



Marion County

Land Development Regulation Commission

Meeting Agenda

**Wednesday, November 5, 2025 5:30 PM Growth Services Main Training
Room**

ROLL CALL AND PLEDGE OF ALLEGIANCE

Acknowledgement of Proof of Publication

1. ADOPT THE FOLLOWING MINUTES

1.1. [October 1, 2025](#)

2. SCHEDULED ITEMS

2.1. [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Article 1, Division 2, Definitions](#)

2.2. [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Article 6, Division 7 Tree Protection and Replacement](#)

2.3. [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Article 1, Division 2, Definitions, Add New Section 4.3.28 - Fly In Communities, and Add New Section 4.3.29 - Private Airports.](#)

2.4. [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Section 4.3.12 Roadside Vendors](#)

3. NEW BUSINESS

ADJOURN



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-21208

Agenda Date: 11/5/2025

Agenda No.: 1.1.

SUBJECT:

October 1, 2025

DESCRIPTION/BACKGROUND:

Minutes from the previous LDRC Workshop & Public Hearing

The Marion County Land Development Regulation Commission met on October 1, 2025, at 5:30 p.m. in the Board of County Commissioners Auditorium, 601 SE 25th Avenue, Ocala, Florida.

CALL TO ORDER

Chairman David Tillman called the Meeting to Order at 5:33 p.m.

ROLL CALL & PLEDGE OF ALLEGIANCE

Rebecca Brinkley called roll, and the quorum was confirmed.

Board members present were Chairman David Tillman, Vice Chair Gene Losito, Christopher Howson, Robert Stepp, and Erica Larson.

Chairman David Tillman led the Pledge of Allegiance.

Staff members present were Chief Assistant County Attorney Dana Olesky, Assistant County Administrator Tracy Straub, Growth Services Director Chuck Varadin, Development Review Coordinator Elizabeth Madeloni, Senior Planner Chris Rison, Planner Sarah Wells, County Engineer Steven Cohoon, Parks and Recreation Director Jim Couillard, Project Assistant & Certified Arborist Susan Heyen, Administrative Manager Nate Mittler, and Staff Assistant Rebecca Brinkley.

There were members of the public present.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Rebecca Brinkley read the Proofs of Publication and advised that the meeting was properly advertised.

1. ADOPT THE FOLLOWING MINUTES

LDRC Board Member Robert Stepp made a motion to adopt the minutes from the September 17, 2025, meeting. The motion was seconded by Board Member Gene Losito. The motion passed unanimously (5-0).

2. SCHEDULED ITEMS

2.3 PUBLIC HEARING: Presentation and Consideration of the Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.2.2 General Requirements for all Agricultural Classifications

Chris Rison, Senior Planner, opened the discussion regarding this item.

There were no additional recommendations or comments from the LDRC Board Members.

There was no public comment provided.

LDRC Board Member Gene Losito made a motion to recommend approval as presented to the Board of County Commissioners. Motion was seconded by Board Member Christopher Howson. Motion passed unanimously (5-0).

2.4 PUBLIC HEARING: Presentation and Consideration of the Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.3.12 Roadside Vendors

Chris Rison, Senior Planner, opened the discussion regarding this item.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The following members of the public spoke during Public Comment:

Rabbi Jay Bar Levy – 16386 SW 53rd Place, Ocala

- Opposed, states this will negatively affect the Jewish population due to the absence of kosher food in the county. Asks that an exemption be added for religious entities. States they have to bring in food trucks that serve kosher food from outside the county to feed the Jewish population.

Kevin Hudson – 195 SW 84th Lane, Ocala

- Expressed concerns regarding the number of trucks he is allowed to have on his property and whether this language will affect him.

Luis Betances – 14191 S US Hwy 301, Summerfield

- Was involved with a previous food truck case addressing a more permanent type of food truck business, and is concerned about how this language will affect his food truck and his business costs.

Hector Benitez – 1451 SE 160th Street, Summerfield

- States he is on private property and asks if tents and tables will be allowed. Asks for clarification on the difference between a temporary vendor and a roadside vendor.

Wesley Valentin – 4145 SW 134th Street, Ocala

- Opposed, states he is trying to grow his business but feels food trucks are getting too much pressure placed on them. States being required to remove everything every day disadvantages their business and leads to spillage and breakage, which costs them money. States not being allowed to have tables and tents hurts their business.

Ailen Quintana Leje – 4763 SW 138th Lane, Ocala

- States she is being asked to remove her food truck from its current location and feels her rights are being taken away. Feels the rules are not clear.

Leanny Garcia – 12750 SW Highway 484, Dunnellon

- States her land is zoned A-1, and she currently has one food truck on her land and would like to add a second one. She asked if the proposed language would prevent the addition of a second truck.

The Board agreed that more discussion on the language was needed, and the item should be brought to a future workshop.

LDRC Board Member Robert Stepp made a motion to bring the item back to a future workshop. Motion was seconded by Board Member Erica Larson. Motion passed unanimously (5-0).

LDRC Board Member Gene Losito left the meeting at 6:35 p.m. and was not present for the remainder of the items on the agenda.

2.1 PUBLIC HEARING: Presentation and Consideration of Revisions to the Marion County Land Development Code (LDC) Amendments to Review and Update Article 1 Administration, Division 2 - Definitions

Chris Rison, Senior Planner, opened the discussion regarding this item.

Jessica Icerman, attorney for the applicant, presented this item.

There were no additional recommendations from the LDRC Board Members.

There was no public comment provided.

Board Member Robert Stepp abstained.

LDRC Board Member Christopher Howson made a motion to recommend approval as presented to the Board of County Commissioners. Motion was seconded by Board Member Erica Larson. Motion passed unanimously (3-0).

2.2 PUBLIC HEARING: Presentation and Consideration of Revisions to the Marion County Land Development Code (LDC) Amendments to Review and Update Article 4 Zoning, Division 4 – Advertising Signs, Section 4.4.4

Chris Rison, Senior Planner, opened the discussion regarding this item.

Jessica Icerman, attorney for the applicant, presented this item.

There were no additional recommendations from the LDRC Board Members.

There was no public comment provided.

Board Member Robert Stepp abstained.

LDRC Board Member Christopher Howson made a motion to recommend approval as presented to the Board of County Commissioners. Motion was seconded by Board Member Erica Larson. Motion passed unanimously (3-0).

The Public Hearing portion of the meeting was adjourned. Immediately following the LDRC workshop started.

2.5 WORKSHOP: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 2.19 Final Plat

Steven Cohoon, County Engineer, opened the discussion regarding this item.

LDRC Board Members voiced their recommendations and comments regarding the current language.

There was no public comment provided.

Mr. Cohoon noted items that need to be followed up on. The Board agreed that more discussion on the language was needed. Mr. Cohoon will make edits to the verbiage and bring the item back to a future workshop.

2.6 WORKSHOP: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.3.1 Final Plat Notes and Certification

Steven Cohoon, County Engineer, opened the discussion regarding this item.

LDRC Board Members voiced their recommendations and comments regarding the current language.

There was no public comment provided.

Mr. Cohoon noted items that need to be followed up on. The Board agreed that more discussion on the language was needed. Mr. Cohoon will make edits to the verbiage and bring the item back to a future workshop.

2.7 WORKSHOP: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 6 Division 7 Tree Protection and Replacement

Due to time constraints, this item was not addressed and is postponed to a future meeting.

2.8 WORKSHOP: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 1, Division 2, Definitions, Add New Section 4.3.28 – Fly In Communities, and Add New Section 4.3.29 – Private Airports

Chris Rison, Senior Planner, explained that this item was removed from the agenda and will be brought back at a later date. No action is required at this time.

3. NEW BUSINESS

3.1 Upcoming First BCC Public Hearing

Due to time constraints, this item was not addressed. However, during the Public Hearing portion of the meeting, Chris Rison, Senior Planner, provided the scheduled dates and times for the upcoming BCC Public Hearings.

ADJOURNMENT

The workshop adjourned at 6:53 p.m.

Attest:

David Tillman, Chairman

Rebecca Brinkley,
Staff Assistant



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-21204

Agenda Date: 11/5/2025

Agenda No.: 2.1.

SUBJECT:

Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 1, Division 2, Definitions

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Article 1, Division 2 Definitions - Amendments related to additional defining of tree nomenclature.

Re-review Tree, Critical Root Zone

DIVISION 2. DEFINITIONS

1
2 Unless otherwise expressly stated, for the purposes of this Code, the following terms shall have the meaning
3 indicated herein.

4 **ABANDONED WELL.** A well which has its use permanently discontinued, is in such disrepair that its continued
5 use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or
6 otherwise is or may be a health or safety hazard.

7 **ABROGATION.** To close, vacate, or abandon a right-of-way.

8 **ACCESSORY BUILDING OR STRUCTURE (APPURTENANT STRUCTURE).** A subordinate building or structure on
9 the same lot, or parcel, or on a contiguous parcel which is occupied by, or devoted to, an accessory use.

10 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
11 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
12 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
13 during conditions of the base flood.

14 **ACCESSORY USE.** A use naturally and normally incidental and subordinate to the principal use of a structure
15 or land and located on the same lot, or parcel or on a parcel contiguous to the principal use to which it relates.

16 **ACTIVE RECREATION.** Recreational activities that occur in areas that require substantial structural
17 development and investment, such as playing fields, courts or other facilities. Examples of active recreation include
18 soccer, baseball, swimming in a pool, tennis and basketball. Active recreation differs from passive recreation
19 primarily by the facilities that are required to undertake an activity.

20 **ADDITION.** An extension or increase in floor area or height of a building or structure.

21 **ADULT BOOKSTORE OR FILM STORE.** An establishment having as a substantial portion of its stock in trade
22 books, magazines, other periodicals, films, video tapes, video disks, or similar items which are distinguished or
23 characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or
24 "specified anatomical areas."

25 **ADULT BOOTH.** A small enclosed or partitioned area inside an adult entertainment establishment that is:

26 A. Designed or used for the viewing of adult material by one or more persons; and

27 B. Accessible to all persons, regardless of whether a fee is charged for access.

28 The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view
29 "adult material." The term "adult booth" does not include a foyer through which a person can enter or exit the
30 establishment, or a rest room.

31 **ADULT CABARET.** A bar, lounge, club, or other establishment which may sell alcoholic or non-alcoholic
32 beverages or food and which features as part of the regular entertainment topless or bottomless dancers,
33 strippers, whether male or female, or similar entertainers whose acts are characterized by an emphasis on matter
34 depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." This definition shall
35 include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling Studio.

36 **ADULT THEATER OR MINI-MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
37 capacity for fewer than 50 persons in which a substantial portion of the material presented is distinguished or
38 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
39 "specified anatomical areas" for observation by patrons therein.

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- 1 **ADULT THEATER OR MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
2 capacity of 50 or more persons in which a substantial portion of the material presented is distinguished or
3 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
4 "specified anatomical areas" for observation by patrons therein.
- 5 **ADVERTISING.** Sign copy or materials intended to directly or indirectly promote the sale or use of a product,
6 service, commodity, entertainment, or real or personal property.
- 7 **AGRICULTURAL USES.** Those uses of land which involve the science and art of production of plants and
8 animals useful to man including to a variable extent, the preparation of these products for man's use and their
9 disposal by marketing or otherwise. These shall include horticulture, floriculture, viticulture, aquaculture, forestry,
10 dairy, livestock, including the breeding and/or training of horses, poultry, bees, ratites, and any and all forms of
11 farm products and farm production.
- 12 **AIR GAP.** A physical separation between the free flowing discharge and an open or non-pressure receiving
13 vessel.
- 14 **ALTERATION.** Any change in size, shape, character, or use of a building or structure.
- 15 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
16 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
17 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
18 during conditions of the base flood.
- 19 **ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.
- 20 **ANIMAL UNIT.** As defined in § 62-670.200 FAC.
- 21 **ANIMAL RELATED BUSINESS.** Any for-profit person or business that renders services to, for or by any
22 domestic animal. Examples of animal related business include, but are not limited to, boarding facilities, doggie
23 day cares, groomers and training facilities. Animal related business does not include the offices or practices of
24 State-certified and licensed veterinarians.
- 25 **ANIMAL RELATED ORGANIZATION.** Any not for profit entity that has tax exempt status in accordance with
26 Section 501(c)(3) of the Internal Revenue Code and whose primary mission includes the rescue, welfare, care,
27 and/or adoption/placement of stray, abandoned, or surrendered animals, and which does not obtain animals from
28 a breeder or broker for payment or compensation.
- 29 **ANTENNA.** Any exterior apparatus designed to transmit or receive communications as authorized by the
30 Federal Communication Commission (FCC). The term "antenna" shall not include satellite earth stations used to
31 receive direct-to-home satellite services as defined in 47 USC § 303(v). An array of antennas, installed at one time
32 and designed as a single, integrated system, shall be considered to be a single antenna.
- 33 **ANTENNA SUPPORT STRUCTURE.** Any building or other structure other than a tower, which can be used for
34 the location of an antenna. An antenna support structure shall be referred to as a "utilized antenna support
35 structure" if it is or has been used for the location of an antenna.
- 36 **ANTIQUATED SUBDIVISION.** A subdivision, subdivision series, or any portion of a subdivision or subdivision
37 series, identified by the Board in which further or continued development of that subdivision is deemed
38 undesirable consistent with the provisions of § 163.3164 FS.
- 39 **APPEAL.** The process of seeking a higher authority's determination as established by this Code when a
40 specific decision or determination made by designated staff, committee, or board is disputed. As it pertains to

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1 floodplain management, request for a review of the Floodplain Administrator's interpretation of any provision of
2 this ordinance.

3 **APPLICANT.** The property owner, the duly authorized representative of the property owner, or the lessee or
4 occupant of said property who submits a County service or development application to and for said property and
5 who can be bound to all legal obligations related to such request.

6 **AQUACULTURE.** The commercial production of fin fish and shellfish, such as crustaceans and mollusks,
7 within a confined space and under controlled feeding, sanitation, and harvesting procedures.

8 **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map
9 (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the
10 path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is
11 characterized by ponding or sheet flow.

12 **ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building
13 Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

14 **AS-BUILT/RECORD SURVEY.** A record of completed construction drawings documenting the actual
15 construction work as it exists in the field, including any changes made from the originally approved plans, meeting
16 the requirements as set forth in § 5J-17.52(1) FAC, and signed, sealed, and dated by a Professional Surveyor and
17 Mapper licensed by the State of Florida.

18 **AUTOMOBILE WRECKING YARD.** Premises used for the dismantling or disassembling of two or more used
19 motor vehicles or trailers, or the business of storage, sale, or dumping of dismantled, obsolete or wrecked vehicles,
20 trailers or their parts; a junk yard.

21 **AUXILIARY WATER SUPPLY SYSTEM.** A pressurized or pumping-ready water supply system other than a
22 public potable water system which is located on or available to the customer's property whether or not connected
23 to a distribution system within the property. Such auxiliary systems include but are not limited to reclaimed water
24 systems and private wells, as further defined in AWWA M-14 most current edition.

25 **AVAILABLE CAPACITY.** An existing central water or sewer system shall be deemed to have "available
26 capacity," if: (a) as to a central water or sewer system, it is capable of providing central service concurrently with
27 the proposed build-out schedule of the project without the applicant having to expand the facility providing
28 treatment for the water to and/or the wastewater from the project; provided, however, if it is necessary for the
29 Marion County Utility Department to so expand the treatment facility, the applicant may be required to prepay
30 capital charges imposed for such facility; and (b) as to a central water or sewer system, its existing water or sewer
31 lines are of sufficient size and capacity to accommodate the water or sewer requirements of the project without
32 the applicant having to reconstruct the existing lines. This requirement concerns existing lines, only, and does not
33 excuse an applicant from having to construct new lines from its project to the point of connection to the central
34 water or sewer system. Further, if it is necessary to replace the existing lines, the County may require the applicant
35 to pay to reconstruct existing lines, within the applicant's required connection distance, in an amount equal to
36 what it would have cost the applicant to originally construct such lines of sufficient size and capacity to
37 accommodate the applicant's project. This does not preclude the County from requiring the developer to upsize
38 the lines in exchange for additional Equivalent Residential Connection credits.

39 **AVIARY.** A place for keeping birds confined, including but not limited to a large enclosure where birds fly
40 free, a structure where birds are confined in cages, or large cages where birds are confined. A residential structure
41 containing nine or more birds shall be considered an aviary.

42 **BACKFLOW PREVENTION ASSEMBLY.** A mechanical assembly which is supplied with properly located
43 resilient-seated shut-off valves at each end of the assembly and properly located test cocks, and meets the

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- 1 standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic
2 Research and complies with the standard listed in the Florida Building Code as adopted by Marion County.
- 3 **BACKFLOW PREVENTION DEVICE.** A mechanical device or plumbing configuration which is designed to
4 prevent backflow.
- 5 **BAR.** Any place devoted primarily to the retail sale and on premises consumption of malt, vinous, or other
6 alcoholic beverages; a tavern.
- 7 **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year (also
8 called the "one percent annual chance flood," "100-year flood" and the "regulatory flood"). [Also defined in FBC, B,
9 Section 202.]
- 10 **BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National
11 Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood
12 Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]
- 13 **BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also
14 defined in FBC, B, Section 202; see "Basement (for flood loads)".]
- 15 **BED AND BREAKFAST INN.** A building, or part thereof, other than a motel or hotel, where sleeping
16 accommodations are provided for transient guests, and may also serve as the residence of the owner or manager.
- 17 **BEEKEEPING.** The keeping or raising of bees for commercial purposes.
- 18 **BERM.** A mound of soil, either natural or manmade.
- 19 **BIORETENTION FACILITY.** An area which provides retention of stormwater through the use of vegetated
20 depressions of approximately four to nine inches in depth with landscaping and engineered soil matrix, designed to
21 collect, store, and infiltrate stormwater runoff. The invert of a bioretention facility is the bottom of the engineered
22 soil matrix.
- 23 **BOARD.** The Marion County Board of County Commissioners.
- 24 **BOAT YARD.** A lot, tract, or parcel where facilities for the construction, reconstruction, major repair,
25 maintenance, or sale of boats, marine engines, equipment, and services of all kinds are provided including marine
26 railways, lifting, or launching services and marinas.
- 27 **BOTTLE CLUB.** A commercial premises to which any alcoholic beverage is brought for consumption on the
28 premises.
- 29 **BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through
30 its design and construction to collapse under specific lateral loading forces without causing damage to the elevated
31 portion of the building or the supporting foundation system.
- 32 **BUFFER.** An area within a property or site, generally adjacent to and parallel with the property line, either
33 consisting of natural existing vegetation or created by the use of trees, shrubs, buffer walls, buffer fences, or
34 berms, designed to limit continuously the view of or sound from the site to adjacent sites, properties, or water
35 bodies.
- 36 **BUFFER FENCE.** A permanent opaque vertical structure providing a barrier with a finished height of six feet
37 measured from the adjacent grade or at a height as required otherwise.
- 38 **BUFFER WALL.** A permanent opaque vertical structure with concrete components including, but not limited
39 to pillars, panels, block or brick, used within a buffer meeting the requirements of the Florida Building Code, and

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1 providing a barrier (whether for sound, wind, or, views) with a finished height of six feet measured from the
2 adjacent grade or at a height as required otherwise.

3 **BUILDABLE AREA.** As it relates to hamlets, Rural Village District, and Rural Town, the remaining land area
4 eligible for development purposes once areas of open space and open water are subtracted from the gross
5 development lot/parcel/site.

6 **BUILDING.** Any structure designed for the habitation of persons or animals or for shelter of property.

7 **BUILDING PERMIT.** A permit issued by Marion County pursuant to the provisions of Article 2 of the Marion
8 County Code of Ordinances, consistent with the provisions of the Florida Building Code as established by the State
9 of Florida.

10 **BUILDING SIGN.** A sign displayed upon or attached to any part of the exterior of a building, including walls,
11 windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper.

12 **BUSINESS OR PROFESSIONAL OFFICE.** A space within a building where commercial service activity is
13 primarily conducted which may involve the sale of goods or commodities purely incidental to business services
14 provided.

15 **CALIPER OR TREE CALIPER.** Tree caliper means an American National Standards Institute (ANSI) standard for
16 the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above
17 the ground level. Trees that are seven to twelve-inch caliper are measured at twelve inches above the ground.

18 **CAMOUFLAGED ANTENNA AND/OR TOWER.** A wireless communication antenna and/or tower designed to
19 unobtrusively blend into the existing surroundings and be disguised to not have the appearance of a wireless
20 communication antenna and/or tower. Camouflaged antennas and/or towers on buildings must be disguised to
21 appear as an accessory structure or feature that is normally associated with the principal use occupying the
22 property. Camouflaged antennas and/or towers must be disguised to blend in with other facilities on the property
23 or existing vegetation, such as a tower constructed in the form and shape of a tree to be part of a forested area, or
24 an antenna and/or tower constructed to be a component of a bell, clock, or water tower on sites with compatible
25 buildings, or a component of a church steeple on sites with churches. Surface finish, paint and/or markings alone
26 are insufficient to qualify for a determination as a camouflaged antenna and/or tower.

27 **CAPACITY.** Supply of public facility:

- 28 A. Available - capacity of public facility after subtracting demand and reserved capacity.
- 29 B. Design - capacity that public facility was designed for.
- 30 C. Programmed - capacity to be added to public facility by improvement.
- 31 D. Reserved - capacity that has been reserved for a specific development project.

32 **CAPACITY RESERVATION FEE.** Fee required which reserves facility capacity. Fee is credited towards
33 applicable impact fees.

34 **CAPITAL IMPROVEMENT.** A physical asset constructed or purchased to provide, increase the capacity of, or
35 replace a public facility.

36 **CARPORT.** A garage not completely enclosed by walls and doors.

37 **CENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants) or a
38 wastewater collection, treatment, and dispersal system that serves the needs of one or more residential or non-
39 residential development projects. Centralized systems are generally owned, operated, and maintained by Marion

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1 County, a city, or a Public Service Commission-certificated entity. Types of facilities and systems not covered by the
2 foregoing general definition are found in § 367.022 FS.

3 **CHANGE OF USE.** A discontinuance of an existing use and the substitution of a use of a different kind or class.

4 **CLEAN DEBRIS.** Any solid waste material that is virtually inert, that is not a pollution threat to ground or
5 surface waters, that is not a fire hazard, and that is likely to retain its chemical and physical structure under
6 expected conditions of disposal or use. The term includes earth, brick, glass, ceramics, and uncontaminated
7 concrete including embedded pipe or steel, and other wastes designated by the FDEP.

8 **CLEAN FILL.** Granular soil free of roots, other vegetative material, and debris typically represented by an
9 AASHTO Soil Classification A-3. Other AASHTO soil classifications may satisfy a requirement for "clean fill" if they
10 meet industry specifications for various fill operations as accepted by FDOT or the Florida Building Code.

11 **CLEARING.** The uprooting or removal of vegetation in connection with development. This term does not
12 include yard maintenance operations or other such routine property clean-up activities.

13 **CLOSED BASIN.** An internally drained watershed in which the runoff does not have a surface outfall up to and
14 including the 100-year flood elevation.

15 **CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings and infrastructure in
16 specific areas on a site to allow the remaining land to be used for open space, preservation of environmentally
17 sensitive areas, or agriculture.

18 **CLUSTERING.** The grouping together of principal structures and infrastructure on a portion or portions of a
19 development site.

20 **COLLOCATION.** As it relates to antennas, the process of locating two or more antennas on an existing or
21 proposed tower or antenna support structure.

22 **COMMERCIAL BREEDER.** Any person, firm, partnership, corporation, or other association that engages in the
23 breeding of four (4) or more dogs or cats, in aggregate.

24 **COMMERCIAL VEHICLE.** Any vehicle designed or used for the transport of people, livestock, goods, or things.
25 This does not include private passenger vehicles and/or trailers used for private nonprofit transport of goods.

26 **COMMERCIALLY DEVELOPED PARCEL.** A parcel of property on which there is at least one walled and roofed
27 structure used, or designed to be used, for purposes other than residential or agricultural.

28 **COMMUNITY CENTER.** A building designed and used as a meeting or recreation area to accommodate and
29 serve the community in which it is located.

30 **COMMUNITY RESIDENTIAL HOMES.** Group homes or adult foster care facilities in which no more than 14
31 persons excluding staff reside and where program size and content is structured to meet the individual needs of
32 the residents in these homes.

33 **COMPLETELY ENCLOSED BUILDING.** A building having a complete, permanent roof and continuous walls on
34 all sides, either party walls or exterior walls, including windows and doors.

35 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
36 163 FS.

37 **CONCENTRATED ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

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1 **CONCURRENCY MANAGEMENT SYSTEM.** The policies, procedures, standards, and criteria that Marion
2 County will utilize to assure that development orders and permits are not issued unless the necessary facilities and
3 services are available concurrent with the impacts of development.

4 **CONSERVATION EASEMENT.** An easement established under § 704.06 FS, as amended, creating a right or
5 interest in the real property in favor of the entity named in the easement.

6 **CONSTRUCTION AND DEMOLITION DEBRIS (C&DD) DISPOSAL FACILITY.** A facility for the disposal of
7 "construction and demolition debris," as that term is defined in § 403.703(6) FS; also referred to as Construction
8 and Demolition (C&D) Landfill.

9 **CONSTRUCTION, EXISTING.** As it relates to flood plain management, structures for which the "start of
10 construction" commenced before January 19, 1983. This term may also be referred to as "existing structures."

11 **CONSTRUCTION, NEW.** As it relates to flood plain management, any structure for which the "start of
12 construction" commenced on or after January 19, 1983. The term also includes any subsequent improvements to
13 such structures.

14 **CONSTRUCTION PERMIT.** The permit issued by the Office of the County Engineer for construction of all
15 required improvements including construction in private and public rights-of-way.

16 **CONTIGUOUS PARCELS.** Those parcels of land with at least one common property line.

17 **CONTINUING IN GOOD FAITH.** As it relates to vested rights, shall mean the final local development order for
18 a project has been issued and has not expired, and no period of 180 consecutive days, or a previously approved
19 time frame as agreed to by the County, has passed without the occurrence of development activity which
20 significantly moves the proposed development toward completion; unless the developer establishes that such 180-
21 day lapse or previously approved time frame lapse in development activity was due to factors beyond the
22 developer's control; or unless development activity authorized by a final local development order has been
23 substantially completed on a significant portion of the development subject to said final development order and
24 has significantly moved the entire development toward completion.

25 **CONTRACTOR.** The person, firm, or corporation with whom the contract for work has been made by the
26 owner, the developer, or the County in accordance with any applicable State laws.

27 **COVENANTS, CONDITIONS AND RESTRICTIONS (CCR).** Declaration of Covenants, Conditions and Restrictions,
28 recorded in the public records for a development project.

