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Article 5 Overlay Zones and Special Areas

Overlay zones and special areas Identify unique spaces which require special development regulations to maintain and protect their unique characteristics or purposes. Each zone or area is described with its respective regulations, and sites may be subject to multiple zones and/or areas. The land use designation and/or zoning classification for any site remains undisturbed by the creation of a zone or area, except as specifically noted herein, when the zone or area imposes additional or different development standards than those that would otherwise apply. In the event of conflict, the more stringent regulation applies and supplements and/or supersedes other regulations provided in this Code, where applicable.

Division 1 Airport Overlay Zone (AOZ)

Sec. 5.1.1 Purpose and intent.

- A. The Airport Overlay Zone is designed to supplement or supersede the development regulations provided in the underlying zoning classifications, where applicable, in order to provide for safe airport operations and development of uses in locations near airports which are compatible with the airport use.
- B. The purpose of this overlay zone is to regulate heights of structures and objects of natural growth and to regulate the uses of land within the vicinity of general aviation public use airports, in accordance with Chapter 333, Florida Statutes, to avoid the creation of airport hazards and inhibit the development of uses which may be adversely affected by airport operations.

Sec. 5.1.2 Land use restrictions.

- A. Dunnellon Airport. Within the boundary of the Dunnellon Airport Overlay Zone as described below, the land uses following shall not be permitted.
 - (1) Description of Area: All lands lying within the transitional, approach, conical, horizontal and primary zones as defined and shown on Map 2.9, "Marion County Airport Layout Plan", of the Marion County Comprehensive Plan.
 - (2) Residential developments having a gross density greater than one dwelling unit per acre (43,560 square feet).
 - (3) The storage of explosive materials above the ground.
 - (4) Any use which interferes with the lawful operation of an airborne aircraft.
 - (5) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (6) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- B. Ocala Airport
Description of Area. All lands lying outside the corporate limits of the City of Ocala and within the transitional, approach, conical, horizontal and primary areas as defined and shown on Figure 3-7, "Airport Layout Plan, Ocala Municipal Airport" of the Marion County Comprehensive Plan; Port, Aviation and Related Facilities Sub-Element.

Sec. 5.1.3 Lot and building standards.

A. Height Limitations, Dunnellon Airport.

- (1) No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations:
 - (a) Primary Zone. The elevation of the nearest runway centerline excluding those structures which are part of the landing and take-off area.
 - (b) Horizontal Zone. 150 feet above airport elevation.
 - (c) Conical Zone. 150 feet above airport elevation at the inner boundary, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.
 - (d) Approach Zone. The runway centerline end height at the inner edge, with permitted height increasing with horizontal distance outward from the inner edge as follows:
 1. Runways 14/32 and 9/27: one foot vertically for every 20 feet of horizontal distance.
 2. Runway 5: one foot vertically for every 34 feet of horizontal distance.
 3. Runway 23: one foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance thereafter.
 - (e) Transitional Area. The same as for the primary area or the approach area where it adjoins, with permitted height increasing one foot vertically for every seven feet horizontally, measured at right angles to the runway centerline or extended centerline.

B. Height Limitations, Ocala Airport.

- (1) No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations:
 - (a) Primary Zone. The elevation of the nearest runway centerline excluding those structures which are part of the landing and take-off area.
 - (b) Horizontal Zone. 150 feet above airport elevation.
 - (c) Conical Zone. 150 feet above airport elevation at the inner boundary, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.
 - (d) Approach Zone. The runway centerline end height at the inner edge, with permitted height increasing with horizontal distance outward from the inner edge as follows:
 1. Runway 08/26: One foot vertically for every 20 feet of horizontal distance.
 2. Runway 36: One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance.
 3. Runway 18: One foot vertically for every 34 feet of horizontal distance.
 - (e) Transitional Area. The same as for the primary area or the approach area where it adjoins, with permitted height increasing one foot vertically for every seven feet horizontally, measured at right angles to the runway centerline or extended centerline.

Division 2 Environmentally Sensitive Overlay Zone (ESOZ)

Sec. 5.2.1

Purpose and intent. This overlay zone is intended to protect the Environmentally Sensitive Lands depicted in the Comprehensive Plan and to provide criteria for the conservation and protection of certain lakes, rivers, shorelands, wetlands, natural habitats, native vegetation and associated uplands, and other environmentally sensitive areas from the adverse effects of development while protecting the rights of property owners.

- A. Projects within this overlay zone must protect the surface water and ground water quality by providing stormwater management systems, buffers and enhanced setback for structures and septic systems.
- B. The regulations imposed herein on Environmentally Sensitive Overlay Zone lands shall supersede all other regulations in this Code. When regulations of this overlay zone conflict with any other provisions of the Code, including another overlay zone, the provisions of the Environmentally Sensitive Overlay Zone shall control, except structures constructed within the one percent (100-year) flood plain, shall meet the requirements of the Flood Plain Overlay Zone.

