scale.
- B. Conceptual plans may be submitted with sufficient information needed to support discussions with staff, and potential permitting, as required by Growth Management, the Building Department, or the Office of the County Engineer. Refer to **Article 2** for Conceptual Plan

information.

- C. Specific plan requirements. The following table provides specific plan requirements for applications outlined in **Article 2**. Each requirement is referenced in greater detail in **Division 3** of this article.

Table 6.2 – 1 Specific Plan Requirements (WORK IN PROGRESS)

Requirement Short Name	Reference	Concept	Master Plan	Mass Grading Plan	Pre Plat	Imp. Plan	Final Plat	Minor Site Plan	Major Site Plan
Title block	6.3.1		X	X	X	X		X	X
Existing site improvements	6.3.2	X	X	X	X	X		X	X
Proposed site improvements	6.3.2	X	X	X	X	X		X	X
Existing cross drains	6.3.2		X	X		X		X	X
Streets, rights-of-way	6.3.3		X	X	X	X	X	X	X
Construction entrances	6.3.4		X	X		X			X
Route plan	6.3.4		X	X		X		X	X
Road identification	6.3.5		X	X	X	X	X	X	X
Easements	6.3.6		X	X	X	X	X	X	X
Erosion control	6.3.7			X		X			X
Front page requirements	6.3.8		X	X	X	X			X
Lot typicals	6.3.9		X		X			X	X
Proposed lot/tract/parcel	6.3.10		X					X	X
Land uses	6.3.11		X		X				X
Phases of development	6.3.12		X			X			X
Outside storage areas	6.3.13		X						X
Drainage analysis	6.3.14		X		X	X			X
Water supply system	6.3.15		X		X			X	X
Sewage collection	6.3.15		X		X			X	X
Maintenance body/statement	6.3.16		X						X

This table will be finalized upon completion of Article 6.

- Division 3** Specific Plan Requirements Reference. The following requirements are referenced as applicable in **Table 6.2-1** above.
- Sec. 6.3.1** Title block shall be shown on all sheets denoting type of application; project name, location, county, and state; and date of original and all revisions.
- Sec. 6.3.2** Provide dimensions and location of all existing site improvements with dimensions to property corners or base (layout) lines; dimensions and location for all proposed site improvements with all setbacks dimensioned; and location and size of existing cross drains.
- Sec. 6.3.3** Provide location and dimensions of any existing, proposed, and adjacent streets, including all rights-of-way serving the project.
- Sec. 6.3.4** Show construction entrance and provide a route plan.
- Sec. 6.3.5** All roads shall be identified by quadrant number as assigned by Marion County 911 Management.
- Sec. 6.3.6** Show any known existing or proposed easement or land reservation.
- Sec. 6.3.7** Demonstrate erosion and sedimentation control.
- Sec. 6.3.8** Front page of the plan shall minimally include:
- A. Type of application;
 - B. Project name centered at top of page;
 - C. Name, address, phone number, and signature of the owner and applicant (these signatures are not required until the final submittal);
 - D. Signed certification by the owner as follows: I hereby certify that I, my successors, and assigns shall perpetually maintain the improvements as shown on this plan (this signature is not required until the final submittal);
 - E. Name, address, and phone number of the licensed professional;
 - F. Each licensed professional is responsible for information shown within their particular field of practice and shall sign and seal, as applicable, as follows:
 - (1) Licensed Design Professional Certification: I hereby certify that these plans and calculations were completed in accordance with all applicable requirements of the Marion County Land Development Code, except as waived;
 - (2) Surveyor and Mapper Certification: I hereby certify that the survey represented hereon is in accordance with all applicable requirements of the Marion County Land Development Code and meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers and that all adjacent parcels have legal access;
 - G. A key location or vicinity map, with north arrow, at a scale suitable to show the location of the development with reference to surrounding properties, streets, municipal boundaries, sections, range, and township;
 - H. A portrait oriented minimal 4" x 6" space in the top right quadrant shall remain blank to allow for a County approval stamp.
 - I. Index of sheets.
 - J. List of utility providers.
 - K. List of approved waivers, their conditions, and the date of approval.
 - L. Data block. The items below are required and shall be listed in order as shown. If an item does not apply, it shall be clearly indicated as not applicable.

- (1) Parcel identification number.
- (2) Land use designation.
- (3) List of Development Agreements including Marion County Official Record Book and Page.
- (4) Zoning information:
 - (a) Zoning classification.
 - (b) List of approved variances, their conditions, and the date of approval.
 - (c) Special Use Permit case number and resolution.
 - (d) Zoning requirements including lot area, width, setbacks, and building height.
- (5) Overlay zones.
- (6) Gross site acreage of all initial and anticipated parcels, and if different, the acreage of the development area, to the nearest hundredth of an acre.
- (7) Existing and proposed uses.
- (8) Existing and proposed building height.
- (9) Listing of site coverage (in square footage, acreage and percentage):
 - (a) Existing and proposed building coverage by intended use with gross floor area and leasable/interior area;
 - (b) Existing and proposed gross impervious area;
 - (c) Proposed gross non-residential floor area ratio or residential density;
 - (d) Existing and proposed natural open space, improved open space, open water, and wetlands;
 - (e) Existing and proposed preserved natural areas;
- (10) Number of required and provided parking spaces;
- (11) Projected daily trip generation and a.m./p.m. peak hour traffic volume; and
- (12) Proposed miles of road, number of lots, blocks and tracts, as applicable.

- Sec. 6.3.9** Show building lot typicals including setback requirements for all proposed improvements and accessory uses i.e. screen rooms, pools, screen cages, patios, decks, etc.
- Sec. 6.3.10** Show all proposed lot, tract and/or parcel lines with area in square feet.
- Sec. 6.3.11** Listing of land uses giving general purpose of and character of the proposed development, acreage, of open space and parks, recreation areas and natural areas to be retained.
- Sec. 6.3.12** Show all phases of development. Improvements must be in place to support each phase of development at time of phase completion.
- Sec. 6.3.13** Show common outside storage areas.
- Sec. 6.3.14** Provide site analysis map depicting existing and proposed drainage basins and drainage features including the existing one percent (100-year) flood plain as shown on FEMA maps with zone elevation and vertical datum noted; water line of lakes, wetlands, rivers, streams and canals; and other manmade or natural features. A note shall be provided detailing source and survey field methods used to obtain and verify data field methods of delineation of all lines shown.
- Sec. 6.3.15** Statement identifying legal body responsible for maintenance and management of common areas and improvements.
- Sec. 6.3.16** Show location and dimensions of required land use buffering.
- Sec. 6.3.17** A statement shall be on the plan indicating how water, sewer, and fire flow services shall be

provided to all lots.

Division 4 Final Plat Notes and Certification

Sec. 6.4.1 Final Plat Requirements. REFORMATTING IN WORK FOR THIS DIVISION

- A. A title block consisting of a formal title with one or more subtitles, centered at the top of each sheet of the Final Plat, as follows:
1. The title shall be the formal name of the proposed subdivision. The name shall not duplicate the name of any other existing subdivision in the County, unless the subdivision is part of an overall development bearing that common name. This portion of the title block shall be largest print included within the title block;
 2. In compliance with FS 177.081, the Final Plat will be reviewed for conformity with FS 177 and the Marion County Land Development Code. Evidence of this review and final approval will be shown in the form of a signed stamped certification to be placed on the left hand margin of the cover sheet of the plat by the reviewing professional surveyor and mapper.
 3. The following sub-titles shall be provided, in a print subordinate to the print of the formal title, as applicable, in the following order:
 - a. The master or overall development name and phase, if it was not included as part of the formal name;
 - b. "A HAMLET SUBDIVISION" if the final plat is for a hamlet subdivision created under the provisions of **Section 3.3.3.A(2)**;
 - c. "A PLANNED UNIT DEVELOPMENT" if the final plat is for a project within a PUD created under the provision of **Article 4**;
 - d. "A REPLAT OF ..." and then listing a summary of the components for any pre-existing subdivision being replatted by the final plat;
 - e. The Sections, Townships, and Ranges applicable to the final plat; and
 - f. The name of the county and state;
- (b) A two-inch high by five-inch wide space shall be provided and reserved in the upper right-hand corner of each sheet to include only the following recording and sheet information:
1. To be used by the Clerk of the Circuit Court for recording information:
"PLAT BOOK: _____ PAGE: _____ "
 2. The general sheet listings for the plat, completed appropriately:
"Sheet ____ of ____"
- (2) Information requirements:
- (a) If the Final Plat exceeds one sheet, the following shall be provided on the first sheet:
 1. A location sketch on page one showing the subject site and general location of the subject site in relation to the surrounding area;
 2. An index diagram showing the entire subdivision and indexing each area shown on succeeding sheets shall be provided on the first sheet if the Final Plat exceeds one sheet. The index diagram shall include clearly labeled match lines **█**;
 - (b) "Not included" parcels to be labeled "not a part of this plat";
 - (c) Dimensions and locations of all lots, tracts, parcels, blocks, and rights-of-way, with each lot, tract, parcel, and block individually distinguishable, located, and identified;
 - (d) Dimensions and locations of all existing easements with each easement type individually

distinguishable, located, and identified, including their Marion County Official Record Book and Page;

- (e) Dimensions and locations of all proposed easements with each easement type individually distinguishable, located, and identified;
- (f) Dimensions and locations of all existing or recorded streets intersecting or contiguous to the boundary of the plat by bearing and distances, using the street number as designated by 9-1-1 Management;
- (g) Dimensions and locations of all proposed streets using the street number as designated and assigned by 9-1-1 Management;
- (h) All adjacent property identified by the subdivision name, plat book and page number; if not platted, so state;
- (i) County and city limit lines within or abutting the tract;
- (j) The existing future land use designation and zoning classification of the subject property and adjoining properties at the time of approval by the Board. This information may be provided graphically using the location sketch, on the individual sheets best representing the subject and adjoining properties, and/or in a text form as referenced in **Item (p)**;
- (k) For projects subject to a PUD zoning consistent with Division 4, a summary of the corresponding development standards shall be provided, including one or more typical setback graphics which reflect the standards applicable to the area of the Final Plat;
- (l) If any portion of the property depicted on the plat, outside of a designed and designated stormwater facility, includes the one percent (100-year) flood plain that will not be amended and removed from the FEMA FIRM prior to the recording of the plat, this flood plain shall be delineated graphically on the plat with a note detailing source reference, date, elevation, and mapping method used.
- (m) The legal description of the site consistent with the provisions of **Section 6.4.2**, including a final summary sentence, appropriately completed, that states “CONTAINING _____ ACRES, MORE OR LESS”, with the acreage provided to one one-hundredth at a minimum;
- (n) The purpose/use, improvements, and maintenance responsibilities for all tracts shall be listed on the plat in a list or table form;
- (o) The following statements shall be captioned as “ADVISORY NOTICES” and be provided in a prominent manner on the plat, as appropriate, in the following order:
 - 1. “THE CURRENT FUTURE LAND USE DESIGNATION AND ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED HEREON IS [COMPLETE ACCORDINGLY] AND [COMPLETE ACCORDINGLY] RESPECTIVELY.” This item may be deleted in the event the subject property’s land use and zoning have been provided graphically consistent with Item (k) above;
 - 2. “ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL #[COMPLETE ACCORDINGLY], MARION COUNTY, FLORIDA, DATED [COMPLETE ACCORDINGLY], THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE [COMPLETE ACCORDINGLY (X, A, AE, ETC.) FOR ALL ZONES APPLICABLE TO THE PROPERTY]. THE FLOODING LIMITS HAVE BEEN IDENTIFIED HERE WITHIN AS CURRENTLY ESTABLISHED AT THE TIME OF FINAL PLAT RECORDING. ALL PERSONS WITH AN INTEREST IN THE LANDS DESCRIBED HEREON SHOULD EVALUATE CURRENT FLOODPLAIN LIMITS AS THEY MAY BE AMENDED FROM TIME TO TIME AS DETERMINED BY FEMA”;
 - 3. “THE MAXIMUM IMPERVIOUS SURFACE AREA ALLOWED PER [LOT/TRACT/PARCEL] IS [### SQUARE FEET] or [## PERCENT], UNLESS OTHERWISE APPROVED BY THE COUNTY ENGINEER OR DESIGNEE.” This note shall be repeated as necessary to provide the required information for each lot/tract/parcel within the plat. In lieu of a note(s), a table identifying each

lot/tract/parcel and their corresponding pre-determined impervious surface area allocation may be provided.