29 **CONVENIENCE STORE.** Any retail establishment offering for sale food products, household, and sundry items,
30 beverages, gasoline, and other similar goods, but not including sales of prescription drugs, alcoholic beverages for
31 on-premises consumption, or any form of used merchandise sales, personal services, repair services, or any
32 outdoor sales, service, storage, or display other than approved accessory gasoline pumps.

33 **COPY.** As it relates to signs, the linguistic or graphic content of a sign.

34 **COUNTY.** The government of Marion County as a political subdivision of the State of Florida; or the physical
35 jurisdictional limits of Marion County as those boundaries described in § 7.42 FS.

36 **COUNTY ENGINEER.** The professional engineer retained by the Board of County Commissioners in the
37 capacity of administering the Office of the County Engineer. The County Engineer may appoint designees to
38 specific management and operation functions as appropriate.

39 **CROSS-CONNECTION.** Any physical arrangement whereby a Public Potable Water System is connected
40 directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than
41 for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain

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1 contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of
2 imparting contamination to the Public Potable Water System as the result of Backflow. By-pass arrangements,
3 jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices
4 through which or because of which Backflow could occur are considered to be Cross-Connections.

5 **CROSS-CONNECTION CONTROL COORDINATOR (CCC).** Utility Department Employee who is responsible for
6 implementation of cross-connection control directives.

7 **DECENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants)
8 or wastewater collection, treatment and dispersal system that is designed to serve the needs of a single residential
9 development project or non-residential development project. Decentralized systems are, further: (1) usually
10 located within the boundaries of the development project; (2) not typically owned, operated, and maintained by
11 Marion County, a city, CDD, or Public Service Commission-certificated entity; and (3) considered as temporary
12 facilities until a centralized system is available to serve the development project.

13 **DEDICATION.** An act of conveyance and acceptance of an interest in or use of property to a public or private
14 entity. See §§ 177.031(6), (16); 177.081; and 177.085 FS (2012) for statutory requirements related to dedications.
15 Mortgagees are required to join in dedications.

16 **DEMAND.** Quantifiable use of a public facility. See Capacity.

17 **DESIGN FLOOD.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section
18 202.]

- 19 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- 20 (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
21 designated.

22 **DESIGN FLOOD ELEVATION.** The elevation of the "design flood," including wave height, relative to the datum
23 specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design
24 flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth
25 number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is
26 not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section
27 202.]

28 **DEVELOPABLE AREA.** The portion of a project area that lies outside sovereign submerged lands.

29 **DEVELOPER.** The person, firm, entity, or corporation engaged in developing or improving real estate for use
30 or occupancy.

31 **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to,
32 buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or
33 materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing
34 activities. As it relates to vested rights, shall mean the particular development activity authorized by unexpired
35 final local development order issued for a specific project is continuing in good faith. Also see §§ 163.3164(14),
36 163.3221(4), and 380.04 FS.

37 **DEVELOPMENT AGREEMENT.** An agreement between Marion County and additional parties specifying
38 requirements of the parties in relation to a development application. Development Agreements are authorized by
39 the "Florida Local Government Development Agreement Act," §§ 163.3220—163.3243 FS and are subject to the
40 applicable provisions of those sections.

41 **DEVELOPMENT AREA.** See project area.

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1 **DEVELOPMENT ORDER.** An official action granting, granting with conditions, or denying an application for a
2 development permit consistent with this Code, § 163.3164 FS and Ch. 380 FS.

3 **DIAMETER AT BREAST HEIGHT.** Diameter at breast height (DBH) is a standard method of measuring the size
4 of a tree. In the Forestry and Survey industries, this measurement is taken at 4.5 feet above the ground.

5 **DIVIDER MEDIAN.** A continual landscaped island located between lineal rows of parking which face head-to-
6 head.

7 **DOMESTIC WASTEWATER RESIDUALS.** A domestic wastewater treatment by-product resulting from the
8 biological treatment process and which is disposed of by application for agricultural or land reclamation purposes.
9 Domestic wastewater residuals shall have the same meaning as "biosolids," as defined in rule § 62-640.200 FAC.

10 **DOUBLE CHECK VALVE ASSEMBLY.** A backflow prevention assembly which includes two internally loaded,
11 independently operating spring loaded check valves, which are installed as a unit between two tightly closing
12 resilient-seated shutoff valves and fittings with properly located test cocks.

13 **DRAFT HYDRANTS.** Draft hydrants are standard fire hydrants but are supplied by a static water source.
14 Normally these hydrants are not supplemented by a fire pump and rely on a fire department engine to draft from
15 the source. These draft hydrants have little to no pressure and function similar to a dry hydrant tank.

16 **DRAINAGE DETENTION AREA (DDA).** See water detention area.

17 **DRAINAGE RETENTION AREA (DRA).** See water retention area.

18 **DRIPLINE.** An imaginary line on the ground defined by vertical lines extending from the outermost tips of
19 tree to the ground or the area within a radius of one foot for each one inch DBH of the tree, whichever is greater.

20 **DRIVEWAY APRON.** That portion of a driveway lying between the street right-of-way line and the edge of the
21 travel lane of the street.

22 **DROUGHT TOLERANT VEGETATION.** Plants which have the ability to survive without supplemental irrigation
23 through periods of drought characteristic of the north-central Florida region, excluding invasive plant species.

24 **DRUGSTORE** (the term Pharmacy is included). An establishment that is either:

25 (1) Engaged in the retail sale of prescription drugs and nonprescription medicines pursuant to Chapter
26 465, FS; or

27 (2) That is both:

28 a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS
29 (2017); and

30 b. Operated in accordance with all provisions of such statute and all other statutes or regulations
31 governing the medical dispensation of marijuana pursuant to Florida law.

32 By way of example and not limitation, as the requirements of this subsection are cumulative, any establishment
33 that may have been licensed as a medical marijuana treatment center but is not operated in accordance with
34 Florida law, shall no longer constitute a drugstore, and hence is no longer a permitted use in zoning districts where
35 drugstores are permitted.

36 **DRYLINE PERMIT.** A construction permit for sewer lines issued with certain special conditions applied.

37 **DUCTILE IRON PIPE RESEARCH ASSOCIATION (DIPRA).** Any reference to DIPRA Standards shall be taken to
38 mean the most recently published revision unless otherwise specified.

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- 1 **DUDE RANCH.** A vacation resort offering activities typical of western ranches such as horseback riding.
- 2 **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title
3 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be
4 inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and
5 be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said
6 public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the
7 Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all
8 owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose
9 address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request
10 such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief
11 explanation of the land use permit request and a location map identifying the property under consideration and
12 shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a
13 conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change.
14 Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by
15 the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County,
16 and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning
17 category, the provisions of § 125.66(4) FS shall apply.
- 18 **DWELLING UNIT.** Any structure or portion thereof which is designed for or used for residential purposes as a
19 self-sufficient or individual unit by one family or other social association of persons.
- 20 **ELECTRIC SUBSTATION.** An electric substation which takes electricity from the transmission grid and converts
21 it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through
22 one or more distribution lines less than 69 kilovolts in size.
- 23 **ELEVATED BUILDING.** A non-basement building built to have the lowest floor elevated above the ground
24 level by foundation walls, posts, piers, columns, pilings, or shear walls.
- 25 **ELEVATION.** The vertical height or heights relative to a defined datum.
- 26 **EMPHASIS.** As it relates to the adult entertainment business, "emphasis" or "emphasis on" means that the
27 type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the
28 matter specified is a substantial portion of such work or exhibition.
- 29 **ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development
30 into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.
- 31 **ENVIRONMENTALLY SENSITIVE LANDS.** Lands or areas which include environmental or other natural
32 features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.1.
- 33 **EQUINE CENTER.** A facility identified and designated by the Board as a unique and specialized destination for
34 regional, state, and national equine interests and activities that further the County's equine identity as "The Horse
35 Capital of the World."
- 36 **EQUIVALENT RESIDENTIAL CONNECTION (ERC).** A unit of measurement representing capacity demand of
37 300 gallons per day for wastewater or 350 gallons per day for water.
- 38 **ERECT A SIGN.** To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint,
39 draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities
40 when performed as an incident to a change of message or routine maintenance.
- 41 **ESTABLISHED CHURCH.** Established place of meeting or worship at which non-profit religious services are
42 regularly conducted and carried on.

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1 **EXCEPTION.** As it relates to vested rights, shall mean an exception to the densities required in the Future
2 Land Use Element for parcels of record as of January 1, 1992 for the construction of one residential unit.
3 Exceptions apply to density only and do not exempt parcels from any other requirement of the Comprehensive
4 Plan.

5 **EXISTING BUILDING AND EXISTING STRUCTURE.** Any buildings and structures for which the "start of
6 construction" commenced before January 19, 1983. [Also defined in FBC, B, Section 202.]

7 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for
8 which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
9 (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the
10 pouring of concrete pads) is completed before January 19, 1983.

11 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional
12 sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
13 (including the installation of utilities, the construction of streets, and either final site grading or the pouring of
14 concrete pads).

15 **EXTRACTION OR RESOURCE EXTRACTION.** The removal of resources from their location so as to make them
16 suitable for commercial, industrial, or construction use, but does not include excavation solely in aid of on-site
17 farming or on-site construction, nor the process of searching, prospecting, exploring, or investigating for resources
18 by drilling.

19 **FAILING.** As defined in § 64E-6.002 FAC and periodically amended: a condition existing within an onsite
20 sewage treatment and disposal system which prohibits the system from functioning in a sanitary manner and
21 which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface
22 water, into ground water, or which results in the failure of building plumbing to discharge properly.

23 **FAMILY.** One or more persons occupying the whole or part of a dwelling unit and living as a single,
24 housekeeping unit provided that a group of four or more persons who are not within the second degree of kinship
25 shall not be deemed to constitute a family, except as set forth in Title VIII of the Civil Rights Act of 1968 and as
26 subsequently amended by the Fair Housing Amendments Act of 1988.

27 **FAMILY/GUEST COTTAGE/APARTMENT.** A small detached dwelling unit for use by immediate family
28 members or guests which is an accessory use to a single-family dwelling. The cottage may be a removable,
29 modular structure, or a conventionally constructed structure, and shall be compatible with the existing dwelling. It
30 shall be designed as an independent living unit smaller than the primary structure.

31 **FEEDLOT.** A confined area or structure, pen or corral, used to fatten livestock for a period of at least 30 days
32 prior to final shipment.

33 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that, in addition to carrying out
34 other functions, administers the National Flood Insurance Program.

35 **FENCE.** A vertical structure used to provide a physical division between areas.

36 **FIRE LINE.** Piping from the water main to point of delivery exclusively providing fire protection.

37 **FISH HATCHERY.** Establishments primarily engaged in hatching fish, not including fish or farm ponds.

38 **FLAG LOT.** A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property
39 contains no frontage.

40 **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land
41 areas from:

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- 1 (1) The overflow of inland or tidal waters.
- 2 (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- 3 **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and
4 prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also
5 defined in FBC, B, Section 202.]
- 6 **FLOOD HAZARD AREA.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]
- 7 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- 8 (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
9 designated.
- 10 **FLOOD INSURANCE RATE MAP (FIRM).** The official map of the community on which the Federal Emergency
11 Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the
12 community. [Also defined in FBC, B, Section 202.]
- 13 **FLOOD INSURANCE STUDY (FIS).** The official hydraulic and hydrologic report provided by FEMA. The study
14 contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water
15 surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-
16 related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable),
17 and other related data and information.
- 18 **FLOODPLAIN ADMINISTRATOR.** The office or position designated and charged with the administration and
19 enforcement of Flood Plain regulations within Article 5 Division 3 (may be referred to as the Floodplain Manager).
- 20 **FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document, certificate or development order
21 issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific
22 development activities that are located in flood hazard areas and that are determined to be compliant with Article
23 5, Division 3.
- 24 **FLOOD PLAIN ELEVATIONS.** The elevations established along waterbodies and in closed drainage basins
25 which represent the hydraulic gradients for the predicted 25-Year and 100-Year flood plains. The 100-Year flood
26 plain is shown on the adopted Marion County Flood Insurance Rate Maps. The elevations may be established by
27 the Flood Plain Administrator or designee; by a Florida Licensed Surveyor and Mapper and approved by the Flood
28 Plain Administrator or along the Rainbow River as established by Southwest Florida Water Management District
29 Profiles dated July 13, 1973.
- 30 **FLOOD PLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures
31 for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood plain,
32 including but not limited to emergency preparedness plans, flood control works, flood plain management
33 regulations, and open space plans.
- 34 **FLOOD PLAIN MANAGEMENT REGULATIONS.** This term describes Federal, State of Florida, or local
35 regulations in any combination thereof and other applications of police power which control development in flood-
36 prone areas, which provide standards for preventing and reducing flood loss and damage.
- 37 **FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to
38 structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary
39 facilities, structures and their contents.

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1 **FLOODWAY.** The channel of a river or other riverine watercourse and the adjacent land areas that must be
2 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more
3 than one (1) foot. [Also defined in FBC, B, Section 202.]

4 **FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed
5 encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the
6 evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and
7 models.

8 **FLOODWAY FRINGE.** That area of the flood plain on either side of the regulatory floodway where
9 encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

10 **FLOOR AREA.** Area of all floors of buildings or structures, measured to the outside of the exterior walls.

11 **FLOOR AREA RATIO (FAR).** The gross floor area of all buildings or structures on a lot divided by the total lot
12 area.

13 **FLORIDA BUILDING CODE.** The family of codes adopted by the Florida Building Commission, including:
14 Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida
15 Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

16 **FOOD SERVICE FACILITIES.** Any commercial facility that generates wastewater through the processing and
17 preparation of food, including restaurants and other commercial facility where food is processed or prepared. It
18 does not include facilities that only sell pre-processed or pre-packaged foods.

19 **FREEBOARD.** The additional height, usually expressed as a factor of safety in feet, above a flood level for
20 purposes of flood plain management. Freeboard tends to compensate for many unknown factors, such as wave
21 action, bridge openings and hydrological effect of urbanization of the watershed that could contribute to flood
22 heights greater than the height calculated for a selected frequency flood and floodway conditions.

23 **FRONT BUILDING LINE.** A line measured between side lot lines no closer than the front setback and equal to
24 the minimum lot width.

25 **FUNCTIONALLY DEPENDENT USE.** As it relates to floodplain management, a use that cannot be used for its
26 intended purpose unless it is located or carried out in close proximity to water, including only docking or port
27 facilities necessary for the loading and unloading of cargo or passengers, and shipbuilding or ship repair facilities.
28 The term does not include long-term storage, manufacture, sales, or service facilities.

29 **GREEN SPACE.** A parcel or area of land which is developed, planted, and maintained with trees, shrubs,
30 groundcovers or turfgrass or a combination thereof, and is reserved for a yard area, landscape area, public or
31 private park or recreation area, drainage retention areas and other similar areas.

32 **GROUND SIGN.** A sign that is supported by one or more columns, upright poles, or braces extended from the
33 ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to
34 any part of a building.

35 **GROWTH SERVICES DIRECTOR.** Growth Services Director or his designee.

36 **HARDSHIP.** As it relates to flood plain management and variances to the flood plain overlay zone, the
37 exceptional hardship associated with the land that would result from a failure to grant the requested variance. The
38 community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere
39 economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical
40 handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an
41 exceptional hardship. All of these problems can be resolved through other means without granting a variance,

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1 even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a
2 different use than originally intended.

3 **HAZARD.** A cross-connection or potential cross-connection which involves an actual or potential threat to
4 the quality and/or potability of the water supplied by a public potable water system. The degree of hazard
5 associated with any private water system shall be determined from an evaluation of the conditions existing within
6 that system.

7 **HEALTH HAZARD.** A hazard involving any substance that could, if introduced into the public potable water
8 system, cause death or illness, spread disease, or have a high probability of causing such effects.

9 **HEAVY MACHINERY OR EQUIPMENT.** Machinery used primarily by the construction, mining, well drilling, oil
10 and gas industries and including overhead traveling cranes, hoists, and monorail systems for installation in
11 factories, warehouses, marinas, and other industrial and commercial establishments.

12 **HEIGHT OF BUILDING.** The vertical distance from the established grade at the center of the front of the
13 building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and the height of
14 the ridge for gable, hip, and gambrel roofs.

15 **HIGH VOLUME IRRIGATION.** An irrigation system (or zone) which utilizes heads or emitters with application
16 rates higher than 0.5 gpm.

17 **HIGH-VOLUME OWNER.** Any person, business, or organization who owns, harbors, or keeps more than
18 fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to,
19 housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use.
20 Such definition does not include any property or structure where a Florida state licensed veterinarian practices and
21 has a premises permit, as required by F.S. Ch. 474, or any property or structure used as a veterinary hospital,
22 medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any
23 boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include Marion
24 County Animal Services.

25 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of
26 construction, next to the proposed walls or foundation of a structure.

27 **HISTORIC STRUCTURE.** Any structure that is determined eligible for the exception to the flood hazard area
28 requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

29 **HOME OCCUPATION.** Any business or commercial activity that is:

- 30 A. Conducted within a single family dwelling unit in a residential zoning classification and is incidental to
31 the principal residential use of the premises, or
32 B. Conducted on the same tract with the principal structure in an agricultural zoning classification, and
33 C. Which is a permitted use within the agricultural zoning classification and conducted without
34 significantly adverse impact on the surrounding area.

35 **HORIZONTAL DATUM.** An accepted current coordinate system used to describe a point on the earth's
36 surface pre-approved by the Office of the County Engineer.

37 **HOUSE OF WORSHIP.** A structure whose principal use is public assembly for worship and teaching of
38 religious concepts.

39 **HOUSEHOLD PET.** All animals which are normally considered as household pets and which can be maintained
40 and cared for within the living space of a residence or outside the residence. Such animals may include but are not

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1 limited to dogs, cats, small reptiles, small rodents, fish, small birds such as parrots and parakeets, and other similar
2 animals.

3 **ILLUMINATED SIGN.** A sign which contains a source of light or which is designed or arranged to reflect light
4 from an artificial source including indirect lighting, neon, incandescent lights and backlighting.

5 **IMPERVIOUS SURFACES.** Those surfaces which do not absorb water including but not limited to, buildings,
6 paved parking areas, driveways, roads, sidewalks, patios and any areas covered by brick, concrete, concrete
7 pavers, or asphalt paving materials.

8 **INDUSTRIAL/COMMERCIAL PARK.** A tract of land that is planned, developed, and operated as an integrated
9 facility for a number of individual industrial or commercial or mixed uses.

10 **INFRASTRUCTURE.** Facilities and services needed to sustain residential, commercial, and industrial activities.
11 Infrastructure includes, but is not limited to, water and sewer, streets, street signage, drainage, parks and open
12 space, and other public facilities.

13 **INSTITUTIONAL USE.** A nonprofit, religious, or public use, such as a church, library, public or private school,
14 hospital, community home, convalescent home, adult congregate living facility, or government owned or operated
15 building, structure, or land used for public purpose or benefit.

16 **INTENSIVE RECREATIONAL AREAS.** Sites which provide location for uses such as football, baseball, softball,
17 soccer, and golf courses excluding such areas as secondary and tertiary roughs and out-of-bound areas. Only such
18 sports related fields shall fit this definition while common areas and open spaces between such fields shall not be
19 exempt from irrigation design standards or watering restrictions.

20 **IRRIGATION.** The application of water by manmade means to plant material and turfgrass.

21 **JUNK.** Used and discarded machinery, scrap, iron, steel, other ferrous and non-ferrous metals, inoperative
22 vehicles, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste.

23 **JUNK YARD.** A parcel of land on which junk is collected, stored, salvaged or sold, including automobile
24 recycling facilities.

25 **KARST FEATURE.** A landform that has been modified by dissolution of soluble rock, including limestone or
26 dolostone. These include springs, spring runs, sinkholes, solution pipes, swallets and swallow holes. A directly or
27 indirectly connected karst feature is one where no confining layer of sediment exists to prevent runoff from
28 directly or indirectly entering the Floridan Aquifer system.

29 **KENNEL.** Any place or premises where four or more dogs and/or cats, in aggregate, over four months of age
30 are groomed, bred, raised, boarded, or trained for compensation or income including an Animal Related Business;
31 Animal Related Organization; Commercial Breeder; and High-Volume Owners with over thirty (30) dogs and/or cats
32 in aggregate.

33 **LANDSCAPABLE AREA.** The entire parcel less the building footprint, natural water features, surfaced and un-
34 surfaced driveways and parking areas, road rights-of way, hardscapes such as decks and patios, and other non-
35 planted areas. Landscapable area excludes golf course play areas, other intensive recreation areas (e.g. soccer
36 fields, ball diamonds, etc.) and any part of a constructed stormwater management system that has a design stage
37 or storage depth three feet or greater.

38 **LANDSCAPE ARCHITECT.** The County's Landscape Architect or his designee.

39 **LANDSCAPE ISLAND.** A raised area, usually curbed, placed to guide traffic and separate lanes, and used for
40 landscaping, signage, or lighting.

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1 **LEASABLE/INTERIOR AREA.** The area of open floor space within a structure's exterior walls and excluding the
2 interior walls.

3 **LETTER OF MAP CHANGE (LOMC).** An official determination issued by FEMA that amends or revises an effective
4 Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- 5 (1) **LETTER OF MAP AMENDMENT (LOMA):** An amendment based on technical data showing that a
6 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
7 current effective Flood Insurance Rate Map and establishes that a specific property, portion of a
8 property, or structure is not located in a special flood hazard area.
- 9 (2) **LETTER OF MAP REVISION (LOMR):** A revision based on technical data that may show changes to flood
10 zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other
11 planimetric features.
- 12 (3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** A determination that a structure or parcel of land
13 has been elevated by fill above the base flood elevation and is, therefore, no longer located within the
14 special flood hazard area. In order to qualify for this determination, the fill must have been permitted
15 and placed in accordance with the community's floodplain management regulations.
- 16 (4) **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A formal review and comment as to whether a
17 proposed flood protection project or other project complies with the minimum NFIP requirements for
18 such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the
19 effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of
20 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
21 effective FIRM.

22 **LEVEL OF SERVICE.** An indicator of the extent or degree of service provided by, or proposed to be provided
23 by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the
24 capacity per unit of demand for each public facility.

25 **LEVEL OF SERVICE STANDARD.** The level of service a facility is not to exceed as established in the
26 Comprehensive Plan.

27 **LIGHT-DUTY TRUCK.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular
28 Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle
29 frontal area of 45 square feet or less, which is:

- 30 (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
31 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
32 (3) Available with special features enabling off-street or off-highway operation and use.

33 **LISTED SPECIES.** Those species identified by the USFWS and/or FWC as endangered, threatened, or special
34 concern.

35 **LIVESTOCK.** Includes, but is not limited to, all animals of the equine, ratite, bovine, or swine class, including
36 goats, sheep, mules, horses, llamas, alpacas, hogs, cattle, poultry, emus, ostriches, and other grazing animals. The
37 term livestock shall specifically exclude specialty animals.

38 **LOCALLY SIGNIFICANT NATURAL RESOURCES.** Lands or areas which include environmentally sensitive lands
39 or other features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.2.

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1 **LOT.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to
2 be used, developed, or built upon as a unit.

3 **LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

4 **LOT DEPTH.** The dimension from the center of the front of the lot to the center of the rear of the lot.

5 **LOT LINE.** The boundary line of a lot.

6 A. **LOT LINE, FRONT.** The line abutting the street right-of-way or point of access which for corner lots shall
7 be determined by the property owner.

8 B. **LOT LINE, REAR.** The lot line opposite to and most closely paralleling the front lot line.

9 C. **LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

10 **LOT WIDTH.** The horizontal distance between the side lot lines measured at the front property line. For lots
11 located on a curve, it shall be the chord distance of the curve at the front property line.

12 **LOW VOLUME IRRIGATION.** Irrigation by a system which utilizes devices that irrigate at rates of 0.5 gpm or
13 less, allowing water to be placed with a high degree of efficiency at the root zone of each plant.

14 **LOWEST ADJACENT GRADE.** The lowest elevation, after the completion of construction, of the ground,
15 sidewalk, patio, deck support, or basement entryway immediately next to the structure.

16 **LOWEST FLOOR.** The lowest floor of the lowest enclosed area of a building or structure (including basement),
17 but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking,
18 building access or limited storage provided that such enclosure is not built so as to render the structure in violation
19 of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.].

20 **MANUFACTURED BUILDING.** A structure bearing a seal issued by the Florida Department of Community
21 Affairs certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of
22 1979.

23 **MANUFACTURED HOME.** A structure bearing a label certifying that it is built in compliance with the Federal
24 Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. For floodplain management
25 purposes, it is a structure, transportable in one or more sections, which is eight (8) feet or more in width and
26 greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for
27 use with or without a permanent foundation when attached to the required utilities. The term "manufactured
28 home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

29 **MANUFACTURED HOME/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land
30 divided into two or more manufactured home lots for rent or sale.

31 **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** As it relates to the Flood Plain Overlay Zone, a
32 manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the
33 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
34 streets, and either final site grading or the pouring of concrete pads) was completed before January 19, 1983.

35 **MANUFACTURED HOME PARK OR SUBDIVISION, NEW.** As it relates to the Flood Plain Overlay Zone, a
36 manufactured home park, or subdivision, for which the construction of facilities for servicing the lots on which the
37 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of
38 streets, and either final site grading or the pouring of concrete pads) and was completed on or after January 19,
39 1983.