Sec. 5.2.2 Applicability. Activities, structures, or uses within the ESOZ as it appears on the duly adopted Future Land Use Map, as prepared by the Marion County Planning Division and adopted by the Board of County Commissioners determined as follows:

- A. Waterbodies affected by this overlay zone.

Table 5.2.2-1

Rivers, Spring Runs, and Streams:	
Ocklawaha River	Orange Creek
St. Johns River	Withlacoochee River
Rainbow River*	Silver River
Salt Springs Run	Silver Glen Springs Run
Juniper Run	Silver Creek
Dead River Tributary to the Ocklawaha River	
Springs:	
Rainbow Springs	Silver Springs
Salt Springs	Silver Glen Springs
Juniper Springs	
Lakes:	
Bonable Lake	Bryant
Chain O Lakes	Charles
Delancy	Doe
Eaton	Ella/Juanita
Farles	Halfmoon
Jumper	Kerr
Little Kerr/Warner	Little Weir
Mary	Mill Dam
Mud	Nicotoon
Pecan	Smith
Weir	Lake George (Shoreline Only)
Orange Lake (Shoreline Only)	

*From its source, Rainbow Springs, to the South line of the Northwest 1/4 of Section 30, Township 16 South, Range 19 East.

- B. Boundaries
 - (1) The landward boundary for the lakes, rivers and springs listed above shall be one half mile (2,640 feet) from the water's edge of those lakes and springs.

- (2) The landward boundary for the rivers, spring runs, and streams listed above shall be 500 feet landward of the water/wetland edge of perennial wetlands and perennial primary tributaries that are hydrologically connected to these waterbodies or the landward extent of the one percent (100-year) flood plain associated with these perennial wetland areas and primary tributaries that are hydrologically connected to these waterbodies, whichever is greater. The extent of the ESOZ boundaries associated with rivers and streams are depicted on ESOZ Map Set 3 of the Future Land Use Map Series.
 - (3) The western boundary of the ESOZ along the Silver River State Park shall extend for one-quarter mile from the western park boundary into areas designated as Urban Expansion Area.
- C. ESOZ boundaries shall be clarified by the Zoning Manager, if necessary, or by the applicant's engineer or land surveyor if approved by the Zoning Manager. If an applicant provides data from sources acceptable to the Zoning Director to prove they are not within an ESOZ, then the Zoning Manager may exempt the applicant from the requirements of this section after review and comment on the acceptability and reliability of the data by the appropriate water management district.

Sec. 5.2.3 Permitted uses and activities.

- A. All uses permitted in the underlying land use category and zoning classification which are consistent with the requirements of this overlay zone provided it is shown by the applicant that the natural function of the protected natural feature will not be materially impaired, diminished, or harmed by the proposed development and that surface water or ground-water quality will not be degraded.
- B. Public parks, recreation areas and preserves.
- C. Buildings and structures permitted in the underlying zoning classification unless specifically prohibited herein.
- D. Repairs to existing structures, care of existing lawns and yards or land surveying activities.
- E. Agricultural uses. Additionally, when such agricultural uses have adopted best management practices and guidelines (BMPs) as outlined in the Florida Department of Agriculture and Consumer Services they shall be managed and conform to such BMPs.

Sec. 5.2.4 ESOZ Development Standards.

- A. Waterfront Setback. Setbacks on lots, parcels or tracts which have water frontage shall be 75 feet from the wetlands or from the ordinary high water line, whichever is greater. The Board of Adjustment may grant a variance from this setback provision where the required setback renders an existing lot of record, as of the effective date of this Code, unbuildable for a single family residence or addition to a nonconforming single family residence.
- B. Tract Width. New waterfront lots shall have a minimum tract width of 125 feet and shall meet the buffer zone requirements.
- C. Sewage Disposal Systems. Septic tanks and leachfields shall not be allowed in the area between the structure and the ordinary high water line or the wetlands, whichever is greater. All new septic tanks and drainfields shall be located in the side yard or the street side (rear or back yard) of all structures. In the event there is a conflict between the location of existing wells on adjacent properties and the proposed septic tank and leachfield location, the septic tank and leachfield shall be located in accordance with the requirements of the State of Florida Department of Health. In this case the burden of proof is on the applicant to prove that the water front area is the only location or that the property may otherwise be an unbuildable lot.

D. Front Yard Buffer Zone.

- (1) The vegetative buffer area shall extend 50 feet landward from wetlands or 50 feet from the ordinary high water line, whichever provides the greater buffer.
- (2) The vegetative buffer area between a main structure and the ordinary high water line or wetlands whichever provides the greater protection, shall be consistent with the approved management practices of the Florida DEP.
- (3) Those parcels within the ESOZ that are governed by an Aquatic Preserve Management Plan must obtain all required permits prior to any littoral zone vegetation removal.

E. Protection of Littoral Zone Vegetation.

Required aquatic vegetation removal permits must be obtained from the Florida Department of Environmental Protection prior to any vegetation removal or if non-mechanical/chemical removal methods are utilized within the littoral zone.

