Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.

August 22, 2025

Mr. Matthew G. Minter, County Attorney *Via Email*
Ms. Tracy Straub, Assistant County Administrator
Mr. Chuck Varadin, Growth Services Director
Marion County
601 SE 25th Avenue
Ocala, FL 34471

Re: Request for Amendment to Land Development Code ("LDC") Pursuant to Article 2, Division 4 of the LDC

Dear Messrs. Minter and Varadin and Ms. Straub:

Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. ("**SWM**") represents On Top of the World Communities, L.L.C. and Colen Built Development, LLC (collectively, "**OTOW**"). As you know, we have had numerous meetings regarding an outdated portion of the sign code. Specifically, two big box retailers—Home Depot and Target—are seeking to open new locations within Marion County, but have encountered the sign code as a major obstacle. If such obstacle cannot be overcome, Home Depot and Target (and likely many other big box retailers) will be forced to seek locations outside of Marion County. The purpose of this letter is to request a privately-initiated amendment to the LDC to amend one provision within the County's antiquated sign code. Enclosed as **Attachment #1** is an agent authorization signed by OTOW authorizing SWM to submit this application. Enclosed as **Attachment #2** is the proposed amendment in redline format ("**Proposed Amendment**").

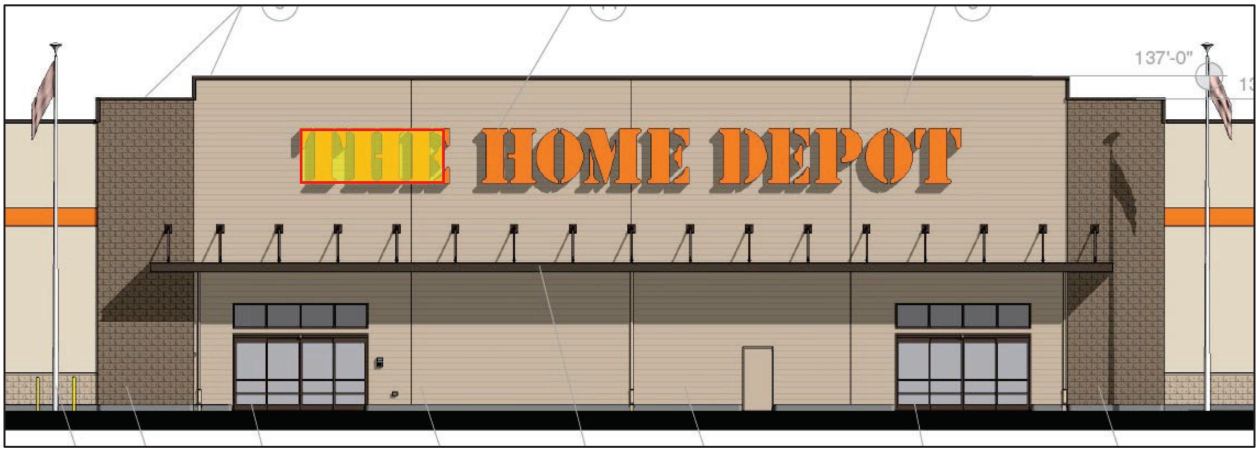
CURRENT SITUATION

Section 4.4.4 regulates on-site signs within all commercial and office zoning classifications and in the R-O, P-MH and P-RV zoning classifications, including freestanding signs and wall signs. Section 4.4.4.F.(1)(c) provides:

> (c) Wall Signage:
>
> 1. Single occupancy. **Three wall signs**, not to exceed two square feet in sign area for each linear foot of that occupancy's building frontage **up to a maximum of 96 square feet** in aggregate sign area. One of the allowed wall signs above may be placed on the side of the occupancy.
>
> 2. Shopping centers. Wall signage shall not exceed one and three-quarters square feet in sign area for each linear foot of each occupancy's building frontage.