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- 1 **MANUFACTURING.** A commercial or industrial activity involved in the research, development, assembly,
2 production, testing, or processing of goods, materials, components, devices, equipment, or systems.
- 3 **MARINA.** A premises located adjacent to water bodies, canals, or water ways providing wet or dry storage
4 and all accessory facilities.
- 5 **MARION-FRIENDLY LANDSCAPING.** The use of plants (and non-plant materials such as mulch) and landscape
6 designs and practices that are compatible with the natural environment and climate of Marion County. Marion-
7 Friendly Landscaping minimizes the use of turfgrass that is irrigated and fertilized, and maximizes the use of plants
8 that tolerate sandy soils and drought conditions characteristic of north-central Florida.
- 9 **MARION-FRIENDLY LANDSCAPING AREA (MFLA).** That portion of a new or expanded development that
10 through the approved development plans, documents, and deed restrictions, is identified to be maintained as
11 Marion-Friendly Landscaping and where the use of high volume irrigation, non-drought tolerant plants, and lawn
12 chemicals (fertilizers and pesticides) on turfgrass is prohibited.
- 13 **MARKET VALUE.** As it relates to floodplain management, the price at which a property will change hands
14 between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having
15 reasonable knowledge of relevant facts. As used in Article 5, Division 3, the term refers to the market value of
16 buildings and structures, excluding the land and other improvements on the parcel. Market value can be
17 established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on
18 income approach), actual cash value (replacement cost depreciated for age and quality of construction of building),
19 or adjusted tax-assessed values adjusted to approximate market value by a factor provided by the Property
20 Appraiser.
- 21 **MARQUEE.** A structure projecting from and supported by a building which extends beyond the building line
22 or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.
- 23 **MCUD DIRECTOR.** Marion County Utilities Department Director, or his designee.
- 24 **MINI-WAREHOUSE (SELF-SERVICE STORAGE FACILITY).** A building, or group of buildings, consisting of
25 individual, small, self-contained units that are leased or owned for the storage of business and household goods or
26 contractors supplies.
- 27 **MOBILE HOME.** A transportable structure designed to be:
- 28 A. Used as a year-round residential dwelling, built prior to enactment of the Federal Manufactured
29 Housing Construction and Safety Standards, which became effective for all manufactured home
30 construction on June 15, 1976, and
- 31 B. Any vehicle without independent motive power which is designed for housing accommodations and
32 transportation over the highways on a chassis under carriage, which is an integral part thereof, but
33 does not include travel trailers or recreational units as defined by § 320.01 FS. This definition shall
34 include any unit which meets the criteria above and is certified by the Department of Safety and Motor
35 Vehicles as meeting requirements of as defined in Ch. 320 FS.
- 36 **MODEL HOME.** A single-family dwelling unit, or units, used by a home builder to illustrate the features
37 available to a potential purchaser of a dwelling unit when constructed on a different lot, parcel, or tract.
- 38 **MODEL HOME SALES LOT OR MODEL HOME COMPLEX.** Model homes designed in a cluster to create a sales
39 facility.

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- 1 **MODIFY.** Regarding towers, modify shall include all structural changes to a tower other than routine
2 maintenance, including, without limitation, structural modifications, rebuilding, or relocating on the same parcel.
3 Modify does not include adding additional or different antennas, or deleting or removing antennas.
- 4 **MONOPOLE TOWER.** A tower consisting of a single pole, or spine, self supported by a permanent foundation,
5 and constructed without guy wires and ground anchors.
- 6 **MULTI-DWELLING.** A structure which contains three or more dwelling units.
- 7 **MULTI-FAMILY.** Any residential development project that consists of more than two dwelling units per
8 building, or eight dwelling units or more per gross acre.
- 9 **MULTIPLE OCCUPANCY COMPLEX.** A commercial occupancy (i.e. any occupancy other than residential or
10 agricultural) consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or
11 coordinated project, with a building or buildings housing more than one occupant, or more than one business
12 under one ownership.
- 13 **NATIVE TREE.** A self-supporting woody plant which normally grows to a height of ten feet or more and which
14 is classified as native vegetation.
- 15 **NATIVE VEGETATION.** Those species occurring within the state boundaries prior to European contact,
16 according to the best available scientific and historical documentation. It includes those species understood as
17 indigenous, occurring in natural associations and habitats that exist prior to significant human impacts.
- 18 **NATURAL AREA.** Undeveloped lands considered to be in, or maintained in, an undisturbed or unmodified
19 condition which provide habitat or natural open space.
- 20 **NEW CONSTRUCTION.** For the purposes of administration of Article 5, Division 3 and the flood resistant
21 construction requirements of the Florida Building Code, structures for which the "start of construction"
22 commenced on or after January 19, 1983 and includes any subsequent improvements to such structures.
- 23 **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which
24 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at
25 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
26 concrete pads) is completed on or after January 19, 1983.
- 27 **NIGHTCLUB.** A bar or similar establishment providing food, refreshments, or alcoholic beverages wherein
28 dancing is permitted or paid entertainment is provided.
- 29 **NONCONFORMING LOT.** A lot of record which does not conform to the current minimum requirements for a
30 lot in the zoning classification in which it is located.
- 31 **NONCONFORMING STRUCTURE.** A building or structure which does not conform to the current minimum
32 requirements for such structure in the zoning classification in which it is located.
- 33 **NONCONFORMING USE.** A use which is not a permitted use, or special use, in a current zoning classification.
- 34 **NON-CONTIGUOUS PARCELS.** Those parcels that do not have any common property lines, or which are
35 separated by platted or unplatted roads, streets, or alleys which have been dedicated for public use, or
36 prescriptive easements for road right-of-way purposes.
- 37 **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.** The vertical control datum of orthometric height
38 established for vertical control surveying in the United States of America based upon the General Adjustment of
39 the North American Datum of 1988.

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- 1 **OCCUPANT (OCCUPANCY).** One who has certain legal rights to or control over the premises he occupies; the
2 state of being an occupant.
- 3 **OFF-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
4 an activity conducted, or service rendered, or a commodity sold at a location or on a parcel other than where the
5 sign is located.
- 6 **ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS).** Also referred to as a septic system.
- 7 **ON-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
8 an activity conducted, service rendered, or a commodity sold, at the location where the sign is installed.
- 9 **OPEN BASIN.** All watersheds not meeting the definition for Closed Basin.
- 10 **OPEN SPACE.** Land area restricted or not developed depending on its designation as natural open space or
11 improved open space consistent with the provisions of Section 6.6.6.
- 12 **ORDINARY HIGH WATER LINE (OHWL).** The highest reach of a navigable, nontidal waterbody as it usually
13 exists when in its ordinary condition and is not the highest reach of such waterbody during the high water season
14 or in times of freshets. The term also includes the terms "ordinary high-water line" and "line of ordinary high
15 water."
- 16 **OUTSIDE STORAGE.** The storage or display, outside of a completely enclosed building, of merchandise
17 offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course
18 of a permitted use.
- 19 **OWNER.** The person, firm, corporation, or governmental unit holding title of the real estate upon which
20 construction is to take place.
- 21 **PACKAGE STORE.** A premises in which alcoholic beverages are sold for off-premises consumption.
- 22 **PARCEL.** A continuous quantity of land in the possession of or owned by, or recorded as the property of the
23 same person or persons. A parcel may consist of contiguous platted lots.
- 24 **PARCEL OF RECORD.** A designated parcel, tract, or area of land established by plat, metes and bounds
25 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which complies with the
26 applicable building codes and zoning regulations, and which existed on or before January 1, 1992, and under one
27 ownership as of August 11, 1993.
- 28 **PARK.** Land which is used for active or passive recreational purposes, whether dedicated public or private.
- 29 **PARK MODEL OR PARK TRAILER.** A transportable unit which has a body width not exceeding 14 feet and
30 which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected
31 to utilities necessary for operation of installed fixtures or appliances or; a park trailer constructed to ANSI A-119.5
32 standards which does not exceed 400 square feet gross floor area or; a park trailer constructed to US Department
33 of Housing and Urban Development Standards which does not exceed 500 square feet gross floor area.
- 34 **PARKING AREA.** An open area, other than a street or other public way, used for the parking of motor
35 vehicles.
- 36 **PARKING LANE.** A lane located on the side of a street, designed to provide on-street parking of a motor
37 vehicle.
- 38 **PARKING SPACE.** An area provided for the parking of a motor vehicle.

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- 1 **PASSIVE RECREATION.** Those recreational activities afforded by such natural resources as the native flora,
2 fauna, and aesthetic appeal of a natural setting and requiring minimal development to utilize and enjoy such
3 resources. These activities include hiking, nature watching, unstructured play, picnicking, horseback riding and
4 bicycle riding.
- 5 **PERMEABILITY.** The capacity of a porous medium for transmitting water.
- 6 **PLANNED UNIT DEVELOPMENT (PUD).** A designated contiguous area of property for the comprehensive
7 development of a single use or of mixed uses.
- 8 **PLANNING/ZONING MANAGER.** Planning /Zoning Manager or designee.
- 9 **PLAT.** A map, or delineated representation of the subdivision of lands, being a complete exact representation
10 of the subdivision and complying with this Code and Ch. 177 FS.
- 11 **PLANT, INVASIVE EXOTIC.** Any plant species as listed in the most recent version of F.A.C. Rules 5B-57.007
12 Noxious Weed List or 5B-64011 Prohibited Aquatic Plants. tables, as updated.
- 13 (1) Prohibited Aquatic Plants per F.A.C 5B-64.011, and
14 (2) Center for Aquatic and Invasive Plants, University of Florida, IFAS
- 15 **PLAYGROUND.** Properties and facilities owned and operated by any governmental agency, or owned and
16 operated by any private agency, including day care centers, which are open for recreational or child care purposes.
- 17 **POINT OF CONNECTION.** The outlet side of the meter designated to serve the customer.
- 18 **PORTABLE SIGN.** Any sign which is designed to be transported by trailer or on its own wheels, including such
19 signs whose wheels have been removed and the remaining chassis or support structure converted to an A- or T-
20 frame sign and anchored temporarily to the ground.
- 21 **POTABLE WATER.** Water that is suitable for human consumption.
- 22 **POTENTIOMETRIC SURFACE (POTENTIOMETRIC HEAD).** The level to which water would rise in a tightly cased
23 well penetrating an aquifer. The water table and artesian pressure surfaces are particular potentiometric surfaces.
- 24 **PRESSURE VACUUM BREAKER ASSEMBLY.** A backflow prevention assembly which includes an independently
25 operating, internally loaded check valve; an independently operating, loaded air inlet valve located on the
26 discharge side of the check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves
27 attached at each end of the Assembly. This assembly shall not be used if back pressure could develop in the
28 downstream piping.
- 29 **PRINCIPAL STRUCTURE.** A structure on a lot or parcel which is used, arranged, adapted or designed for the
30 predominant or primary use for which the lot or parcel is or may be used.
- 31 **PRINCIPAL USE.** The primary or predominant use of a lot, parcel, structure, or structure and land in
32 combination.
- 33 **PRIVATE CLUB.** A premises used for meetings or activities of persons in which use is restricted to members
34 and guests.
- 35 **PRIVATE PERFORMANCE.** As it relates to the adult entertainment business, modeling, posing or the display
36 or exposure of any specified anatomical area by an employee or independent contractor using the premises under
37 a contract or lease, of an adult entertainment establishment to a person other than an employee while the person
38 is in an area within the establishment not accessible during such display to all other persons in the establishment,

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1 or while the person is in an area in which the person is totally or partially screened or partitioned during such
2 display from the view of all persons within the establishment.

3 **PROGRAM DEFICIENCY.** As it relates to the flood plain overlay zone, a defect in the community's flood plain
4 management regulations or administrative procedures that impairs effective implementation of those flood plain
5 management regulations or of the standards required by the National Flood Insurance Program.

6 **PROHIBITED CONNECTION.** Any connection of an unsafe system to a safe system as deemed by the MCUD.

7 **PROJECT AREA.** The limits of the land area identified on a plan where project improvements and features are
8 proposed.

9 **PUBLIC ACCESS REUSE.** The application of reclaimed water to an area that is intended to be accessible to the
10 general public; such as golf courses, cemeteries, parks, landscape areas, hotels, motels, and highway medians.
11 Public access areas include private property that is not open to the public at large, but is intended for frequent use
12 by many persons. Public access areas also include residential dwellings. Presence of authorized farm personnel or
13 other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.
14 Irrigation of exercise areas and other landscape areas accessible to prisoners at penal institutions shall be
15 considered as irrigation of public access areas.

16 **PUBLIC AREAS.** Areas such as parks, playgrounds, trails, paths and other recreation areas and open spaces;
17 scenic and historic sites; schools and other properties, buildings and structures which have been or will be
18 conveyed or dedicated to the County or other public body.

19 **PUBLIC FACILITIES.** Transportation systems or facilities, sewer systems or facilities, solid waste systems or
20 facilities, drainage systems or facilities, potable water systems or facilities, schools, and parks and recreation
21 systems or facilities. This includes privately operated sewer and water systems that are classified as public systems.

22 **PUBLIC POTABLE WATER SUPPLY SYSTEMS.** Wells, treatment systems, disinfection systems, reservoirs or
23 other storage and high service pumps, pipes, lines, valves, meters, water mains, laterals, and services, used or
24 having the present capacity for future use in connection with the obtaining and supplying of potable water for
25 domestic consumption, fire protection, irrigation, consumption by business, or consumption by industry. Without
26 limiting the generality of the foregoing definition, the system shall embrace all necessary appurtenances and
27 equipment and shall include all property, rights, easements and franchises relative to any such system and deemed
28 necessary or convenient for the operation thereof.

29 **PUBLIC SAFETY AND NUISANCE.** As it relates to the flood plain overlay zone, anything which is injurious to
30 safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully
31 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or
32 basin.

33 **QUALIFYING NATURAL AREA/COMMUNITY.** Those lands identified by the FDEP and the Florida Natural
34 Areas Inventory (FNAI) produced by FDEP as significant areas which are relatively undisturbed and include flora or
35 fauna that reflect the conditions of the area at the time colonial settlement occurred in Florida and Marion County.

36 **RAPID-RATE LAND APPLICATION (RRLA).** The use of percolation ponds or rapid infiltration basins (RIBs) or
37 subsurface absorption fields, as described in Ch. 62 FAC.

38 **RECEIVING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
39 eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in
40 addition to other permitted development activity on the designated lands wherein the lands are depicted on
41 Marion County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use*
42 *Map*, or Map 13, *Transfer of Rights*.

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1 **RECLAIMED WATER.** Water that has received at least advanced secondary treatment and high level
2 disinfection. Water receiving additional treatment may be used in public access areas, when in compliance with
3 the FDEP requirements pursuant to § 62-610 FAC.

4 **RECORDED SUBDIVISION.** A platted subdivision of lands, approved by the Board of County Commissioners,
5 which has a final plat recorded in the public records of Marion County consistent with this Code and Ch. 177 FS.

6 **RECREATION VEHICLE PARK.** A tract of ground upon which three or more single-family camp cottages, tents
7 or recreational vehicles are located or maintained for accommodation of transients whether or not a charge is
8 made.

9 **RECREATIONAL FACILITY.** Any public or private structure or facility used for active recreational pursuits,
10 including such facilities as golf courses, tennis courts, racquetball courts, handball courts, baseball fields, soccer
11 fields, football fields, basketball courts, swimming pools, jogging or exercise trails, and similar facilities.

12 **RECREATIONAL VEHICLE.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- 13 (1) Built on a single chassis;
- 14 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- 15 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- 16 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
17 recreational, camping, travel, or seasonal use.

18 **REDUCED-PRESSURE PRINCIPLE ASSEMBLY.** A Backflow Prevention Assembly which includes two
19 independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief
20 valve located both between the check valves and below the first check valve; and properly located test cocks and
21 tightly closing resilient-seated shut-off valves attached at each end of the Assembly.

22 **REGISTERED DIVISIONS OF LAND.** A map or survey of divisions of land three acres or larger in size, including
23 "flag lots" as that term is commonly known in Marion County, and which was filed and accepted by Marion County
24 prior to January 1, 1992.

25 **REGULATED USES OR ADULT AND SEXUALLY-ORIENTED BUSINESS.** Uses such as but not limited to adult
26 book store or film store, adult booth, adult cabaret, and adult theater or mini-motion theater or drive-in.

27 **REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that
28 must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
29 more than a designated height.

30 **REMEDY A DEFICIENCY OR VIOLATION.** As it relates to the flood plain overlay zone, to bring the regulation,
31 procedure, structure or other development into compliance with State of Florida, Federal or local flood plain
32 management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts
33 may be reduced include protecting the structure or other affected development from flood damages,
34 implementing the enforcement provisions of the Flood Plain Overlay Zone in Article 5 or otherwise deterring
35 future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

36 **REMODELING.** Any change, partial removal, partial replacement, or addition to buildings.

37 **RESIDENTIAL DUAL CHECK.** A compact, mechanical Backflow Prevention Device manufactured with two
38 independently acting, spring actuated check valves.

39 **RESIDENTIAL SERVICE ADDRESS.** A metered residential address whose private water systems serve only
40 residential dwellings the total of which is designed to house no more than four families.

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- 1 **RESIDENTIAL USES.** One-family dwellings, two-family dwellings, and multi-family dwellings.
- 2 **RESIDUALS.** Biosolids from a permitted wastewater treatment or water reuse facility and septage from an
3 OSTDS.
- 4 **RETAIL SALES.** Any business activity, and related services, customarily selling goods and commodities for
5 profit.
- 6 **RETAINING WALL.** A structure erected between lands of different elevation to protect structures or to
7 prevent the loss of earth from the upper slope level.
- 8 **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 9 **ROOF LINE.** A horizontal line intersecting the highest point or points of a roof.
- 10 **ROOF SIGN.** A sign placed above the roof line of a building or on or against a roof slope of less than 45
11 degrees as measured from the vertical plane.
- 12 **RUNOFF.** The surface flow of stormwater.
- 13 **RURAL AREA.** Lands located outside the Urban Growth Boundary (UGB) as designated by the Comprehensive
14 Plan Future Land Use Map Series Map 1 *Marion County 2045 Future Land Use Map* excluding those lands bearing
15 an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Table 2-1:
16 *Summary of Future Land Use Designations.*
- 17 **SAFE YIELD.** The average annual amount of groundwater that could be extracted from a groundwater basin
18 (or reservoir) over a long period of time without causing a long term reduction of groundwater quantity, quality, or
19 other undesirable impacts.
- 20 **SCHOOL.** A public or private educational institution offering students an academic curriculum, including
21 kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also
22 include all adjacent properties owned and used by such schools for education, research, maintenance, or
23 recreational purposes.
- 24 **SCREEN.** A structure or planting consisting of fencing, walls, berms, trees, or shrubs which provides sight
25 obstruction within or to a site or property.
- 26 **SEMICONFINED AQUIFER.** An aquifer that receives recharge in the form of leakage through underlying or
27 overlying semipermeable formations (aquitards).
- 28 **SENDING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
29 eligible to obtain Transferrable Credits (TDCs) which may be transferred or conveyed to a site within a designated
30 Receiving Area where the TDCs may be used for development.
- 31 **SETBACK (OR SETBACK LINE).** An area defined by a lot line, street centerline, wetland line, water boundary setback
32 line of an open body of water, or right-of-way line and a line on a lot parallel to, and a specified distance from said
33 lines in which area no structure may be located and into which no part of any structure shall project, unless
34 specifically permitted in this Land Development Code. Setbacks shall be measured from lot lines unless specifically
35 stated otherwise or unless the context in which the term is used implies another intended meaning.
- 36 A. **FRONT SETBACK.** That area defined by the front lot line and a parallel line on the lot a specified
37 distance from such front lot line.
- 38 B. **SIDE SETBACK.** An area located between a front yard setback and a rear yard setback, defined by a side
39 lot line and a parallel line on the lot a specified distance from such side lot line.

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1 C. **REAR SETBACK.** That area defined by the rear lot line and a parallel line on the lot a specified distance
2 from such rear lot line.

3 **SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is
4 erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists
5 approaching or at the intersection.

6 **SIGN.** Any structure, or part thereof, or any device attached to a structure or applied to any surface or
7 object, for visual communication, embodying letters, numerals, symbols, figures, flag, banner, pendant or designs
8 in the nature of an announcement, direction, or advertisement, directing attention to an object, products, place,
9 activity, service, person, institution, organization, or business and which is visible from any public street, alley,
10 waterway, or public place. This definition of a sign shall not include any flag, notice badge, or ensign of any
11 government or governmental agency, or any legal notice posted by and under governmental authority.

12 **SIGN FACE AREA OR SIGN AREA.** The area of any regular geometric shape which contains the entire surface
13 area of a sign upon which copy may be placed.

14 **SIGN STRUCTURE.** Any construction used or designed to exclusively support a sign.

15 **SIGNIFICANT IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure,
16 the cumulative cost of which equals or exceed 25 percent of the market value of the structure before the "start of
17 construction" of the improvement. This term includes structures that have incurred "substantial damage"
18 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
19 B, Section 202]

20 A. Any project for improvement of a building required to correct existing health, sanitary, or safety code
21 violations identified by the building official and that are the minimum necessary to assure safe living
22 conditions.

23 B. Any alternation of a historic structure provided the alternation will not preclude the structure's
24 continued designation as a historic structure.

25 **SINKHOLE.** A landform created by subsidence of soil, sediment or rock as underlying strata are dissolved by
26 ground water. Sinkholes may be directly or indirectly connected to the aquifer or disconnected by the presence of
27 a confining layer of soil (clay) or rock that no longer allows water to permeate below this layer. The later may be
28 expressed as a relic sinkhole or lake, depression in the land surface, or loose soils in the subsurface.

29 **SLOW-RATE LAND APPLICATION (SRLA).** The application of reclaimed water to a vegetated land surface
30 using an overhead or spray, or subsurface drip, irrigation system, as defined in §§ 62-610.400 and 62-610.450 FAC.

31 **SOLUTION PIPE.** A naturally occurring vertical cylindrical hole attributable to dissolution, often without
32 surface expression and much narrower circumference than a sinkhole.

33 **SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the flood plain within a community subject to a one
34 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
35 AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

36 **SPECIAL USE.** A use that would not be appropriate generally or without restriction throughout the particular
37 zoning classification but which, if controlled as to number, area, location, or compatibility with the surrounding
38 area, would not adversely affect the public health, safety, and general welfare.

39 **SPECIAL USE PERMIT (SUP).** A permit for a use that would not be appropriate generally or without restriction
40 throughout the particular zoning classification but which, if controlled as to number, area, location, or
41 compatibility with the surrounding area, would not adversely affect the public health, safety, and general welfare.

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1 **SPECIALTY ANIMALS.** All animals including native and imported animals which have been, removed from the
2 wild or, animals being bred, raised or kept for research, food, fur, skins, or for the production of income and/or,
3 animals requiring a permit or license from the State Fish and Wildlife Conservation Commission or the US Fish and
4 Wildlife Service shall be regulated by Special Use Permit. Large reptiles are included in this category. Where nine or
5 more animals are being kept as household pets, and do not meet the above listed requirements or the below listed
6 exclusions, they shall be treated as specialty animals and regulated by Special Use Permit. Specialty animals shall
7 not include livestock, dogs, cats or homing/racing pigeons meeting the requirements of Article 4.

8 **SPECIFIC CAPACITY.** The ratio of well discharge to the drawdown produced, measured inside the well
9 (gpm/ft of drawdown).

10 **SPECIFIED ANATOMICAL AREAS.** As it relates to the adult entertainment business:

11 A. Less than completely and opaquely covered:

- 12 (1) Human genitals;
- 13 (2) Pubic region;
- 14 (3) Buttock; or
- 15 (4) Female breast below a point immediately above the top of the areola; or

16 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17 **SPECIFIED SEXUAL ACTIVITIES.** As it relates to the adult entertainment business:

- 18 A. Human genitals in a state of sexual stimulation or arousal;
- 19 B. Acts of human masturbation, sexual intercourse or sodomy; and
- 20 C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

21 **SPRINGS PROTECTION ZONE (SPZ).** An area surrounding designated springs within Marion County
22 establishing design and development criteria intended to maintain and support the continued existence and
23 quality of the designated springs, and divided into Primary and Secondary areas pursuant to Article 5.

24 **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements,
25 provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit
26 issuance. The actual start means the first placement of permanent construction of a building (including a
27 manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of
28 columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
29 Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include
30 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or
31 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory
32 buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial
33 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, whether or not that alteration affects the external dimensions of the building.

35 **STATIC LEVEL.** The stabilized water level in a nonpumped well.

36 **STOCKPILE.** As it relates to the springs protection zone, animal manure, including droppings, urine, and
37 soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in
38 excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation,
39 and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on

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1 pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and
2 this section is not considered stockpiling.

3 **STORAGE COEFFICIENT.** The volume of water that an aquifer releases from or takes into storage per unit
4 surface area of aquifer per unit change in the component of head normal to that surface. In a water table aquifer
5 the storage coefficient is essentially the same as its porosity.

6 **STORM CELLAR.** A place below grade used to accommodate occupants of the structure and emergency
7 supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

8 **STREET.** A public or private travelway used or intended to be used, for passage or travel by vehicles.

9 **STREET FRONTAGE.** The distance along the property line at the right-of-way or easement of the street
10 providing primary access and exposure to the existing or proposed development.

11 **STRUCTURE.** Anything constructed or built which is located on or under land. For flood plain management
12 purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well
13 as a manufactured home.

14 **STUB STREET.** A portion of a street for which an extension has been proposed and approved. May be
15 permitted when development is phased over a period of time, but only if the street in its entirety has been
16 approved in the preliminary plan.

17 **SUBDIVISION.** The division of land into three or more lots, tracts, parcels, tiers, blocks, sites, units or any
18 other division of land; and may include establishment of new streets and alleys, additions, and re-subdivisions or
19 replats; and, when appropriate to the context, relates to the process of subdividing or to the lands or area
20 subdivided.

21 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the
22 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
23 before the damage occurred.

24 **SUBSTANTIAL DEVELOPMENT.** As it relates to vested rights, shall mean that required permits for
25 commencement of construction have been obtained; and permitted clearing and grading has commenced on any
26 significant portion of the development subject to a single final local development order; and the actual
27 construction of water and sewer lines, or streets, or the stormwater management system, on said portion of the
28 development is substantially complete or is progressing in a manner that significantly moves the entire
29 development toward completion.

30 **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure,
31 the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
32 construction" of the improvement. This term includes structures that have incurred "substantial damage"
33 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
34 B, Section 202.]

- 35 (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code
36 violations identified by the building official and that are the minimum necessary to assure safe living
37 conditions.
- 38 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued
39 designation as a historic structure.

40 **SWALLET OR SWALLOW HOLE.** A place where water disappears underground in a limestone fissure or
41 opening at or near the surface. A swallow hole generally implies water loss in a closed depression or sinkhole,

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1 whereas a swallet may refer to water loss from a disappearing stream or streambed, even though there may be no
2 depression.

3 **TEST WELL.** Completed well for pumping used to obtain information on capacity, groundwater quality,
4 geologic and hydrologic conditions, and related information.

5 **TOTAL NITROGEN (TN).** As a measurement of wastewater effluent quality, Total Nitrogen is the total content
6 of the nitrogen species of organic nitrogen, ammonia, nitrate and nitrite expressed as elemental nitrogen, N, as
7 determined using approved methods.

8 **TOWER.** A lattice, guyed or monopole structure constructed from grade which supports antennas. The term
9 "tower" shall not include the singular use as an amateur radio operator's equipment, as licensed by the FCC, or
10 antenna support structures and/or towers which are less than 50 feet in height and are used only to support
11 antennas which receive, but do not transmit television signals.

12 **TOWER CLUSTERING.** The location of two or more towers on a parcel of property.