F. One percent (100-year) flood plain Requirements.

- (1) This section provides requirements for all land use activities, including single family residences, which materially change the location, elevation, size, capacity, or hydraulic characteristics of the existing one percent (100-year) flood plain as identified by the Federal Emergency Management Agency. The intent is to ensure that equivalent flood plain volume and conveyance is maintained. This section also supplements **Article 5, Flood Plain Overlay Zone**.
- (2) Land use activities which materially change the flood plain may be permitted when calculations performed by a licensed professional are provided demonstrating that compensating storage or other hydraulic characteristics are provided on the owner's property or within an easement. The calculations shall be reviewed and approved by the County Engineer or designee.
- (3) Land use activities that do not meet the thresholds for a stormwater analysis shall minimally be required to demonstrate one-for-one compensating storage, to be reviewed and approved by the County Engineer or designee.
- (4) When proposed improvements encroach into a flood hazard zone, additional design storm criteria may be required based on the parameters utilized in the adopted FEMA FIRM. In some cases it may be necessary for the applicant to file a map amendment with FEMA.
- (5) No sewage effluent disposal shall be permitted within the one percent (100-year) flood plain.
- (6) Densities within the one percent (100-year) flood plain shall not exceed one dwelling unit per acre.
- (7) Clearing of flood plain vegetation shall be limited to those areas which maintain a 50 foot setback from all wetlands; is consistent with **paragraph (5) above**, does not contain listed wildlife or plant species or important habitat for listed species; provides a stormwater management system which mimics and uses the features and functions of natural drainage systems.

G. Accessory Uses and Structures.

- (1) No accessory use or structure may be located in the minimum required front yard setback or within the 25 year flood plain except for such as but not limited to boat docks, boat houses, boat davits and lifts, and bulkheads and other erosion control devices, or any uses or structures allowed by the State of Florida, Department of Environmental Protection.
- (2) In residential classifications, no other accessory uses or structures shall be located in a front yard setback except for wells, landscaping or architectural features such as gazebos (of no more than 400 SF), planters, flagpoles and statuary, provided all side setbacks are observed.
- (3) Pools and screen pool enclosures may be located in the front yard provided all setbacks are observed.

- (4) Accessory uses and structures may be located within rear and side yards provided all setbacks are observed.
- (5) Accessory structures may not exceed two stories or 24 feet in height.

Sec. 5.2.5 Development density standards.

A. Urban Expansion Areas within the ESOZ, New Projects

- (1) .Within 1,000 feet of a waterbody and when an OSTDS or PBTS is used:

Lot size - minimum of one acre

Density - maximum of one dwelling unit per gross acre.

- (2) Over 1,000 feet from a waterbody when an OSTDS or PBTS is used:

Lot size - minimum of one-half acre

Density - a maximum of two dwelling units per gross acre.

- (3) When central sewer systems are available and utilized, density may be that of the underlying land use category
- (4) No accessory use guest cottage or apartments are permitted unless central sewer systems are utilized.

B. In Urban Expansion Areas within the Lake Weir ESOZ the following densities shall apply:

- (1) Within the area circumscribed as follows: County Road 25, Sunset Harbor Road, Southeast 105th Avenue, Southeast 100th Avenue, Luffman Road and Southeast 115th Avenue, or 1,000 feet from the ordinary high water line of Lake Weir, whichever is farther from Lake Weir; the allowable density shall be one dwelling unit per two gross acres.

- (a) When centralized sewer is available and utilized, the allowable density shall be three units per gross acre
- (b) No accessory use guest cottage or apartment are permitted unless central sewer systems are utilized

- (2) For all areas within the Urban Expansion Area within the ESOZ which are beyond the above circumscribed area, or exceed 1,000 feet from the ordinary high water line of Lake Weir, the allowable density shall be one dwelling unit per gross acre.

If a conventional septic system is not permitted by the Department of Health, then alternative systems such as an aerobic septic system with on-site secondary sewage treatment such as rapid sand filters and enhanced drainfields shall be used.

- (a) When central sewer is available and utilized, the maximum allowable density for this area shall be four dwelling units per gross acre.
- (b) No accessory use guest cottage or apartment are permitted unless central sewer systems are utilized

C. Densities of Rural Areas within the ESOZ shall conform to the densities specified in the underlying land use category and underlying zoning classification. Development of these rural lands shall include clustering where possible. No accessory use guest cottage or apartment are permitted unless central sewer systems are utilized.

D. Reduction of Densities. All allowed densities, or intensities of use, or rate of development may be reduced by the Board of County Commissioners on properties where adjoining bodies of water have been determined by the Board to be under stress. In accordance with criteria contained in **Appendix A** of this Code.

When the trophic state index number for a listed water body increases by ten units within two years, it shall be the presumption that this water body is under stress due to excess nutrient loading. An evaluation of the problems and a recommendation shall be made to the Board of County Commissioners by the Planning Department.