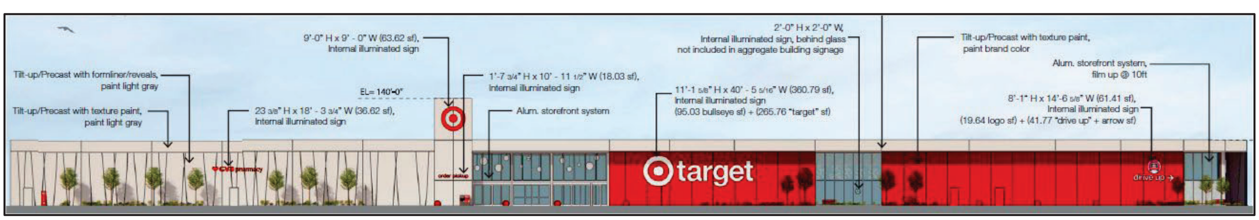
This antiquated sign code provision adopted at least 33 years ago, is inexplicably much more restrictive for single occupancy buildings—and therefore big box retailers—than shopping centers. While shopping centers do not contain a maximum number or square footage of signage, single-occupancy buildings and big box retailers are restricted to only three signs with a total of 96 square feet.

To put a visual to the absurdity of the 96 square foot limitation, **Attachment #3** is a standard sign package for Home Depot, which has very common and familiar branding across all of its stores. A limitation of 96 square feet does not even encompass the entire "THE" in "THE HOME DEPOT." The below yellow-shaded box is 96 square feet.



When one considers the scale of the building (580 linear feet) and the roadway frontage of the parcel (734 linear feet), it makes sense to allow for a formula to calculate maximum signage, without any upper threshold limitation.

Likewise, Target is proposing a building with 455 feet of building frontage. Under the current sign code, only one "bullseye" symbol would be permitted. With the Proposed Amendment, Target (being treated as a shopping center) would be allowed up to 796 square feet of signage. Target's draft sign plan, **Attachment #4**, meets this limitation.



What's more, the County's minimum parking space requirement at 162 square feet (9' x 18'; Sec. 6.11.8, LDC) is 60% *larger* than the maximum signage allowance. Therefore, no matter how large the building is or how much frontage the parcel has, a single occupancy building, which includes big box retailers, is limited to a sign that is only 40% the size of the smallest vehicular parking space permitted in the County.

To add to this confusion in the discrepancy in treatment between single occupancy buildings and shopping centers, the County does not define "shopping centers" or address big box retailers whatsoever.

PROPOSED AMENDMENT

The Proposed Amendment, included as **Attachment #2**, proposes to treat big box retailers the same as shopping centers with respect to wall signage. Specifically, the Proposed Amendment adds definitions for "big box retailer" and "shopping centers," both of which are currently undefined, and simply adds "big box retailers" to the existing wall signage provision applicable to shopping centers.

"Big Box Retailer" is proposed to be defined as follows:

> As it relates to sign regulations, a commercial retail establishment that occupies a large, single-use building or connected series of buildings, typically with a floor area of 75,000 square feet or more, and often comprised of distinct areas devoted to specific functions or types of merchandise. These stores are often part of national or regional chains and generally include large surface parking areas and a warehouse-style layout. Examples include home improvement stores, warehouse clubs, department stores, and general merchandise retailers.

"Shopping Center" is proposed to be defined as follows:

> As it relates to sign regulations, a group of commercial retail establishments developed and managed as a unified site with shared access, off-street parking, and common areas.

Section 4.4.4.F.(1)(c) is proposed to be amended as follows:

> (c) Wall Signage:
>
> 1. Single occupancy. Three wall signs, not to exceed two square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 96 square feet in aggregate sign area. One of the allowed wall signs above may be placed on the side of the occupancy.

2. Shopping centers <u>and big box retailers</u>. Wall signage shall not exceed one and three-quarters square feet in sign area for each linear foot of each ~~occupancy's~~ building<u>’s</u> frontage<u>s</u>.

Importantly, no changes are proposed in the sign size or number regulations. Instead, the Proposed Amendment would treat big box retailers the same as shopping centers. As described below, the retail industry has significantly changed since the wall signage regulation was adopted in 1992 via Ordinance No. 92-22. In order for Marion County to attract big box retailers such as Home Depot and Target, it must update this portion of the sign code, as proposed above.

CHANGES IN THE RETAIL INDUSTRY

Big box retailers have evolved significantly in the last three decades and now function in many of the same ways as traditional shopping centers. Given their role as multi-functional commercial hubs and their importance in modern consumer behavior, it is both logical and equitable to grant big box retailers signage allowances that are consistent with those granted to shopping centers.