13 **TRANSFER OF RIGHTS PROGRAM (TRP).** A program which awards or grants to a property owner
14 Transferable Development Credits (TDCs) which may then be transferred or conveyed to a party that may use the
15 TDCs for the development of lands deemed eligible by Marion County.

16 **TRANSFERRABLE DEVELOPMENT CREDIT (TDC).** A residential unit equivalent which may be granted to lands
17 within eligible Sending Areas for subsequent transfer/sale between parties wherein the TDC is used by the
18 receiving party to provide for additional residential development on lands eligible for use in a designated Receiving
19 Area.

20 **TRANSMITTER TOWER.** A structure designed, constructed or used for the sole purpose of broadcasting or
21 retransmitting any form of radio, television, radar, microwave, or other type of electronic wave, or impulse.

22 **TREE.** Any self-supporting woody plant which has at least one main trunk, and is normally grown to an
23 overall height of a minimum of ten feet.

24 **TREE, CRITICAL ROOT ZONE.** The at grade and subterranean area adjacent and surrounding the existing tree's
25 trunk where the tree's roots are located that provide stability and uptake of water and minerals required for the
26 tree's survival. The tree's critical root zone, or 'CRZ',

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27 **TREE, PROTECTION ZONE.** The at grade and subterranean area surrounding the trunk of an existing tree or
28 group of trees to be preserved, intended to protect roots and soil to ensure future tree health and stability. The area
29 is defined by the extent of the tree's canopy dripline.

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30 **TREE, REGULATED.** Any existing non-invasive non-exotic tree species that is 10" diameter breast height (DBH)
31 or larger, or any tree that was planted in compliance with an approved development order or to mitigate the prior
32 removal of a Regulated Tree. Pine and Palm species are also considered Regulated Trees.

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33 **TREE, SPECIMEN.** A Regulated Tree that is 36" DBH or larger; in viable condition as determined from a proper
34 evaluation by a Certified Arborist or Landscape Architect and confirmation by the County Landscape Architect; and
35 offers value due to its species type, age, historic value, or other outstanding qualities.

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36 **TREE REMOVAL.** To physically remove a tree, including the performance of any act by a property owner or
37 his designated agent, on a particular parcel of record which causes the death of a tree, or the effective removal of
38 a tree through damage.

39 **TURFGRASS.** A mat layer of monocotyledonous plants, including but not limited to Bahia, Bermuda,
40 Centipede, Paspalum, St. Augustine, and Zoysia grasses.

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- 1 **TWO-FAMILY DWELLING.** A structure containing two dwelling units.
- 2 **UNIT.** That part of a multiple occupancy complex housing one occupant or use.
- 3 **UNRECORDED SUBDIVISION.** A platted subdivision of lands which has been accepted by the Board of County
4 Commissioners for filing only by the Clerk of the Court in the public records of Marion County. Said plats were
5 prepared and filed prior to August 14, 1970, in the public records of Marion County in record books entitled
6 "Unrecorded Subdivisions."
- 7 **URBAN AREA.** Lands located within the Urban Growth Boundary (UGB) as designated by the Comprehensive
8 Plan Future Land Use Map Series Map 1 Marion County 2045 Future Land Use Map or those lands located in the
9 Rural Area bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use
10 Element Table 2-1: *Summary of Land Use Designations*.
- 11 **URBAN GROWTH BOUNDARY (UGB).** The boundary established by Marion County Comprehensive Plan
12 Future Land Use map Series Map 1, Marion County 2035 Future Land Use Map, which identifies the geographic
13 area wherein higher density and intensity development and full urban services are intended to be concentrated.
- 14 **UTILITY.** The individuals and/or legal entities which own and are responsible for the operation and
15 maintenance of public or private utility services such as potable water, wastewater, phone, cable, electric, etc.
- 16 **VARIANCE.** As it relates to the zoning requirements of this Code, a grant of relief to a particular property
17 owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application
18 of that zoning provision of the Code. For floodplain management purposes, a grant of relief from the requirements
19 of Article 5, Division 3, or the flood resistant construction requirements of the Florida Building Code, which permits
20 construction in a manner that would not otherwise be permitted by Article 5, Division 3 or the Florida Building
21 Code.
- 22 **VEHICLE SIGN.** Any sign affixed to a vehicle.
- 23 **VERTICAL DATUM.** An accepted reference or basis for elevations pre-approved by the Office of the County
24 Engineer.
- 25 **VESTED RIGHTS.** The authorization to improve and/or develop properties meeting the conditions established
26 in Division 1.7.
- 27 **VIOLATION.** The failure of a structure or other development to be fully compliant with the requirements of a
28 specific provision of this Code.
- 29 **WAIVER.** A grant of relief from compliance with a specific provision of this Code, not zoning related, granted
30 to a particular property owner because of financial hardship or alternate design concept.
- 31 **WASTEWATER.** Any substance that contains any of the waste products, excrement, or other discharge from
32 the bodies of human beings or animals as well as such other wastes as normally emanate from dwelling houses.
- 33 **WASTEWATER SERVICE LATERAL.** Those service laterals or force mains from the customer's property line to
34 the wastewater main and all appurtenances.
- 35 **WASTEWATER SYSTEM.** A centralized or decentralized system for the collection and treatment of domestic
36 wastewater and disposal of reclaimed effluent. A wastewater system includes without limitation the collection
37 lines, wastewater treatment facility, pumping stations, intercepting sewers, force mains, and all necessary
38 appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such
39 system and deemed necessary or convenient for the operation thereof.

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1 **WASTEWATER TREATMENT FACILITY (WWTF).** The facility at which the raw wastewater is collected and
2 treated.

3 **WATER BOUNDARY SETBACK LINE (WBSL).** Unless previously established by Board action, the Water
4 Boundary Setback Line is the normal or average reach of a water body during the high water season. However, on
5 low, flat-banked water bodies where there is no well-defined mark, the boundary is located at the point up to
6 which the presence and action of the water is so continuous that the cultivation of ordinary agricultural crops is
7 prevented.

8 **WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through, or over which
9 water flows at least periodically.

10 **WATER DETENTION AREA (WDA).** A manmade or natural facility which collects surface or subsurface water
11 and which impedes its flow and releases the same gradually at a rate not greater than that prior to the
12 development of the property, into natural or manmade outlets.

13 **WATER FRONTAGE OR WATER FRONT.** That side of a lot, parcel or tract abutting on a water body and which
14 may be considered as the front for setback requirements.

15 **WATER METER.** That device, with all appurtenances, which registers water flow to a customer.

16 **WATER RETENTION AREA (WRA).** A manmade or natural facility which collects and retains surface water and
17 allows gradual ground infiltration.

18 **WATER SERVICE CONNECTION.** The point of connection to the public potable water system (metered or non-
19 metered) where the Utility loses jurisdiction and sanitary control over the potable water delivered to that point.
20 Included within this definition are connections for fire hydrants and other temporary or emergency water service.
21 For metered connections, the point of connection is the downstream end of the water meter.

22 **WATER SERVICE LATERAL.** The pipe from the water main to the point of connection.

23 **WATER SURFACE ELEVATION.** The height, in relation to an accepted vertical datum, of floods of various
24 magnitudes and frequencies in the flood plains of coastal or riverine areas.

25 **WATER SYSTEM.** A water supply distribution system consisting of all water mains, valves, service laterals, fire
26 hydrants, meter boxes, etc. used to deliver water from the WTP to the consumer.

27 **WATER TREATMENT PLANT (WTP).** Includes all wells, pumps, tanks, valves, piping, treatment and
28 disinfection facilities required to withdraw, treat, and disinfect water suitable for public consumption.

29 **WETLANDS.** Those land areas featuring unique environmental and/or hydrogeologic characteristics which
30 qualifies as wetlands pursuant to § 373.019(25) FS and § 62-340.200 FAC as determined and delineated by the
31 appropriate jurisdictional agency

32 **WETTEST SEASON.** As defined in § 64E-6.002 FAC, that period of time each year in which the ground water
33 table elevation can normally be expected to be at its highest elevation.

34 **WILDLAND URBAN INTERFACE/INTERMIX ZONES:** Locations which the Marion County Fire Rescue (MCFR)
35 determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may
36 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
37 severity analysis shall be provided for review and approval by MCFR.

38 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A, § 2), 4-11-2017; Ord. No. 17-11, § 4, 5-16-2017; Ord.
39 No. 17-25, § 1(Exh. A), 10-3-2017; Ord. No. 2017-30, § 1(Exh. A, § 2), 11-7-2017; Ord. No. 18-14, § 1(Exh. A, § 2), 5-

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1 21-2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023; Ord. No. 23-38, § 1(Att. 1), 12-19-2023; Ord. No. 25-11, § 1(Att. 1),
2 4-8-2025)

3

1 ***DIVISION 2. DEFINITIONS***

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

4 **ABANDONED WELL.** A well which has its use permanently discontinued, is in such disrepair that its continued
5 use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or
6 otherwise is or may be a health or safety hazard.

7 **ABROGATION.** To close, vacate, or abandon a right-of-way.

8 **ACCESSORY BUILDING OR STRUCTURE (APPURTENANT STRUCTURE).** A subordinate building or structure on
9 the same lot, or parcel, or on a contiguous parcel which is occupied by, or devoted to, an accessory use.

10 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
11 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
12 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
13 during conditions of the base flood.

14 **ACCESSORY USE.** A use naturally and normally incidental and subordinate to the principal use of a structure
15 or land and located on the same lot, or parcel or on a parcel contiguous to the principal use to which it relates.

16 **ACTIVE RECREATION.** Recreational activities that occur in areas that require substantial structural
17 development and investment, such as playing fields, courts or other facilities. Examples of active recreation include
18 soccer, baseball, swimming in a pool, tennis and basketball. Active recreation differs from passive recreation
19 primarily by the facilities that are required to undertake an activity.

20 **ADDITION.** An extension or increase in floor area or height of a building or structure.

21 **ADULT BOOKSTORE OR FILM STORE.** An establishment having as a substantial portion of its stock in trade
22 books, magazines, other periodicals, films, video tapes, video disks, or similar items which are distinguished or
23 characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or
24 "specified anatomical areas."

25 **ADULT BOOTH.** A small enclosed or partitioned area inside an adult entertainment establishment that is:

- 26 A. Designed or used for the viewing of adult material by one or more persons; and
27 B. Accessible to all persons, regardless of whether a fee is charged for access.

28 The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view
29 "adult material." The term "adult booth" does not include a foyer through which a person can enter or exit the
30 establishment, or a rest room.

31 **ADULT CABARET.** A bar, lounge, club, or other establishment which may sell alcoholic or non-alcoholic
32 beverages or food and which features as part of the regular entertainment topless or bottomless dancers,
33 strippers, whether male or female, or similar entertainers whose acts are characterized by an emphasis on matter
34 depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." This definition shall
35 include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling Studio.

36 **ADULT THEATER OR MINI-MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
37 capacity for fewer than 50 persons in which a substantial portion of the material presented is distinguished or
38 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
39 "specified anatomical areas" for observation by patrons therein.

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1 **ADULT THEATER OR MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
2 capacity of 50 or more persons in which a substantial portion of the material presented is distinguished or
3 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
4 "specified anatomical areas" for observation by patrons therein.

5 **ADVERTISING.** Sign copy or materials intended to directly or indirectly promote the sale or use of a product,
6 service, commodity, entertainment, or real or personal property.

7 **AGRICULTURAL USES.** Those uses of land which involve the science and art of production of plants and
8 animals useful to man including to a variable extent, the preparation of these products for man's use and their
9 disposal by marketing or otherwise. These shall include horticulture, floriculture, viticulture, aquaculture, forestry,
10 dairy, livestock, including the breeding and/or training of horses, poultry, bees, ratites, and any and all forms of
11 farm products and farm production.

12 **AIR GAP.** A physical separation between the free flowing discharge and an open or non-pressure receiving
13 vessel.

14 **ALTERATION.** Any change in size, shape, character, or use of a building or structure.

15 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
16 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
17 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
18 during conditions of the base flood.

19 **ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

20 **ANIMAL UNIT.** As defined in § 62-670.200 FAC.

21 **ANIMAL RELATED BUSINESS.** Any for-profit person or business that renders services to, for or by any
22 domestic animal. Examples of animal related business include, but are not limited to, boarding facilities, doggie
23 day cares, groomers and training facilities. Animal related business does not include the offices or practices of
24 State-certified and licensed veterinarians.

25 **ANIMAL RELATED ORGANIZATION.** Any not for profit entity that has tax exempt status in accordance with
26 Section 501(c)(3) of the Internal Revenue Code and whose primary mission includes the rescue, welfare, care,
27 and/or adoption/placement of stray, abandoned, or surrendered animals, and which does not obtain animals from
28 a breeder or broker for payment or compensation.

29 **ANTENNA.** Any exterior apparatus designed to transmit or receive communications as authorized by the
30 Federal Communication Commission (FCC). The term "antenna" shall not include satellite earth stations used to
31 receive direct-to-home satellite services as defined in 47 USC § 303(v). An array of antennas, installed at one time
32 and designed as a single, integrated system, shall be considered to be a single antenna.

33 **ANTENNA SUPPORT STRUCTURE.** Any building or other structure other than a tower, which can be used for
34 the location of an antenna. An antenna support structure shall be referred to as a "utilized antenna support
35 structure" if it is or has been used for the location of an antenna.

36 **ANTIQUATED SUBDIVISION.** A subdivision, subdivision series, or any portion of a subdivision or subdivision
37 series, identified by the Board in which further or continued development of that subdivision is deemed
38 undesirable consistent with the provisions of § 163.3164 FS.

39 **APPEAL.** The process of seeking a higher authority's determination as established by this Code when a
40 specific decision or determination made by designated staff, committee, or board is disputed. As it pertains to

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1 floodplain management, request for a review of the Floodplain Administrator's interpretation of any provision of
2 this ordinance.

3 **APPLICANT.** The property owner, the duly authorized representative of the property owner, or the lessee or
4 occupant of said property who submits a County service or development application to and for said property and
5 who can be bound to all legal obligations related to such request.

6 **AQUACULTURE.** The commercial production of fin fish and shellfish, such as crustaceans and mollusks,
7 within a confined space and under controlled feeding, sanitation, and harvesting procedures.

8 **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map
9 (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the
10 path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is
11 characterized by ponding or sheet flow.

12 **ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building
13 Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

14 **AS-BUILT/RECORD SURVEY.** A record of completed construction drawings documenting the actual
15 construction work as it exists in the field, including any changes made from the originally approved plans, meeting
16 the requirements as set forth in § 5J-17.52(1) FAC, and signed, sealed, and dated by a Professional Surveyor and
17 Mapper licensed by the State of Florida.

18 **AUTOMOBILE WRECKING YARD.** Premises used for the dismantling or disassembling of two or more used
19 motor vehicles or trailers, or the business of storage, sale, or dumping of dismantled, obsolete or wrecked vehicles,
20 trailers or their parts; a junk yard.

21 **AUXILIARY WATER SUPPLY SYSTEM.** A pressurized or pumping-ready water supply system other than a
22 public potable water system which is located on or available to the customer's property whether or not connected
23 to a distribution system within the property. Such auxiliary systems include but are not limited to reclaimed water
24 systems and private wells, as further defined in AWWA M-14 most current edition.

25 **AVAILABLE CAPACITY.** An existing central water or sewer system shall be deemed to have "available
26 capacity," if: (a) as to a central water or sewer system, it is capable of providing central service concurrently with
27 the proposed build-out schedule of the project without the applicant having to expand the facility providing
28 treatment for the water to and/or the wastewater from the project; provided, however, if it is necessary for the
29 Marion County Utility Department to so expand the treatment facility, the applicant may be required to prepay
30 capital charges imposed for such facility; and (b) as to a central water or sewer system, its existing water or sewer
31 lines are of sufficient size and capacity to accommodate the water or sewer requirements of the project without
32 the applicant having to reconstruct the existing lines. This requirement concerns existing lines, only, and does not
33 excuse an applicant from having to construct new lines from its project to the point of connection to the central
34 water or sewer system. Further, if it is necessary to replace the existing lines, the County may require the applicant
35 to pay to reconstruct existing lines, within the applicant's required connection distance, in an amount equal to
36 what it would have cost the applicant to originally construct such lines of sufficient size and capacity to
37 accommodate the applicant's project. This does not preclude the County from requiring the developer to upsize
38 the lines in exchange for additional Equivalent Residential Connection credits.

39 **AVIARY.** A place for keeping birds confined, including but not limited to a large enclosure where birds fly
40 free, a structure where birds are confined in cages, or large cages where birds are confined. A residential structure
41 containing nine or more birds shall be considered an aviary.

42 **BACKFLOW PREVENTION ASSEMBLY.** A mechanical assembly which is supplied with properly located
43 resilient-seated shut-off valves at each end of the assembly and properly located test cocks, and meets the

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1 standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic
2 Research and complies with the standard listed in the Florida Building Code as adopted by Marion County.

3 **BACKFLOW PREVENTION DEVICE.** A mechanical device or plumbing configuration which is designed to
4 prevent backflow.

5 **BAR.** Any place devoted primarily to the retail sale and on premises consumption of malt, vinous, or other
6 alcoholic beverages; a tavern.

7 **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year (also
8 called the "one percent annual chance flood," "100-year flood" and the "regulatory flood"). [Also defined in FBC, B,
9 Section 202.]

10 **BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National
11 Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood
12 Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

13 **BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also
14 defined in FBC, B, Section 202; see "Basement (for flood loads)".]

15 **BED AND BREAKFAST INN.** A building, or part thereof, other than a motel or hotel, where sleeping
16 accommodations are provided for transient guests, and may also serve as the residence of the owner or manager.

17 **BEEKEEPING.** The keeping or raising of bees for commercial purposes.

18 **BERM.** A mound of soil, either natural or manmade.

19 **BIORETENTION FACILITY.** An area which provides retention of stormwater through the use of vegetated
20 depressions of approximately four to nine inches in depth with landscaping and engineered soil matrix, designed to
21 collect, store, and infiltrate stormwater runoff. The invert of a bioretention facility is the bottom of the engineered
22 soil matrix.

23 **BOARD.** The Marion County Board of County Commissioners.

24 **BOAT YARD.** A lot, tract, or parcel where facilities for the construction, reconstruction, major repair,
25 maintenance, or sale of boats, marine engines, equipment, and services of all kinds are provided including marine
26 railways, lifting, or launching services and marinas.

27 **BOTTLE CLUB.** A commercial premises to which any alcoholic beverage is brought for consumption on the
28 premises.

29 **BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through
30 its design and construction to collapse under specific lateral loading forces without causing damage to the elevated
31 portion of the building or the supporting foundation system.

32 **BUFFER.** An area within a property or site, generally adjacent to and parallel with the property line, either
33 consisting of natural existing vegetation or created by the use of trees, shrubs, buffer walls, buffer fences, or
34 berms, designed to limit continuously the view of or sound from the site to adjacent sites, properties, or water
35 bodies.

36 **BUFFER FENCE.** A permanent opaque vertical structure providing a barrier with a finished height of six feet
37 measured from the adjacent grade or at a height as required otherwise.

38 **BUFFER WALL.** A permanent opaque vertical structure with concrete components including, but not limited
39 to pillars, panels, block or brick, used within a buffer meeting the requirements of the Florida Building Code, and

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1 providing a barrier (whether for sound, wind, or, views) with a finished height of six feet measured from the
2 adjacent grade or at a height as required otherwise.

3 **BUILDABLE AREA.** As it relates to hamlets, Rural Village District, and Rural Town, the remaining land area
4 eligible for development purposes once areas of open space and open water are subtracted from the gross
5 development lot/parcel/site.

6 **BUILDING.** Any structure designed for the habitation of persons or animals or for shelter of property.

7 **BUILDING PERMIT.** A permit issued by Marion County pursuant to the provisions of Article 2 of the Marion
8 County Code of Ordinances, consistent with the provisions of the Florida Building Code as established by the State
9 of Florida.

10 **BUILDING SIGN.** A sign displayed upon or attached to any part of the exterior of a building, including walls,
11 windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper.

12 **BUSINESS OR PROFESSIONAL OFFICE.** A space within a building where commercial service activity is
13 primarily conducted which may involve the sale of goods or commodities purely incidental to business services
14 provided.

15 **CALIPER OR TREE CALIPER.** Tree caliper means an American National Standards Institute (ANSI) standard for
16 the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above
17 the ground level. Trees that are seven to twelve-inch caliper are measured at twelve inches above the ground.

18 **CAMOUFLAGED ANTENNA AND/OR TOWER.** A wireless communication antenna and/or tower designed to
19 unobtrusively blend into the existing surroundings and be disguised to not have the appearance of a wireless
20 communication antenna and/or tower. Camouflaged antennas and/or towers on buildings must be disguised to
21 appear as an accessory structure or feature that is normally associated with the principal use occupying the
22 property. Camouflaged antennas and/or towers must be disguised to blend in with other facilities on the property
23 or existing vegetation, such as a tower constructed in the form and shape of a tree to be part of a forested area, or
24 an antenna and/or tower constructed to be a component of a bell, clock, or water tower on sites with compatible
25 buildings, or a component of a church steeple on sites with churches. Surface finish, paint and/or markings alone
26 are insufficient to qualify for a determination as a camouflaged antenna and/or tower.

27 **CAPACITY.** Supply of public facility:

- 28 A. Available - capacity of public facility after subtracting demand and reserved capacity.
29 B. Design - capacity that public facility was designed for.
30 C. Programmed - capacity to be added to public facility by improvement.
31 D. Reserved - capacity that has been reserved for a specific development project.

32 **CAPACITY RESERVATION FEE.** Fee required which reserves facility capacity. Fee is credited towards
33 applicable impact fees.

34 **CAPITAL IMPROVEMENT.** A physical asset constructed or purchased to provide, increase the capacity of, or
35 replace a public facility.

36 **CARPORT.** A garage not completely enclosed by walls and doors.

37 **CENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants) or a
38 wastewater collection, treatment, and dispersal system that serves the needs of one or more residential or non-
39 residential development projects. Centralized systems are generally owned, operated, and maintained by Marion

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1 County, a city, or a Public Service Commission-certificated entity. Types of facilities and systems not covered by the
2 foregoing general definition are found in § 367.022 FS.

3 **CHANGE OF USE.** A discontinuance of an existing use and the substitution of a use of a different kind or class.

4 **CLEAN DEBRIS.** Any solid waste material that is virtually inert, that is not a pollution threat to ground or
5 surface waters, that is not a fire hazard, and that is likely to retain its chemical and physical structure under
6 expected conditions of disposal or use. The term includes earth, brick, glass, ceramics, and uncontaminated
7 concrete including embedded pipe or steel, and other wastes designated by the FDEP.

8 **CLEAN FILL.** Granular soil free of roots, other vegetative material, and debris typically represented by an
9 AASHTO Soil Classification A-3. Other AASHTO soil classifications may satisfy a requirement for "clean fill" if they
10 meet industry specifications for various fill operations as accepted by FDOT or the Florida Building Code.

11 **CLEARING.** The uprooting or removal of vegetation in connection with development. This term does not
12 include yard maintenance operations or other such routine property clean-up activities.

13 **CLOSED BASIN.** An internally drained watershed in which the runoff does not have a surface outfall up to and
14 including the 100-year flood elevation.

15 **CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings and infrastructure in
16 specific areas on a site to allow the remaining land to be used for open space, preservation of environmentally
17 sensitive areas, or agriculture.

18 **CLUSTERING.** The grouping together of principal structures and infrastructure on a portion or portions of a
19 development site.

20 **COLLOCATION.** As it relates to antennas, the process of locating two or more antennas on an existing or
21 proposed tower or antenna support structure.

22 **COMMERCIAL BREEDER.** Any person, firm, partnership, corporation, or other association that engages in the
23 breeding of four (4) or more dogs or cats, in aggregate.

24 **COMMERCIAL VEHICLE.** Any vehicle designed or used for the transport of people, livestock, goods, or things.
25 This does not include private passenger vehicles and/or trailers used for private nonprofit transport of goods.

26 **COMMERCIALY DEVELOPED PARCEL.** A parcel of property on which there is at least one walled and roofed
27 structure used, or designed to be used, for purposes other than residential or agricultural.

28 **COMMUNITY CENTER.** A building designed and used as a meeting or recreation area to accommodate and
29 serve the community in which it is located.

30 **COMMUNITY RESIDENTIAL HOMES.** Group homes or adult foster care facilities in which no more than 14
31 persons excluding staff reside and where program size and content is structured to meet the individual needs of
32 the residents in these homes.

33 **COMPLETELY ENCLOSED BUILDING.** A building having a complete, permanent roof and continuous walls on
34 all sides, either party walls or exterior walls, including windows and doors.

35 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
36 163 FS.

37 **CONCENTRATED ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

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1 **CONCURRENCY MANAGEMENT SYSTEM.** The policies, procedures, standards, and criteria that Marion
2 County will utilize to assure that development orders and permits are not issued unless the necessary facilities and
3 services are available concurrent with the impacts of development.

4 **CONSERVATION EASEMENT.** An easement established under § 704.06 FS, as amended, creating a right or
5 interest in the real property in favor of the entity named in the easement.

6 **CONSTRUCTION AND DEMOLITION DEBRIS (C&DD) DISPOSAL FACILITY.** A facility for the disposal of
7 "construction and demolition debris," as that term is defined in § 403.703(6) FS; also referred to as Construction
8 and Demolition (C&D) Landfill.

9 **CONSTRUCTION, EXISTING.** As it relates to flood plain management, structures for which the "start of
10 construction" commenced before January 19, 1983. This term may also be referred to as "existing structures."

11 **CONSTRUCTION, NEW.** As it relates to flood plain management, any structure for which the "start of
12 construction" commenced on or after January 19, 1983. The term also includes any subsequent improvements to
13 such structures.

14 **CONSTRUCTION PERMIT.** The permit issued by the Office of the County Engineer for construction of all
15 required improvements including construction in private and public rights-of-way.

16 **CONTIGUOUS PARCELS.** Those parcels of land with at least one common property line.

17 **CONTINUING IN GOOD FAITH.** As it relates to vested rights, shall mean the final local development order for
18 a project has been issued and has not expired, and no period of 180 consecutive days, or a previously approved
19 time frame as agreed to by the County, has passed without the occurrence of development activity which
20 significantly moves the proposed development toward completion; unless the developer establishes that such 180-
21 day lapse or previously approved time frame lapse in development activity was due to factors beyond the
22 developer's control; or unless development activity authorized by a final local development order has been
23 substantially completed on a significant portion of the development subject to said final development order and
24 has significantly moved the entire development toward completion.

25 **CONTRACTOR.** The person, firm, or corporation with whom the contract for work has been made by the
26 owner, the developer, or the County in accordance with any applicable State laws.