- E. Non-contiguous parcels of record created on or before January 1, 1992, and under one ownership as of August 11, 1993, that cannot meet the density requirements set forth in Section 6.2, will be allowed to construct one dwelling unit per parcel of record if the lot is of buildable size as set forth in this Code.

If the parcel size precludes the use of conventional septic systems, then alternative aerobic systems with on-site secondary sewage treatment may be used subject to the approval of the Department of Health.

Sec. 5.2.6 Submittal requirements.

- A. All applications for ESOZ development review, including individual single family residences and duplexes shall submit an ESOZ plan which includes the following information as a minimum:
- (1) Submittal letter executed and signed by record owner of subject property or an agent authorized in writing by the record owner to act in his behalf. Submittals will be processed by the Zoning Division.
 - (2) Required drawings for ESOZ Plan.
 - (a) Four plans shall be submitted and include a standard trim line size which clearly depicts the information below. Multiple plans may be used to provide necessary information below.
 - (b) The plan shall be clearly labeled "ESOZ Plan".
 - (c) Contain a location map drawn to scale showing the relation of the subject property to Section, Township and Range lines; principle roads; the entire length of any water body as it pertains to the property; boundary information; zoning; North point.
 - (d) Show in plan view with dimension and distances to property lines all proposed development, building, existing or proposed well, existing or proposed septic tanks, pavement and other features.
 - (e) The development or redevelopment of a commercial or residential project within the ESOZ shall provide for a stormwater management plan which provides water quality retention volume of 2.50 inches over the impervious surface.
 1. The design of the stormwater management system shall imitate and use the features and functions of natural drainage ways, depressions, wetlands, one percent (100-year) flood plains, and highly permeable soils when possible. The use of swales, berms, or detention/retention areas shall be used when necessary to prevent direct flow of stormwater runoff to a receiving water body.
 2. A berm constructed with clean, Type A soils is recommended so as to allow full volume recovery within 72 hours. Minimum berm width shall be three feet and side slopes shall be four to one or flatter. Should the applicant choose this method to provide for stormwater management and the County approves this type of system for the proposed project the applicant can use ESOZ berm construction standard lengths and heights developed by the County.
 3. If excavation is required, or use of a natural depression is proposed, then soil borings are required in order to demonstrate full recovery within 72 hours.
 4. Retention area shall include a hard surface overflow structure designed at a minimum of six inches below the top of the retention area.
 5. Indicate areas in which grading or other earth work is to take place with percentage of slope given.
 6. Show the bottom of the floor joists for a raised floor structure or the finished floor elevation for a concrete slab structure shall be one foot above the established high water elevation for the one percent (100-year) flood plain. The elevation of all

proposed habitable structures shall be called out. New construction, renovation or remodeling shall be constructed with materials and utility equipment resistant to flood damage.

7. Location of temporary silt fencing shall be shown. Silt fencing shall be installed prior to any clearing or excavation and shall be maintained during construction.
8. Survey, signed and sealed by a Surveyor and Mapper licensed to practice in the State of Florida, shall be provided and shall clearly present a minimum:
 - a. Contours at no greater than two feet intervals
 - b. Ordinary high water line and water's edge elevation and limits shown and staked on site.
 - c. The 25 Year Flood Plain elevation (Rainbow River only) and the one percent (100-year) flood plain with elevation and limits. Show and stake two permanent Bench Marks and their elevation that has been established relative to the proposed buildings and septic tank systems, for all lands located within the one percent (100-year) flood plain.
 - d. All wetlands shall be delineated and staked by a qualified professional.
 - e. Show the limits of all proposed clearing.
- (f) Should the applicant choose not to use ESOZ berm construction standard lengths and heights developed by the County as identified in above item "(b)ii. A berm constructed with clean, Type A soils . . . , applicant shall provide signed and sealed plans and calculations prepared by a professional authorized by the State of Florida to prepare such plans. These calculations shall be to the same design criteria and methodology as identified in **Article 8.2.9. Stormwater Drainage Design**, including basin area calculation methodology with full recovery required within 72 hours, and soil test borings. Submittals shall be as specified for a major site plan in **Article ?**
- (g) Systems that demonstrate numerically the post-development stormwater quality is equal to or better than the pre-development stormwater quality using methodology approved by the County Engineer or designee. Consideration shall be for both surface water and groundwater.
- (3) Projects exceeding the impervious area threshold or area of disturbance threshold as described in **Article 8.2.9. Stormwater Drainage Design** shall follow the criteria established for a major site plan in **Article 4, Procedures**.
- (4) If a site analysis is performed in connection with subdivision platting, then subsequent individual lot owners do not need to perform an individual site analysis, but must adhere to the stormwater design in the original plat approval or development order.

Sec. 5.2.7 Review and Approval.

- A. All ESOZ plans are reviewed by the Zoning Division for compliance with this section.
- B. Projects shall be reviewed for compliance with the **Section 5.1.6.B** including staking of applicable delineation lines. A site visit is conducted to determine compliance with this section including setback, buffering, flood plain and stormwater management plan.
- C. All projects which require submittal of a Major Site Plan shall be reviewed and approved under the provisions of Article 2 and Article 6, Major Site Plan.