4. *"STORMWATER RUNOFF GENERATED FROM THE IMPROVEMENTS ASSOCIATED WITH THIS PLAT ARE DISCHARGED INTO THE LANDS DESCRIBED IN MARION COUNTY PUBLIC RECORDS [OFFICIAL RECORD BOOK {###}, PAGE {###}] or [TRACT {??}] AS DEPICTED IN PLAT BOOK{###}, PAGE{{###}};*
 5. As related to covenants, restrictions, or reservations:
 - a. When covenants, restrictions, or reservations are established by the developer they shall be indicated as follows and completed accordingly: *"COVENANTS, RESTRICTIONS, AND/OR RESERVATIONS AFFECTING THE OWNERSHIP OR USE OF THE PROPERTY SHOWN IN THIS PLAT ARE FILED IN MARION COUNTY OFFICIAL RECORD BOOK NO. _____, PAGE _____."*
 - b. The following shall minimally be provided: *"THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED OR REFERENCED ON THIS PLAT THAT MAY BE FOUND IN THE MARION COUNTY OFFICIAL RECORDS";*
 6. *"ALL LOTS/TRACTS SHALL USE THIS SUBDIVISION'S INTERNAL ROADWAYS FOR VEHICLE/DRIVEWAY ACCESS. DIRECT VEHICLE/DRIVEWAY ACCESS TO _____ IS PROHIBITED."*

If the project is part of DRI/FQD, then the following note shall be provided:
"DEVELOPMENT OF THE PROPERTY AS SHOWN ON THIS [SITE PLAN/SUBDIVISION PLAT] IS SUBJECT TO THE TERMS AND CONDITIONS OF THE [PROJECT NAME DRI/FQD] DEVELOPMENT ORDER, AS MAY BE AMENDED FROM TIME TO TIME, INCLUDING PROVISIONS REGARDING THE CONCURRENCY OF PUBLIC FACILITIES."
 7. *"THIS PROJECT HAS NOT BEEN GRANTED CONCURRENCY APPROVAL AND/OR GRANTED AND/OR RESERVED ANY PUBLIC FACILITY CAPACITIES. FUTURE RIGHTS TO DEVELOP THE RESULTING PROPERTY(IES) ARE SUBJECT TO A DEFERRED CONCURRENCY DETERMINATION, AND FINAL APPROVAL TO DEVELOP THE PROPERTY HAS NOT BEEN OBTAINED. THE COMPLETION OF CONCURRENCY REVIEW AND/OR APPROVAL IS DEFERRED TO A LATER DEVELOPMENT REVIEW STAGE."*
 8. **Adjacent Agricultural Uses Acknowledgment *do as a note on the plat?***
 9. *"THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AS A CONDITION OF PRECEDENT TO THE APPROVAL AND ACCEPTANCE OF THIS PLAT FOR RECORDING IN THE PUBLIC RECORDS, DOES HEREBY NOTIFY ALL PRESENT AND FUTURE OWNERS OF THE PROPERTY DESCRIBED HEREON THAT THE LANDS INCLUDED IN THIS PLAT ARE SUBJECT TO SPECIAL ASSESSMENTS AS MAY BE PERMITTED BY LAW TO FINANCE COST INCURRED IN CONNECTION WITH THE MAINTENANCE, OPERATION, AND CONSTRUCTION OF INFRASTRUCTURE AS DETERMINED NECESSARY IN THE OPINION OF SAID BOARD OR OTHER GOVERNING BODY HAVING JURISDICTION ."*
- (3) The Final Plat shall contain, on the face or first page, the following dedications executed and acknowledged as required by law, in the forms set forth below:
- (a) The purpose of all reserved areas shown or referred to on the plat shall be defined.
 - (b) For corner lots, show the restricted areas where driveways cannot be placed.
 - (c) All dedications shall be in the following forms or as approved by the County Attorney (*ITALIC CAPS*), with the appropriate items below. When a name or entity is used within a dedication item, the exact legal name of the entity shall be provided.
1. *"DEVELOPER'S ACKNOWLEDGEMENT AND DEDICATION"*

"KNOW ALL MEN BY THESE PRESENTS, THAT [EXACT CORPORATE NAME, STATE OF INCORPORATION, OR INDIVIDUAL'S NAME], FEE SIMPLE OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN, AS [EXACT SUBDIVISION NAME], BEING IN MARION COUNTY, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE AS FOLLOWS:"

2. Streets, Rights-of-way, and Parallel Access Easements, select as appropriate:
 - a. For Public Streets. “[ALL STREETS AND RIGHTS-OF-WAY SHOWN ON THIS PLAT OR NAME SPECIFICALLY IF LESS THAN ALL] ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC.”
 - b. For Non-Public Streets. “[ALL STREETS AND RIGHTS-OF-WAY SHOWN ON THIS PLAT OR NAME SPECIFICALLY IF LESS THAN ALL] ARE HEREBY DEDICATED PRIVATELY TO THE [ENTITY NAME]. ALL PUBLIC AUTHORITIES AND THEIR PERSONNEL PROVIDING SERVICES TO THE SUBDIVISION ARE GRANTED AN EASEMENT FOR ACCESS. THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, SHALL HAVE NO RESPONSIBILITY, DUTY, OR LIABILITY WHATSOEVER REGARDING SUCH STREETS. MARION COUNTY IS GRANTED AN EASEMENT FOR EMERGENCY MAINTENANCE IN THE EVENT OF A LOCAL, STATE, OR FEDERAL STATE OF EMERGENCY WHEREIN THE DECLARATION INCLUDES THIS SUBDIVISION OR AN EMERGENCY WHEREIN THE HEALTH, SAFETY, OR WELFARE IS DEEMED TO BE AT RISK.”
 - c. For Parallel Access Easements. “ALL PARALLEL ACCESS EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC, AND MAINTENANCE OF SAID EASEMENTS IS THE RESPONSIBILITY OF [ENTITY NAME].”
3. Utility Easements, select as appropriate.
 - a. “[ALL UTILITY EASEMENTS SHOWN ON THIS PLAT OR NAME SPECIFICALLY IF LESS THAN ALL] ARE DEDICATED [PRIVATE OR TO THE PUBLIC] FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITIES BY ANY UTILITY PROVIDER.”
 - b. “ALL UTILITY TRACTS [IDENTIFY EACH TRACT AS APPROPRIATE] AS SHOWN ARE DEDICATED [PRIVATE OR TO THE PUBLIC] FOR THE CONSTRUCTION AND MAINTENANCE OF SUCH FACILITIES.”
4. Stormwater easements and facilities, select as appropriate:
 - a. “[ALL STORMWATER AND DRAINAGE EASEMENTS AS SHOWN] OR [NAME SPECIFICALLY IF LESS THAN ALL] ARE DEDICATED [PRIVATE OR TO THE PUBLIC] FOR THE CONSTRUCTION AND MAINTENANCE OF SUCH FACILITIES.”
 - b. “ALL STORMWATER MANAGEMENT TRACTS [IDENTIFY EACH TRACT AS APPROPRIATE] AS SHOWN ARE DEDICATED [PRIVATE OR TO THE PUBLIC] FOR THE CONSTRUCTION AND MAINTENANCE OF SUCH FACILITIES.”
 - c. When any stormwater easement and/or management tract is not dedicated to the public or Marion County directly, the following statement shall be added to the dedication language: “MARION COUNTY IS GRANTED THE RIGHT TO PERFORM EMERGENCY MAINTENANCE ON THE [STORMWATER EASEMENT AND/OR MANAGEMENT TRACT, COMPLETE ACCORDINGLY] IN THE EVENT OF A LOCAL, STATE, OR FEDERAL STATE OF EMERGENCY WHEREIN THE DECLARATION INCLUDES THIS SUBDIVISION OR AN EMERGENCY WHEREIN THE HEALTH, SAFETY, OR WELFARE IS DEEMED TO BE AT RISK.”
 - d. When any stormwater easement and/or management tract is not dedicated to the public or Marion County directly, and serves Marion County, dedication language shall include the right to access, and or maintain, as appropriate.
5. Park, Recreation, Amenity areas. “TRACTS [IDENTIFY EACH TRACT AS APPROPRIATE] ARE DEDICATED IN PERPETUITY FOR THE [EXCLUSIVE USE AND ENJOYMENT OF THE OWNERS OF LOTS IN THIS SUBDIVISION OR USE AND ENJOYMENT OF THE PUBLIC, COMPLETE ACCORDINGLY] AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF [STATE EXACT NAME OF ENTITY OR MARION COUNTY, FLORIDA, COMPLETE ACCORDINGLY].”
6. If a Conservation Easement is required the following shall be provided: “A CONSERVATION EASEMENT [AS SHOWN OR ON TRACT AND IDENTIFY THE TRACT, COMPLETE ACCORDINGLY] IS DEDICATED TO [THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY,

FLORIDA or ENTITY NAME, IF NOT MARION COUNTY] FOR THE PURPOSE OF PRESERVATION OF [LISTED SPECIES, HABITAT, KARST FEATURE AND/OR NATIVE VEGETATION, COMPLETE ACCORDINGLY].”

(d) Add the appropriate closing.

1. If corporation:

IN WITNESS WHEREOF, the above named corporation has caused these presents to be signed by its _____ and its corporate seal to be affixed hereto by and with the authority of its board of directors this _____ day of _____, 20_____.

(FULL CORPORATE NAME), a corporation of the State of _____

By: _____

(Signature of president or vice president or chief executive above)

Type Name and Title of Officer (signature must have two (2) witnesses or be under corporate seal).

2. If individual:

IN WITNESS WHEREOF, (I) (we), (name(s)), have hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20_____.