While traditionally considered single-occupancy buildings, many big box retailers now host multiple departments, service centers, and concession areas under one roof—similar to smaller-scale shopping centers. Examples include:

- Walmart locations with vision centers, pharmacies, car repair, garden centers, and fast-food restaurants.
- Target stores housing CVS/Pharmacies, Starbucks, and Ulta Beauty shops.
- Home Depot stores with garden centers, rentals, and contractor-specific areas.

These internal tenants or brand segments are analogous to individual tenants in shopping centers, and they benefit from appropriate exterior identification. In fact, many big box stores often exceed or rival the square footage and parking footprint of smaller shopping centers. As proposed, the Proposed Amendment defines “big box retailer” as those retailers with a typical footprint of 75,000 square feet or more.

Signage is needed to support effective navigation and public safety. Big box retailers are now hubs for multiple consumer needs (groceries, pharmaceuticals, electronics, etc.), and limited signage impairs a shopper’s ability to safely and efficiently locate specific entrances or identify critical services like pharmacies, clinics, or curbside pickup zones. By treating them like shopping centers with respect to signage allowances, the County would support better traffic flow, reduce confusion, and improve public safety and accessibility.

Additionally, big box retailers commonly use consistent branding across all of its stores, which is essential for wayfinding and brand continuity. The County should accommodate big box retailers through sensible signage codes because each new big box retailer creates hundreds of permanent jobs, demonstrating the importance of stable retailers like Home Depot and Target to a community.

We would appreciate Marion County's assistance to quickly process and approve the Proposed Amendment in order to ensure that both Home Depot and Target locate their businesses here in Marion County. If you have any questions or require further assistance, please do not hesitate to contact us.

Cordially,

Reggie Bouthillier, Esq.
Jessica Icerman, Esq.
Ken Metcalf, AICP

Enclosures
1. Agent Authorization
2. Proposed Amendment
3. Home Depot Signage Plan
4. Target Signage Plan

cc: Kenneth Weyrauch, Deputy Director
Christopher Rison, Senior Planner
Elizabeth Madeloni
Marion County

Robert "Boe" Stepp
On Top of the World Communities, L.L.C.

Trey Conway
Hamilton Williams
John Chescavage
The Home Depot

Alejandro E. Baca
Greenberg Farrow

Wendelin "Wendy" White Silliman, Esq.
Troutman Pepper Locke

Matt Williams
Mark Hudgins
Matthew Development, LLC

Fred Roberts, Esq.
Klein & Klein

Tamara Fleischhaker
Ocala Metro Chamber & Economic Partnership (CEP)

Drew Jones
Vanessa Butwell
VancoreJones Communications

STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.

Reggie L. Bouthillier
106 East College Avenue, Suite 700
Tallahassee, FL 32301
Direct: (850) 329-4849
Cell Phone: (850) 528-7693
Email: rbouthillier@stearnsweaver.com

VIA: Email

February 23, 2024

Tracy Straub
Assistant County Administrator
Marion County
601 SE 25th Avenue
Ocala, FL 34471

RE: Agent Authorization for Entitlement Applications Submitted by On Top of the World Communities, L.L.C. and Colen Built Development, LLC.

Dear Tracy:

Stearns Weaver Miller Weissler, Alhadeff & Sitterson ("**SWM**") represents On Top of the World Communities, LLC and Colen Built Development, L.L.C. This letter provides agent authorization for SWM to serve as agent for all pending and future entitlement/development applications submitted to Marion County by or on behalf of On Top of the World Communities, L.L.C. or Colen Built Development, LLC, including, but not limited to, those for comprehensive plan amendments, zoning amendments (i.e., rezonings), all types of PUD documents/plans, special use permits, variances, site plans, mass grading, improvement plans, preliminary subdivisions, final plats, waivers and the like (henceforth "**Applications**").

On Top of the World Communities, LLC hereby authorizes SWM, including the firm's attorneys and planners, to serve as agent on all Applications submitted by or on behalf of On Top of the World Communities, LLC.

C. Guy Woolbright — 2.23.24

Guy Woolbright, Vice President — **Date**
On Top of the World Communities, L.L.C.

Sworn to (or affirmed) and subscribed before me by means of physical presence this 23rd **date of** February**, 2024 by** C. Guy Woolbright**. He is personally known to me.**

Notary public signature

State of Florida **County of** Marion
My commission expires: 10.11.27

PATRICIA A. SORIANO
MY COMMISSION # HH 411246
EXPIRES: October 11, 2027

Colen Built Development, LLC hereby authorizes SWM, including the firm's attorneys and planners, to serve as agent on all Applications submitted by or on behalf of Colen Built Development, LLC.