Sec. 5.2.8 Completion and Closeout.

- A. Building permit issuance, subsequent final inspection and certificate of occupancy shall constitute the completion of the ESOZ Plan process.
- B. Expiration. The approval of the ESOZ Plan shall expire in two years or the duration of an unexpired building permit obtained within that time period.

Division 3 Floodplain Overlay Zone (FOZ)

Sec. 5.3.1 Purpose and intent.

- A. It is the intent and purpose of the Floodplain Overlay Zone to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
 - (2) Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (4) Control filling, grading, dredging and other development activities which may increase erosion or flood damage; and
 - (5) Prevent or regulate the construction or removal of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- B. The Objectives of the Floodplain Overlay Zone are to:
 - (1) Protect human life, health, safety and general welfare and to eliminate or minimize property damage;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
 - (6) Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
 - (7) Ensure that potential homebuyers are notified that property is in a flood hazard area.

Sec. 5.3.2 Applicability.

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Marion County, dated August 28, 2008, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of the Floodplain Overlay Zone. The Flood Insurance Study and Flood Insurance Rate Map are on file at the Marion County Growth Management Offices.
- B. Designation of Floodplain Administrator. The Board of County Commissioners of Marion County hereby appoints the Zoning Manager to administer and implement the provisions of the Floodplain Overlay Zone and is herein referred to as the Floodplain Administrator.
- C. A development permit shall be required in conformance with the provisions of this Floodplain Overlay Zone and all other articles and sections prior to the commencement of any development activities.
- D. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of **Article 6.3**. Floodplain Overlay Zone and other applicable regulations.
- E. **Article 6.3**. Floodplain Overlay Zone is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where Article 6.3. Floodplain Overlay Zone and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

- F. In the interpretation and application of **Article 6.3**, Floodplain Overlay Zone all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.
- G. The degree of flood protection required by **Article 6.3**, Floodplain Overlay Zone is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. **Article 6.3**, Floodplain Overlay Zone does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. **Article 6.3**, Floodplain Overlay Zone shall not create liability on the part of Board of County Commissioners of Marion County or by any officer or employee thereof for any flood damages that result from reliance on **Article 6.3**, Floodplain Overlay Zone or any administrative decision lawfully made there under.
- H. Violation of the provisions of **Article 6.3**, Floodplain Overlay Zone or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special uses, shall be punishable for a non-criminal violation pursuant to the provisions of Chapter 162 of Florida Statutes. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

Sec. 5.3.3 Development standards.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- A. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance, several of which are provided by FEMA;
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance, several of which are provided by FEMA;
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of Article 6.3 Floodplain Overlay Zone shall meet the requirements of "new construction" as contained in Article 6.3 Floodplain Overlay Zone;
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of Article 6.3 Floodplain Overlay Zone, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;
- K. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to Marion County. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:
 - (1) St. Johns River and/or Southwest Florida Water Management District: in accordance with Chapter 373.036 Florida Statutes, Section (2)(a) - Flood Protection and Floodplain Management.
 - (2) Department of Community Affairs: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code.
 - (3) Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems.
- L. Standards for Proposed Subdivisions and other Proposed Development (including manufactured homes):
 - (1) All proposed subdivisions shall be consistent with the need to minimize flood damage;
 - (2) All proposed subdivisions shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. Land included in the special flood hazard area shall not be used for residential use within a proposed subdivision unless the FIRM map is amended to remove the structure or land from inclusion in this overlay zone.
- M. Specific Standards. In all A-Zones where base flood elevation data have been provided (Zones AE, and AH), as set forth in Article 6.3., paragraph 3.b., the following provisions shall apply:
 - (1) Residential Construction. All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of Article 6.3., paragraph 5.b.(3).
 - (2) Non-Residential Construction. All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus two foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Flood proofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
- (b) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
- (c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (4) Standards for Manufactured Homes and Recreational Vehicles
- (a) All manufactured homes that are placed, or substantially improved within Zones AH and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones AH and AE that are not subject to the provisions of **Article 6.3., paragraph 5.b. 4(a)**, must be elevated so that either:
1. The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 48 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- (c) All recreational vehicles placed on sites within Zones AH and AE must either:
1. Be on the site for fewer than 180 consecutive days,
 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
 3. Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with **Article 6.3., paragraphs 5.b.(4)(a) and (b)**.