27 **COVENANTS, CONDITIONS AND RESTRICTIONS (CCR).** Declaration of Covenants, Conditions and Restrictions,
28 recorded in the public records for a development project.

29 **CONVENIENCE STORE.** Any retail establishment offering for sale food products, household, and sundry items,
30 beverages, gasoline, and other similar goods, but not including sales of prescription drugs, alcoholic beverages for
31 on-premises consumption, or any form of used merchandise sales, personal services, repair services, or any
32 outdoor sales, service, storage, or display other than approved accessory gasoline pumps.

33 **COPY.** As it relates to signs, the linguistic or graphic content of a sign.

34 **COUNTY.** The government of Marion County as a political subdivision of the State of Florida; or the physical
35 jurisdictional limits of Marion County as those boundaries described in § 7.42 FS.

36 **COUNTY ENGINEER.** The professional engineer retained by the Board of County Commissioners in the
37 capacity of administering the Office of the County Engineer. The County Engineer may appoint designees to
38 specific management and operation functions as appropriate.

39 **CROSS-CONNECTION.** Any physical arrangement whereby a Public Potable Water System is connected
40 directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than
41 for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain

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1 contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of
2 imparting contamination to the Public Potable Water System as the result of Backflow. By-pass arrangements,
3 jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices
4 through which or because of which Backflow could occur are considered to be Cross-Connections.

5 **CROSS-CONNECTION CONTROL COORDINATOR (CCC).** Utility Department Employee who is responsible for
6 implementation of cross-connection control directives.

7 **DECENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants)
8 or wastewater collection, treatment and dispersal system that is designed to serve the needs of a single residential
9 development project or non-residential development project. Decentralized systems are, further: (1) usually
10 located within the boundaries of the development project; (2) not typically owned, operated, and maintained by
11 Marion County, a city, CDD, or Public Service Commission-certificated entity; and (3) considered as temporary
12 facilities until a centralized system is available to serve the development project.

13 **DEDICATION.** An act of conveyance and acceptance of an interest in or use of property to a public or private
14 entity. See §§ 177.031(6), (16); 177.081; and 177.085 FS (2012) for statutory requirements related to dedications.
15 Mortgagees are required to join in dedications.

16 **DEMAND.** Quantifiable use of a public facility. See Capacity.

17 **DESIGN FLOOD.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section
18 202.]

19 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

20 (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
21 designated.

22 **DESIGN FLOOD ELEVATION.** The elevation of the "design flood," including wave height, relative to the datum
23 specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design
24 flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth
25 number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is
26 not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section
27 202.]

28 **DEVELOPABLE AREA.** The portion of a project area that lies outside sovereign submerged lands.

29 **DEVELOPER.** The person, firm, entity, or corporation engaged in developing or improving real estate for use
30 or occupancy.

31 **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to,
32 buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or
33 materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing
34 activities. As it relates to vested rights, shall mean the particular development activity authorized by unexpired
35 final local development order issued for a specific project is continuing in good faith. Also see §§ 163.3164(14),
36 163.3221(4), and 380.04 FS.

37 **DEVELOPMENT AGREEMENT.** An agreement between Marion County and additional parties specifying
38 requirements of the parties in relation to a development application. Development Agreements are authorized by
39 the "Florida Local Government Development Agreement Act," §§ 163.3220—163.3243 FS and are subject to the
40 applicable provisions of those sections.

41 **DEVELOPMENT AREA.** See project area.

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1 **DEVELOPMENT ORDER.** An official action granting, granting with conditions, or denying an application for a
2 development permit consistent with this Code, § 163.3164 FS and Ch. 380 FS.

3 **DIAMETER AT BREAST HEIGHT.** Diameter at breast height (DBH) is a standard method of measuring the size
4 of a tree. In the Forestry and Survey industries, this measurement is taken at 4.5 feet above the ground.

5 **DIVIDER MEDIAN.** A continual landscaped island located between lineal rows of parking which face head-to-
6 head.

7 **DOMESTIC WASTEWATER RESIDUALS.** A domestic wastewater treatment by-product resulting from the
8 biological treatment process and which is disposed of by application for agricultural or land reclamation purposes.
9 Domestic wastewater residuals shall have the same meaning as "biosolids," as defined in rule § 62-640.200 FAC.

10 **DOUBLE CHECK VALVE ASSEMBLY.** A backflow prevention assembly which includes two internally loaded,
11 independently operating spring loaded check valves, which are installed as a unit between two tightly closing
12 resilient-seated shutoff valves and fittings with properly located test cocks.

13 **DRAFT HYDRANTS.** Draft hydrants are standard fire hydrants but are supplied by a static water source.
14 Normally these hydrants are not supplemented by a fire pump and rely on a fire department engine to draft from
15 the source. These draft hydrants have little to no pressure and function similar to a dry hydrant tank.

16 **DRAINAGE DETENTION AREA (DDA).** See water detention area.

17 **DRAINAGE RETENTION AREA (DRA).** See water retention area.

18 **DRIPLINE.** An imaginary line on the ground defined by vertical lines extending from the outermost tips of
19 tree to the ground or the area within a radius of one foot for each one inch DBH of the tree, whichever is greater.

20 **DRIVEWAY APRON.** That portion of a driveway lying between the street right-of-way line and the edge of the
21 travel lane of the street.

22 **DROUGHT TOLERANT VEGETATION.** Plants which have the ability to survive without supplemental irrigation
23 through periods of drought characteristic of the north-central Florida region, excluding invasive plant species.

24 **DRUGSTORE** (the term Pharmacy is included). An establishment that is either:

25 (1) Engaged in the retail sale of prescription drugs and nonprescription medicines pursuant to Chapter
26 465, FS; or

27 (2) That is both:

28 a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS
29 (2017); and

30 b. Operated in accordance with all provisions of such statute and all other statutes or regulations
31 governing the medical dispensation of marijuana pursuant to Florida law.

32 By way of example and not limitation, as the requirements of this subsection are cumulative, any establishment
33 that may have been licensed as a medical marijuana treatment center but is not operated in accordance with
34 Florida law, shall no longer constitute a drugstore, and hence is no longer a permitted use in zoning districts where
35 drugstores are permitted.

36 **DRYLINE PERMIT.** A construction permit for sewer lines issued with certain special conditions applied.

37 **DUCTILE IRON PIPE RESEARCH ASSOCIATION (DIPRA).** Any reference to DIPRA Standards shall be taken to
38 mean the most recently published revision unless otherwise specified.

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- 1 **DUDE RANCH.** A vacation resort offering activities typical of western ranches such as horseback riding.
- 2 **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title
3 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be
4 inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and
5 be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said
6 public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the
7 Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all
8 owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose
9 address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request
10 such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief
11 explanation of the land use permit request and a location map identifying the property under consideration and
12 shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a
13 conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change.
14 Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by
15 the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County,
16 and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning
17 category, the provisions of § 125.66(4) FS shall apply.
- 18 **DWELLING UNIT.** Any structure or portion thereof which is designed for or used for residential purposes as a
19 self-sufficient or individual unit by one family or other social association of persons.
- 20 **ELECTRIC SUBSTATION.** An electric substation which takes electricity from the transmission grid and converts
21 it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through
22 one or more distribution lines less than 69 kilovolts in size.
- 23 **ELEVATED BUILDING.** A non-basement building built to have the lowest floor elevated above the ground
24 level by foundation walls, posts, piers, columns, pilings, or shear walls.
- 25 **ELEVATION.** The vertical height or heights relative to a defined datum.
- 26 **EMPHASIS.** As it relates to the adult entertainment business, "emphasis" or "emphasis on" means that the
27 type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the
28 matter specified is a substantial portion of such work or exhibition.
- 29 **ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development
30 into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.
- 31 **ENVIRONMENTALLY SENSITIVE LANDS.** Lands or areas which include environmental or other natural
32 features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.1.
- 33 **EQUINE CENTER.** A facility identified and designated by the Board as a unique and specialized destination for
34 regional, state, and national equine interests and activities that further the County's equine identity as "The Horse
35 Capital of the World."
- 36 **EQUIVALENT RESIDENTIAL CONNECTION (ERC).** A unit of measurement representing capacity demand of
37 300 gallons per day for wastewater or 350 gallons per day for water.
- 38 **ERECT A SIGN.** To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint,
39 draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities
40 when performed as an incident to a change of message or routine maintenance.
- 41 **ESTABLISHED CHURCH.** Established place of meeting or worship at which non-profit religious services are
42 regularly conducted and carried on.

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1 **EXCEPTION.** As it relates to vested rights, shall mean an exception to the densities required in the Future
2 Land Use Element for parcels of record as of January 1, 1992 for the construction of one residential unit.
3 Exceptions apply to density only and do not exempt parcels from any other requirement of the Comprehensive
4 Plan.

5 **EXISTING BUILDING AND EXISTING STRUCTURE.** Any buildings and structures for which the "start of
6 construction" commenced before January 19, 1983. [Also defined in FBC, B, Section 202.]

7 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for
8 which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
9 (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the
10 pouring of concrete pads) is completed before January 19, 1983.

11 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional
12 sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
13 (including the installation of utilities, the construction of streets, and either final site grading or the pouring of
14 concrete pads).

15 **EXTRACTION OR RESOURCE EXTRACTION.** The removal of resources from their location so as to make them
16 suitable for commercial, industrial, or construction use, but does not include excavation solely in aid of on-site
17 farming or on-site construction, nor the process of searching, prospecting, exploring, or investigating for resources
18 by drilling.

19 **FAILING.** As defined in § 64E-6.002 FAC and periodically amended: a condition existing within an onsite
20 sewage treatment and disposal system which prohibits the system from functioning in a sanitary manner and
21 which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface
22 water, into ground water, or which results in the failure of building plumbing to discharge properly.

23 **FAMILY.** One or more persons occupying the whole or part of a dwelling unit and living as a single,
24 housekeeping unit provided that a group of four or more persons who are not within the second degree of kinship
25 shall not be deemed to constitute a family, except as set forth in Title VIII of the Civil Rights Act of 1968 and as
26 subsequently amended by the Fair Housing Amendments Act of 1988.

27 **FAMILY/GUEST COTTAGE/APARTMENT.** A small detached dwelling unit for use by immediate family
28 members or guests which is an accessory use to a single-family dwelling. The cottage may be a removable,
29 modular structure, or a conventionally constructed structure, and shall be compatible with the existing dwelling. It
30 shall be designed as an independent living unit smaller than the primary structure.

31 **FEEDLOT.** A confined area or structure, pen or corral, used to fatten livestock for a period of at least 30 days
32 prior to final shipment.

33 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that, in addition to carrying out
34 other functions, administers the National Flood Insurance Program.

35 **FENCE.** A vertical structure used to provide a physical division between areas.

36 **FIRE LINE.** Piping from the water main to point of delivery exclusively providing fire protection.

37 **FISH HATCHERY.** Establishments primarily engaged in hatching fish, not including fish or farm ponds.

38 **FLAG LOT.** A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property
39 contains no frontage.

40 **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land
41 areas from:

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1 (1) The overflow of inland or tidal waters.

2 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

3 **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and
4 prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also
5 defined in FBC, B, Section 202.]

6 **FLOOD HAZARD AREA.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

7 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

8 (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
9 designated.

10 **FLOOD INSURANCE RATE MAP (FIRM).** The official map of the community on which the Federal Emergency
11 Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the
12 community. [Also defined in FBC, B, Section 202.]

13 **FLOOD INSURANCE STUDY (FIS).** The official hydraulic and hydrologic report provided by FEMA. The study
14 contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water
15 surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-
16 related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable),
17 and other related data and information.

18 **FLOODPLAIN ADMINISTRATOR.** The office or position designated and charged with the administration and
19 enforcement of Flood Plain regulations within Article 5 Division 3 (may be referred to as the Floodplain Manager).

20 **FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document, certificate or development order
21 issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific
22 development activities that are located in flood hazard areas and that are determined to be compliant with Article
23 5, Division 3.

24 **FLOOD PLAIN ELEVATIONS.** The elevations established along waterbodies and in closed drainage basins
25 which represent the hydraulic gradients for the predicted 25-Year and 100-Year flood plains. The 100-Year flood
26 plain is shown on the adopted Marion County Flood Insurance Rate Maps. The elevations may be established by
27 the Flood Plain Administrator or designee; by a Florida Licensed Surveyor and Mapper and approved by the Flood
28 Plain Administrator or along the Rainbow River as established by Southwest Florida Water Management District
29 Profiles dated July 13, 1973.

30 **FLOOD PLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures
31 for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood plain,
32 including but not limited to emergency preparedness plans, flood control works, flood plain management
33 regulations, and open space plans.

34 **FLOOD PLAIN MANAGEMENT REGULATIONS.** This term describes Federal, State of Florida, or local
35 regulations in any combination thereof and other applications of police power which control development in flood-
36 prone areas, which provide standards for preventing and reducing flood loss and damage.

37 **FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to
38 structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary
39 facilities, structures and their contents.

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1 **FLOODWAY.** The channel of a river or other riverine watercourse and the adjacent land areas that must be
2 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more
3 than one (1) foot. [Also defined in FBC, B, Section 202.]

4 **FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed
5 encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the
6 evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and
7 models.

8 **FLOODWAY FRINGE.** That area of the flood plain on either side of the regulatory floodway where
9 encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

10 **FLOOR AREA.** Area of all floors of buildings or structures, measured to the outside of the exterior walls.

11 **FLOOR AREA RATIO (FAR).** The gross floor area of all buildings or structures on a lot divided by the total lot
12 area.

13 **FLORIDA BUILDING CODE.** The family of codes adopted by the Florida Building Commission, including:
14 Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida
15 Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

16 **FOOD SERVICE FACILITIES.** Any commercial facility that generates wastewater through the processing and
17 preparation of food, including restaurants and other commercial facility where food is processed or prepared. It
18 does not include facilities that only sell pre-processed or pre-packaged foods.

19 **FREEBOARD.** The additional height, usually expressed as a factor of safety in feet, above a flood level for
20 purposes of flood plain management. Freeboard tends to compensate for many unknown factors, such as wave
21 action, bridge openings and hydrological effect of urbanization of the watershed that could contribute to flood
22 heights greater than the height calculated for a selected frequency flood and floodway conditions.

23 **FRONT BUILDING LINE.** A line measured between side lot lines no closer than the front setback and equal to
24 the minimum lot width.

25 **FUNCTIONALLY DEPENDENT USE.** As it relates to floodplain management, a use that cannot be used for its
26 intended purpose unless it is located or carried out in close proximity to water, including only docking or port
27 facilities necessary for the loading and unloading of cargo or passengers, and shipbuilding or ship repair facilities.
28 The term does not include long-term storage, manufacture, sales, or service facilities.

29 **GREEN SPACE.** A parcel or area of land which is developed, planted, and maintained with trees, shrubs,
30 groundcovers or turfgrass or a combination thereof, and is reserved for a yard area, landscape area, public or
31 private park or recreation area, drainage retention areas and other similar areas.

32 **GROUND SIGN.** A sign that is supported by one or more columns, upright poles, or braces extended from the
33 ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to
34 any part of a building.

35 **GROWTH SERVICES DIRECTOR.** Growth Services Director or his designee.

36 **HARDSHIP.** As it relates to flood plain management and variances to the flood plain overlay zone, the
37 exceptional hardship associated with the land that would result from a failure to grant the requested variance. The
38 community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere
39 economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical
40 handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an
41 exceptional hardship. All of these problems can be resolved through other means without granting a variance,

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1 even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a
2 different use than originally intended.

3 **HAZARD.** A cross-connection or potential cross-connection which involves an actual or potential threat to
4 the quality and/or potability of the water supplied by a public potable water system. The degree of hazard
5 associated with any private water system shall be determined from an evaluation of the conditions existing within
6 that system.

7 **HEALTH HAZARD.** A hazard involving any substance that could, if introduced into the public potable water
8 system, cause death or illness, spread disease, or have a high probability of causing such effects.

9 **HEAVY MACHINERY OR EQUIPMENT.** Machinery used primarily by the construction, mining, well drilling, oil
10 and gas industries and including overhead traveling cranes, hoists, and monorail systems for installation in
11 factories, warehouses, marinas, and other industrial and commercial establishments.

12 **HEIGHT OF BUILDING.** The vertical distance from the established grade at the center of the front of the
13 building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and the height of
14 the ridge for gable, hip, and gambrel roofs.

15 **HIGH VOLUME IRRIGATION.** An irrigation system (or zone) which utilizes heads or emitters with application
16 rates higher than 0.5 gpm.

17 **HIGH-VOLUME OWNER.** Any person, business, or organization who owns, harbors, or keeps more than
18 fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to,
19 housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use.
20 Such definition does not include any property or structure where a Florida state licensed veterinarian practices and
21 has a premises permit, as required by F.S. Ch. 474, or any property or structure used as a veterinary hospital,
22 medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any
23 boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include Marion
24 County Animal Services.

25 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of
26 construction, next to the proposed walls or foundation of a structure.

27 **HISTORIC STRUCTURE.** Any structure that is determined eligible for the exception to the flood hazard area
28 requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

29 **HOME OCCUPATION.** Any business or commercial activity that is:

- 30 A. Conducted within a single family dwelling unit in a residential zoning classification and is incidental to
31 the principal residential use of the premises, or
32 B. Conducted on the same tract with the principal structure in an agricultural zoning classification, and
33 C. Which is a permitted use within the agricultural zoning classification and conducted without
34 significantly adverse impact on the surrounding area.

35 **HORIZONTAL DATUM.** An accepted current coordinate system used to describe a point on the earth's
36 surface pre-approved by the Office of the County Engineer.

37 **HOUSE OF WORSHIP.** A structure whose principal use is public assembly for worship and teaching of
38 religious concepts.

39 **HOUSEHOLD PET.** All animals which are normally considered as household pets and which can be maintained
40 and cared for within the living space of a residence or outside the residence. Such animals may include but are not

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1 limited to dogs, cats, small reptiles, small rodents, fish, small birds such as parrots and parakeets, and other similar
2 animals.

3 **ILLUMINATED SIGN.** A sign which contains a source of light or which is designed or arranged to reflect light
4 from an artificial source including indirect lighting, neon, incandescent lights and backlighting.

5 **IMPERVIOUS SURFACES.** Those surfaces which do not absorb water including but not limited to, buildings,
6 paved parking areas, driveways, roads, sidewalks, patios and any areas covered by brick, concrete, concrete
7 pavers, or asphalt paving materials.

8 **INDUSTRIAL/COMMERCIAL PARK.** A tract of land that is planned, developed, and operated as an integrated
9 facility for a number of individual industrial or commercial or mixed uses.

10 **INFRASTRUCTURE.** Facilities and services needed to sustain residential, commercial, and industrial activities.
11 Infrastructure includes, but is not limited to, water and sewer, streets, street signage, drainage, parks and open
12 space, and other public facilities.

13 **INSTITUTIONAL USE.** A nonprofit, religious, or public use, such as a church, library, public or private school,
14 hospital, community home, convalescent home, adult congregate living facility, or government owned or operated
15 building, structure, or land used for public purpose or benefit.

16 **INTENSIVE RECREATIONAL AREAS.** Sites which provide location for uses such as football, baseball, softball,
17 soccer, and golf courses excluding such areas as secondary and tertiary roughs and out-of-bound areas. Only such
18 sports related fields shall fit this definition while common areas and open spaces between such fields shall not be
19 exempt from irrigation design standards or watering restrictions.

20 **IRRIGATION.** The application of water by manmade means to plant material and turfgrass.

21 **JUNK.** Used and discarded machinery, scrap, iron, steel, other ferrous and non-ferrous metals, inoperative
22 vehicles, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste.

23 **JUNK YARD.** A parcel of land on which junk is collected, stored, salvaged or sold, including automobile
24 recycling facilities.

25 **KARST FEATURE.** A landform that has been modified by dissolution of soluble rock, including limestone or
26 dolostone. These include springs, spring runs, sinkholes, solution pipes, swallets and swallow holes. A directly or
27 indirectly connected karst feature is one where no confining layer of sediment exists to prevent runoff from
28 directly or indirectly entering the Floridan Aquifer system.

29 **KENNEL.** Any place or premises where four or more dogs and/or cats, in aggregate, over four months of age
30 are groomed, bred, raised, boarded, or trained for compensation or income including an Animal Related Business;
31 Animal Related Organization; Commercial Breeder; and High-Volume Owners with over thirty (30) dogs and/or cats
32 in aggregate.

33 **LANDSCAPABLE AREA.** The entire parcel less the building footprint, natural water features, surfaced and un-
34 surfaced driveways and parking areas, road rights-of way, hardscapes such as decks and patios, and other non-
35 planted areas. Landscapable area excludes golf course play areas, other intensive recreation areas (e.g. soccer
36 fields, ball diamonds, etc.) and any part of a constructed stormwater management system that has a design stage
37 or storage depth three feet or greater.

38 **LANDSCAPE ARCHITECT.** The County's Landscape Architect or his designee.

39 **LANDSCAPE ISLAND.** A raised area, usually curbed, placed to guide traffic and separate lanes, and used for
40 landscaping, signage, or lighting.

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1 **LEASABLE/INTERIOR AREA.** The area of open floor space within a structure's exterior walls and excluding the
2 interior walls.

3 **LETTER OF MAP CHANGE (LOMC).** An official determination issued by FEMA that amends or revises an effective
4 Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- 5 (1) **LETTER OF MAP AMENDMENT (LOMA):** An amendment based on technical data showing that a
6 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
7 current effective Flood Insurance Rate Map and establishes that a specific property, portion of a
8 property, or structure is not located in a special flood hazard area.
- 9 (2) **LETTER OF MAP REVISION (LOMR):** A revision based on technical data that may show changes to flood
10 zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other
11 planimetric features.
- 12 (3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** A determination that a structure or parcel of land
13 has been elevated by fill above the base flood elevation and is, therefore, no longer located within the
14 special flood hazard area. In order to qualify for this determination, the fill must have been permitted
15 and placed in accordance with the community's floodplain management regulations.
- 16 (4) **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A formal review and comment as to whether a
17 proposed flood protection project or other project complies with the minimum NFIP requirements for
18 such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the
19 effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of
20 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
21 effective FIRM.

22 **LEVEL OF SERVICE.** An indicator of the extent or degree of service provided by, or proposed to be provided
23 by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the
24 capacity per unit of demand for each public facility.

25 **LEVEL OF SERVICE STANDARD.** The level of service a facility is not to exceed as established in the
26 Comprehensive Plan.

27 **LIGHT-DUTY TRUCK.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular
28 Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle
29 frontal area of 45 square feet or less, which is:

- 30 (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- 31 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- 32 (3) Available with special features enabling off-street or off-highway operation and use.

33 **LISTED SPECIES.** Those species identified by the USFWS and/or FWC as endangered, threatened, or special
34 concern.

35 **LIVESTOCK.** Includes, but is not limited to, all animals of the equine, ratite, bovine, or swine class, including
36 goats, sheep, mules, horses, llamas, alpacas, hogs, cattle, poultry, emus, ostriches, and other grazing animals. The
37 term livestock shall specifically exclude specialty animals.

38 **LOCALLY SIGNIFICANT NATURAL RESOURCES.** Lands or areas which include environmentally sensitive lands
39 or other features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.2.

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1 **LOT.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to
2 be used, developed, or built upon as a unit.

3 **LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

4 **LOT DEPTH.** The dimension from the center of the front of the lot to the center of the rear of the lot.

5 **LOT LINE.** The boundary line of a lot.

6 A. **LOT LINE, FRONT.** The line abutting the street right-of-way or point of access which for corner lots shall
7 be determined by the property owner.

8 B. **LOT LINE, REAR.** The lot line opposite to and most closely paralleling the front lot line.

9 C. **LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

10 **LOT WIDTH.** The horizontal distance between the side lot lines measured at the front property line. For lots
11 located on a curve, it shall be the chord distance of the curve at the front property line.

12 **LOW VOLUME IRRIGATION.** Irrigation by a system which utilizes devices that irrigate at rates of 0.5 gpm or
13 less, allowing water to be placed with a high degree of efficiency at the root zone of each plant.

14 **LOWEST ADJACENT GRADE.** The lowest elevation, after the completion of construction, of the ground,
15 sidewalk, patio, deck support, or basement entryway immediately next to the structure.

16 **LOWEST FLOOR.** The lowest floor of the lowest enclosed area of a building or structure (including basement),
17 but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking,
18 building access or limited storage provided that such enclosure is not built so as to render the structure in violation
19 of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.].

20 **MANUFACTURED BUILDING.** A structure bearing a seal issued by the Florida Department of Community
21 Affairs certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of
22 1979.

23 **MANUFACTURED HOME.** A structure bearing a label certifying that it is built in compliance with the Federal
24 Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. For floodplain management
25 purposes, it is a structure, transportable in one or more sections, which is eight (8) feet or more in width and
26 greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for
27 use with or without a permanent foundation when attached to the required utilities. The term "manufactured
28 home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

29 **MANUFACTURED HOME/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land
30 divided into two or more manufactured home lots for rent or sale.

31 **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** As it relates to the Flood Plain Overlay Zone, a
32 manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the
33 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
34 streets, and either final site grading or the pouring of concrete pads) was completed before January 19, 1983.

35 **MANUFACTURED HOME PARK OR SUBDIVISION, NEW.** As it relates to the Flood Plain Overlay Zone, a
36 manufactured home park, or subdivision, for which the construction of facilities for servicing the lots on which the
37 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of
38 streets, and either final site grading or the pouring of concrete pads) and was completed on or after January 19,
39 1983.

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1 **MANUFACTURING.** A commercial or industrial activity involved in the research, development, assembly,
2 production, testing, or processing of goods, materials, components, devices, equipment, or systems.

3 **MARINA.** A premises located adjacent to water bodies, canals, or water ways providing wet or dry storage
4 and all accessory facilities.

5 **MARION-FRIENDLY LANDSCAPING.** The use of plants (and non-plant materials such as mulch) and landscape
6 designs and practices that are compatible with the natural environment and climate of Marion County. Marion-
7 Friendly Landscaping minimizes the use of turfgrass that is irrigated and fertilized, and maximizes the use of plants
8 that tolerate sandy soils and drought conditions characteristic of north-central Florida.

9 **MARION-FRIENDLY LANDSCAPING AREA (MFLA).** That portion of a new or expanded development that
10 through the approved development plans, documents, and deed restrictions, is identified to be maintained as
11 Marion-Friendly Landscaping and where the use of high volume irrigation, non-drought tolerant plants, and lawn
12 chemicals (fertilizers and pesticides) on turfgrass is prohibited.