WITNESSES:

_____ (signature)

(Typed name)

3. Add the acknowledgement (witnesses and notary) of those executing the dedication consistent with **FS 689.01**.

(e) Add the appropriate joinder and consent to the dedication by a mortgage or other party of interest using one, or a combination of, the following methods:

1. Provide the joinder and consent to the dedication by a mortgagee or other party in interest as a direct statement on the final plat as follows:

“[MORTGAGEE or PARTY OF INTEREST] CONSENT

The undersigned hereby certifies that it is the holder of (a) mortgage(s), lien(s), or other encumbrance(s) upon the property described hereon and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its mortgage(s), lien(s), or other encumbrance(s) which (is)(are) recorded in Official Record Book _____ at page(s) _____ of the public records of Marion County, Florida, shall be subordinated to the dedication shown hereon.”

a. Provide the appropriate closing.

1. If corporation:

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THE PRESENTS TO BE SIGNED BY ITS _____ AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTOR THIS _____ DAY OF _____, 20_____.

(FULL CORPORATE NAME), A CORPORATION OF THE STATE OF _____

BY (SIGNATURE OF PRESIDENT VICE PRESIDENT OR CHIEF EXECUTIVE OFFICER)

(TYPED NAME AND TITLE OF OFFICER)

(AFFIX CORPORATE SEAL) or have two witnesses as listed in Item 2 below.

2. If individual:

IN WITNESS WHEREOF, (I) (WE), _____ DO HEREUNTO SET (MY) (OUR) HAND(S) AND SEAL(S) THIS _____ DAY OF _____, 20_____.

WITNESSES (repeat signature below as necessary for each owner).

(SIGNATURE) _____

(TYPED NAME)

- 3. Add the acknowledgment (witnesses and notary) of those executing the Mortgage or party of interest consent consistent with **FS 689.01**.
- 2. Provide the joinder and consent as a separate instrument joining in and ratifying the plat and all dedications thereon, in accordance with Florida Statutes, Section 177.081, as follows:
 - a. The final plat and the separate instrument(s) shall be recorded within the Marion County Public Records concurrently and include coordinated references between the documents as provided in following **Items b and c**.
 - b. The following statement shall be placed on the final plat: *“A SEPARATE INSTRUMENT(S) SERVING AS JOINDER AND CONSENT FOR A MORTGAGEE OR OTHER PARTY OF INTEREST TO THE PLAT DEPICTED HEREON HAS BEEN SEPARATELY FILED AND RECORDED IN THE MARION COUNTY PUBLIC RECORDS OFFICIAL RECORD BOOK (ENTER NUMBER), PAGES (ENTER NUMBER) TO (ENTER NUMBER)”*, AS ASSIGNED BY THE CLERK OF THE COURT’S OFFICE.
 - c. The separate instrument shall utilize the same general form as provided in Item (a) above and shall include the final plat’s official name as listed on the final plat and include a blank entry reference for the Marion County Public Records Plat Book and Page(s) as assigned by the Clerk of the Court’s Office.
- (4) Certifications and Approvals. The final plat shall contain on the face or first page the following certifications and approvals, all executed and acknowledged as required by law, in the forms set forth below:

- (a) The Surveyors and Mappers Certification shall contain the signature, Florida registration number, and name of firm, if applicable (if submitted by a firm the signing surveyors name will also appear in a legible manner), address, and embossed seal of the Surveyor certifying the plat and will contain the following statement:

“I CERTIFY THIS PLAT, PREPARED UNDER MY DIRECTION AND SUPERVISION, COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MARION COUNTY LAND DEVELOPMENT CODE, WITH ALL ADJACENT PARCELS HAVING LEGAL ACCESS.”

- (b) Development Review Committee certification shall appear in the following form:

APPROVAL BY COUNTY OFFICIALS – DEVELOPMENT REVIEW COMMITTEE:

BY: _____ *County Engineering*
 BY: _____ *County Fire Services*
 BY: _____ *County Planning*
 BY: _____ *County Surveying*
 BY: _____ *County Utilities*
 BY: _____ *County Zoning*

- (c) Board of County Commissioners and Clerk of Circuit Court certification shall include the following:

*“CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS
 THIS IS TO CERTIFY, THAT ON _____/_____/_____ THE FOREGOING
 PLAT WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA.*

*[Printed Name of Chair], CHAIR
 BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA*

ATTEST:

[Printed Name of Clerk]
CLERK OF THE CIRCUIT COURT"

(d) Clerk's certification for acceptance and recording shall include the following:

"I, CLERK OF CIRCUIT COURT OF MARION COUNTY, FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT OF __ [list legal name of subdivision]__ SUBDIVISION AND THAT IT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177 OF THE LAWS OF FLORIDA. THIS PLAT FILED FOR RECORD THIS _____ DAY OF _____, _____, AND RECORDED ON PAGE _____ OF PLAT BOOK _____ IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF MARION COUNTY, FLORIDA

BY: _____
[Printed Name of Clerk]
CLERK OF THE CIRCUIT COURT"

B. The following supporting documentation shall also be provided as appropriate:

- (1) A copy of the documents demonstrating the establishment of a corresponding MSTU/MSBU, CDD, or other special district to own and manage the dedicated improvements;
- (2) For a subdivision with privately dedicated improvements, a copy of the completed and filed documents demonstrating the private entity is properly established, operating, and eligible to be responsible for the improvements so dedicated to the association. In the case of an entity previously created and encompassing the proposed subdivision, documents demonstrating the continued establishment of the entity and its acceptance of responsibility for the improvements to be conveyed shall be required;
- (3) A copy of the final protective covenants and deed restrictions, where such covenants and restrictions are required or established by the applicant, in a form to be recorded and cross-referenced to the submitted Final Plat. In the case where covenants and restrictions are previously recorded and applicable to a proposed subdivision, a copy of the effective covenants and deed restrictions shall also be provided;
- (4) A certificate of title demonstrating the following:
 - 1. The lands as described and shown on the plat are in the name of, and apparent record title is held by, the person, persons, or organizations executing the dedication;
 - 2. That all taxes have been paid on said property as required by FS 197.192, as amended; and
 - 3. The official record book and page number of all mortgages, liens, or other encumbrances against the land, and the names of all persons holding an interest in such mortgage, lien or encumbrance.

The title certification shall be an opinion of a Florida attorney-at-law or the certification of an abstract or title insurance company licensed to do business in Florida. The County reserves the right to require that the title certification be brought current at the time of Final Plat approval.

(5) When required in conjunction with an Improvement or Maintenance Agreement, an itemized cost estimate prepared and certified by the developer's engineer including the cost of surveying, engineering and construction of all required improvements in the following form:

"CERTIFICATE OF COST ESTIMATE
I, _____, A Florida registered engineer, License No. _____, do hereby certify to Marion County that a cost estimate has been prepared under my responsible direction for those improvements itemized in this exhibit and that the total cost estimate for said improvements is \$ _____. This estimate has

been prepared, in part, to induce approval by the County of a Final Plat for the _____ Subdivision, and for the purpose of establishing proper surety amounts associated therewith.

*_____ (Signature)
(Name, Florida Registered Engineer
License No. _____)"
(AFFIX SEAL)*

Division 5 Survey and Mapping

Sec. 6.5.1 Purpose and intent. This division will dictate the technical requirements to satisfy minimum survey information needed in the submittal of Preliminary Plats, Final Plats, replats, construction plans and As-Built/Record Surveys. The following requirements are to be implemented in conjunction with Florida Statutes and Florida Administrative Code, which may be subject to change as modified by the State of Florida. The items listed will employ conformity and establish a standard to be followed in the plan types listed.

Sec. 6.5.2 All plats and surveys shall adhere to the minimum plan requirements in **Division 2** and the requirements listed in the following sections.

Sec. 6.5.3 Preliminary Plat Requirements.

- A. The project boundary meeting requirements as set forth in **FAC 5J-17.52**.
- B. Lot and tract shapes and approximate dimensions. Show proposed typical building setbacks and zoning designations.
- C. The quadrant number (as assigned by Marion County 911 Management), location, and right-of-way width of all proposed and existing streets, identifying maintenance responsibilities. Include location and names of any proposed rights-of-way to be vacated.
- D. Locate and identify all known easements, existing and proposed, indicating width, maintenance responsibilities, and purpose. Include any easements proposed to be vacated.
- E. The location of the existing one percent (100-year) flood plain as shown on FEMA maps with zone elevation and vertical datum noted. A note shall appear on the Preliminary Plat detailing source and survey field methods used to obtain and verify data field methods of delineation of the flood plain line shown.
- F. Show all contiguous property in accordance with **FS 177.091(17)** by plat book and page number or Marion County Property Appraiser parcel identification number, if not platted. Graphically show and identify all adjacent streets, existing utilities, and individual lots.
- G. A current existing contour map at one-foot intervals will be submitted with the Preliminary Plat to provide sufficient information to support preliminary design and based on an approved vertical datum by the Office of the County Engineer. Contours shall extend a minimum of 250' beyond the project boundary. The contour map will have a statement detailing source of information shown and survey field methods used to obtain and verify data.
- H. Line and curve tables can be used but must be shown on the sheet to which they apply.
- I. Current boundary survey of the project boundary not more than one year old, or as approved by the County Surveyor, and meeting requirements as set forth in **FAC 5J-17.52**. If the Preliminary Plat is one phase of lands to be platted, a survey of the overall proposed site is acceptable.
- J. The legal description shall be by metes and bounds, with the point of commencement and the point-of-beginning indicated, together with all bearings and distances of the boundary lines, and stating the total number of acres platted. The point-of-beginning in the description shall be tied to the nearest section corner or established identifiable, real property corner.
- K. Show all existing improvements on the site. Buildings, fencing, wells, septic, utilities,

driveways/roads shall be dimensioned and tied to the plat boundary. Intended use or removal of improvements shall be noted.

- L. Show all apparent means of access on site to adjoining properties.
- M. Show existing stormwater facilities and cross drains, and general location of the proposed stormwater facilities.

Sec. 1.1.3 Final Plat Requirements. **REFORMATTING IN WORK FOR REMAINDER OF THIS DIVISION**

- A. All plats shall comply with **FS 177** with sufficient survey data shown to describe the boundary of the subdivision, each lot, block, tract, easement, right-of-way, and all areas shown on the plat together with requirements described in this Code.
- B. The legal description shall be by metes and bounds, with the point of commencement and the point-of-beginning indicated, together with all bearings and distances of the boundary lines, and stating the total number of acres platted. The point-of-beginning in the description shall be tied to the nearest section corner or established identifiable, real property corner.
- C. The point of commencement in the description shall be accurately tied to the nearest government or identifiable corner. A certified corner record must be submitted to the County Surveyor and to the State of Florida in accordance with FS **177**;
- D. The boundary of the Final Plat shall not have a mathematical error of closure and shall be in compliance with FAC 5J-17.
- E. Any plat showing established or determining the location of the mean high water line or mean low water line shall comply with the notification requirements of FS 177;
- F. The point of beginning and the point of commencement shown together with the letters POB and POC in bold when a point of beginning or point of commencement is used in the legal description;
- N. Permanent reference monuments and permanent control point locations as prescribed in FS 177 and installed prior to submission of final plat;
- G. Clearly drawn to a scale not smaller than one inch equaling one hundred (100) feet or as approved by the County Surveyor or designee.
- H. Clearly drawn or printed with permanent black drawing ink, with lettering no smaller than one-tenth of an inch in height and stroke for letters shall be bold enough so as to be clearly legible after reduction. No "shadow" or broken stroke letter is permitted.
- I. No grayscale, shadowing, or stippling is permitted.
- J. Signatures. All signatures required shall be originals on the Final Plat and shall be made in permanent dark ink acceptable to the Clerk of Circuit Court, or designee.
- K. Clear margins not less than 1/4" wide on three sides and 3" wide on the left side for binding.
Seals. The Final Plat shall establish locations for the placement of necessary seals to accompany the dedications and certifications as required in this Section. The locations shall be labeled or keyed to their respective certification and located no closer than 1/4" to, but not more than 1/2" from, the top, bottom, or right edge of the sheet. Locations for professional seals and Clerk of the Court or other parties shall be provided within 1/4" of the top, right, and bottom 1/2" margins.