C. Guy Woolbright 2.23.24

Guy Woolbright, Vice President **Date**
Colen Built Development, LLC

Sworn to (or affirmed) and subscribed before me by means of physical presence this 23rd **date of** February**, 2024 by** C. Guy Woolbright **He is personally known to me.**

Notary public signature

State of Florida **County of** Marion
My commission expires: 10.11.27

PATRICIA A. SORIANO
MY COMMISSION # HH 411246
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As we discussed, the agent authorizations set forth above shall obviate the need for SWM to complete Marion County's agent authorization form for Applications. This agent authorization does not preclude On Top of the World Communities, L.L.C. or Colen Built Development, LLC from executing other agent authorizations with other entities or persons concerning any of the Applications.

Sincerely,

Reggie Bouthillier

cc: Matthew "Guy" Minter, County Attorney
Marion County

Kenneth D. Colen
Linda Massarella-Aiosa
Robert Stepp
On Top of the World Communities, LLC.
Colen Built Development, L.L.C.

DIVISION 2. - DEFINITIONS

Unless otherwise expressly stated, for the purposes of this Code, the following terms shall have the meaning indicated herein.

***

BIG BOX RETAILER. As it relates to sign regulations, a commercial retail establishment that occupies a large, single-use building or connected series of buildings, typically with a floor area of 75,000 square feet or more, and often comprised of distinct areas devoted to specific functions or types of merchandise. These stores are often part of national or regional chains and generally include large surface parking areas and a warehouse-style layout. Examples include home improvement stores, warehouse clubs, department stores, and general merchandise retailers.

***

SHOPPING CENTER. As it relates to sign regulations, a group of commercial retail establishments developed and managed as a unified site with shared access, off-street parking, and common areas.

Sec. 4.4.4. On-site signs.

***

F. Signs permitted in commercial and office zoning classifications:

(1) Signs allowed in commercial and office zoning classifications and in the R-O, P-MH and P-RV zoning classifications are as follows:

(a) Single Occupancy Uses, P-MH and P-RV Zoning Classifications: One freestanding on site sign per premises, not to exceed two square feet in sign area for each linear foot of main street frontage up to a maximum of 130 square feet per sign face.

(b) Multiple Occupancy Usages - one freestanding, on-site directory sign, not to exceed the maximums in the following table:

Table 4.4-3 Multiple Occupancy Usage Sign Standards

Zoning Classification	Maximum Size
B-1, Neighborhood Business	200 square feet per sign face
B-2, Community Business	300 square feet per sign face
B-4, Regional Business	350 square feet per sign face
RAC, Rural Activity Center	200 square feet per sign face

(c) Wall Signage:

1. Single occupancy. Three wall signs, not to exceed two square feet in sign area for each linear foot of that occupancy's building frontage up to a maximum of 96 square feet in aggregate sign area. One of the allowed wall signs above may be placed on the side of the occupancy.

2. Shopping centers and big box retailers. Wall signage shall not exceed one and three-quarters square feet in sign area for each linear foot of each ~~occupancy's~~ building's frontages.

(d) Surface area of the on-site sign structure supporting the sign face may not exceed the allowable sign area.

(e) One under-canopy sign per occupancy, not to exceed four square feet in sign area.

(f) Incidental signs, not to exceed six square feet in aggregate sign area per occupancy.

(g) On-site identification signs located within 2,000 feet of all intersections located on I-75, shall not exceed 55 feet in overall height.

(h) Outdoor Menu Boards for fast food or drive-thru restaurants shall not exceed 60 square feet in aggregate sign face area.