13 **MARKET VALUE.** As it relates to floodplain management, the price at which a property will change hands
14 between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having
15 reasonable knowledge of relevant facts. As used in Article 5, Division 3, the term refers to the market value of
16 buildings and structures, excluding the land and other improvements on the parcel. Market value can be
17 established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on
18 income approach), actual cash value (replacement cost depreciated for age and quality of construction of building),
19 or adjusted tax-assessed values adjusted to approximate market value by a factor provided by the Property
20 Appraiser.

21 **MARQUEE.** A structure projecting from and supported by a building which extends beyond the building line
22 or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

23 **MCUD DIRECTOR.** Marion County Utilities Department Director, or his designee.

24 **MINI-WAREHOUSE (SELF-SERVICE STORAGE FACILITY).** A building, or group of buildings, consisting of
25 individual, small, self-contained units that are leased or owned for the storage of business and household goods or
26 contractors supplies.

27 **MOBILE HOME.** A transportable structure designed to be:

- 28 A. Used as a year-round residential dwelling, built prior to enactment of the Federal Manufactured
29 Housing Construction and Safety Standards, which became effective for all manufactured home
30 construction on June 15, 1976, and
- 31 B. Any vehicle without independent motive power which is designed for housing accommodations and
32 transportation over the highways on a chassis under carriage, which is an integral part thereof, but
33 does not include travel trailers or recreational units as defined by § 320.01 FS. This definition shall
34 include any unit which meets the criteria above and is certified by the Department of Safety and Motor
35 Vehicles as meeting requirements of as defined in Ch. 320 FS.

36 **MODEL HOME.** A single-family dwelling unit, or units, used by a home builder to illustrate the features
37 available to a potential purchaser of a dwelling unit when constructed on a different lot, parcel, or tract.

38 **MODEL HOME SALES LOT OR MODEL HOME COMPLEX.** Model homes designed in a cluster to create a sales
39 facility.

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1 **MODIFY.** Regarding towers, modify shall include all structural changes to a tower other than routine
2 maintenance, including, without limitation, structural modifications, rebuilding, or relocating on the same parcel.
3 Modify does not include adding additional or different antennas, or deleting or removing antennas.

4 **MONOPOLE TOWER.** A tower consisting of a single pole, or spine, self supported by a permanent foundation,
5 and constructed without guy wires and ground anchors.

6 **MULTI-DWELLING.** A structure which contains three or more dwelling units.

7 **MULTI-FAMILY.** Any residential development project that consists of more than two dwelling units per
8 building, or eight dwelling units or more per gross acre.

9 **MULTIPLE OCCUPANCY COMPLEX.** A commercial occupancy (i.e. any occupancy other than residential or
10 agricultural) consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or
11 coordinated project, with a building or buildings housing more than one occupant, or more than one business
12 under one ownership.

13 **NATIVE TREE.** A self-supporting woody plant which normally grows to a height of ten feet or more and which
14 is classified as native vegetation.

15 **NATIVE VEGETATION.** Those species occurring within the state boundaries prior to European contact,
16 according to the best available scientific and historical documentation. It includes those species understood as
17 indigenous, occurring in natural associations and habitats that exist prior to significant human impacts.

18 **NATURAL AREA.** Undeveloped lands considered to be in, or maintained in, an undisturbed or unmodified
19 condition which provide habitat or natural open space.

20 **NEW CONSTRUCTION.** For the purposes of administration of Article 5, Division 3 and the flood resistant
21 construction requirements of the Florida Building Code, structures for which the "start of construction"
22 commenced on or after January 19, 1983 and includes any subsequent improvements to such structures.

23 **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which
24 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at
25 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
26 concrete pads) is completed on or after January 19, 1983.

27 **NIGHTCLUB.** A bar or similar establishment providing food, refreshments, or alcoholic beverages wherein
28 dancing is permitted or paid entertainment is provided.

29 **NONCONFORMING LOT.** A lot of record which does not conform to the current minimum requirements for a
30 lot in the zoning classification in which it is located.

31 **NONCONFORMING STRUCTURE.** A building or structure which does not conform to the current minimum
32 requirements for such structure in the zoning classification in which it is located.

33 **NONCONFORMING USE.** A use which is not a permitted use, or special use, in a current zoning classification.

34 **NON-CONTIGUOUS PARCELS.** Those parcels that do not have any common property lines, or which are
35 separated by platted or unplatted roads, streets, or alleys which have been dedicated for public use, or
36 prescriptive easements for road right-of-way purposes.

37 **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.** The vertical control datum of orthometric height
38 established for vertical control surveying in the United States of America based upon the General Adjustment of
39 the North American Datum of 1988.

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1 **OCCUPANT (OCCUPANCY).** One who has certain legal rights to or control over the premises he occupies; the
2 state of being an occupant.

3 **OFF-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
4 an activity conducted, or service rendered, or a commodity sold at a location or on a parcel other than where the
5 sign is located.

6 **ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS).** Also referred to as a septic system.

7 **ON-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
8 an activity conducted, service rendered, or a commodity sold, at the location where the sign is installed.

9 **OPEN BASIN.** All watersheds not meeting the definition for Closed Basin.

10 **OPEN SPACE.** Land area restricted or not developed depending on its designation as natural open space or
11 improved open space consistent with the provisions of Section 6.6.6.

12 **ORDINARY HIGH WATER LINE (OHWL).** The highest reach of a navigable, nontidal waterbody as it usually
13 exists when in its ordinary condition and is not the highest reach of such waterbody during the high water season
14 or in times of freshets. The term also includes the terms "ordinary high-water line" and "line of ordinary high
15 water."

16 **OUTSIDE STORAGE.** The storage or display, outside of a completely enclosed building, of merchandise
17 offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course
18 of a permitted use.

19 **OWNER.** The person, firm, corporation, or governmental unit holding title of the real estate upon which
20 construction is to take place.

21 **PACKAGE STORE.** A premises in which alcoholic beverages are sold for off-premises consumption.

22 **PARCEL.** A continuous quantity of land in the possession of or owned by, or recorded as the property of the
23 same person or persons. A parcel may consist of contiguous platted lots.

24 **PARCEL OF RECORD.** A designated parcel, tract, or area of land established by plat, metes and bounds
25 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which complies with the
26 applicable building codes and zoning regulations, and which existed on or before January 1, 1992, and under one
27 ownership as of August 11, 1993.

28 **PARK.** Land which is used for active or passive recreational purposes, whether dedicated public or private.

29 **PARK MODEL OR PARK TRAILER.** A transportable unit which has a body width not exceeding 14 feet and
30 which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected
31 to utilities necessary for operation of installed fixtures or appliances or; a park trailer constructed to ANSI A-119.5
32 standards which does not exceed 400 square feet gross floor area or; a park trailer constructed to US Department
33 of Housing and Urban Development Standards which does not exceed 500 square feet gross floor area.

34 **PARKING AREA.** An open area, other than a street or other public way, used for the parking of motor
35 vehicles.

36 **PARKING LANE.** A lane located on the side of a street, designed to provide on-street parking of a motor
37 vehicle.

38 **PARKING SPACE.** An area provided for the parking of a motor vehicle.

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1 **PASSIVE RECREATION.** Those recreational activities afforded by such natural resources as the native flora,
2 fauna, and aesthetic appeal of a natural setting and requiring minimal development to utilize and enjoy such
3 resources. These activities include hiking, nature watching, unstructured play, picnicking, horseback riding and
4 bicycle riding.

5 **PERMEABILITY.** The capacity of a porous medium for transmitting water.

6 **PLANNED UNIT DEVELOPMENT (PUD).** A designated contiguous area of property for the comprehensive
7 development of a single use or of mixed uses.

8 **PLANNING/ZONING MANAGER.** Planning /Zoning Manager or designee.

9 **PLAT.** A map, or delineated representation of the subdivision of lands, being a complete exact representation
10 of the subdivision and complying with this Code and Ch. 177 FS.

11 **PLANT, INVASIVE EXOTIC.** Any plant species as listed in the most recent version of F.A.C. Rules 5B-57.007
12 Noxious Weed List or 5B-64011 Prohibited Aquatic Plants. tables, as updated.

13 (1) Prohibited Aquatic Plants per F.A.C 5B-64.011, and

14 (2) Center for Aquatic and Invasive Plants, University of Florida, IFAS

15 **PLAYGROUND.** Properties and facilities owned and operated by any governmental agency, or owned and
16 operated by any private agency, including day care centers, which are open for recreational or child care purposes.

17 **POINT OF CONNECTION.** The outlet side of the meter designated to serve the customer.

18 **PORTABLE SIGN.** Any sign which is designed to be transported by trailer or on its own wheels, including such
19 signs whose wheels have been removed and the remaining chassis or support structure converted to an A- or T-
20 frame sign and anchored temporarily to the ground.

21 **POTABLE WATER.** Water that is suitable for human consumption.

22 **POTENTIOMETRIC SURFACE (POTENTIOMETRIC HEAD).** The level to which water would rise in a tightly cased
23 well penetrating an aquifer. The water table and artesian pressure surfaces are particular potentiometric surfaces.

24 **PRESSURE VACUUM BREAKER ASSEMBLY.** A backflow prevention assembly which includes an independently
25 operating, internally loaded check valve; an independently operating, loaded air inlet valve located on the
26 discharge side of the check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves
27 attached at each end of the Assembly. This assembly shall not be used if back pressure could develop in the
28 downstream piping.

29 **PRINCIPAL STRUCTURE.** A structure on a lot or parcel which is used, arranged, adapted or designed for the
30 predominant or primary use for which the lot or parcel is or may be used.

31 **PRINCIPAL USE.** The primary or predominant use of a lot, parcel, structure, or structure and land in
32 combination.

33 **PRIVATE CLUB.** A premises used for meetings or activities of persons in which use is restricted to members
34 and guests.

35 **PRIVATE PERFORMANCE.** As it relates to the adult entertainment business, modeling, posing or the display
36 or exposure of any specified anatomical area by an employee or independent contractor using the premises under
37 a contract or lease, of an adult entertainment establishment to a person other than an employee while the person
38 is in an area within the establishment not accessible during such display to all other persons in the establishment,

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1 or while the person is in an area in which the person is totally or partially screened or partitioned during such
2 display from the view of all persons within the establishment.

3 **PROGRAM DEFICIENCY.** As it relates to the flood plain overlay zone, a defect in the community's flood plain
4 management regulations or administrative procedures that impairs effective implementation of those flood plain
5 management regulations or of the standards required by the National Flood Insurance Program.

6 **PROHIBITED CONNECTION.** Any connection of an unsafe system to a safe system as deemed by the MCUD.

7 **PROJECT AREA.** The limits of the land area identified on a plan where project improvements and features are
8 proposed.

9 **PUBLIC ACCESS REUSE.** The application of reclaimed water to an area that is intended to be accessible to the
10 general public; such as golf courses, cemeteries, parks, landscape areas, hotels, motels, and highway medians.
11 Public access areas include private property that is not open to the public at large, but is intended for frequent use
12 by many persons. Public access areas also include residential dwellings. Presence of authorized farm personnel or
13 other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.
14 Irrigation of exercise areas and other landscape areas accessible to prisoners at penal institutions shall be
15 considered as irrigation of public access areas.

16 **PUBLIC AREAS.** Areas such as parks, playgrounds, trails, paths and other recreation areas and open spaces;
17 scenic and historic sites; schools and other properties, buildings and structures which have been or will be
18 conveyed or dedicated to the County or other public body.

19 **PUBLIC FACILITIES.** Transportation systems or facilities, sewer systems or facilities, solid waste systems or
20 facilities, drainage systems or facilities, potable water systems or facilities, schools, and parks and recreation
21 systems or facilities. This includes privately operated sewer and water systems that are classified as public systems.

22 **PUBLIC POTABLE WATER SUPPLY SYSTEMS.** Wells, treatment systems, disinfection systems, reservoirs or
23 other storage and high service pumps, pipes, lines, valves, meters, water mains, laterals, and services, used or
24 having the present capacity for future use in connection with the obtaining and supplying of potable water for
25 domestic consumption, fire protection, irrigation, consumption by business, or consumption by industry. Without
26 limiting the generality of the foregoing definition, the system shall embrace all necessary appurtenances and
27 equipment and shall include all property, rights, easements and franchises relative to any such system and deemed
28 necessary or convenient for the operation thereof.

29 **PUBLIC SAFETY AND NUISANCE.** As it relates to the flood plain overlay zone, anything which is injurious to
30 safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully
31 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or
32 basin.

33 **QUALIFYING NATURAL AREA/COMMUNITY.** Those lands identified by the FDEP and the Florida Natural
34 Areas Inventory (FNAI) produced by FDEP as significant areas which are relatively undisturbed and include flora or
35 fauna that reflect the conditions of the area at the time colonial settlement occurred in Florida and Marion County.

36 **RAPID-RATE LAND APPLICATION (RRLA).** The use of percolation ponds or rapid infiltration basins (RIBs) or
37 subsurface absorption fields, as described in Ch. 62 FAC.

38 **RECEIVING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
39 eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in
40 addition to other permitted development activity on the designated lands wherein the lands are depicted on
41 Marion County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use*
42 *Map*, or Map 13, *Transfer of Rights*.

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1 **RECLAIMED WATER.** Water that has received at least advanced secondary treatment and high level
2 disinfection. Water receiving additional treatment may be used in public access areas, when in compliance with
3 the FDEP requirements pursuant to § 62-610 FAC.

4 **RECORDED SUBDIVISION.** A platted subdivision of lands, approved by the Board of County Commissioners,
5 which has a final plat recorded in the public records of Marion County consistent with this Code and Ch. 177 FS.

6 **RECREATION VEHICLE PARK.** A tract of ground upon which three or more single-family camp cottages, tents
7 or recreational vehicles are located or maintained for accommodation of transients whether or not a charge is
8 made.

9 **RECREATIONAL FACILITY.** Any public or private structure or facility used for active recreational pursuits,
10 including such facilities as golf courses, tennis courts, racquetball courts, handball courts, baseball fields, soccer
11 fields, football fields, basketball courts, swimming pools, jogging or exercise trails, and similar facilities.

12 **RECREATIONAL VEHICLE.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- 13 (1) Built on a single chassis;
14 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
15 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
16 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
17 recreational, camping, travel, or seasonal use.

18 **REDUCED-PRESSURE PRINCIPLE ASSEMBLY.** A Backflow Prevention Assembly which includes two
19 independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief
20 valve located both between the check valves and below the first check valve; and properly located test cocks and
21 tightly closing resilient-seated shut-off valves attached at each end of the Assembly.

22 **REGISTERED DIVISIONS OF LAND.** A map or survey of divisions of land three acres or larger in size, including
23 "flag lots" as that term is commonly known in Marion County, and which was filed and accepted by Marion County
24 prior to January 1, 1992.

25 **REGULATED USES OR ADULT AND SEXUALLY-ORIENTED BUSINESS.** Uses such as but not limited to adult
26 book store or film store, adult booth, adult cabaret, and adult theater or mini-motion theater or drive-in.

27 **REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that
28 must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
29 more than a designated height.

30 **REMEDY A DEFICIENCY OR VIOLATION.** As it relates to the flood plain overlay zone, to bring the regulation,
31 procedure, structure or other development into compliance with State of Florida, Federal or local flood plain
32 management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts
33 may be reduced include protecting the structure or other affected development from flood damages,
34 implementing the enforcement provisions of the Flood Plain Overlay Zone in Article 5 or otherwise deterring
35 future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

36 **REMODELING.** Any change, partial removal, partial replacement, or addition to buildings.

37 **RESIDENTIAL DUAL CHECK.** A compact, mechanical Backflow Prevention Device manufactured with two
38 independently acting, spring actuated check valves.

39 **RESIDENTIAL SERVICE ADDRESS.** A metered residential address whose private water systems serve only
40 residential dwellings the total of which is designed to house no more than four families.

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- 1 **RESIDENTIAL USES.** One-family dwellings, two-family dwellings, and multi-family dwellings.
- 2 **RESIDUALS.** Biosolids from a permitted wastewater treatment or water reuse facility and septage from an
3 OSTDS.
- 4 **RETAIL SALES.** Any business activity, and related services, customarily selling goods and commodities for
5 profit.
- 6 **RETAINING WALL.** A structure erected between lands of different elevation to protect structures or to
7 prevent the loss of earth from the upper slope level.
- 8 **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 9 **ROOF LINE.** A horizontal line intersecting the highest point or points of a roof.
- 10 **ROOF SIGN.** A sign placed above the roof line of a building or on or against a roof slope of less than 45
11 degrees as measured from the vertical plane.
- 12 **RUNOFF.** The surface flow of stormwater.
- 13 **RURAL AREA.** Lands located outside the Urban Growth Boundary (UGB) as designated by the Comprehensive
14 Plan Future Land Use Map Series Map 1 *Marion County 2045 Future Land Use Map* excluding those lands bearing
15 an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Table 2-1:
16 *Summary of Future Land Use Designations*.
- 17 **SAFE YIELD.** The overage annual amount of groundwater that could be extracted from a groundwater basin
18 (or reservoir) over a long period of time without causing a long term reduction of groundwater quantity, quality, or
19 other undesirable impacts.
- 20 **SCHOOL.** A public or private educational institution offering students an academic curriculum, including
21 kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also
22 include all adjacent properties owned and used by such schools for education, research, maintenance, or
23 recreational purposes.
- 24 **SCREEN.** A structure or planting consisting of fencing, walls, berms, trees, or shrubs which provides sight
25 obstruction within or to a site or property.
- 26 **SEMICONFINED AQUIFER.** An aquifer that receives recharge in the form of leakage through underlying or
27 overlying semipermeable formations (aquitards).
- 28 **SENDING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
29 eligible to obtain Transferrable Credits (TDCs) which may be transferred or conveyed to a site within a designated
30 Receiving Area where the TDCs may be used for development.
- 31 **SETBACK (OR SETBACK LINE).** An area defined by a lot line, street centerline, wetland line, water boundary setback
32 line of an open body of water, or right-of-way line and a line on a lot parallel to, and a specified distance from said
33 lines in which area no structure may be located and into which no part of any structure shall project, unless
34 specifically permitted in this Land Development Code. Setbacks shall be measured from lot lines unless specifically
35 stated otherwise or unless the context in which the term is used implies another intended meaning.
- 36 A. **FRONT SETBACK.** That area defined by the front lot line and a parallel line on the lot a specified
37 distance from such front lot line.
- 38 B. **SIDE SETBACK.** An area located between a front yard setback and a rear yard setback, defined by a side
39 lot line and a parallel line on the lot a specified distance from such side lot line.

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1 C. **REAR SETBACK.** That area defined by the rear lot line and a parallel line on the lot a specified distance
2 from such rear lot line.

3 **SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is
4 erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists
5 approaching or at the intersection.

6 **SIGN.** Any structure, or part thereof, or any device attached to a structure or applied to any surface or
7 object, for visual communication, embodying letters, numerals, symbols, figures, flag, banner, pendant or designs
8 in the nature of an announcement, direction, or advertisement, directing attention to an object, products, place,
9 activity, service, person, institution, organization, or business and which is visible from any public street, alley,
10 waterway, or public place. This definition of a sign shall not include any flag, notice badge, or ensign of any
11 government or governmental agency, or any legal notice posted by and under governmental authority.

12 **SIGN FACE AREA OR SIGN AREA.** The area of any regular geometric shape which contains the entire surface
13 area of a sign upon which copy may be placed.

14 **SIGN STRUCTURE.** Any construction used or designed to exclusively support a sign.

15 **SIGNIFICANT IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure,
16 the cumulative cost of which equals or exceed 25 percent of the market value of the structure before the "start of
17 construction" of the improvement. This term includes structures that have incurred "substantial damage"
18 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
19 B, Section 202]

20 A. Any project for improvement of a building required to correct existing health, sanitary, or safety code
21 violations identified by the building official and that are the minimum necessary to assure safe living
22 conditions.

23 B. Any alternation of a historic structure provided the alternation will not preclude the structure's
24 continued designation as a historic structure.

25 **SINKHOLE.** A landform created by subsidence of soil, sediment or rock as underlying strata are dissolved by
26 ground water. Sinkholes may be directly or indirectly connected to the aquifer or disconnected by the presence of
27 a confining layer of soil (clay) or rock that no longer allows water to permeate below this layer. The later may be
28 expressed as a relic sinkhole or lake, depression in the land surface, or loose soils in the subsurface.

29 **SLOW-RATE LAND APPLICATION (SRLA).** The application of reclaimed water to a vegetated land surface
30 using an overhead or spray, or subsurface drip, Irrigation system, as defined in §§ 62-610.400 and 62-610.450 FAC.

31 **SOLUTION PIPE.** A naturally occurring vertical cylindrical hole attributable to dissolution, often without
32 surface expression and much narrower circumference than a sinkhole.

33 **SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the flood plain within a community subject to a one
34 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
35 AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

36 **SPECIAL USE.** A use that would not be appropriate generally or without restriction throughout the particular
37 zoning classification but which, if controlled as to number, area, location, or compatibility with the surrounding
38 area, would not adversely affect the public health, safety, and general welfare.

39 **SPECIAL USE PERMIT (SUP).** A permit for a use that would not be appropriate generally or without restriction
40 throughout the particular zoning classification but which, if controlled as to number, area, location, or
41 compatibility with the surrounding area, would not adversely affect the public health, safety, and general welfare.

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1 **SPECIALTY ANIMALS.** All animals including native and imported animals which have been, removed from the
2 wild or, animals being bred, raised or kept for research, food, fur, skins, or for the production of income and/or,
3 animals requiring a permit or license from the State Fish and Wildlife Conservation Commission or the US Fish and
4 Wildlife Service shall be regulated by Special Use Permit. Large reptiles are included in this category. Where nine or
5 more animals are being kept as household pets, and do not meet the above listed requirements or the below listed
6 exclusions, they shall be treated as specialty animals and regulated by Special Use Permit. Specialty animals shall
7 not include livestock, dogs, cats or homing/racing pigeons meeting the requirements of Article 4.

8 **SPECIFIC CAPACITY.** The ratio of well discharge to the drawdown produced, measured inside the well
9 (gpm/ft of drawdown).

10 **SPECIFIED ANATOMICAL AREAS.** As it relates to the adult entertainment business:

11 A. Less than completely and opaquely covered:

12 (1) Human genitals;

13 (2) Pubic region;

14 (3) Buttock; or

15 (4) Female breast below a point immediately above the top of the areola; or

16 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17 **SPECIFIED SEXUAL ACTIVITIES.** As it relates to the adult entertainment business:

18 A. Human genitals in a state of sexual stimulation or arousal;

19 B. Acts of human masturbation, sexual intercourse or sodomy; and

20 C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

21 **SPRINGS PROTECTION ZONE (SPZ).** An area surrounding designated springs within Marion County
22 establishing design and development criteria intended to maintain and support the continued existence and
23 quality of the designated springs, and divided into Primary and Secondary areas pursuant to Article 5.

24 **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements,
25 provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit
26 issuance. The actual start means the first placement of permanent construction of a building (including a
27 manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of
28 columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
29 Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include
30 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or
31 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory
32 buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial
33 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, whether or not that alteration affects the external dimensions of the building.

35 **STATIC LEVEL.** The stabilized water level in a nonpumped well.

36 **STOCKPILE.** As it relates to the springs protection zone, animal manure, including droppings, urine, and
37 soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in
38 excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation,
39 and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on

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1 pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and
2 this section is not considered stockpiling.

3 **STORAGE COEFFICIENT.** The volume of water that an aquifer releases from or takes into storage per unit
4 surface area of aquifer per unit change in the component of head normal to that surface. In a water table aquifer
5 the storage coefficient is essentially the same as its porosity.

6 **STORM CELLAR.** A place below grade used to accommodate occupants of the structure and emergency
7 supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

8 **STREET.** A public or private travelway used or intended to be used, for passage or travel by vehicles.

9 **STREET FRONTAGE.** The distance along the property line at the right-of-way or easement of the street
10 providing primary access and exposure to the existing or proposed development.

11 **STRUCTURE.** Anything constructed or built which is located on or under land. For flood plain management
12 purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well
13 as a manufactured home.

14 **STUB STREET.** A portion of a street for which an extension has been proposed and approved. May be
15 permitted when development is phased over a period of time, but only if the street in its entirety has been
16 approved in the preliminary plan.

17 **SUBDIVISION.** The division of land into three or more lots, tracts, parcels, tiers, blocks, sites, units or any
18 other division of land; and may include establishment of new streets and alleys, additions, and re-subdivisions or
19 replats; and, when appropriate to the context, relates to the process of subdividing or to the lands or area
20 subdivided.

21 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the
22 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
23 before the damage occurred.

24 **SUBSTANTIAL DEVELOPMENT.** As it relates to vested rights, shall mean that required permits for
25 commencement of construction have been obtained; and permitted clearing and grading has commenced on any
26 significant portion of the development subject to a single final local development order; and the actual
27 construction of water and sewer lines, or streets, or the stormwater management system, on said portion of the
28 development is substantially complete or is progressing in a manner that significantly moves the entire
29 development toward completion.

30 **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure,
31 the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
32 construction" of the improvement. This term includes structures that have incurred "substantial damage"
33 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
34 B, Section 202.]

35 (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code
36 violations identified by the building official and that are the minimum necessary to assure safe living
37 conditions.

38 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued
39 designation as a historic structure.

40 **SWALLET OR SWALLOW HOLE.** A place where water disappears underground in a limestone fissure or
41 opening at or near the surface. A swallow hole generally implies water loss in a closed depression or sinkhole,

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1 whereas a swallet may refer to water loss from a disappearing stream or streambed, even though there may be no
2 depression.

3 **TEST WELL.** Completed well for pumping used to obtain information on capacity, groundwater quality,
4 geologic and hydrologic conditions, and related information.

5 **TOTAL NITROGEN (TN).** As a measurement of wastewater effluent quality, Total Nitrogen is the total content
6 of the nitrogen species of organic nitrogen, ammonia, nitrate and nitrite expressed as elemental nitrogen, N, as
7 determined using approved methods.

8 **TOWER.** A lattice, guyed or monopole structure constructed from grade which supports antennas. The term
9 "tower" shall not include the singular use as a amateur radio operator's equipment, as licensed by the FCC, or
10 antenna support structures and/or towers which are less than 50 feet in height and are used only to support
11 antennas which receive, but do not transmit television signals.

12 **TOWER CLUSTERING.** The location of two or more towers on a parcel of property.

13 **TRANSFER OF RIGHTS PROGRAM (TRP).** A program which awards or grants to a property owner
14 Transferrable Development Credits (TDCs) which may then be transferred or conveyed to a party that may use the
15 TDCs for the development of lands deemed eligible by Marion County.