Sec. 6.5.4 Monumentation.

- A. Permanent Reference Monuments (PRMs) shall be set in accordance with FS 177.091 and meet the following requirements:
 - (1) They shall be set in the field at each corner and change of direction of the boundary line;
 - (2) They shall be graphically shown and fully described on the plat;
 - (3) They shall not exceed a maximum spacing of 1,400 feet apart; and

- (4) They shall be referenced to the State Plane Coordinate System with datum and adjustment stated.
- (5) When PRMs are set as offset/witness corners, the corners shall be shown on the plat and shall be stamped "offset" or "witness" corner.
- B. State Plane coordinate values shown on the plat shall be derived from redundant measurements that meets or exceeds third order, class I standards as set forth by the Federal Geodetic Control Committee (FGCC).
- C. Prior to the final approval of the plat for recordation, the County Surveyor or designee, shall perform a site inspection to verify PRMs placement.
- D. Permanent Control Points (PCPs) shall be set in accordance with FS 177.091 and meet the following requirements:
 - (1) They shall be set in the field at each block corner and change along block boundary.
 - (2) They shall not exceed a maximum spacing of 1,000 feet apart.
 - (3) They shall be set in the field at centerline of right-of-way, change of right-of-way, point of curvature, point of tangency and at the centerline intersection of rights-of-way.
 - (4) PCPs shall be graphically shown and fully described on the plat.
 - (5) When PCPs are set as offset/witness corners, the corners shall be shown on the plat and shall be stamped "offset" or "witness" corner.
- E. A table or note will be shown containing the geodetic control station(s) name or designation of control points used to establish state plane coordinates.
- F. Distance shown on the plat shall be shown as ground distances and noted as such.
- G. Where plat boundary corners are found to coincide with previously set monumentation, the description and stamping of the existing monumentation shall be shown on the plat.
- H. All lot and tract corner monumentation shall be set in accordance with the requirements of FS 177.091.
- I. All section lines, government lot lines and grant lines and/or corners found within the subdivision shall be shown with ties to the plat boundary.
- J. Platted adjoining lands shall be identified by subdivision name, plat book and page, with the graphic depiction and labeling of lots, blocks, easements, and rights-of-way.
- K. Unplatted adjoining lands shall be labeled as "unplatted" with deed book or official record book and pages shown.
- L. Boundary overlaps, gaps, hiatus, or encroachments involving the plat boundary must be resolved prior to plat approval.
- M. Line and curve tables can be used but must be shown on the sheet to which they apply.
- N. Bearings basis shall be noted and referenced to an established, monumented line shown on the plat.

Sec. 6.5.5 Replats shall include:

Replats shall meet requirements as set forth in **FS 177.051(2), FAC 5J-17**, all provisions as described in this Code under Final Plat, **Div 2 & Section 7**, and the following;

- A. Replats shall show the lot and block lines of the previous plat in such a manner to avoid confusion, including monumentation that may have been previously set. As an exception, the platting Surveyor and Mapper can state on the Replat that the original monumentation was not previously set.
- B. Any rights-of-way and/or easements to be vacated must be clearly shown on the Replat with reference to the approval date of the resolution by the Board and Marion County Official Record

Book and Page that the action is recorded.

- C. Any discrepancies between the boundary of a Replat and the previous plat must be clearly noted. Original dimensions shall be noted with corrected information on both the plat drawing and legal description.

Sec. 6.5.6 Construction Plans.

Survey information to support construction plans, including but not limited to Mass Grading, Improvement, or Major Site plans, shall meet requirements as set forth in FAC **5J-17.51** in addition to the following:

- A. Vertical control shall be provided and meet the following:
 - (1) All surveys submitted for the purpose of construction shall show a minimum of two bench marks per five acres and/or 500 linear feet of construction.
 - (2) Bench mark information shall be in a current datum approved by the Office of the County Engineer.
 - (3) Plans shall have a statement or table detailing vertical datum and adjustment, including the origin points with name of the agency responsible for establishing the point, with the date of the field survey used to establish the vertical information shown. A copy of the vertical control notes shall be submitted to the Office of the County Engineer for review.
 - (4) When using stationing, all control points shall be referenced to station and offset information.
- B. Horizontal control shall be provided and meet the following:
 - (1) All surveys submitted for the purpose of construction shall show a minimum of two horizontal control points per five acres and/or 500 linear feet of construction. Construction drawings must show horizontal control on a minimum of two boundary corners on a common line.
 - (2) Horizontal control points shall be in the Florida State Plane Coordinate System based on a current datum approved by the Office of the County Engineer.
 - (3) Florida State Plane Coordinate values shall be derived from redundant measurements that meet or exceed Third Order, Class I standards as set forth by the Federal Geodetic Control Committee (FGCC).
 - (4) Plans shall have a statement or table detailing horizontal datum and adjustment, including the origin points with name of the agency responsible for establishing the point, with the date of the field survey used to establish the State Plane information shown. A copy of the horizontal control notes shall be submitted to the Office of the County Engineer for review.
 - (5) When using stationing, all control points shall be referenced to station and offset information.
- C. Monumentation shall be protected during construction. Any monuments disturbed or destroyed during construction shall be replaced by a professional Surveyor and Mapper licensed in the State of Florida and shown as "reset" on the As-Built/Record Survey at completion of construction.
- D. The location of the existing one percent (100-year) flood plain as shown on FEMA FIRM, with zone, elevation, and vertical datum noted. A note shall appear on the construction plans detailing source and survey field methods used to obtain and delineate the flood plain line shown.
- E. Line and curve tables can be used but must be shown on the sheet to which they apply.
- F. All abbreviations used shall be clearly defined in the legend.
- G. Existing features subject to removal or relocation shall be located and identified. Location shall be sufficient to accurately determine location on site.

- H. When using stationing, all section corners, centerline, and right-of-way control points including, but not limited to point of curve, point of tangent, point on intersection, and radius point shall be referenced to station and offset information. This information shall be shown in a table displaying the station, offset, Florida State Plane Coordinate value, and description of the point.
- I. Utilities, including drainage, shall be provided as follows:
 - (1) Location of existing and proposed underground utilities shall be shown on the plan and profile sheets and the cross-section sheets.
 - (2) Elevation information for underground utilities shall be shown at 100' increments and at the location of crossings with other utilities existing or proposed. Plans will note if the elevation shown is the top or bottom (invert) of the feature.
 - (3) Existing and proposed aboveground utility locations shall be shown on the plan and profile sheets.
 - (4) If conflict exists between aboveground and underground utilities, this information will be shown on the cross-section sheets.
 - (5) When using stationing, all design features and utilities shall be referenced to station and offset information.

Sec. 6.5.7 As-built/Record Survey Requirements. As-Built/Record Survey shall be submitted to the Office of the County Engineer as a record of completed construction. Information shown on this survey shall be a record of features as constructed and shall be archived with the Office of the County Engineer. As-Built/Record Survey shall meet requirements as set forth in FAC 5J-17.52(1). The survey shall be signed, sealed, and dated by a Professional Surveyor and Mapper licensed in the State of Florida with the dates of field survey shown.

- A. Field notes shall detail survey methods used for stake out.
- B. As-built conditions shall be delineated with an asterisk next to or clouded around the plan information or in a table. If shown in a table it must appear on the same page as the information shown.
- C. Any and all field changes during construction shall be clearly noted and shown on the As-Built/Record Survey.
- D. All points shown on the design plans, or of substantial deviation, shall be surveyed to compare constructed to proposed elevations. This information shall be shown graphically on the sheets to which they apply, providing x, y, and z (northing, easting, and elevation). Coordinate values can be shown by leader callouts or in a table form.
- E. All dimensions on the design plans, or of substantial deviation, shall be field verified to compare constructed to proposed dimensions. This information shall be shown graphically on the sheets to which they apply.
- F. Monumentation. All monumentation shall meet standards as set forth in this Code when the following conditions exist:
 - (1) Property corners, vertical and horizontal control points, PRMs, and PCPs disturbed or destroyed during construction shall be replaced by a Professional Surveyor and Mapper and shown as "reset" on the As-Built/Record Survey.
 - (2) Section corners disturbed or destroyed during construction shall be replaced by a Professional Surveyor and Mapper and shown as "reset" on the As-Built/Record Survey. A copy of the Certified Corner Report for each reset corner shall be submitted to the State of Florida and the Office of the County Engineer.
 - (3) Any monumentation shown on the construction plans as "to be set" or "proposed" shall be set and shown on the As-Built/Record Survey as "set", All corners and points found, set, or

reset shall be shown on the As-Built/Record Survey and include the Florida registration or licensed business number of the Surveyor and Mapper.

- (4) When it is not possible to set or reset a corner due to an obstruction, a reference or witness corner shall be set and described on the As-Built/Record Survey.

Division 6 Environmental Assessment for Listed Species (EALS)

Sec. 6.6.1 Purpose and Intent.

The Environmental Assessment for Listed Species is a supporting document for various applications, wherein submittal of the EALS accompanies or precedes the submission of the application. Marion County features a variety of habitat types which may include species identified and listed as endangered, threatened, or special concern by the US Fish and Wildlife Service and Florida Fish and Wildlife Conservation Commission. Additionally, Marion County includes significant natural areas which are relatively undisturbed and include flora or fauna that reflect the conditions of the area at the time colonial settlement occurred in Florida and Marion County as identified by the Florida Department of Environmental Protection and the Florida Natural Areas Inventory. The identification and preservation of these habitats, species, and areas is critical to balance development and quality of life in Marion County.

Sec. 6.6.2 Applicability.

All developments which meet any of the following criteria shall prepare an EALS:

- A. Projects which contain land identified as habitat for plant and animal species listed as threatened, endangered, or species of special concern by the USFWS and the FWC.
- B. Proposed land clearing or development projects located on all or part of a parcel or contiguous parcels of land containing more than 40 acres under common ownership.
- C. Projects involving 20 dwelling units or more.
- D. Parcels involving non-residential uses.
- E. Parcels within the Environmentally Sensitive Overlay Zone (ESOZ) that have frontage on water or wetlands.
- F. Projects located within the Urban Growth Boundary, or have an Urban land use, Development of Regional Impact, Florida Quality Development, or Specialized Commerce District land use designation by Marion County Comprehensive Plan Future Land Use Map Series Map 1, *Marion County 2035 Future Land Use Map*, which are also located within an area identified as a Qualifying Natural Area/Community by the Florida Natural Areas Inventory available at www.fnai.org.