***

WALL SIGNS

72'- 11 13/16"

6'- 0"

A 72" CHANNEL LETTERS
437.91 SQUARE FEET

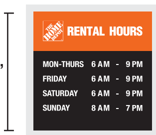
3'- 0" 8'- 1 1/8"

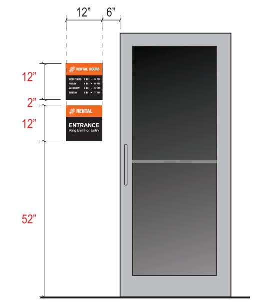
3'- 0" 1'- 10 3/4"

D 36" LOGO W/ LETTERS
34.5 SQUARE FEET

G 12"

12"





Proposed Sign Location

28'- 9"

2'- 6"

B 30" CHANNEL LETTERS (RACEWAY MOUNTED)
72 SQUARE FEET

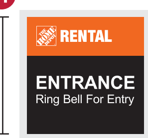
13' - 7 7/16"

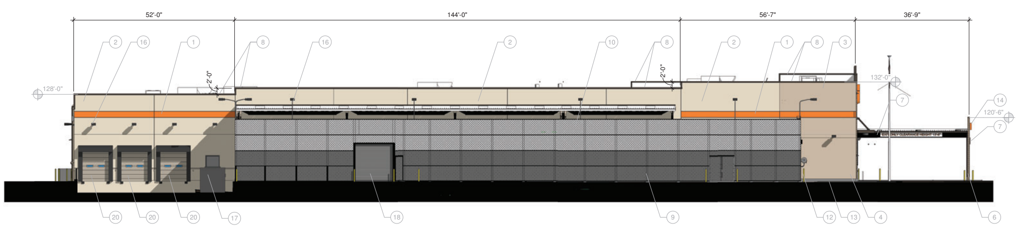
2'- 6"

C 30" CHANNEL LETTERS
34 SQUARE FEET

H 12"

12"

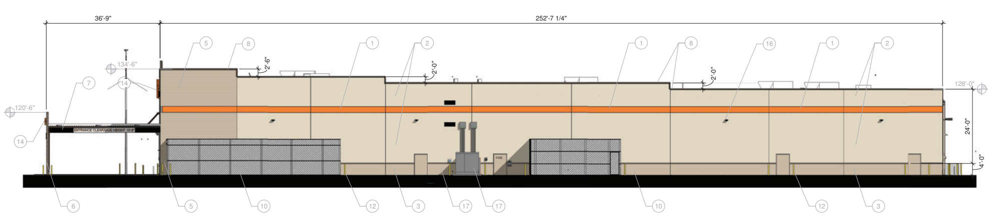




20'- 0"

1'- 6" 8"

E CANOPY CLEARANCE SIGNS (NON-ILLUMINATED)
30 SQUARE FEET



20'- 0"

1'- 6" 8"

F CANOPY CLEARANCE SIGNS (NON-ILLUMINATED)
30 SQUARE FEET

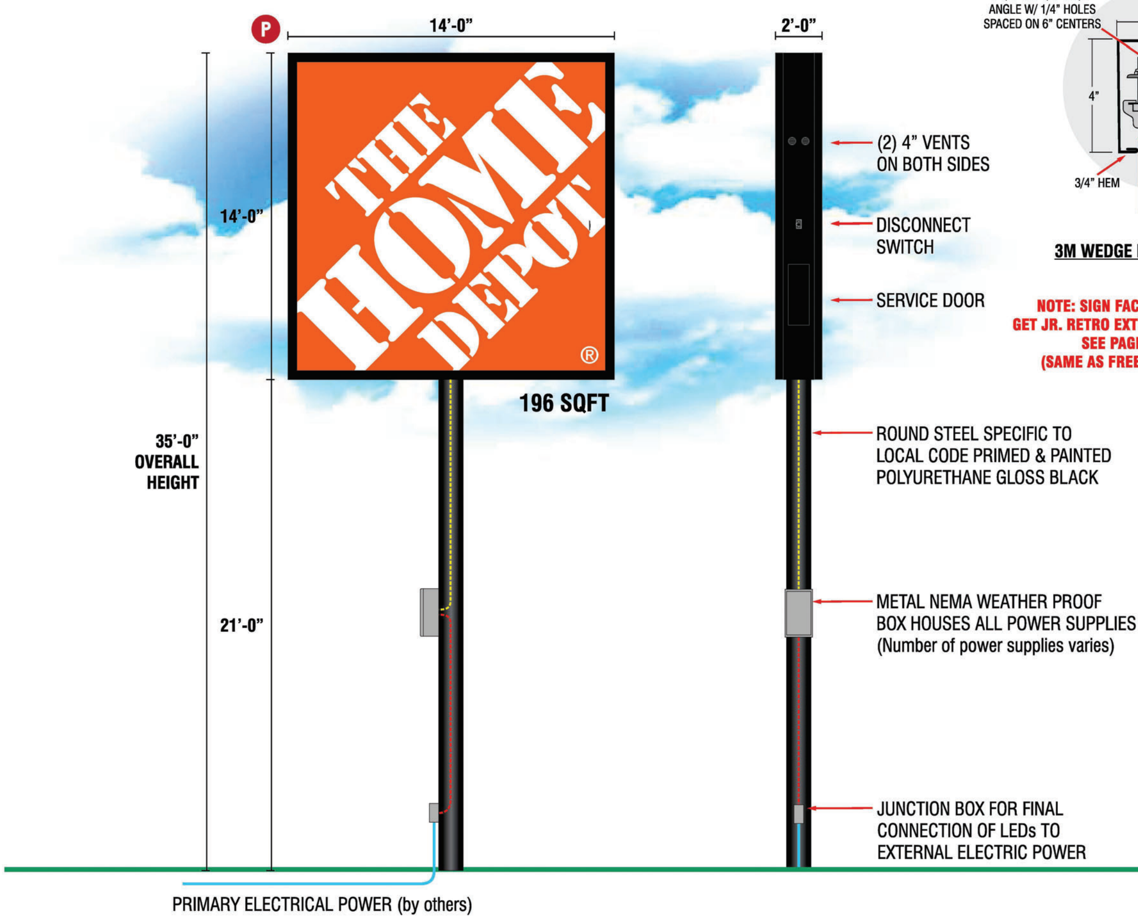
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND/OR LAYOUTS MAY CHANGE SLIGHTLY.