- (5) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
- (6) Standards for Streams with Established Base Flood Elevations, Without Regulatory Floodways:
 Located within the areas of special flood hazard established in **Article 6.3., paragraph 3.b.**, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zone AE), the following additional provisions shall also apply.
- (a) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (b) Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies - with the community's endorsement - for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.
- (7) Floodways. Located within areas of special flood hazard established in **Article 6.3., paragraph 3.b.**, and are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:
- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional, licensed by the State of Florida, is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practices demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.
- (b) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of **Article 6.3, paragraph 5.a.(2)** and the elevation standards of **Article 6.3, paragraphs 5.b.(1) and (2)**, and the encroachment standards of **Article 6.3, paragraph 5.b.(7)(a)**, are met.
- (c) Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or the applicant first applies - with the communities' endorsement - for a conditional FIRM revision, and receives the approval of FEMA.
- (d) When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with **Article 6.3, paragraph 5.b.(7)(a)**.
- (8) Specific Standards for A-Zones without Base Flood Elevations and Regulatory Floodways.
 Located within the areas of special flood hazard established in, **Article 6.3., paragraph 3.b.**, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

- (a) Require standards of Article 6.3., paragraph 5.a.
- (b) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 6.3. Floodplain Overlay Zone. When such data is utilized, provisions of Article 6.3., paragraph 5.b. shall apply. The Floodplain Administrator shall:
 - 1. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - 2. Obtain, if the structure has been flood proofed in accordance with the requirements of Article 6.3., paragraph 5.b.(2), the elevation in relation to the mean sea level to which the structure has been flood proofed, and
 - 3. Maintain a record of all such information.
- (c) Notify, in riverine situations, adjacent communities, the State of Florida, Department of Community Affairs, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- (d) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (e) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
- (f) When the data is not available from any source as in Article 6.3., paragraph 5.c. (2), the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.
- (g) Require that all new proposed subdivisions and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.

(9) Standards for AO-Zones.

Located within the areas of special flood hazard established in Article 6.3., paragraph 3.b., and are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet above the highest adjacent grade.
- (b) All new construction and substantial improvements of non-residential structures shall:
 - 1. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or

2. Together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the flood proofing standard specified in **Article 6.3., paragraph 5.b.(2).**
- (10) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

Sec. 5.3.4 Variance Procedures.

- A. Designation of Variance and Appeals Board. The Board of Adjustment as established by the Board of County Commissioners of Marion County shall hear and decide appeals and requests for variances from the requirements of Article 6.3. Floodplain Overlay Zone.
- B. Duties of Variance and Appeals Board. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of **Article 6.3. Floodplain Overlay Zone** any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.
- C. Variance Procedures. In acting upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of **Article 6.3. Floodplain Overlay Zone**, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger of life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges
- D. Conditions for Variances.
 - (1) Variances shall only be issued when there is:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or codes.
 - (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of **Article 6.3. Floodplain Overlay Zone**.

- (3) The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.
- (4) The Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of **Article 6.3. Floodplain Overlay Zone**.
- E. Variance Notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates, and
 - (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- F. Historic Structures. Variances may be issued for the repair or rehabilitation of "historic" structures - meeting the definition in **Article 6.3. Floodplain Overlay Zone** - upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure
- G. Structures in Regulatory Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.
- H. Severability. If any section, clause, sentence, or phrase of **Article 6.3** Floodplain Overlay Zone is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of Article 6.3. Floodplain Overlay Zone.

Sec. 5.3.5 Duties of the Administrator shall include, but are not be limited to:

- A. Review permits to assure sites are reasonably safe from flooding;
- B. Review all development permits to assure that the permit requirements of **Article 6.3.** Floodplain Overlay Zone have been satisfied;
- C. Advise permitted that additional Federal, State of Florida, or local permits may be required, and if such additional permits are necessary, especially as it relates to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, Florida Statutes, require that copies of such permits be provided and maintained on file with the development permit;
- D. Notify adjacent communities, the Department of Community Affairs, Division of Emergency Management, the Water Management Districts, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
- E. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
- F. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new or substantially improved buildings, in accordance with **Article 6.3.**, paragraphs 5.b.(1) and (2);
- G. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood proofed, in accordance with **Article 6.3.**, paragraph 5.b.(2);

- H. Review certified plans and specifications for compliance. When flood proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with **Article 6.3., paragraph 5.b.(2).**
- I. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;
- J. When base flood elevation data or floodway data have not been provided in accordance with **Article 6.3., paragraph 3.b.** the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 6.3., paragraph 5;
- K. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and
- L. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements in accordance with **Article 6.3., paragraphs 5.b.(1) and (2), respectively.**

Sec. 5.3.6 Submittal requirements.

- A. Permit Procedures. Application for a Development Permit shall be made to the Floodplain Administrator on applicable major, minor or building permit site plan as required by Article 2 prior to any development activities, and may include, but not be limited to, the following plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
 - (2) Elevation in relation to mean sea level to which any non-residential building will be flood proofed;
 - (3) Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the flood proofing criteria in **Article 6.3., paragraphs 4.a. (2) and 5.b. (2);**
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and.
 - (5) Bench mark location on the property with elevation shall be clearly shown and staked
- B. Construction Stage:

Within twenty-one (21) calendar days of placement of the lowest floor, or flood proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD elevation of the lowest floor or flood proofed elevation, or bottom of the lowest horizontal structural member as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered professional, licensed by the State of Florida. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator

shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder immediately, and prior to further progressive work being permitted to proceed, shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Sec. 5.3.7 Completion and Closeout.