Sec. 6.6.3 Exemptions.

- A. Bona fide agricultural activities as evidenced by an agricultural property tax exemption applicable to the development property as established by the Marion County Property Appraiser Office consistent with the provisions of FS 193.461.
- B. Lands involving silvicultural activities which are part of and/or subject to a resource management plan approved by the USDA, USFS, DEP, DOF, or the applicable water management district.
- C. The applicant may submit an EALS Exemption Request (EALS-ER) for land which meets the following requirements:
 - (1) No listed species have been recently documented within the proposed project area;
 - (2) No portion of the project area is within the known or suspected range of any listed species;
and
 - (3) The project area by itself, or in connection with other adjacent lands, does not meet the

minimum habitat needs for a viable population of listed species.

- (4) The applicant or property owner submitting an EALS-ER certifies that the proposed development of the project area is in accordance with the requirements listed above.
- D. The County shall give the review agencies listed in [Section 6.4.4.A](#) the opportunity to comment on the EALS-ER and the reliability of the information provided consistent with [Section 6.4.2.B\(3\)](#).

Sec. 6.6.4 Submittal requirements.

- A. An EALS/EALS-ER shall be submitted to the Office of the County Engineer concurrent with a corresponding development review application as provided in [Article 2](#). In the event an EALS/EALS-ER is submitted prior to a development review application, the EALS shall be submitted directly to Zoning.
- B. The appropriate number of copies of the EALS and supporting documentation shall be submitted to the Office of the County Engineer.
- C. A fee in the amount established by resolution of the Board of County Commissioners shall accompany the application. The fee schedule is available at the [Office of the County Engineer](#).
- D. Provide a narrative of the project's site data including the following:
 - (1) Name of the property owner(s),
 - (2) Name of the project applicant, if different from the property owner,
 - (3) Title of the corresponding project for which the EALS has been submitted,
 - (4) Current Marion County Property Appraiser Office parcel identification number(s),
 - (5) Acreage of the proposed project area, and
 - (6) Acreage of the gross lands held under common ownership including and/or adjoining the project area.
- E. Provide the results and findings of a field assessment including the following:
 - (1) Date(s) and time(s) of the field assessment,
 - (2) Name of the individual(s) and organization(s) conducting the field assessment with their qualifications,
 - (3) A statement of the methodology used to conduct the investigation of the site,
 - (4) A summary of the published information used to determine the probability of occurrence of listed species on the proposed development or land clearing site, including identifying the agency or organization providing the data. The use of data, as made available by the reviewing agencies, is encouraged. A copy of cited materials, upon request, may be required to support and evaluate the EALS.
 - (5) A map of land use and land cover classifications on the site, and directly abutting the site, using the *Land Use, Cover and Forms Classification System: A Technical Manual, State of Florida Department of Transportation, January 1999, as amended*.
 - (6) A general map or map series that identifies the following:
 - (a) The project area limits,
 - (b) The adjoining lands under common ownership, if any,
 - (c) The location of current on-site improvements,
 - (d) The location of transects of the interior and perimeter of the site,
 - (e) The location of the habitat types identified by the field assessment, and
 - (f) The approximate placement and location of off-site wildlife and plant communities in relation to the site.

The map(s) may be provided as an overlay on the most recent color aerial photograph which shows the project site. However, the aerial must be at a resolution and scale sufficient to identify the location of current on-site improvements in relation to other data provided in the EALS, and ensure that the information required can be readily identified on the map and verified in the field.

- (7) An inventory of the wildlife and plant communities as found on the site and observed on all property surrounding the site to including:
 - (a) An inventory of the listed species populations within the proposed development site.
 - (b) Size and distribution of native habitat and native vegetation types as specified in Table 6.5-1: Marion County Upland Plant Communities,
 - (c) Character and type of species, such as native or invasive, endangered and threatened, and species of special concern
- F. Provide the feasibility and viability of on-site protection and management of native habitats and listed species.
- G. Provide the location of any conservation areas and wildlife corridors within the project area and the feasibility of maintaining the corridor or conservation area post-development.
- H. In the event that on-site protection is shown to be ineffective, evaluate other mitigation options, such as relocation of the listed species to an approved location.

TABLE 6.5-1: Marion County Upland Plant Communities

Type	Dominant Plant Species
Sand Pine	sand pine overstory, myrtle oak, Chapman's oak, sand-live oak understory
Sandhill	longleaf pine overstory, turkey oak understory, wiregrass, partridge pea, queen's delight ground cover
Xeric Oak Scrub/Xeric Hammock	myrtle oak, Chapman's oak, sand-live oak, rosemary, saw palmetto
Pinelands	pine, slash pine loblolly pine, pond pine overstory, palmetto, gallberry, wax myrtle understory, including planted pine plantations
Mixed Hardwood/Pine Forest	pine, slash pine live oak, laurel oak, water oak sweetgum overstory, wax myrtle, cabbage palm understory
Hardwood Hammock and Forest	oak, laurel oak, sweetgum, magnolia, basket oak, pignut hickory overstory, cabbage palm, wax myrtle understory

Source: Florida Fish and Wildlife Conservation Commission, LANDSAT Habitat Mapping, 2003

Sec. 6.6.5 Review Procedures

- A. Copies of the EALS/EALS-ER shall be forwarded within five working days after receipt to the following review agencies: Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, US Forest Service, and Florida Department of Agriculture and Consumer Services Division of Forestry.

- B. The review agencies shall have an opportunity to review and comment on reliability and accuracy of the information provided, and shall provide their respective comments on the EALS/EALS-ER within 30 working days of receiving the information.

Sec. 6.6.6 Completion and close out.

- A. If no comments are received from staff and/or review agencies, the EALS/EALS-ER shall be considered complete.
- B. If comments are received from staff and/or review agencies, the comments shall be forwarded to the applicant within five working days and the applicant shall be scheduled to appear before the Development Review Committee for resolution.
- C. An approved EALS/EALS-ER shall be valid for two years.

Division 7 **Habitat Protection**

Sec. 6.7.1 Purpose and Intent.

The purpose of this division is to preserve and protect listed species and their supporting habitats, open bodies of water and wetlands, and other natural areas including unique and historic landscapes. Habitat protection is critical to promote development that enhances the quality of life in Marion County.

Sec. 6.7.2 Open Water.

- A. Open water classified as State of Florida sovereignty submerged lands, pursuant to **FS Ch 253 and FAC Ch 18-21.003**, shall not be eligible for use or development except as authorized by the State of Florida. Nor shall such open water be used in the calculation of gross density development potential or be eligible to be counted towards natural or improved open space requirements.
- B. Open water privately owned in common with adjoining non-open water areas cannot be used in the calculation of gross density development potential or be eligible to be counted towards natural open space requirements. Said open water may be counted towards improved open space requirements when included and incorporated into a project.
- C. The following densities shall apply to any upland area contiguous to a lake, river, or other water body with an Urban Residential land use designation:
 - (1) Less than or equal to one dwelling unit per acre, if wastewater service is provided by conventional septic systems.
 - (2) Less than or equal to two dwelling units per acre, if wastewater service is provided by a performance based treatment system or by central sewer system which is not operating consistent with **SPZ requirements**.
 - (3) Per the underlying land use designation, if wastewater service is provided by central sewer system operating consistent with **SPZ requirements**.

Sec. 6.7.3 Wetlands.

- A. Development in wetlands not included within the boundaries of an ESOZ shall meet the following requirements:
 - (1) All development shall be clustered on the upland portion of the site if sufficient upland area exists. The maximum density of respective land use designation applicable to the wetland areas may be transferred to and clustered on the upland area. All other requirements of this Code shall be met for the upland development.
 - (2) Where there are insufficient uplands to allow a clustered development, development shall occur on the upland and may include portions of adjacent wetland areas. However, the

following densities shall apply to those portions of projects which are in wetlands where clustering will not occur:

- (a) One dwelling unit per 10 acres in Rural Lands and development shall be located or clustered outside the wetlands.
 - (b) One dwelling unit per five acres in an Urban Residential land use designation.
 - (c) Where elimination of all or a portion of a wetland is proposed through off-site mitigation conservation efforts, the maximum density of the respective land use designation applicable to the mitigated wetland area shall be accredited as follows:
 1. For mitigation conservation efforts within Marion County, the full maximum density of the on-site mitigated wetlands' potential density under the land use designation shall be available.
 2. For mitigation conservation efforts outside Marion County, 50 percent of the maximum density of the on-site mitigated wetlands' potential density under the land use designation shall be available.
- (3) No development will be allowed within the twenty-five (25) year floodplain except for structures that are accessory to residential and agricultural uses. Residential uses and non-residential uses that are not water dependent must be out of and away from the twenty-five (25) year floodplain. Where sufficient upland areas do not exist, a maximum of one unit per non-contiguous parcel of record will be allowed.
- B. Development in wetlands within the boundary of an ESOZ shall meet the wetland development and density requirements of the ESOZ.

Sec. 6.7.4 Listed Species.

- A. When a proposed development or land clearing site is found to include listed species, the application shall identify species and habitat protection as on-site or off-site. The selected option shall be a condition of approval and shall be completed at time of final inspection.
- B. For on-site protection, a habitat management plan shall be provided as an appendix to the EALS or submitted as a separate document, and shall include the following information:
 - (1) The number and types of listed species present, or presumed to be present;
 - (2) The size, type, quality, and location of habitat in relation to the overall site;
 - (3) The life cycle needs supplied by the habitat, e.g., nesting, roosting, breeding, foraging;
 - (4) The location of the site and habitat in relation to existing or proposed wildlife corridors, designated conservation areas, lands with conservation easements, or natural reservations;
 - (5) The practices necessary to protect the species from the impacts of development or land clearing, including at a minimum, the following:
 - (a) Access management and control of the habitat;
 - (b) Practices to manage the habitat to maintain a viable, thriving and diverse population;
 - (c) Practices to provide connectivity to surrounding similar habitats;
 - (d) Practices to discourage and/or prevent the establishment of and, when suitable, the removal of exotic or nuisance species as listed by the [UF/IFAS Assessment of Non-native Plants](#), "Prohibited" or "Invasive – Not Recommended" tables, as updated; and
 - (6) The proposed Conservation Easement, along with its accompanying certified legal description of the area/community to be protected, to be filed in the Marion County Public Records.
- C. For off-site mitigation, one or more of the following alternatives may be selected by the applicant:

- (1) Provide a monetary contribution to the Marion County Parks and Recreation Program for the acquisition of environmentally sensitive lands within Marion County. Monetary contributions for land acquisition pursuant to this section shall be applied to lands that are known to contain viable populations of listed species or habitat similar in type and quality to that on the site proposed for development or clearing;
 - (2) Provide off-site mitigation measures such as species relocation to similar habitat on protected lands subject to approval by the jurisdictional agency responsible for those lands (e.g., USFS, DOF, DEP, WMD, etc.), and the agency having jurisdiction over the species to be relocated (e.g., FWC, USFWS, etc.); or
 - (3) Acquire and donate land within Marion County that is within or contiguous to the Ocala National Forest, Cross Florida Greenway, Silver River State Park, Rainbow Springs State Park, Indian Lake State Forest, Ross Prairie State Forest, St. Johns River Water Management District lands, Southwest Florida Water Management District Lands, or other Natural Reservation lands to the appropriate managing agency. Lands donated under this option must be of equivalent acreage and contain listed species habitat of the same type and value as that on the proposed development site. However, the review agency having jurisdiction over the species for which mitigation is being provided may set an alternative type and value subject to negotiations. A Conservation Easement shall also be conveyed to Marion County to maintain and ensure Marion County's interest in the protection and preservation of the species/habitat.
- D. All off-site mitigation options shall emphasize the need to satisfy the habitat requirements of the listed species found on-site in a manner which conforms to the following:
- (1) Monetary contributions and land donations shall be sufficient to replace the habitat functions of the area to be mitigated; and
 - (2) A minimum of one-for-one replacement value of habitat shall be required for monetary contributions or land donations.

