

- LAND DEVELOPMENT CODE  
Article 2 - APPLICATION TYPES AND STANDARD REQUIREMENTS  
DIVISION 15. MASS GRADING PLAN

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**Why these changes are needed:**

- We need to close the loophole in § 4.3.11(B)(1)(c) (“Removal of excess material...”), paired with optional Mass Grading Plans that authorize excavation prior to site improvements. As written, a developer can claim “excess” and haul co
- Commercially valuable sand/fill offsite without a Special Use Permit (SUP).
- Florida Statutes define “borrow pits” and “extraction” in ways that we (Marion County) can mirror: any offsite removal for commercial use is extraction/mining. Using that definition and other counties’ thresholds (e.g., Seminole’s 5,000 net cubic yards and ≤200% of required stormwater volume), we can cap truly incidental offsite disposal of unsuitable materials (muck/clay/contaminated soils) and require an SUP for anything beyond—especially export/sale of sand/fill.
- Lake County explicitly treats borrow pits as mining and emphasizes resource protection; Sumter County requires mining as a special/conditional use with strong buffers. We aim to incorporate those policy cues for regional consistency, while staying within Marion County’s structure.
- We’re restoring the intent of the exemption, not restricting development. We are eliminating an arbitrary unlimited exemption with no criteria.
- The changes aim to maintain the community character with its rolling hills rather than flattening and smoothing the terrain to facilitate cookie-cutter development patterns to continue to dominate the landscape.

**Summary of Changes**

- The changes clarify that off-site removal of excavated material for sale is “resource extraction” and requires a SUP. It redefines the “excess material” exception (4.3.11.B.1.c) so it cannot be used to export/sell suitable sand/fill, and caps only unsuitable disposal with clear thresholds—consistent with peer ies approach and Florida’s definition.
- Adds definitions referencing F.S. §378.403.
- Revises pond and road project exceptions to prevent off-site sale of suitable fill.
- Adds cross-reference in §2.15.1 (Mass Grading Plan) stating Mass Grading does not authorize resource extraction.
- Aligns with peer counties (Lake County treats borrow pits as mining; Sumter uses special/conditional permits and strong buffers). The changes keep our basic framework but adds teeth.
- It also pins Mass Grading to construction, explicitly stating it does not authorize resource extraction, and routes any off-site removal beyond the small, unsuitable carve-out straight to an SUP
- Put definitions in Definition Section (resource extraction, borrow pit, mining?, net cubic yards (in Mass grading?))
- Strike exemption / loophole

## ***DIVISION 15. MASS GRADING PLAN***

### **Sec. 2.15.1. Applicability.**

Mass Grading Plans are not required, but may be submitted for review and approval at the option of the applicant prior to the submittal and approval of a Major Site Plan or Improvement Plan when clearing, earth moving, excavation or grading of the site or portions of the site is proposed prior to construction of other improvements. This may include temporary or permanent construction of stormwater ponds, swales, ditches, piping, or other site-related grading improvements. When submitting a Mass Grading Plan, the applicant shall comply with the minimum standards and submittal requirements applicable to the intended future Major Site Plan or Improvement Plan application. A Mass Grading Plan authorizes earthwork only when such activity is incidental to the construction of proposed onsite improvements and does not authorize resource extraction. A Mass Grading Plan does not authorize mining, borrow pit operations, or commercial resource extraction. Offsite removal of excavated material under a Mass Grading Plan is limited to excess or unsuitable material generated as a necessary incident of constructing the proposed onsite improvements and shall be subject to the thresholds and documentation requirements in Section 4.3.11(B)(1)(c). The applicant shall document the nature, estimated volume, haul destination, and purpose of any offsite material removal. Use of a Mass Grading Plan for the commercial excavation, removal, sale, or distribution of suitable sand, fill, limerock, clay, or other resource material is prohibited unless separately authorized as resource extraction through the applicable Special Use Permit or other approval required by this Code. Nothing in this section prohibits the lawful disposal of unsuitable or excess material generated incidental to approved construction activities, provided such removal is not used to conduct or facilitate resource extraction without the approvals required by this Code.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 2.15.2. Submittal requirements.**

- A. Mass Grading Plan applications shall be submitted through Marion County's online permitting portal at [permits.marionfl.org](http://permits.marionfl.org).
- B. Fee in the amounts established by resolution of the Board will apply.
  
- F. General application requirements shall be as shown on Table 2.11-1 Application Requirements.

(Ord. No. 13-20, § 2, 7-11-2013)

### **Sec. 2.15.3. Review and approval procedures.**

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

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B. Permitting by other agencies. Any waivers, exemptions or partial exemptions granted by Marion County does not exempt the applicant from obtaining the appropriate permits from other agencies as applicable.