- A. Building permit issuance.
- B. Within twenty-one (21) calendar days of placement of the lowest floor, or flood proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD elevation of the lowest floor or flood proofed elevation, or bottom of the lowest horizontal structural member as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered professional, licensed by the State of Florida. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder immediately, and prior to further progressive work being permitted to proceed, shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Subsequent final inspection and certificate of occupancy shall constitute the completion of the ESOZ Plan process.
- C. Final inspection, completed elevation certificate, including finished floor and lowest grade adjacent to improvement is provided to the Zoning Division.
- D. A certificate of occupancy shall constitute the completion of this process.
- E. Expiration. This overlay zone approval shall expire in two years or the duration of an unexpired building permit obtained within that time period.

Division 4 Springs Protection Overlay Zone (SPZ)

Division 5 Military Operating Area (MOA)

Sec. 5.5.1 Purpose and intent.

- A. The MOA is intended to acknowledge, support, and protect the continued and safe operation of Federal and/or State military installations located within, and in proximity to, Marion County while providing for reasonable use and development of land consistent with Chapter 163.3175, FS, Marion County Comprehensive Plan Future Land Use Element Appendix A, Section A-5 – *Military Operating Area*, and the US Navy Jacksonville Bombing Range Air Installation Study(ies) (RAICUZ and/or Land Use), completed consistent and/or in conjunction with OPNAVINST 3550.1A and published by the US Navy, as amended.
- B. The MOA is a method to advise property owners, residents, and visitors of the potential to experience effects from identified military installations which are the basis for the overall MOA and specific sub-areas which are subject to specialized development regulations intended to limit and/or manage the encroachment of incompatible development.
- C. The specialized development regulations within this **Division** are intended to supplement other regulations within this Code and in the event of conflicts, the more restrictive provisions will apply, particularly with regard to preserving and maintaining the operational capabilities of the military installations within the MOA.

Sec. 5.5.2 Applicability.

- A. MOA provisions shall apply to all lands and/or development within unincorporated Marion County and the established MOA, as set forth in this **Division**.

- B. MOA military installations:
- (1) US Jacksonville Training Range Complex – Pinecastle Range
 - (2) US Jacksonville Training Range Complex – Lake George Range
 - (3) US Jacksonville Training Range Complex – Rodman Range
- C. The MOA includes the geographic area listed in Table 5.6.2-1, *Marion County Military Operating Area*, and the following geographic sub-areas:

Table 5.6.2-1: Marion County Military Operating Area

Township	Range	Sections
11S	23E	36
	24E	24-36
12S	23E	1, 11-15, 22-28, 32-36
	24E	All
	25E	All
13S	23E	1-5, 7-30, 32-36
	24E	All
	25E	All
	26E	All
	J.M. Hernandez Grant	All (aka Section 42)
14S	23E	1-3, 11-13, 25
	24E	1-30, 32-36
	25E	All
	26E	All
15S	24E	1-3, 10-14, 24
	25E	1-30, 32-36
	26 ½ E	All
	26E	All
	Arredondo Grant	All (aka Section 37)
16S	25E	1-4, 9-16, 21-28, 33-36
	26E	All
17S	25E	1-3, 12
	26E	1-18, 20-27, 35-36

- (1) The following are MOA sub-areas are lands owned by the US Forest Service and managed jointly via interagency agreement between the US Forest Service and the US Navy, and as such, are not regulated as part of this MOA:
 - (a) Range Target and Buffer Area (RTBA),
 - (b) Range Safety Zone A (RSZ-A), and
 - (c) Range Safety Zone B (RSZ-B).

- (2) The following are MOA sub-areas are regulated in accordance with this Division:
- (a) Restricted Airspace (RESAIR) as provided in Table 5.6.2-3, *MOA Restricted Airspace*.

Table 5.6.2-3: MOA Restricted Airspace

Township	Range	Sections
11S	23E	36
	24E	24-36
12S	23E	1, 11-15, 22-28, 32-36
	24E	All
	25E	All
13S	23E	1-5, 7-30, 32-36
	24E	All
	25E	All
	26E	31
	J.M. Hernandez Grant	That part lying SE of a line between the NW Corner of Township 13S, Range 25E, Section 36, and the SW Corner of Township 13S, Range 26E, Section 14.
14S	23E	1-3, 11-13, 25
	24E	1-30, 32-36
	25E	All
	26E	All
15S	24E	1-3, 10-14, 24
	25E	1-30, 32-36
	26 ½E	All
	26E	All
	Arredondo Grant	All (aka Section 37)
16S	25E	1-4, 9-16, 21-28, 33-36
	26E	All
17S	25E	1-3, 12
	26E	1-18, 20-27, 35-36

- (b) Range Safety Zone C (RSZ-C) as provided in Table 5.6.2-2, *MOA Range Safety Zone "C"*.