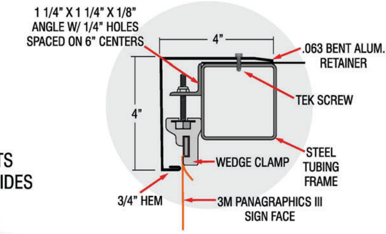
ID. ASSOCIATES
BRINGING THE WORLD'S BRANDS TO LIFE
1771 Industrial Road, Dothan, Alabama 36303
(888) 303-5534 (334) 836-1401
www.idassociatesinc.com

EXHIBIT APPROVED BY:

Underwriters Laboratories Inc.
LISTED

NEW PYLON





3M WEDGE RETENTION SYSTEM
N.T.S.

NOTE: SIGN FACES 14' & SMALLER WILL GET JR. RETRO EXTRUSION RETENTION SYSTEM SEE PAGE 11 FOR DETAILS (SAME AS FREESTANDING MONUMENT)

SIGN CABINET:

- Frame is 2" x 2" x 16 Gauge Square Tube Steel Frame w/ 2" x 2" x 3/16" Steel Angle.
- Filler is .063 Exterior Aluminum Painted Polyurethane Gloss Black
- Retainer is .063 Aluminum (4" Face Side-4" Return Side) Painted Polyurethane Gloss Black
- Faces are 3M Panagraphics III Flexible Substrate w/ 3M 3630-44 Orange Vinyl First Surface (White Copy Weeded Out) & 3M 3660M Matt Over Laminate. **For Printed Graphics Contact a 3M MCS Warranty Printer Certified For Flex-Face Printing.** Faces 14' & Smaller Have NO Black Outline. Faces Larger Than 14' Get Black Outline Not to Exceed 3/8".
- Illumination by GE White LEDs Mounted on Vertical Rails.
- Power Supplies are GE.

STEEL STRUCTURE & CONCRETE FOUNDATIONS:

- Sized Within Accordance With Local Wind Load & Other Requirements.
- Must be Approved By Atlantic / SSC Construction.
- All Exposed Steel Must Be Painted Polyurethane Gloss Black.
- If Pole Covers are Required Access Must Be Provided Without the Removal of Sign Faces.

ELECTRICAL SPECIFICATIONS:

- 277 Volts
- 20 Amp Primary Power to be Privided By Others to Within 6'- 0" (72") of Sign Location. General Contractor and/or Electrician to Coordinate with Sign Contractor the Exact Location Before Sign Placement. Final Connection to Primary Power by Sign Contractor.