16 **TRANSFERRABLE DEVELOPMENT CREDIT (TDC).** A residential unit equivalent which may be granted to lands
17 within eligible Sending Areas for subsequent transfer/sale between parties wherein the TDC is used by the
18 receiving party to provide for additional residential development on lands eligible for use in a designated Receiving
19 Area.

20 **TRANSMITTER TOWER.** A structure designed, constructed or used for the sole purpose of broadcasting or
21 retransmitting any form of radio, television, radar, microwave, or other type of electronic wave, or impulse.

22 **TREE.** Any self-supporting woody plant which has at least one main trunk, and is normally grown to an
23 overall height of a minimum of ten feet.

24 **TREE, CRITICAL ROOT ZONE.** The at grade and subterranean area adjacent and surrounding the existing tree's
25 trunk where the tree's roots are located that provide stability and uptake of water and minerals required for the
26 tree's survival. The tree's critical root zone, or 'CRZ',

27 **TREE, PROTECTION ZONE.** The at grade and subterranean area surrounding the trunk of an existing tree or
28 group of trees to be preserved, intended to protect roots and soil to ensure future tree health and stability. The area
29 is defined by the extent of the tree's canopy dripline.

30 **TREE, REGULATED.** Any existing non-invasive non-exotic tree species that is 10" diameter breast height (DBH)
31 or larger, or any tree that was planted in compliance with an approved development order or to mitigate the prior
32 removal of a Regulated Tree. Pine and Palm species are also considered Regulated Trees.

33 **TREE, SPECIMEN.** A Regulated Tree that is 36" DBH or larger; in viable condition as determined from a proper
34 evaluation by a Certified Arborist or Landscape Architect and confirmation by the County Landscape Architect; and
35 offers value due to it's species type, age, historic value, or other outstanding qualities.

36 **TREE REMOVAL.** To physically remove a tree, including the performance of any act by a property owner or
37 his designated agent, on a particular parcel of record which causes the death of a tree, or the effective removal of
38 a tree through damage.

39 **TURFGRASS.** A mat layer of monocotyledonous plants, including but not limited to Bahia, Bermuda,
40 Centipede, Paspalum, St. Augustine, and Zoysia grasses.

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1 **TWO-FAMILY DWELLING.** A structure containing two dwelling units.

2 **UNIT.** That part of a multiple occupancy complex housing one occupant or use.

3 **UNRECORDED SUBDIVISION.** A platted subdivision of lands which has been accepted by the Board of County
4 Commissioners for filing only by the Clerk of the Court in the public records of Marion County. Said plats were
5 prepared and filed prior to August 14, 1970, in the public records of Marion County in record books entitled
6 "Unrecorded Subdivisions."

7 **URBAN AREA.** Lands located within the Urban Growth Boundary (UGB) as designated by the Comprehensive
8 Plan Future Land Use Map Series Map 1 Marion County 2045 Future Land Use Map or those lands located in the
9 Rural Area bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use
10 Element Table 2-1: *Summary of Land Use Designations*.

11 **URBAN GROWTH BOUNDARY (UGB).** The boundary established by Marion County Comprehensive Plan
12 Future Land Use map Series Map 1, Marion County 2035 Future Land Use Map, which identifies the geographic
13 area wherein higher density and intensity development and full urban services are intended to be concentrated.

14 **UTILITY.** The individuals and/or legal entities which own and are responsible for the operation and
15 maintenance of public or private utility services such as potable water, wastewater, phone, cable, electric, etc.

16 **VARIANCE.** As it relates to the zoning requirements of this Code, a grant of relief to a particular property
17 owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application
18 of that zoning provision of the Code. For floodplain management purposes, a grant of relief from the requirements
19 of Article 5, Division 3, or the flood resistant construction requirements of the Florida Building Code, which permits
20 construction in a manner that would not otherwise be permitted by Article 5, Division 3 or the Florida Building
21 Code.

22 **VEHICLE SIGN.** Any sign affixed to a vehicle.

23 **VERTICAL DATUM.** An accepted reference or basis for elevations pre-approved by the Office of the County
24 Engineer.

25 **VESTED RIGHTS.** The authorization to improve and/or develop properties meeting the conditions established
26 in Division 1.7.

27 **VIOLATION.** The failure of a structure or other development to be fully compliant with the requirements of a
28 specific provision of this Code.

29 **WAIVER.** A grant of relief from compliance with a specific provision of this Code, not zoning related, granted
30 to a particular property owner because of financial hardship or alternate design concept.

31 **WASTEWATER.** Any substance that contains any of the waste products, excrement, or other discharge from
32 the bodies of human beings or animals as well as such other wastes as normally emanate from dwelling houses.

33 **WASTEWATER SERVICE LATERAL.** Those service laterals or force mains from the customer's property line to
34 the wastewater main and all appurtenances.

35 **WASTEWATER SYSTEM.** A centralized or decentralized system for the collection and treatment of domestic
36 wastewater and disposal of reclaimed effluent. A wastewater system includes without limitation the collection
37 lines, wastewater treatment facility, pumping stations, intercepting sewers, force mains, and all necessary
38 appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such
39 system and deemed necessary or convenient for the operation thereof.

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1 **WASTEWATER TREATMENT FACILITY (WWTF).** The facility at which the raw wastewater is collected and
2 treated.

3 **WATER BOUNDARY SETBACK LINE (WBSL).** Unless previously established by Board action, the Water
4 Boundary Setback Line is the normal or average reach of a water body during the high water season. However, on
5 low, flat-banked water bodies where there is no well-defined mark, the boundary is located at the point up to
6 which the presence and action of the water is so continuous that the cultivation of ordinary agricultural crops is
7 prevented.

8 **WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through, or over which
9 water flows at least periodically.

10 **WATER DETENTION AREA (WDA).** A manmade or natural facility which collects surface or subsurface water
11 and which impedes its flow and releases the same gradually at a rate not greater than that prior to the
12 development of the property, into natural or manmade outlets.

13 **WATER FRONTAGE OR WATER FRONT.** That side of a lot, parcel or tract abutting on a water body and which
14 may be considered as the front for setback requirements.

15 **WATER METER.** That device, with all appurtenances, which registers water flow to a customer.

16 **WATER RETENTION AREA (WRA).** A manmade or natural facility which collects and retains surface water and
17 allows gradual ground infiltration.

18 **WATER SERVICE CONNECTION.** The point of connection to the public potable water system (metered or non-
19 metered) where the Utility loses jurisdiction and sanitary control over the potable water delivered to that point.
20 Included within this definition are connections for fire hydrants and other temporary or emergency water service.
21 For metered connections, the point of connection is the downstream end of the water meter.

22 **WATER SERVICE LATERAL.** The pipe from the water main to the point of connection.

23 **WATER SURFACE ELEVATION.** The height, in relation to an accepted vertical datum, of floods of various
24 magnitudes and frequencies in the flood plains of coastal or riverine areas.

25 **WATER SYSTEM.** A water supply distribution system consisting of all water mains, valves, service laterals, fire
26 hydrants, meter boxes, etc. used to deliver water from the WTP to the consumer.

27 **WATER TREATMENT PLANT (WTP).** Includes all wells, pumps, tanks, valves, piping, treatment and
28 disinfection facilities required to withdraw, treat, and disinfect water suitable for public consumption.

29 **WETLANDS.** Those land areas featuring unique environmental and/or hydrogeologic characteristics which
30 qualifies as wetlands pursuant to § 373.019(25) FS and § 62-340.200 FAC as determined and delineated by the
31 appropriate jurisdictional agency

32 **WETTEST SEASON.** As defined in § 64E-6.002 FAC, that period of time each year in which the ground water
33 table elevation can normally be expected to be at its highest elevation.

34 **WILDLAND URBAN INTERFACE/INTERMIX ZONES:** Locations which the Marion County Fire Rescue (MCFR)
35 determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may
36 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
37 severity analysis shall be provided for review and approval by MCFR.

38 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A, § 2), 4-11-2017; Ord. No. 17-11, § 4, 5-16-2017; Ord.
39 No. 17-25, § 1(Exh. A), 10-3-2017; Ord. No. 2017-30, § 1(Exh. A, § 2), 11-7-2017; Ord. No. 18-14, § 1(Exh. A, § 2), 5-

- LAND DEVELOPMENT CODE
Article 1 - ADMINISTRATION
DIVISION 2. DEFINITIONS

1 21-2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023; Ord. No. 23-38, § 1(Att. 1), 12-19-2023; Ord. No. 25-11, § 1(Att. 1),
2 4-8-2025)

3



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-21205

Agenda Date: 11/5/2025

Agenda No.: 2.2.

SUBJECT:

Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 6, Division 7 Tree Protection and Replacement

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Article 6, Division 7 Tree Protection and Replacement - Amendments related to Tree Protection and Tree Replacement.

DIVISION 7. TREE PROTECTION AND REPLACEMENT

1 **Sec. 6.7.1. Purpose and intent.**

2 A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees
3 ~~in~~ on public and private property, excluding existing residential properties. Tree protection and replacement
4 shall work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of
5 Marion County, complementing the natural and built environments, while providing shade and habitat
6 through:

- 7 (1) Preservation of existing trees and native plant ~~communities~~communities.
- 8 (2) Replacement of trees that are ~~removed~~removed.
- 9 (3) Maintenance of trees ~~and~~;
- 10 (4) Prevention of tree abuse; and
- 11 (5) Enforcement.

12 ~~(Ord. No. 13-20, § 2, 7-11-2013)~~

13 B. The preservation of trees, along with the planting of new trees as required in Division 8, shall be considered
14 as a priority in the development of improvement plans. The process of site design, from the Master Plan level,
15 through specific design details, shall take the protection of existing trees and the mature sizes of proposed
16 trees into consideration.

17 **Sec. 6.7.2. Exceptions.**

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

- 20 A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape
21 nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the
22 like, on lands with an agricultural zoning classification.
- 23 B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than
24 agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461
25 FS. ~~Lands with an urban land use designation may not use this exemption.~~
- 26 C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal
27 without a permit, no applications for any land use or zoning changes from rural to urban designations ;
28 ~~or development plans~~, shall be ~~made~~accepted within ~~one year~~five two years of the tree removal date
29 unless:
 - 30 (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based
31 on the pre-clearing density of existing trees, or
 - 32 (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of
33 planting 100 inches DBH of native trees per acre, or lower, based on the pre-clearing density of
34 existing trees.

- 1 D. The removal of trees which have a DBH of less than 10 inches, except those trees which have been
2 designated replacement and conservation trees pursuant to Section 6.7.9.G.
- 3 E. The removal of trees on an individual parcel of record used or to be used for single-family ~~dwelling~~s or
4 duplex dwelling units.
- 5 F. The removal of trees associated with ~~the County's~~ construction, rehabilitation, or routine maintenance
6 of roads, utilities, and drainage systems within public rights-of-way or easements, by the County or
7 agencies having local jurisdiction.
- 8 G. The removal of trees associated with the rehabilitation or routine maintenance of roads and drainage
9 systems within private rights-of-way or easements.
- 10 H. Tree removal or trimming for the construction of firebreaks, and firelines, by the County or agencies
11 having local jurisdiction and surveying associated with this construction.
- 12 I. The removal of trees which pose an immediate and direct threat to persons or property, and the removal
13 of trees that are dead or dying due to natural causes ~~as determined by a Landscape Architect or a~~
14 Certified Arborist.
- 15 ~~J.~~ The removal of trees on residential property that pose an unacceptable risk to persons or property as
16 per Florida Statute 163.045 "Tree pruning, trimming, or removal on residential property."
- 17 K. Transplanting of any size tree.
- 18 L. ~~Removal of K.~~ ~~Removal of~~ trees required by a development plan which has been fully approved by the
19 County.
- 20 M. ~~Removal of L.~~ ~~Removal of~~ exotic ~~tree~~ or nuisance tree or plant species as listed by the UF/IFAS
21 Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.
- 22 (Ord. No. 13-20, § 2, 7-11-2013)

23 **Sec. 6.7.3. Tree ~~protection~~Protection, General.**

- 24 A. Design for the protection of trees.
- 25 (1) Every reasonable effort should be made to minimize tree removal. ~~Tree~~Site development shall consider
26 tree preservation shall be an integral part of by balancing the requirements of site planning or
27 subdivision and utility design process. Tree preservation shall be conceived with preserving existing trees
28 in a total pattern throughout an integrated manner across the site, integrating the various elements of
29 site design, preserving and enhancing the particular identity of the site.
- 30 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be
31 considered during early in the site design process and implemented to preserveprovide required buffers
32 while preserving habitat ~~while~~and lowering the cost of development.
- 33 (3) In all cases, a post-development ratio of shade trees to the area of the site must be provided as required
34 in Section 6.7.4.
- 35 (4) All regulated trees ~~with a DBH of 10 inches or larger~~ shall be considered ~~protected trees unless listed by~~
36 ~~the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as~~
37 ~~updated.~~ Protected Trees.
- 38 (5) ~~A proper~~After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect
39 shall be made to determine if existing ~~protected trees~~Regulated Trees, or groups of ~~trees~~existing
40 Regulated Trees, are goodsuitable candidates for preservation before final site plans are developed. If

1 the site proposes preserving existing trees, or if the site contains Specimen Trees, this evaluation shall
2 be submitted with the development application. The evaluation shall be used to guide decisions about
3 tree preservation, tree protection, and tree removal and shall include:

4 (a) ~~Determination~~Identification of species of tree(s); proposed for preservation;

5 (b) ~~Assessment of the health of the tree(s);~~

6 ~~(c) — Determination~~Evaluation of the condition of the tree(s) to be preserved based on the species,
7 health, age, observations of external or external signs of disease or impacts, and age and whether
8 the tree(s) will provide a lasting value to the finished project (trees with fast growth habits and
9 have a shorter life span may not be desirable); possible longevity based on species type, site
10 conditions, or location.

11 ~~(d)~~ Assessment of the size (DBH and canopy) of the tree(s); to be preserved;

12 ~~(e) — Assessment of the rarity, uniqueness, and character of the tree(s);~~

13 ~~(f) — Assessment of the historic value, status as a specimen tree, or other outstanding quality;~~

14 ~~(g) — An general overview of the site and whether the tree(s) will provide a lasting and positive~~
15 ~~contribution to the site and general surroundings, and~~

16 ~~(h) — Determination if any minor alternations to the site topography will impact the long-term viability~~
17 ~~of preserving existing trees.~~

18 (d) Identification of Specimen Trees. Any Specimen Tree proposed for removal for any reason requires
19 field verification and approval by the County Landscape Architect.

20 (e) Illustration of TPZ and CRZ areas for trees to be preserved.

21 B. Tree protection zones are as follows: measures shall be denoted on tree removal permit or site development
22 review plans by illustrating and dimensioning the following:

23 (1) Extents of the Tree Protection Zone (TPZ) is a defined area surrounding the trunk of a tree (or group of
24 trees) to be preserved, intended to protect roots and soil to ensure future tree health and stability.

25 ~~(a) — All tree measurements for tree protection and preservation shall be made at 4.5 feet above grade to~~
26 ~~establish the correct diameter at breast height (DBH).~~

27 ~~(b) — The TPZ shall be located at the dripline of the tree (or group of trees) to be preserved.~~ for trees proposed
28 for preservation. For tree protection requirements, the dripline TPZ shall be indicated on a plan the
29 grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape
30 Plan as required in Section 6.7.6.E and determined by either of the following methods:

31 1. Field location by either a Surveyor and Mapper, a Landscape Architect, or a Certified Arborist,
32 or

33 ~~(2. — Utilizing a "desktop canopy" rule generally understood as using one foot for every inch)~~
34 Extents of DBH. For example, a 30 inch diameter tree would have a 30 foot radius
35 dripline.

36 ~~(2) — The~~ the Tree Critical Root Zone (CRZ) is the area of soil around a tree trunk where roots are located that
37 provide stability and uptake of water and minerals required for tree survival. For trees proposed for
38 preservation.

39 (a) No excavation, filling, trenching construction, or other intense otherwise disruption of the root zone
40 is allowed within the CRZ.

(b) The CRZ is established ~~on a tree-by-tree basis through~~ definition, or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.

~~(c) Damage to roots in this area may result in penalties or fines.~~

~~(3) The County's Landscape Architect or his designee may reduce the limits of the TPZ to allow authorized construction to occur.~~

~~(4)~~(3) No reduction of the TPZ or removal of barricades may occur without prior written authorization from the County's Landscape Architect.

~~(5)~~(4) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is completed.

~~(6) The TPZ shall not be reduced to any point within the CRZ.~~

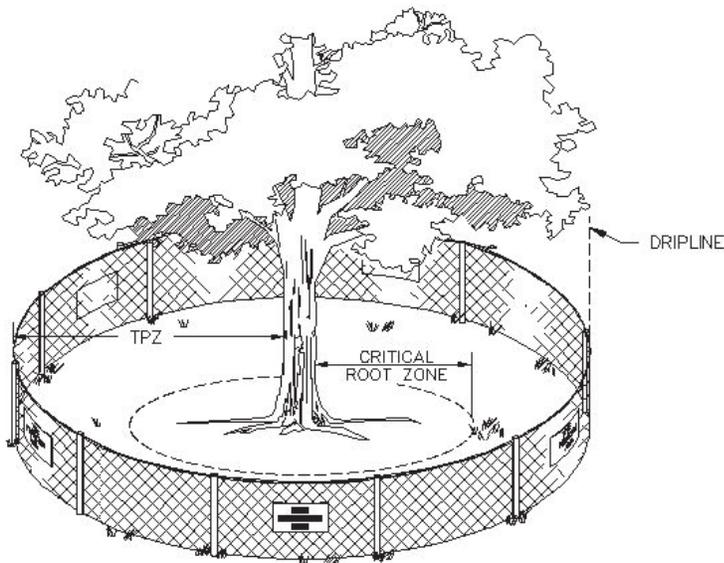


Figure 6.7-1 Tree Protection Zones

C. Tree protection barricades shall be:

- (1) No less than four feet in height.
- (2) Constructed of rigid material capable of surviving for the duration of the construction.
- (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs shall include the words "Tree Protection Zone."

D. Pre-construction tree protection.

- (1) The owner shall be responsible for ~~insuring~~ensuring that all possible measures are taken to avoid damage to trees not approved for removal.
- (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around all trees, or groups of trees, within the construction area which are to be preserved.

1 (3) The County Landscape Architect shall be notified notified, and a pre-clearing/grubbing/grading on-site
2 review of all required tree protection barricades will be conducted.

3 E. Tree protection shall continue ~~during the course of~~ throughout construction. The following requirements shall
4 be conditions of tree removal permits, all permits for private construction in public rights-of-way, and all
5 development permits issued under and pursuant to this Code:

6 (1) ~~The~~ No cleaning of construction equipment or material or the disposal of waste materials including but
7 not limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of
8 any tree which is being protected ~~is not allowed.~~

9 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any
10 tree which is being protected is not allowed.

11 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis ~~during the course~~
12 ~~of~~ throughout construction. Any barricade or sign which has been damaged or is missing shall be replaced
13 immediately.

14 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during
15 construction, with the exception of natural events, so as to place its long term survival in question, the
16 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed
17 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)
18 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a
19 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the
20 County's Landscape Architect.

21 (Ord. No. 13-20, § 2, 7-11-2013)

22 **Sec. 6.7.4. Shade ~~trees.~~ Trees, Minimum Requirements**

23 ~~Shade trees are required for all developments excluding residential developments.~~

24 A. The post-development ratio of shade trees to the area of the site shall be a minimum of one shade tree
25 per 3,000 square feet. ~~for all developments excluding single-family or duplex residential developments~~

26 B. Shade trees may include:

27 (1) Specimen Trees and/or;

28 (2) Protected and preserved trees which have with a favorable assessment, and/or;

29 (2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas,
30 and/or;

31 (3) Trees as required as tree mitigation replacement trees.

32 C. ~~When mature~~ Priority shall be given to preserve Specimen Trees and those existing trees with a full
33 canopy of 30-foot radius or larger, with a favorable ~~that are the highest rated per the tree assessment,~~

34
35
36 D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are
37 preserved on the project site, a credit of two shade ~~by the development.~~ Preserved trees ~~may be used~~
38 ~~towards the overall shade tree requirement.~~ for Shade Tree credits shall be subject to the approval of
39 the County Landscape Architect. Tree credits shall be given for preserved Regulated Trees as follows:

40 ~~D. — Required shade trees shall meet the minimum size requirements in Section 6.8.10.C.~~

<u>Preserved Regulated Tree (DBH)</u>	<u>Number of Shade Trees Credited</u>
<u>10" – 19"</u>	<u>One</u>
<u>20" – 29"</u>	<u>Two</u>
<u>30" – 35"</u>	<u>Three</u>
<u>Specimen Trees</u>	<u>Five</u>

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

- A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- B. A tree removal permit shall be required for the removal of any ~~tree with a DBH of 10 inches or larger,~~ Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or ~~his~~their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.
- C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:
 - 1. Contact the County's Landscape Architect and ~~providing~~provide a map of where all vegetation management practices and tree trimming or removal will be performed.
 - 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
 - 3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" ~~as to where recovery~~the extent that the appearance and/or the long-term long-term viability of the ~~tree~~tree or palms is unlikely.
 - 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and remove grinding refuse.
 - 5. Stabilize all disturbed areas in an acceptable manner
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Sec. 6.7.6. Submittal requirements.

The following requirements shall apply to the application for stand alone tree removal permits and site development review plans and are in addition to the Minimum Plan Requirements:

-
- 1 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and
 2 Preservation Plan." For development sites with lower density of trees, such information may be indicated
 3 on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all ~~trees, with a~~
 4 ~~DBH of 10 inches and larger,~~ Regulated Trees to be removed and trees to be preserved. Preserved trees
 5 and replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of
 6 the site.
- 7 B. Tree calculations shall include:
- 8 (1) The total numbers of existing ~~trees~~ Regulated Trees within the site and the respective DBH of each
 9 tree; and
- 10 (2) The pre-development ratio of ~~native tree~~ Regulated Tree inches-per-acre; and
- 11 (3) The total DBH inches of ~~native trees~~ Regulated Trees to be removed; and
- 12 (4) The total DBH inches of ~~native trees~~ Regulated Trees to be preserved; and
- 13 (5) The native status of trees to be preserved.
- 14 C. A tree protection detail which graphically indicates the requirements of tree protection as required by
 15 this division.
- 16 D. ~~List~~ Listing general prohibitions ~~on the plan~~ as stated in Section 6.7.3.E.
- 17 E. Indication of all TPZs on the site plan, grading plan and on ~~which ever~~ whichever plan is used to
 18 demonstrate tree preservation and replacement.
- 19 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall
 20 be established by the Board, by resolution. Tree removal permit application fees for projects associated
 21 with any development (excluding stand alone permits) shall be included in the overall plan review and
 22 application fees available at the Office of the County Engineer.

23 (Ord. No. 13-20, § 2, 7-11-2013)

24 **Sec. 6.7.7. Review and approval procedures.**

- 25 A. During review of tree preservation submittals, the County's Landscape Architect or his designee may
 26 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require
 27 changes include, but are not limited to, the following:
- 28 (1) ~~Preserving~~ Required preservation of any ~~tree due to their age, size, rarity, uniqueness, historic value,~~
 29 ~~status as a specimen tree, or other outstanding quality.~~ Specimen Trees
- 30 (2) Proposed grading or clearing activities ~~do not follow the requirements of this division.~~ Within the TPZ
 31 and/or
- 32 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- 33 B. The applicant will be ~~asked~~ required to revise and update the tree preservation information according to review
 34 comments.
- 35 ~~C. After approval, the County's Landscape Architect or his designee shall issue a tree removal permit if such tree~~
 36 ~~removal is in accordance with all provisions of this Code. The approved development plans shall serve as the~~
 37 ~~Tree Removal Permit.~~

38 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.7.8. Protected tree replacement requirements.**

2 ~~All trees not permitted~~ Regulated Trees that are proposed for removal ~~must be protected and maintained. For those~~
3 ~~protected trees permitted for removal, trees~~ shall be replaced in accordance with the minimum standards set forth
4 below.

5 A. ~~A.~~ Replacement is not required where the property owner retains existing trees on the site which
6 total an average of 100 inches DBH per acre. ~~If replacement is necessary, a minimum of 100 inches DBH~~
7 per acre on the average shall be achieved.

8 B. If the pre-development number of inches is less than 100 DBH per acre on ~~the average~~ average, the
9 property owner shall replace trees to equal the pre-development number of DBH inches.

10 C. ~~Replacement~~ Removal of trees ~~Regulated Trees~~ less than ~~30~~ 36 inches DBH and permitted for removal
11 ~~shall be as described below~~ is permissible if the following replacement requirements are met:

12 (1) Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one-inch
13 replacement per two inches removed ~~and the minimum replacement tree size is 3.5-inch caliper.~~

14 (2) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with a ratio of 1.5 inches
15 replacement per two inches removed ~~and the minimum replacement tree size is 3.5-inch caliper.~~

16 ~~D.~~ Replacement of (3) Existing trees measuring 30 inches DBH or to 35 inches DBH shall be
17 replaced with a ratio of 2 inches replacement per 2 inches removed.

18 (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the
19 County Landscape Architect.

20 D. If the pre-development number of inches of Regulated Trees is greater and than 100 DBH per acre, the
21 property owner shall replace trees equal to 100 DBH per acre

22 E. Removal of Specimen Trees may only be permitted for removal shall be following review and approval
23 by the County's Landscape Architect and as described below:

24 (1) ~~All trees which receive a favorable assessment may be approved for removal by the County's Landscape~~
25 ~~Architect or his designee under~~ per the following circumstances:

26 (a) ~~The tree~~ (a) The Specimen Tree does not have a favorable assessment per an arborist's
27 assessment and confirmed during a pre-development on site review meeting with the County
28 Landscape Architect; and/or

29 (b) The Specimen Tree materially interferes with the proposed location, service or function of
30 the ~~utility lines or services, or rights of way, and~~

31 (b) ~~The tree~~ project site plan and the Specimen Tree cannot be preserved through ~~re-design~~ a redesign
32 of the ~~site~~ infrastructure.

33 (2) ~~All trees which receive a favorable assessment~~ (c) If the County Landscape Architect approves
34 removal, then Specimen Trees shall be replaced at a ratio of 3.0 inches replacement for 1 inch ~~for~~
35 inch removed and the minimum replacement tree size is 4.0-inch caliper.