Table 5.6.2-2: MOA Range Safety Zone "C"

East/West	Township	Range	Sections
West	12S	23E	35-36
	13S	23E	1-3, 9-17, 21-27, 34-36
		24E	6-8, 17-21, 27-35
14S	23E	1	
East	14S	24E	1-18, 20-28, 34-36
		25E	7, 17-21, 28-34
	15S	24E	1
		25E	1-18, 20-28, 34-36
		26 ½ E	12-13, 24-25, 36
		26E	16-22, 25-36
	Arredondo Grant	That part lying SW of a line between the NE Corner of Township 15S, Range 26E, Section 25, and the NE Corner of Township 16S, Range 26E, Section 16.	
16S	25E	1-3, 10-15, 23-26, 36	
	26E	All	
17S	26E	1-5, 9-15, 23-25	

Sec. 5.5.3 Design, development, and use standards and restrictions

- A. All MOA area, including all sub-areas, as noted:
 - (1) Acknowledgment Military Operating Area (AMOA).
 - (a) Prior to the issuance of a building permit for construction, expansion, and/or renovation of a new or existing structure for human habitation/occupancy wherein a new Certificate of Occupancy/Final Inspection will be required prior to habitation/occupancy of the structure consistent with Florida Building Code, the applicant for the permit or certificate shall sign and submit a written acknowledgement that the project site is located within the Marion County Military Operating Area to be recorded in the Marion County Official Records as follows:

ACKNOWLEDGEMENT OF MILITARY OPERATING AREA (AMOA)

(printed/typed name of applicant)
(printed/typed building permit number)
(printed/typed address of permitted structure)
(printed/typed parcel identification number of structure property)

I, the above stated, understand that my property located as referenced above and further described in the attached legal description, is located within the Marion County Military Operating Area as established by the Marion County Comprehensive Plan and Land Development Regulations, consistent with Chapter 163.3175, FS.

I acknowledge and understand that military operations may be conducted within the Military Operating Area as authorized by Federal and/or State agencies with such jurisdiction, and such operation may affect this property. I further understand that I should contact the appropriate Federal or State agency for information regarding such military operations.

Signature: ...(signature of applicant)....
Date: ...(date)....

- (b) The requirement to complete and record the AMOA shall be deemed satisfied once a minimum of one executed AMOA has been recorded in the Marion County Official Records in regards to the permit's subject property, and the execution and recording of a new/additional AMOA for subsequent permits shall not be required.
 - (2) Height Limits. No structure shall be erected, and no vegetation shall be permitted to grow, that exceeds any of the following height limitations, subject to compliance with the most restrictive height limit applicable by area/sub-area designation:
 - (a) Military Operating Area: 500'
 - (b) Range Safety Zone "C" West: 400'
 - (c) Range Safety Zone "C" East: 300'
 - (d) Restricted Airspace: 200'
- B. Restricted Airspace prohibited land uses:
 - (1) Any use which interferes with the lawful operation of an airborne aircraft.
 - (2) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (3) Any airport obstruction, as prohibited by the Federal Aviation Administration.

C. East Range Safety Zone "C"

- (1) New residential and non-residential developments having a gross density greater than one dwelling unit per 10 acres (435,600 square feet) shall be prohibited, subject to the following exceptions:
 - (a) For residential development, a legally created parcel of record established prior to *(date of new LDC adoption)*, or a lot/parcel within a subdivision determined to be eligible for development under **Section 4.##.#** (FLUE App A-4.2), shall be eligible for the development of one single-family residence, subject compliance with the site's applicable zoning classification regulations and DOH standards regarding potable water and sanitary sewer service and the other applicable design standards within this **Section**;
 - (b) For non-residential development, a legally created parcel of record established prior to *(date of new LDC adoption)*, or a lot/parcel within a subdivision determined to be eligible for development under **Section 4.##.#** (FLUE App A-4.2), shall be eligible for development subject compliance with the site's applicable zoning classification regulations and DOH standards regarding potable water and sanitary sewer service, and the other applicable design standards within this **Section**.
- (2) Prohibited land uses:
 - (a) The storage of explosive materials above the ground.
 - (b) Any use which interferes with the lawful operation of an airborne aircraft.
 - (c) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (d) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- (3) A private property owner participating in one of the Marion County Transfer of Development Rights Programs in **Section 3.##.#**, may be eligible for up to a 20% bonus in Transfer of Development Credits as determined by the Board, depending upon the location and extent of the Conservation Easement provided by the owner.

D. West Range Safety Zone "C"

- (1) Prohibited land uses:
 - (a) The storage of explosive materials above the ground.
 - (b) Any use which interferes with the lawful operation of an airborne aircraft.
 - (c) Any permanent use of any type which produces electronic interference with navigation signals or with radio communication between aircraft and the airport.
 - (d) Any airport obstruction, as prohibited by the Federal Aviation Administration.
- (2) A private property owner participating in one of the Marion County Transfer of Development Rights Programs in **Section 3.##.#**, may be eligible for up to a 10% bonus in Transfer of Development Credits as determined by the Board, depending upon the location and extent of the Conservation Easement provided by the owner.

Division 6 Scenic Roads