C. Mass grading plans shall include at a minimum:

- Application, Warranty Deed, Planning & Zoning Maps
- Marion County Aquifer Vulnerability Assessment (MCAVA)
- Environmental Assessment
- Contour Maps (Pre-Modification & Proposed FINAL)
- Cubic Yard Calculations of Materials to be Excavated (Redistributed/Removed)
- Cubic Yard Calculations of Materials to remain on site for site development
- Phasing Plan
- Haul Route & Onsite Circulation Maps
- Onsite Vehicle Maintenance Area Maps

#### **Sec. 2.15.4. Construction, completion, and close out.**

A. The excavation's, grading, and moving of earth in conjunction with the platting of a subdivision or other development, excavated materials removed from the tract shall not exceed five thousand (5,000) net cubic yards without a borrow pit or sand mine permit.

Mass Grading Plans permits shall be valid for six months. Extensions, in six-month intervals, may be approved by the County Engineer, or designee,, for a total period up to two years. B. Mass Grading Plans shall be valid for one year from the date of approval. Upon written request by the applicant prior to expiration, DRC may approve one extension for a period not to exceed one additional year. Work authorized by the Mass Grading Plan shall not continue after expiration unless an extension has been approved or a new Mass Grading Plan has been issued. Applicant shall notify Office of the County Engineer

C. Total cubic yards to be removed from the subject parcel(s) (Cut and Fill Estimates) shall be clearly indicated and printed on the cover page of the Mass Grading Plan. In the event that a deviation from the approved calculated cubic yard removal would exceed the original calculations, the applicant must immediately notify the Office of The County Engineer to justify the proposed increase. Excess materials, above approved original calculations, may not be removed from the site unless approved by the Office of The County Engineer.

D. Total cubic yardage that has been removed from the subject parcel(s) shall be documented daily and these numbers shall be submitted to the Office of The County Engineer in a monthly memorandum or report. This documentation shall include (cubic yardage, dates and destination).

D. All work shall be in accordance with approved plans. Existing and Final contour plans are required for all mass grading projects.

D. As-Builts/Record Survey meeting Marion County standards shall be submitted with the engineer's certification for final inspection. As-Builts shall adhere to the requirements of the Major Site Plan or Improvement Plan which the Mass Grading Plan supports.

E. Haul Routes

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Stabilization (timingHaul Route Approval, Road Repair, and Hours of operation)

- a. Haul routes shall be clearly identified by the applicant and approved by the Office of The County Engineer. Ingress/egress roadways utilized for access to the subject parcel(s) shall remain passable at all times. Contingency plans shall be developed and approved by The Office of the County Engineer should a hauling vehicle, originating or in route to the subject parcel(s), suffer a materials spill occurrence on any roadway that is being utilized by the transport vehicles associated with activities on the subject parcel(s).Neighbor notification required before mass grading begins over a certain volume off-site estimate based on cut-fill analysis (below)
  - b. All operations accessing unpaved roads shall be responsible for full-time maintenance of the unpaved road at the applicant's sole expense in a condition satisfactory to the Office of The County Engineer. Equipment for grading and watering of the road shall be available and a schedule for the maintenance approved prior to the start of work.
2. Maintaining character of the area
- a. Not
  - a. Contoured elevations of platted project areas shall not significantly differentiate from the natural contours of the surrounding areas in that elevations created by mass grading shall not create terrestrial levels that are recessed or raised to levels that are not aesthetically consistent with surrounding areas or would create additional stormwater burden on adjacent properties.
  - b. Specialized projects that include heavily contoured features are permissible upon approval of the Growth Services Director or the County Engineer.
3. Ground water monitoring beyond a certain depth (requires baseline groundwater documentation)
- a. Projects which include: (a) at least 35 percent of the proposed excavated area is located in a **MCAVA** category of "more" or "most" vulnerable, or (b) the operations will excavate within 15 feet of predicted height of potentiometric surface, or lime rock, whichever is higher, shall meet the requirements of the Springs Protection Overlay Zone in [Article 5](#).
4. Cut & Fill Analysis: Provide cut & fill analysis w/ proposed offsite removal amount
- a. Calculations shall be provided that indicate the gross amount of cubic yards that are proposed to be excavated. Calculations shall provide volumes of materials and type to be redistributed across the project, the volume of materials and type to be imported and the volume of materials and type to be export from the project site.
  - b. A Phasing Plan shall be provided that illustrates what areas of the project will be opened for grading and/or excavation, including a timeline, for all phases. This shall include total area of each phase and the amount of materials that will be redistributed, imported or exported by phase.
5. Reclamation Plan & Bond
- a. Where the excavated area will be reclaimed and developed with an urban land use or rural development, clean fill and/or soil with similar or lower permeability and recharge rate than the original strata shall be replaced to a minimum depth of 15 feet over potentiometric surface or top of limerock, whichever is higher, not to exceed natural ground elevation.
  - b. Should the applicant wish to move forward with grading and contouring under a waiver, and at their own risk, the applicant shall secure bonding in order to insure that reclamation can be undertaken by another party without incurring expenses should the applicant default or abandon the project.

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- a. Teeth: what are the teeth if they don't follow the rules & their plan, dust suppression, expected loads/yards per day or year,
- Current Permit Suspension
  - Freeze on Future Permits
  - Code Enforcement Violation
  - Fines issues by Code Enforcement Board
  - Notification to FDEP or required WMD

(Ord. No. 13-20, § 2, 7-11-2013)