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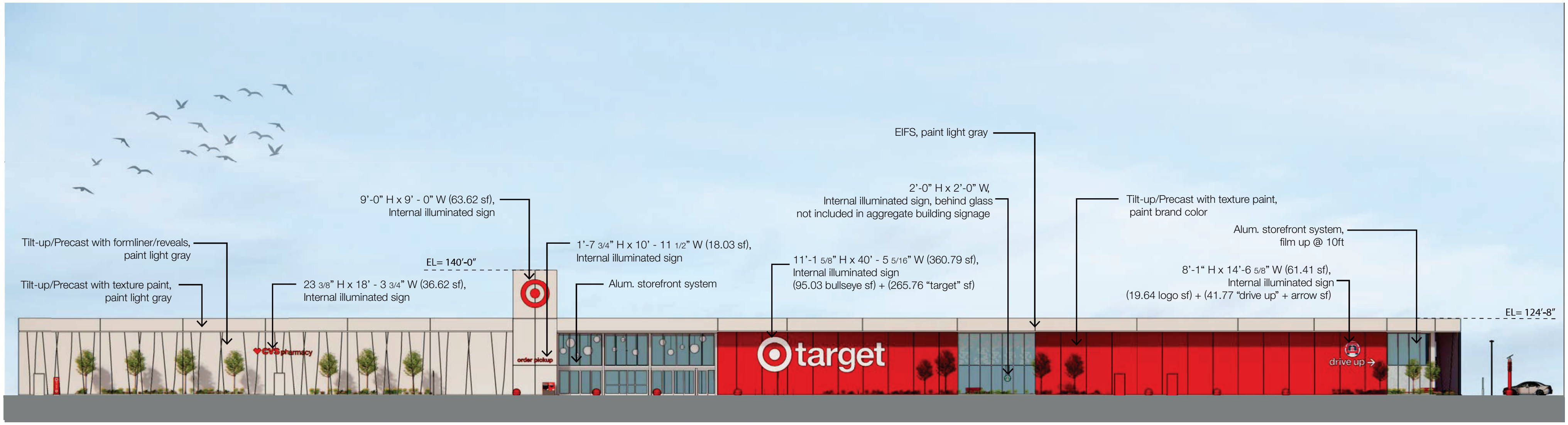
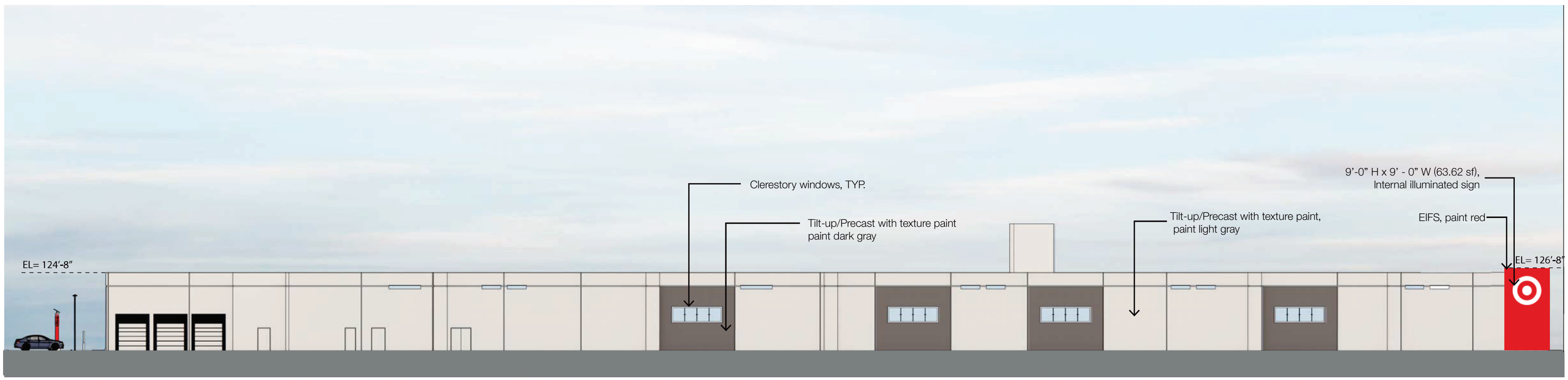
Underwriters Laboratories Inc.® LISTED