Sec. 6.7.5 Native Habitat Vegetation.

- A. When a proposed development or land clearing site is found to include Qualifying Natural Areas/Communities, available at www.fnai.org, the Qualifying Natural Area/Community shall be protected in a manner which protects, conserves, and enhances the resource.
- B. The application shall identify the area/community habitat protection as on-site or off-site. The selected option shall be a condition of approval and shall be completed at time of final inspection.
- C. When more than one Qualifying Natural Area/Community is identified on site, the extent of protection or mitigation shall not be required to exceed 50 percent of the combined acreage for all natural communities.
- D. For on-site protection, a habitat management plan shall be provided as an appendix to the EALS or submitted as a separate document. The plan shall be prepared consistent with FNAI guidelines and shall include the following information:
 - (1) The size, type, quality, and location of each area/community found on-site in relation to the overall site;
 - (2) The life cycle needs of each area/community;
 - (3) The frequency and extent of each area/community in Marion County and the State of Florida;
 - (4) The importance of each area/community as an individual area/community and as part of the Marion County and State-wide inventory, to demonstrate and provide a "priority" of areas/communities for preservation or mitigation when multiple acres/communities are found on-site;

- (5) The location of each area/community on the site and in relation to existing or proposed wildlife corridors, designated conservation area, lands with Conservation Easements, or lands with a Natural Reservation land use designations;
- (6) The environmental feasibility and economic impact of on-site protection;
- (7) The potential use and impact of clustering, transfer of development rights to other portions of the site, or similar techniques to promote preservation of the area/community;
- (8) The opportunity to include and integrate the area/community into the development project such as serving as land use buffering or Groundwater Recharge Protection Areas and/or Marion-Friendly Landscape Areas maintained native landscape areas;
- (9) The practices necessary to protect the selected area/community from the impacts of development or land clearing, including at a minimum, the following:
 - (a) Access management and control of the area/community;
 - (b) Practices to manage the habitat to maintain a viable and thriving area/community, and maintain and continue the diversity of the area/community on-site;
 - (c) Practices to provide connectivity to adjoining and/or surrounding areas/communities to maintain a viable and thriving presence, and maintain and continue the diversity of the area/community;
 - (d) Practices to discourage and/or prevent the establishment of and, when suitable, the removal of exotic or nuisance species as listed by the [UF/IFAS Assessment of Non-native Plants](#), "Prohibited" or "Invasive – Not Recommended" tables, as updated;
 - (e) Any criteria recommended or required by state or federal agencies.
- (10) The proposed Conservation Easement, along with its accompanying certified legal description of the area/community to be protected, to be filed in the Marion County Public Records.
- E. For off-site mitigation, the mitigation methods listed in [Section 6.7.5.C and D](#) shall be similarly applied for the preservation of similar area/community habitat protection.
- F. The method(s) of area/community protection, on-site or off-site, shall be reviewed and approved by the DRC as part of the development application review process. The DRC may consult with reviewing agencies (e.g., USFWS, FWD, DEP, USDF, etc.) and/or request and obtain a recommendation regarding the proposed protection or mitigation action.

Sec. 6.7.6 Open Space.

- A. The provision of Natural Open Space shall comply with the following design standards:
 - (1) The preservation of environmentally sensitive lands and locally significant resources shall be given priority when determining the location of natural open space.
 - (2) Natural open space shall be arranged in a contiguous manner which supports the preservation and connectivity of the space, with particular attention to providing connectivity to wildlife, agricultural, and/or passive recreational uses, as appropriate for the characteristics of the space.
 - (3) Natural open space shall be arranged in a manner which supports compatibility with surrounding areas which are not part of the proposed development.
 - (4) The buildable area resulting from the identification of natural open space shall be compact and contiguous with the natural open space providing a buffering effect to surrounding areas.
 - (5) Natural open space shall be designated accordingly on a plan and conveyed for ownership and maintenance which will include identifying one or more entities responsible for ownership and maintenance of the open space, and conveyed accordingly.

- (6) The Marion County Board of County Commissioners may also require that a Developer's Agreement and/or a Conservation Easement conveyed to Marion County be established for the natural open space as part of the plan review process.
- (7) The natural open space shall be maintained in a healthy state consistent with the habitat and use of the space and current applicable best management practices acceptable to Marion County, if any, consistent with characteristics of the space.
- (8) Constructed stormwater facilities of any kind are prohibited within areas designated as natural open space.
- (9) Structures are prohibited within natural open space; however limited minimal structural improvements may be provided for passive access and agricultural or environmental control such as boardwalks, trails, and fencing. Agricultural structures which are for bona-fide agricultural purposes and not for human occupancy for residential or non-residential purposes (e.g., residence, apartment, office) may be placed within natural open space in compliance with the following design requirements:
 - (a) The area where the agricultural structures may be located, either on individual lots and/or on common property, as appropriate, shall be clearly designated as a separate agricultural structure buildable area on the development project's primary development plan and presented for approval by the Board of County Commissioners.
 - (b) The cumulative acreage of the agricultural structure buildable areas shall not exceed 10 percent of the natural open space.
 - (c) The stormwater design for the development project shall provide for and reflect projected impervious surface coverage calculations for the identified agricultural structure buildable areas.

For hamlet subdivisions platted and recorded on or before **[date of LDC adoption]**, agricultural structures may be located within the natural open space but items (a) through (c) above will not apply; however, if all or part of the recorded hamlet subdivision is re-platted, the re-plat must comply with items (a) through (a) above.

- (10) The location, scope, and intent of any proposed limited structural improvements to be placed within the natural open space shall be clearly indicated by the corresponding project application and its accompanying plan.
- (11) Natural open space is not eligible to be awarded Transfer of Development Credits as provided in **Division 3.4, Special Programs**.

B. The provision of Improved Open Space shall comply with the following design standards:

- (1) IOS may include active and passive parks and recreation facilities, public squares and plazas, and outdoor areas.
- (2) Stormwater facilities and golf courses may be located within designated IOS.
- (3) No more than 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.
- (4) IOS shall be designated accordingly on any development plan and shall also include identifying the ownership and maintenance entity of the IOS.

Sec. 6.7.7 Conservation Easements.

- A. Conservation Easements shall be dedicated to Marion County when required under the provisions of this Code, and shall serve to "protect" or provide "protection" for those areas required to be identified as such.

- B. In lieu of dedication to Marion County, Conservation Easements may be dedicated to a public or private non-profit conservation agency or organization; or to a quasi-public agency or organization; or to a governmental agency. Conveyances to parties other than Marion County will require a verification of acceptance by the receiving entity prior to filing of the Conservation Easement, and the approval of the Development Review Committee.
- C. When property subject to protection is proposed for fee simple conveyance to a third party, said conveyance will require a verification of acceptance by the receiving entity prior to the conveyance and the approval of the Development Review Committee. The conveyance will also include establishing a Conservation Easement dedicated to Marion County, reflecting Marion County's interest in the creation and designation of the property for protection.
- D. A Conservation Easement held by Marion County may be released. Any release requires approval by the Board with a recommendation from the Development Review Committee. A request by a land owner to release any Conservation Easement shall be accompanied by and based on sufficient study and analysis of the Easement land which demonstrates that the purpose for which the Easement was dedicated has changed in a manner found warranting release; such changes may include, but are not limited to:
 - (1) An alternative form of protection or mitigation as been provided, either on-site or off-site;
 - (2) The Easement land has been irrevocably damaged by natural disaster;
 - (3) The Easement land's listed species and/or area/community has been irrevocably damaged by disease or other natural threat;
 - (4) The Easement land was subject to the County's TDR program and the land owner has obtained and shall redeem/relinquish TDCs equal to the creation/exchange ratio in effect at the time the release is proposed and approved.
- E. Marion County may elect to designate lands subject to a Conservation Easement as Conservation or Natural Reservation on the Marion County Comprehensive Plan Future Land Use Map Series, subject to the ownership of said lands.

Division 8 Tree Protection and Replacement

Sec. 6.8.1 Purpose and intent.

- A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees from or in public and private property. Tree protection and replacement shall work together with other landscape and tree installation requirements to create an overall landscape quality which successfully meets the intent of this Code.
- B. This comprehensive tree protection and replacement strategy includes:
 - (1) Preservation and maintenance of existing trees, groups of trees, and native plant communities;
 - (2) Tree management and abuse prevention;
 - (3) Protection of trees during site development;
 - (4) Removal of trees;
 - (5) Replacement of removed trees;
 - (6) Maintenance of replacement trees; and
 - (7) Enforcement.

Sec. 6.8.2 Exceptions.

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

- A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on lands with an agricultural zoning classification. Lands with an urban land use may not use this exemption.
- B. Property used for bona fide agricultural use, as listed above, zoned other than agriculture and possessing an agriculture classification from the County Property Appraiser per **FS 193.461**. Lands with an urban land use may not use this exemption.
- C. On lands where either of the two exemptions above has enabled tree removal without a permit, no applications for any land use changes shall be made within one year of the tree removal date unless:
 - (1) The applicant provides tree replacement at 100" DBH of native trees per acre, or lower based on the pre-clearing density of existing trees, or
 - (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting 100" DBH of native trees per acre, or lower based on the pre-clearing density of existing trees.
 - (3) Replacement trees follow standards as established by this division.
- D. The removal of trees which have a DBH of less than 10" except those trees which have been designated replacement and conservation trees pursuant to **Section 8.2.10.f.(1)**, herein.
- E. The removal of trees on an individual parcel of record used or to be used for single-family dwellings.
- F. The removal of trees associated with the County's construction, rehabilitation or routine maintenance of roads and drainage systems within public right-of-ways or easements.
- G. Tree removal for the construction of firebreaks, firelines, and surveying.
- H. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes.
- I. Transplanting of any size tree.
- J. Removal of trees required by a development plan which has been fully approved by the County.
- K. Removal of exotic tree or nuisance tree species as listed by the [UF/IFAS Assessment of Non-native Plants](#), "Prohibited" or "Invasive – Not Recommended" tables, as updated.

Sec. 6.8.3 Unless otherwise authorized by this division, no person shall cause, permit, or allow:

- A. The removal of any tree without first obtaining a tree removal permit.
- B. Tree abuse which includes:
 - (1) Hatracking a tree; or
 - (2) Destroying the natural habit of tree growth; or
 - (3) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
 - (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains; or
 - (5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or
 - (6) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or
 - (7) Pruning of live palm fronds which initiate above the horizontal plane; or
 - (8) Overlifting a tree; or

(9) Shaping a tree.

- C. Any encroachments, excavations, or change the natural grade within the Tree Protection Zone (TPZ) of a tree unless it can be demonstrated to the Landscape Architect prior to commencement of said activity, that the activity will not negatively impact any tree.
- D. Land clearing or the operation of heavy equipment in the vicinity of a tree without placing and maintaining a protective barrier around the drip line of the tree.
- E. The storage or use of materials or equipment within the TPZ of any tree, or attachments, other than those of a protective and non-damaging nature, to any tree.
- F. Land clearing, including the removal of understory, without first obtaining authorization as herein provided.

Sec. 6.8.4 Design for the protection of trees.

- A. Every reasonable effort should be made to minimize tree removal. Tree preservation shall be an integral part of the site planning or subdivision design process. Tree preservation shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site.
- B. All trees with a DBH of 10" or larger shall be considered protected trees unless listed by the [UF/IFAS Assessment of Non-native Plants](#), Prohibited or Invasive – Not Recommended tables, as updated.
- C. A proper evaluation shall be made to determine if existing trees, or groups of trees, are good candidates for preservation before final site plans are developed. Tree evaluations shall be performed by a Landscape Architect or a Certified Arborist. The evaluation shall be used to guide decisions about tree preservation, tree protection, and tree removal and will include:
 - (1) Determination of species of tree(s);
 - (2) Assessment of the health and age of the tree(s);
 - (3) Determination of the condition of the tree(s) based on the species, health, and age and whether the tree(s) will provide a lasting value to the finished project (trees with fast growth habits and have a shorter life span may not be desirable);
 - (4) Assessment of the size (DBH and canopy) of the tree(s);
 - (5) Assessment of the rarity, uniqueness, and character of the tree(s);
 - (6) Assessment of the historic value, status as a specimen tree, or other outstanding quality;
 - (7) An general overview of the site and whether the tree(s) will provide a lasting and positive contribution to the site and general surroundings;
 - (8) Determination if any minor alternations to the site topography will impact the long-term viability of preserving existing trees;
- D. Tree evaluations will increase the value of the finished project by:
 - (1) Protecting public health, safety, and welfare;
 - (2) Determining the best trees to preserve and which trees should be removed;
 - (3) Providing structural and proactive pruning recommendations for existing trees;
 - (4) Protecting the completed project from potential costs or litigation associated by incorrectly preserving trees which should be removed;
 - (5) Finding the trees which contribute the most to the project; and,
 - (6) Contributing to the success of the finished project.

Sec. 6.8.5 Tree Protection Zones. Tree protection zones are as follows:

- A. Tree Protection Zone (TPZ) is a defined area surrounding the trunk of a tree (or group of trees) to

be preserved, intended to protect roots and soil within and beyond the Critical Root Zone (CRZ) to ensure future tree health and stability.

- (1) All tree measurements for tree protection and preservation shall be made at 4 ½' above grade to establish the correct diameter at breast-height (DBH).
 - (2) The TPZ shall be located at the dripline of the tree (or group of trees) to be preserved. For tree protection requirements, the dripline shall be shown on the Tree Protection and Replacement Plan as determined by either of the following methods:
 - (a) Field location by either a Surveyor and Mapper, a Landscape Architect, or a Certified Arborist, or
 - (b) Utilizing a "desktop canopy" rule generally understood as using 1' for every inch of DBH. For example, a 30" tree would have a 30' radius dripline.
 - (3) The CRZ is the area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival.
 - (a) No excavation, filling, trenching, or other intense disruption of the root zone is allowed within the CRZ.
 - (b) The CRZ is established on a tree-by-tree basis through on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.
 - (c) Damage to roots in this area may result in the same penalties or fines as would removing a protected tree without authorization.
- B. The Landscape Architect, or designee, may reduce the limits of the TPZ to allow authorized construction to occur.
- C. No reduction of the TPZ or removal of barricades may occur without prior written authorization from the Landscape Architect.
- D. The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ.
- E. The TPZ shall not be reduced to any point within the CRZ.

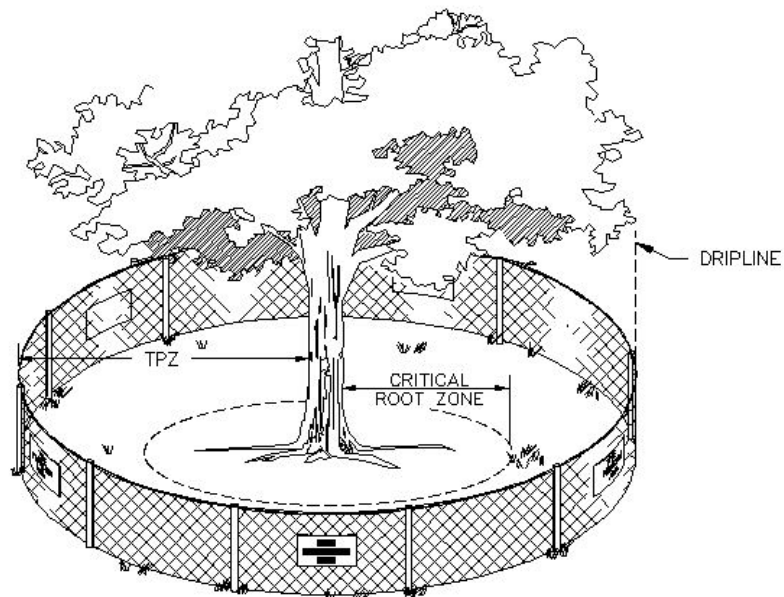


Figure 6.7-1 Tree Protection Zones

Sec. 6.8.6 Tree Protection Barricades.

- A. Tree barricades shall be no less than 4' in height.
- B. The barricade shall be constructed of rigid material capable of surviving for the duration of the construction.
- C. Highly visible signs shall be placed on the tree protection barricades at each quadrant of single protected trees and along driplines of groups of trees being protected at 50' intervals minimum. Signs shall include the words "Tree Protection Zone."
- D. Refer to Article 7 for applicable details.

Sec. 6.8.7 Pre-Construction Tree Protection.

- A. The owner, developer, contractor, and permittee shall be responsible for insuring that all possible measures are taken to avoid damage to trees not approved for removal.
- B. Prior to any clearing or grubbing, the responsible party shall clearly mark, in a non damaging manner, all trees in the construction area which have not been permitted for removal. For projects on public lands, marking trees with paint is unacceptable.
- C. The owner, developer, contractor, and permittee shall provide clear instructions to all employees and subcontractors regarding the tree protection requirements and potential fines or fees associated with damaging or removing protected trees.
- D. A tree protection program should be implemented to educate contractors on:
 - (1) Understanding the requirements and regulations;
 - (2) Following the approved plan and regulations; and
 - (3) Monitoring the TPZ barricades and making required repairs.

Sec. 6.8.8 Tree protection during development. The following requirements shall be conditions of all tree removal permits, all permits for construction in public right-of-way, and all development permits issued under and pursuant to this Code:

- A. The cleaning of construction equipment or material or the disposal of waste materials including but not limited to, paint, oil, solvents, asphalt, concrete, and mortar within the TPZ of any tree which is being protected is not allowed.
- B. The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any tree which is being protected is not allowed.
- C. The contractor shall inspect all tree protection barricades on a weekly basis during the course of construction. Any barricade which has been damaged or is missing shall be replaced immediately.
- D. If any tree which has not been approved to be removed is destroyed, or receives major damage during construction, with the exception of natural events, so as to place its long term survival in question, then such tree must be replaced by the owner with a comparable type of tree or trees having a total (combined) DBH, at a minimum, equal to the DBH of the tree so destroyed or damaged (inch-to-inch).

Sec. 6.8.9 Tree Removal Permit.

- A. For tree removals not associated with any development as outlined in this division, refer to **Section 2.X.X – Stand Alone Permits**. For all other tree removal applications, the approved development plans shall serve as the Tree Removal Permit.
- B. A tree removal permit shall be required for the removal of any tree with a DBH of 10" or larger, except for exempt activities as outlined in **Section 6.7.2**. A tree removal permit shall be obtained from the Landscape Architect, or designee, prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.

- C. A tree removal permit shall be obtained by any public utility undertaking construction activities that require tree trimming or tree removal, unless the public utility has been granted an exemption by the Board. The Board may grant an exemption after reviewing policies submitted by a public utility which govern their tree trimming or tree removal practices and finding that such policies are consistent with the intent of the Code. Such exemptions will be valid for a period of three years from the date granted unless revoked by the Board for good cause at a public hearing. The Board shall provide 30 days notice to a public utility of intent to revoke any such exemptions.
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

Sec. 6.8.10 Submittal Requirements. The following requirements shall apply to the application for tree removal permits and are in addition to the Minimum Plan Requirements:

- A. A Tree Removal and Preservation plan which clearly indicates the location of all trees, with a DBH of 10" and larger, to be removed and trees to be preserved. Replacement tree locations shall be indicated on the Landscape Plan.
- B. Tree Calculations shall include:
 - (1) The total numbers of existing trees within the site and the respective DBH of each tree;
 - (2) The pre-development ratio of native tree inches-per-acre;
 - (3) The total DBH inches of native trees to be removed; and
 - (4) The total DBH inches of native trees to be replaced.
- C. A tree protection detail which graphically indicates the requirements of tree protection as required by this division. **Refer to Article 7.**
- D. List general prohibitions on the plan as stated in **Section 6.7.3.**
- E. Indication of all TPZ on the Tree Protection and Replacement Plan.
- F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall be established by the Board, by resolution. Tree removal permit application fees for projects associated with any development (excluding stand alone permits) shall be included in the overall plan review and application fees available at the [Office of the County Engineer](#).

Sec. 6.8.11 Review and approval procedures.

- A. During review of a Tree Removal and Preservation Plan, the Landscape Architect, or designee, may determine that modifications of the proposed Tree Removal and Preservation plan are necessary. Conditions that may require plan changes include, but are not limited to, the following:
 - (1) Preserving any tree due to their age, size, rarity, uniqueness, historic value, status as a specimen tree, or other outstanding quality.
 - (2) Proposed grading or clearing activities do not follow the requirements of this division.
 - (3) Proposed habitat destruction which conflicts with the requirements in Division 6.
- B. The applicant will be asked to revise and update the Tree Removal and Preservation Plan according to review comments.
- C. After approval of a Tree Removal and Preservation plan, the Landscape Architect, or designee, may issue a tree removal permit if such tree removal is in accordance with all provisions of this Code.
- D. Upon review and approval of the submittal requirements, a tree removal permit may be issued. The approved development plans shall serve as the Tree Removal Permit.

If an application is rejected, the reasons for rejection will be specified in writing. The issuance of tree removal permits shall not be unreasonably denied. The applicant then may request a waiver from these requirements and be heard before the Development Review Committee. Denial of a tree removal permit shall be subject to appeal to the Marion County Tree Commission.