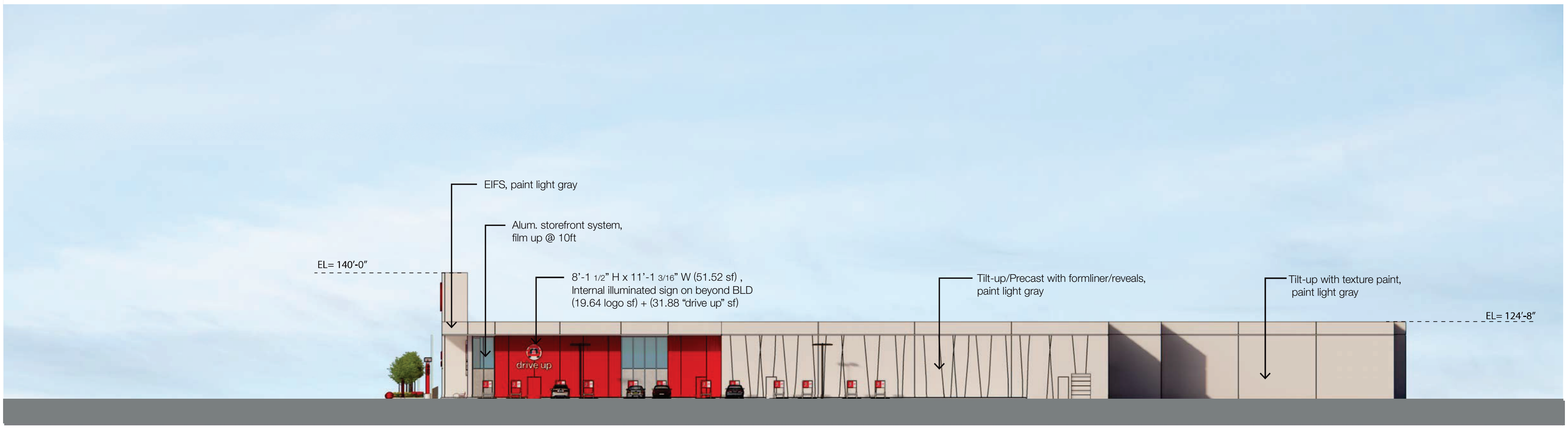
Front Elevation



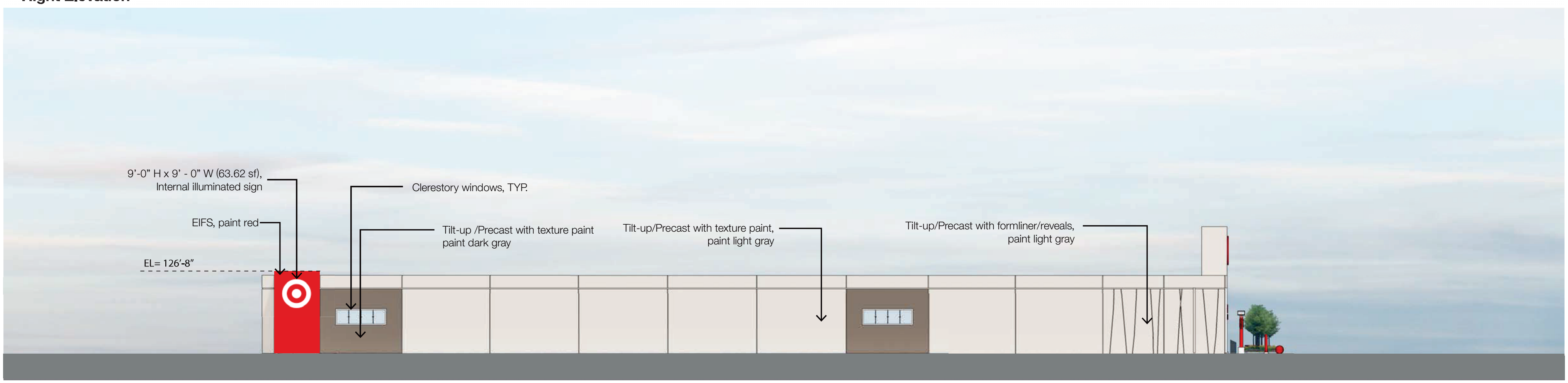
Rear Elevation

Single Entry, Location
Proposed Exterior Elevations

Addl Detail
08.07.2025



Right Elevation



Left Elevation


order pickup
target


target
drive up
drive up
drive up
drive up


drive up