Sec. 6.8.12 Tree Replacement Requirements. All trees not shown on the Tree Removal and Protection Plan, or not permitted for removal, must be protected and maintained using proper tree care BMPs. For those trees permitted for removal, trees shall be replaced in accordance with the minimum standards set forth below:

- A. A minimum of one-half of the existing trees with a DBH of 10" or greater shall be preserved on site regardless of the assessment as required above. Should preservation of these trees interfere with reasonable development of the site, replacement trees shall be planted at the following ratio:
 - (1) Existing trees measuring 10" DBH to 19" DBH shall be replaced with a minimum of one tree each with 3 ½" caliper minimum.
 - (2) Existing trees measuring 20" DBH to 29" DBH shall be replaced with a minimum of three trees each with 3 ½" caliper minimum.
- B. Trees that are 30" DBH or greater, which receive an unfavorable assessment in this division, may be permitted for removal with approval by the Landscape Architect. These trees shall be replaced with a minimum of three trees each with 3 ½" caliper minimum.
- C. Trees measuring 30" DBH or greater, which have received a favorable assessment, shall be preserved and site design shall accommodate this preservation requirement. The Landscape Architect, or designee, has the authority to grant an administrative variance to this requirement subject to the following:
 - (1) The tree materially interferes with the proposed location, servicing or functioning of the utility lines or services, or rights-of-way and said tree cannot be preserved through re-design of the infrastructure.
 - (2) The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
 - (3) Existing trees measuring 30" DBH and over which qualify for removal shall be replaced at a ratio of one-to-one. For every inch of DBH, one inch of caliper must be provided.
 - (4) Replacement trees for this requirement shall be 4" caliper minimum.
- D. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or Federal authority shall not be required to replace the DBH of trees removed if such authority demonstrates that such trees conflict with proposed utilities drainage or roadway and drainage construction. The property owner is encouraged to preserve trees within the outer 5' of right-of-way.

Sec. 6.8.13 Replacement trees.

- A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required shade trees, buffer trees, and any other required landscaping.
- B. Replacement trees shall be Florida native species representative of the species of trees permitted for removal.
- C. Palms may only be used to replace palms that are permitted for removal. The use of palms shall work with the required palm-to-tree ratio as required in **Division 17**.
- D. Replacement trees shall meet the minimum tree requirements set forth in **Division 17**.

- E. For trees removed pursuant to a tree removal permit, required replacement trees shall be located within the parcel boundaries shown on the site plan. If space constraints are such that the replacement trees cannot be located within the parcel boundaries using sound horticultural and design principles, then the replacement trees may be located on public property at the County's discretion. The public property location shall be specifically designated by the County and such replacement trees shall be donated to the County. The County will be responsible for maintenance of donated trees on public property.
- F. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.12 above by designating existing trees on site which are native tree species and less than 10" DBH as conservation trees, provided that the property owner takes steps to designate and protect such conservation trees.

A property owner designating conservation trees shall record in the public records of Marion County, a notice to subsequent property owners that the site contains conservation trees, subject to maintenance requirements, with reference to the development plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to the Zoning Manager, or designee, prior to the issuance of a Certificate of Occupancy.

Sec. 6.8.14 Tree Mitigation Fund.

- A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of accepting and disbursing the contributions made to the Board as part of the tree replacement monies deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion County.
- B. An application to pay in lieu of installing any required replacement trees is made through the Landscape Architect. The "pay in lieu" option shall only be used for replacement trees and for no other landscape or tree planting requirement as stated in this Code.
- C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree Mitigation Fund at a per-tree cost. The amount of such fee shall be determined on a case by case basis through the public solicitation for bids and the amount shall be based on:
 - (1) The wholesale cost of material
 - (2) Cost of labor for installation
 - (3) Cost of irrigation for establishment
 - (4) Cost of maintenance for two years
- D. Payment into the Tree Mitigation Fund shall be recommended by the Landscape Architect and approved by the County Administrator prior to issuance of the tree removal permit.
- E. Tree mitigation funds shall be used by the County for the installation, establishment, and maintenance of trees on public property within Marion County.

Sec. 6.8.15 Maintenance of replacement trees. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:

- A. Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.
- B. All replacement trees shall be maintained in a living, healthy condition for a period of two years following final inspection and approval, or else be replaced, by the permittee, his successor or assignee. No replacement shall be required beyond such two-year period. After the two-year period, the owner of record shall be responsible for maintaining the replacement trees in a healthy condition.
- C. The permittee or the property owner shall record in the public records of Marion County,

appropriate notice to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the Zoning Manager, or his designee, prior to the issuance of a Certificate of Occupancy.

Sec. 6.8.16 Inspections. The following inspections shall be required to ensure compliance with this division and with the requirements of permits issued hereunder, and no Certificate of Occupancy or Certificate of Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit hereunder until all required inspections have been completed:

- A. A preliminary inspection shall be conducted by the Landscape Architect, or designee, prior to actual removal of trees in order to confirm that the permittee has marked trees permitted to be removed and has marked and provided adequate barriers for trees not to be removed or to be relocated. Any violation noted during this inspection shall be cause to withhold approval until corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be noted by the Landscape Architect, or designee, on the permit and shall constitute notice to proceed with tree removal.
- B. A final inspection shall be conducted by the Landscape Architect, or designee, after completion of tree removal and replacement in accordance with the approved plans. Any violation noted during this inspection shall be cause to withhold approval until corrected by the permittee and reinspected. Approval, after final inspection, shall be noted by the Landscape Architect, or designee, on the permit and shall constitute notice of commencement of the required maintenance period of replacement trees.

Sec. 6.8.17 Violation and Enforcement. It shall be a violation of this Code to fail to obtain any permit when required hereunder, to fail to comply with any condition of any permit issued hereunder, or to violate any provision of this division. When such violations occur, the following sanctions apply:

- A. If unauthorized tree removal or site grading occurs, the Landscape Architect, or designee may issue a stop work order for the affected project area of such unauthorized tree removal and all related site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the Landscape Architect, or designee.
- B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited by the Landscape Architect, or designee, and referred to the Code Enforcement Board.
- C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved restoration plan have been installed and all site grades restored.
- D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and the site grade restored even if project termination occurs before completion of the project. Failure to complete the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will be cited by the Landscape Architect, or designee, and referred to the Code Enforcement Board.
- E. In addition to all other remedies provided herein, the Landscape Architect may seek injunctive relief or the imposition of fines and penalties for any violation of this division.

Sec. 6.8.18 Marion County Tree Commission, Appeals. The Marion County Board of Adjustment shall act as the Marion County Tree Commission.

Division 9 Karst Topography and High Recharge Areas

Sec. 6.9.1 Purpose and Intent.

Marion County is uniquely situated in a geologic area featuring limestone and rock characteristics identified as karst, promoting the quick and rapid movement of water between the surface and the aquifer. As the aquifer is the vital source of Marion County's potable water, as well as much of the State of Florida, its protection and preservation is essential.

Sec. 6.9.2 General Requirements.

- A. An application for any new development or expansion of existing development, located within a high recharge or karst sensitive area as designated by the appropriate water management district or Marion County maps, shall submit a study and analysis of site conditions in sufficient detail to define hydrologic and geologic conditions which may guide mining, land development, or construction activities on the proposed site.
- B. An applicant for any new development or expansion of existing development shall depict karst features on the project site and off-site within 200 feet of the project boundary.

Sec. 6.9.3 Additional Submittal Requirements.

- A. When providing a submittal for the purposes of demonstrating karst feature and high recharge area protection, the following minimal information shall be included:
 - (1) Potentiometric surface map;
 - (2) Geologic bulletins and papers specific to the project area;
 - (3) Geotechnical and hydrogeologic reports or studies, including test borings. The total number of borings shall be determined by the professional responsible for signing and sealing the study; and
 - (4) Engineering analysis and recommendations, including:
 - (a) Evaluation of planned site area;
 - (b) Assessment of sinkhole, cave, lineament, escarpment, solution pipe and other known and potential karst features; and
 - (c) Options and recommendations including but not limited to:
 - 1. Remediation or buffering;
 - 2. Minimization of impervious surfaces;
 - 3. Potential for innovative stormwater collection and protection measures including pre-treatment and shallow drainage retention areas;
 - 4. Alternatives to stormwater retention basins when soil cover is inadequate to protect the Floridan aquifer; and
 - 5. Structural design alternatives when the soil cover over the Floridan Aquifer is less than 20 feet.

Sec. 6.9.4 Development restrictions in high recharge and karst sensitive areas are as follows:

- A. Development of the site shall comply with the geological and engineering recommendations pursuant to **Section 6.9.2**.
- B. Businesses or industries which produce, use, or store hazardous materials listed in **Section 12.7** shall prepare the proposed development plans in conformance with the requirements of **Section 12.8.3, the Florida Administrative Code**, and the requirements of this division.
- C. Non-residential uses shall be set back 200 feet from a sinkhole.

Sec. 6.9.5 Karst Feature Remediation.

If remediation of a karst feature is proposed, the application for development must include a

remediation plan containing all details for the remediation activity. A final certification documenting that the karst feature was successfully remediated in accordance with the plan shall be submitted with the final certifications for the development. The remediation plan and final certification must be signed and sealed by a Professional Engineer. Karst features remediated in compliance with this paragraph shall not be required to meet the buffer requirements of this division.

Sec. 6.9.6 Karst Feature Conservation.

All new development and expansion of existing development shall provide and maintain a permanent vegetative buffer around any sinkhole, cave, lineament, escarpment, solution pipe, and other known karst features that are not remediated. The buffer shall be entirely within a Conservation Easement. The Conservation Easement shall be clearly delineated, labeled, and described on the applicable plan, and follow the provisions in the Habitat Protection section of this Code.

- A. Buffer Width. The minimum width of the required karst buffer shall be 150 feet for karst features with a direct connection to the aquifer and 75 feet for karst features with no direct connection to the aquifer, as measured from the outermost closed contour or edge of the escarpment, as applicable, but no greater in width than the contributing watershed. These minimum buffer widths may be reduced if the applicant demonstrates either of the following:
 - (1) A narrower buffer can be calculated using the design methodology for calculating buffer width based on infiltration, as set forth in the *Applicant's Handbook for Regulation of Stormwater Management Systems*, SJRWMD 2005, as amended; or
 - (2) The lot of record is too small to accommodate permitted development in compliance with the minimum width, in which case the applicant shall, as an alternative, design and construct a vegetated swale and/or berm that effectively prevents drainage to the karst feature.
- B. Design Buffer Use. The karst buffer shall be maintained in permanent vegetative cover. In addition, the following shall be prohibited within the buffer:
 - (1) Buildings, pavement and other impervious surfaces, except sidewalks four feet or less wide may be permitted;
 - (2) Septic tank drainfields and any form of domestic wastewater disposal;
 - (3) Drainage retention areas; and
 - (4) Use of Irrigation, fertilizers, and pesticides.
- C. Native Vegetation. The native vegetation shall be restored, preserved, and maintained to provide a buffer around sinkholes in excess of 50 feet in diameter.