36 F. Existing trees that have experienced tree abuse as part of landscape maintenance or site development
37 activities that cause critical impact as determined by the County Landscape Architect will require
38 mitigation. Tree abuse may include:

39 (a) Hatracking a tree; or

40 (b) Destroying the natural habit of tree growth; or

-
- 1 (c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
2 (d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of
3 the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;
4 or
5 (e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically
6 permitted by standards set by the ANSI, as updated; or
7 (f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or
8 (g) Pruning of live palm fronds which initiate above the horizontal plane; or
9 (h) Overlifting a tree; or
10 (i) Shaping a tree~~(3) All trees which receive;~~ or
11 (j) Removing more than 25% of the tree's canopy.
12 G. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
13 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by
14 the County Landscape Architect.
15 H. Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment
16 at the predesign on site review shall be replaced with a ratio of 1.5 inches replacement per two inches
17 removed and the minimum replacement tree size is 3.5-inch caliper.
18 E.I. If replanting replacement trees on site is not practicable per best landscape design practices, then a fee
19 in lieu of planting may be provided as per Section 6.7.10.
20 J. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
21 Federal authority, shall not be required to replace the DBH of trees removed are exempt from protected
22 tree removal requirements if such authority demonstrates that such trees conflict with proposed utilities,
23 drainage, or roadway construction.

24 (Ord. No. 13-20, § 2, 7-11-2013)

25 **Sec. 6.7.9. Replacement trees.**

- 26 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
27 shade trees, buffer trees, and any other required landscaping.
- 28 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
29 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
30 as amended.
- 31 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 32 D. Replacement trees shall be Florida native species compatible to the site.
- 33 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
34 trunk height of 10-foot minimum. The use of palms shall ~~work~~ comply with the required palm ratio as required
35 in Section 6.8.10.C.
- 36 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required
37 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space
38 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound
39 horticultural and design principles, then the replacement trees may be located on public property at the
40 County's discretion ~~and as determined at the time of the permit or site development review.~~ The public

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1 property location shall be specifically designated by the ~~County~~County, and such replacement trees shall be
2 donated to the County. The County will be responsible for planting and maintenance of donated trees on public
3 property.

4 ~~G.~~ G. The preservation of existing Regulated Trees will count towards satisfying the required Replacement Tree
5 amount at the following ratios:

6 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement
7 tree criteria at a ratio of one inch of replacement value per one-inch preserved.

8 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement
9 tree criteria at a ratio of three inches of replacement per one inch preserved.

10 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement
11 tree criteria at a ratio of four inches of replacement per one inch preserved.

12 (3) Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight inches
13 of replacement per one inch preserved.

14 H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by
15 designating existing trees on site which are native tree species and less than 10 inches DBH as conservation
16 trees, provided that the property owner takes steps to designate and protect such conservation trees. If the
17 owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those
18 trees or groups of trees requested as conservation trees shall be included in the tree survey.

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

24 (Ord. No. 13-20, § 2, 7-11-2013)

25 **Sec. 6.7.10. Tree mitigation fund.**

26 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of
27 accepting and disbursing the contributions made to the Board as part of the tree replacement monies
28 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion
29 County and to enhance the Marion County Parks system.

30 B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the
31 County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees
32 ~~and for no other landscape or tree planting requirement as stated in this Code.~~

33 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree
34 Mitigation Fund at ~~a per tree cost. The amount of such fee shall be determined on a case by case basis through~~
35 ~~the public solicitation for bids and the amount shall be based on:~~ the tree replacement fee as listed in the
36 County's annual fee list.

37 ~~(1) The wholesale cost of material~~

38 ~~(2) Cost of labor for installation~~

39 ~~(3) Cost of maintenance for two years~~

40 D. Payment into the Tree Mitigation Fund shall be ~~recommended~~approved by the County's Landscape Architect
41 and approved by the Board prior to issuance of the tree removal permit or development approval.

~~E. Tree mitigation funds shall be used by the County for the installation, establishment, and maintenance of trees on public property within Marion County.~~

E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.11. Tree maintenance and management.

~~A. Unless otherwise permitted by this division, no person shall cause or authorize:~~

~~(1) The removal of any protected tree without first obtaining a tree removal permit as required by this Code.~~

~~(2) Tree abuse which includes:~~

~~(a) Hatracking a tree; or~~

~~(b) Destroying the natural habit of tree growth; or~~

~~(c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or~~

~~(d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;~~
~~or~~

~~(e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or~~

~~(f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or~~

~~(g) Pruning of live palm fronds which initiate above the horizontal plane; or~~

~~(h) Overlifting a tree; or~~

~~(i) Shaping a tree.~~

~~(3) Any encroachments, excavations, or change the natural grade within the Tree Protection Zone (TPZ), as defined herein, of a tree unless it can be demonstrated to the County's Landscape Architect prior to commencement of said activity, that the activity will not negatively impact any tree.~~

~~(4) Land clearing or the operation of heavy equipment in the vicinity of a protected tree without placing and maintaining a protective barrier around the TPZ.~~

~~(5) The storage or use of materials or equipment within the TPZ of any protected tree, or attachments, other than those of a protective and non-damaging nature, to any tree.~~

~~(6) Land clearing, including the removal of understory, without first obtaining authorization as herein provided.~~

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

(1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.

(2) All replacement trees shall be maintained in a living, healthy condition ~~for a period of two years following final inspection and approval~~, or else be replaced, by the owner, successor, or assignee. ~~No replacement~~

1 ~~shall be required beyond such two-year period. After the two-year period, the owner of record shall be~~
2 ~~responsible for maintaining the replacement trees in a healthy condition.~~

3 (3) The permittee or the property owner shall record in the public records of Marion County, appropriate
4 notice to subsequent owners of the maintenance period or replacement requirement for replacement
5 trees with reference to the development plans on file with the County identifying such trees. A copy of
6 such recorded notice shall be supplied to the ~~Planning/Zoning Manager or his designee~~County prior to
7 the issuance of a Certificate of Occupancy.

8 (4) For ~~residential and mixed-use~~ developments where tree preservation and replacement requirements are
9 ~~approved with any application~~ may be fulfilled by future or subsequent developers or builders, the
10 developer shall require future property owners of lots where protected trees have been preserved to
11 continue to protect and preserve such trees. Such requirements shall run with the parcel until
12 ~~removal~~replacement of the tree(s) is required due to age, declining health, or for the protection of public
13 safety.

14 (Ord. No. 13-20, § 2, 7-11-2013)

15 **Sec. 6.7.12. Tree inspections.**

16 The following tree preservation and/or replacement inspections shall be required to ensure compliance with this
17 division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of
18 Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit
19 until all of the following inspections have been completed and approval is granted:

20 A. A ~~preliminary~~preconstruction inspection shall be conducted by the County's Landscape Architect or his
21 designee prior to any demolition or site construction in order to confirm that the permittee has marked
22 trees permitted to be removed and has installed tree protection barricades around trees, or groups of
23 trees, to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this
24 inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected.
25 Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or his
26 designee on the permit and shall constitute notice to proceed with tree removal.

27 B. A final inspection shall be conducted by the County's Landscape Architect or his designee after
28 completion of tree removal and replacement in accordance with the approved plans. It is the Owner's
29 responsibility to notify the County Landscape Architect of completion of tree removal activities.
30 Approval, after final inspection, shall be noted by the County's Landscape Architect or his designee on
31 the permit and shall constitute notice of commencement of the required maintenance period of
32 replacement trees if replacement is required.

33 (Ord. No. 13-20, § 2, 7-11-2013)

34 **Sec. 6.7.13. Violation and enforcement.**

35 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with
36 any condition of any tree removal permit issued, or to violate any provision of this division. When such violations
37 occur, the following sanctions apply:

38 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or his designee
39 may issue a stop work order for the ~~affected project area of such unauthorized tree removal~~project
40 and all related site work will cease until a restoration plan is prepared by the owner, developer,
41 contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or his
42 designee.

-
- 1 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be
2 cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- 3 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved
4 restoration plan have been installed and all site grades restored.
- 5 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the
6 property and the site grade restored even if project termination occurs before completion of the
7 project. Failure to complete the approved restoration plan is a violation of this Code and the owner,
8 developer, contractor, or agent will be cited by the County's Landscape Architect or his designee and
9 referred to the Code Enforcement Board.
- 10 E. In addition to all other remedies provided herein, the ~~Landscape Architect~~County may seek injunctive
11 relief or the imposition of fines and penalties for any violation of this division.
- 12 (Ord. No. 13-20, § 2, 7-11-2013)

DIVISION 7. TREE PROTECTION AND REPLACEMENT

1 **Sec. 6.7.1. Purpose and intent.**

- 2 A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees on
3 public and private property, excluding existing residential properties. Tree protection and replacement shall
4 work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of Marion
5 County, complementing the natural and built environments, while providing shade and habitat through:
- 6 (1) Preservation of existing trees and native plant communities.
7 (2) Replacement of trees that are removed.
8 (3) Maintenance of trees;
9 (4) Prevention of tree abuse; and
10 (5) Enforcement.
- 11 B. The preservation of trees, along with the planting of new trees as required in Division 8, shall be considered
12 as a priority in the development of improvement plans. The process of site design, from the Master Plan level,
13 through specific design details, shall take the protection of existing trees and the mature sizes of proposed
14 trees into consideration.

15 **Sec. 6.7.2. Exceptions.**

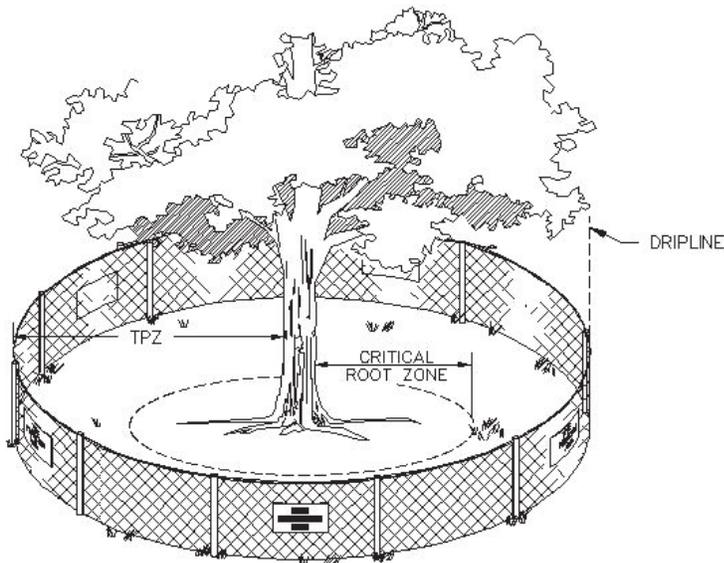
- 16 The preservation and replacement of trees and protected plant species shall apply to all development with the
17 following exceptions:
- 18 A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape
19 nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the
20 like, on lands with an agricultural zoning classification.
- 21 B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than
22 agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461
23 FS.
- 24 C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal
25 without a permit, no applications for any land use or zoning changes from rural to urban designations
26 shall be accepted within two years of the tree removal date unless:
- 27 (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based
28 on the pre-clearing density of existing trees, or
- 29 (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of
30 planting 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of
31 existing trees.
- 32 D. The removal of trees which have a DBH of less than 10 inches, except those trees which have been
33 designated replacement and conservation trees pursuant to Section 6.7.9.G.

-
- 1 E. The removal of trees on an individual parcel of record used or to be used for single-family or duplex
2 dwelling units.
 - 3 F. The removal of trees associated with construction, rehabilitation, or routine maintenance of roads,
4 utilities, and drainage systems within public rights-of-way or easements, by the County or agencies
5 having local jurisdiction.
 - 6 G. The removal of trees associated with the rehabilitation or routine maintenance of roads and drainage
7 systems within private rights-of-way or easements.
 - 8 H. Tree removal or trimming for the construction of firebreaks and firelines by the County or agencies
9 having local jurisdiction and surveying associated with this construction.
 - 10 I. The removal of trees which pose an immediate and direct threat to persons or property, and the removal
11 of trees that are dead or dying due to natural causes as determined by a Landscape Architect or a
12 Certified Arborist.
 - 13 J. The removal of trees on residential property that pose an unacceptable risk to persons or property as
14 per Florida Statute 163.045 "Tree pruning, trimming, or removal on residential property."
 - 15 K. Transplanting of any size tree.
 - 16 L. Removal of trees required by a development plan which has been fully approved by the County.
 - 17 M. Removal of exotic or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native
18 Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.
- 19 (Ord. No. 13-20, § 2, 7-11-2013)

20 **Sec. 6.7.3. Tree Protection, General.**

- 21 A. Design for the protection of trees.
 - 22 (1) Every reasonable effort should be made to minimize tree removal. Site development shall consider tree
23 preservation by balancing the requirements of site and utility design with preserving existing trees in an
24 integrated manner across the site.
 - 25 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be
26 considered early in the site design process and implemented to provide required buffers while preserving
27 habitat and lowering the cost of development.
 - 28 (3) In all cases, a post-development ratio of shade trees to the area of the site must be provided as required
29 in Section 6.7.4.
 - 30 (4) All regulated trees shall be considered Protected Trees.
 - 31 (5) After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect shall be
32 made to determine if existing Regulated Trees, or groups of existing Regulated Trees, are suitable
33 candidates for preservation before final site plans are developed. If the site proposes preserving existing
34 trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the development
35 application. The evaluation shall be used to guide decisions about tree preservation, tree protection, and
36 tree removal and shall include:
 - 37 (a) Identification of species of tree(s) proposed for preservation;
 - 38 (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations
39 of external or external signs of disease or impacts, and possible longevity based on species type,
40 site conditions, or location.

- 1 (c) Assessment of the size (DBH and canopy) of the tree(s) to be preserved;
- 2 (d) Identification of Specimen Trees.
- 3 (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- 4 B. Tree protection measures shall be denoted on tree removal permit or site development review plans by
- 5 illustrating and dimensioning the following:
 - 6 (1) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection
 - 7 requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree
 - 8 Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
 - 9 (2) Extents of the Tree Critical Root Zone (CRZ) For trees proposed for preservation.
 - 10 (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ.
 - 11 (b) The CRZ is established by definition, or based on an on-site review and assessment by either a
 - 12 Landscape Architect or a Certified Arborist prior to construction.
 - 13 (3) No reduction of the TPZ or removal of barricades may occur without prior written authorization from
 - 14 the County's Landscape Architect.
 - 15 (4) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for
 - 16 minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect
 - 17 prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is
 - 18 completed.



19
20 **Figure 6.7-1 Tree Protection Zones**
21

- 22 C. Tree protection barricades shall be:
 - 23 (1) No less than four feet in height.
 - 24 (2) Constructed of rigid material capable of surviving for the duration of the construction.

1 (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single
2 protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs
3 shall include the words "Tree Protection Zone."

4 D. Pre-construction tree protection.

5 (1) The owner shall be responsible for ensuring that all possible measures are taken to avoid damage to
6 trees not approved for removal.

7 (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around
8 all trees, or groups of trees, within the construction area which are to be preserved.

9 (3) The County Landscape Architect shall be notified, and a pre-clearing/grubbing/grading on-site review of
10 all required tree protection barricades will be conducted.

11 E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree
12 removal permits, all permits for private construction in public rights-of-way, and all development permits
13 issued under and pursuant to this Code:

14 (1) No cleaning of construction equipment or material or the disposal of waste materials including but not
15 limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any
16 tree which is being protected.

17 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any
18 tree which is being protected is not allowed.

19 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout
20 construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.

21 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during
22 construction, with the exception of natural events, so as to place its long term survival in question, the
23 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed
24 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)
25 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a
26 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the
27 County's Landscape Architect.

28 (Ord. No. 13-20, § 2, 7-11-2013)

29 **Sec. 6.7.4. Shade Trees, Minimum Requirements**

30 A. The post-development ratio of shade trees to the area of the site shall be a minimum of one shade tree
31 per 3,000 square feet for all developments excluding single-family or duplex residential developments

32 B. Shade trees may include:

33 (1) Specimen Trees and/or;

34 (2) Protected and preserved trees with a favorable assessment and/or;

35 (2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas,
36 and/or;

37 (3) Trees as required as tree mitigation replacement trees.

38 C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per
39 the tree assessment.

40

- 1
- 2 D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are
- 3 preserved by the development. Preserved trees used for Shade Tree credits shall be subject to the
- 4 approval of the County Landscape Architect. Tree credits shall be given for preserved Regulated Trees
- 5 as follows:

Preserved Regulated Tree (DBH)	Number of Shade Trees Credited
10" – 19"	One
20" – 29"	Two
30" – 35"	Three
Specimen Trees	Five

7 .

8 (Ord. No. 13-20, § 2, 7-11-2013)

9 **Sec. 6.7.5. Tree trimming and tree removal permit.**

- 10 A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For
- 11 all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- 12 B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as
- 13 outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or
- 14 their designee prior to any site clearing, grading, or for any construction which requires a permit from the
- 15 Marion County Building Department. The failure to obtain any such permit when required shall be a violation
- 16 of this Code, subject to penalties provided herein.
- 17 C. A tree removal permit shall be obtained by any public or private utility or communications company
- 18 undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the
- 19 public right of way, related to the utilities operations and not associated with road construction or road
- 20 maintenance activities, the contactor shall:
- 21 1. Contact the County's Landscape Architect and provide a map of where all vegetation management
- 22 practices and tree trimming or removal will be performed.
- 23 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential
- 24 impacts.
- 25 3. Consideration will be given to the removal of trees and palms which have been topped or have been
- 26 "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or
- 27 palms is unlikely.
- 28 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and
- 29 remove grinding refuse.
- 30 5. Stabilize all disturbed areas in an acceptable manner
- 31 D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes
- 32 first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is
- 33 obtained pursuant to this division.

34

35 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

1 **Sec. 6.7.6. Submittal requirements.**

2 The following requirements shall apply to the application for stand alone tree removal permits and site
3 development review plans and are in addition to the Minimum Plan Requirements:

- 4 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and
5 Preservation Plan." For development sites with lower density of trees, such information may be indicated
6 on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all Regulated
7 Trees to be removed and trees to be preserved. Preserved trees and replacement trees shall be indicated
8 on the Landscape Plan to demonstrate the final appearance of the site.
- 9 B. Tree calculations shall include:
- 10 (1) The total numbers of existing Regulated Trees within the site and the respective DBH of each tree;
11 and
- 12 (2) The pre-development ratio of Regulated Tree inches-per-acre; and
- 13 (3) The total DBH inches of Regulated Trees to be removed; and
- 14 (4) The total DBH inches of Regulated Trees to be preserved; and
- 15 (5) The native status of trees to be preserved.
- 16 C. A tree protection detail which graphically indicates the requirements of tree protection as required by
17 this division.
- 18 D. Listing general prohibitions as stated in Section 6.7.3.E.
- 19 E. Indication of all TPZs on the site plan, grading plan and on whichever plan is used to demonstrate tree
20 preservation and replacement.
- 21 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall
22 be established by the Board, by resolution. Tree removal permit application fees for projects associated
23 with any development (excluding stand alone permits) shall be included in the overall plan review and
24 application fees available at the Office of the County Engineer.

25 (Ord. No. 13-20, § 2, 7-11-2013)

26 **Sec. 6.7.7. Review and approval procedures.**

- 27 A. During review of tree preservation submittals, the County's Landscape Architect or his designee may
28 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require
29 changes include, but are not limited to, the following:
- 30 (1) Required preservation of any Specimen Trees
- 31 (2) Proposed grading or clearing activities Within the TPZ and/or
- 32 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- 33 B. The applicant will be required to revise and update the tree preservation information according to review
34 comments.

35 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.7.8. Protected tree replacement requirements.**

2 Regulated Trees that are proposed for removal shall be replaced in accordance with the minimum standards set
3 forth below.

- 4 A. Replacement is not required where the property owner retains existing trees on the site which total an
5 average of 100 inches DBH per acre.
- 6 B. If the pre-development number of inches is less than 100 DBH per acre on average, the property owner
7 shall replace trees to equal the pre-development number of DBH inches.
- 8 C. Removal of Regulated Trees less than 36 inches DBH and permitted for removal is permissible if the
9 following replacement requirements are met:
- 10 (1) Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one-inch
11 replacement per two inches removed.
- 12 (2) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with a ratio of 1.5 inches
13 replacement per two inches removed.
- 14 (3) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with a ratio of 2 inches
15 replacement per 2 inches removed.
- 16 (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the
17 County Landscape Architect.
- 18 D. If the pre-development number of inches of Regulated Trees is greater than 100 DBH per acre, the
19 property owner shall replace trees equal to 100 DBH per acre
- 20 E. Removal of Specimen Trees may only be permitted following review and approval by the County's
21 Landscape Architect and as per the following circumstances:
- 22 (a) The Specimen Tree does not have a favorable assessment per an arborist's assessment and
23 confirmed during a pre-development on site review meeting with the County Landscape Architect;
24 and/or
- 25 (b) The Specimen Tree materially interferes with the proposed location, service or function of the
26 project site plan and the Specimen Tree cannot be preserved through a redesign of the site
27 infrastructure.
- 28 (c) If the County Landscape Architect approves removal, then Specimen Trees shall be replaced at a
29 ratio of 3.0 inches replacement for 1 inch removed and the minimum replacement tree size is 4.0-
30 inch caliper.
- 31 F. Existing trees that have experienced tree abuse as part of landscape maintenance or site development
32 activities that cause critical impact as determined by the County Landscape Architect will require
33 mitigation. Tree abuse may include:
- 34 (a) Hatracking a tree; or
- 35 (b) Destroying the natural habit of tree growth; or
- 36 (c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
- 37 (d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of
38 the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;
39 or

-
- 1 (e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically
2 permitted by standards set by the ANSI, as updated; or
 - 3 (f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or
 - 4 (g) Pruning of live palm fronds which initiate above the horizontal plane; or
 - 5 (h) Overlifting a tree; or
 - 6 (i) Shaping a tree; or
 - 7 (j) Removing more than 25% of the tree's canopy.
 - 8 G. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
9 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by
10 the County Landscape Architect.
 - 11 H. Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment
12 at the predesign on site review shall be replaced with a ratio of 1.5 inches replacement per two inches
13 removed and the minimum replacement tree size is 3.5-inch caliper.
 - 14 I. If replanting replacement trees on site is not practicable per best landscape design practices, then a fee
15 in lieu of planting may be provided as per Section 6.7.10.
 - 16 J. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
17 Federal authority, are exempt from protected tree removal requirements if such authority demonstrates
18 that such trees conflict with proposed utilities, drainage, or roadway construction.

19 (Ord. No. 13-20, § 2, 7-11-2013)

20 **Sec. 6.7.9. Replacement trees.**

- 21 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
22 shade trees, buffer trees, and any other required landscaping.
- 23 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
24 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
25 as amended.
- 26 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 27 D. Replacement trees shall be Florida native species compatible to the site.
- 28 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
29 trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in
30 Section 6.8.10.C.
- 31 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required
32 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space
33 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound
34 horticultural and design principles, then the replacement trees may be located on public property at the
35 County's discretion and as determined at the time of the permit or site development review. The public
36 property location shall be specifically designated by the County, and such replacement trees shall be donated
37 to the County. The County will be responsible for planting and maintenance of donated trees on public
38 property.
- 39 G. The preservation of existing Regulated Trees will count towards satisfying the required Replacement Tree
40 amount at the following ratios:

-
- 1 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement
2 tree criteria at a ratio of one inch of replacement value per one-inch preserved.
- 3 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement
4 tree criteria at a ratio of three inches of replacement per one inch preserved.
- 5 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement
6 tree criteria at a ratio of four inches of replacement per one inch preserved.
- 7 (3) Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight inches
8 of replacement per one inch preserved.
- 9 H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by
10 designating existing trees on site which are native tree species and less than 10 inches DBH as conservation
11 trees, provided that the property owner takes steps to designate and protect such conservation trees. If the
12 owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those
13 trees or groups of trees requested as conservation trees shall be included in the tree survey.
- 14 I. A property owner designating conservation trees shall record in the public records of Marion County, a notice
15 to subsequent property owners that the site contains conservation trees, subject to maintenance
16 requirements, with reference to the development plan on file with the County designating such trees. A copy
17 of such recorded notice on a form provided by the County shall be supplied to the Planning/Zoning Manager
18 or his designee prior to the issuance of a Certificate of Occupancy.
- 19 (Ord. No. 13-20, § 2, 7-11-2013)

20 **Sec. 6.7.10. Tree mitigation fund.**

- 21 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of
22 accepting and disbursing the contributions made to the Board as part of the tree replacement monies
23 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion
24 County and to enhance the Marion County Parks system.
- 25 B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the
26 County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees.
- 27 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree
28 Mitigation Fund at the tree replacement fee as listed in the County's annual fee list.
- 29 D. Payment into the Tree Mitigation Fund shall be approved by the County's Landscape Architect and approved
30 by the Board prior to issuance of the tree removal permit or development approval.
- 31 E. The County Landscape Architect shall provide an annual report to the Board describing the available funds,
32 annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.
- 33 (Ord. No. 13-20, § 2, 7-11-2013)

34 **Sec. 6.7.11. Tree maintenance and management.**

- 35 A. The following requirements shall be conditions of any tree removal permit which includes a requirement for
36 replacement trees:
- 37 (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision
38 approval shall be considered required improvements and shall be subject to certification of satisfactory
39 completion contained in this Code.

-
- 1 (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner,
2 successor, or assignee.
- 3 (3) The permittee or the property owner shall record in the public records of Marion County appropriate
4 notice to subsequent owners of the maintenance period or replacement requirement for replacement
5 trees with reference to the development plans on file with the County identifying such trees. A copy of
6 such recorded notice shall be supplied to the County prior to the issuance of a Certificate of Occupancy.
- 7 (4) For developments where tree preservation and replacement requirements are may be fulfilled by future
8 or subsequent developers or builders, the developer shall require future property owners of lots where
9 protected trees have been preserved to continue to protect and preserve such trees. Such requirements
10 shall run with the parcel until replacement of the tree(s) is required due to age, declining health, or for
11 the protection of public safety.

12 (Ord. No. 13-20, § 2, 7-11-2013)

13 **Sec. 6.7.12. Tree inspections.**

14 The following tree preservation and/or replacement inspections shall be required to ensure compliance with this
15 division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of
16 Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit
17 until all of the following inspections have been completed and approval is granted:

- 18 A. A preconstruction inspection shall be conducted by the County's Landscape Architect or his designee
19 prior to any demolition or site construction in order to confirm that the permittee has marked trees
20 permitted to be removed and has installed tree protection barricades around trees, or groups of trees,
21 to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this
22 inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected.
23 Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or his
24 designee on the permit and shall constitute notice to proceed with tree removal.
- 25 B. A final inspection shall be conducted by the County's Landscape Architect or his designee after
26 completion of tree removal and replacement in accordance with the approved plans. It is the Owner's
27 responsibility to notify the County Landscape Architect of completion of tree removal activities.
28 Approval, after final inspection, shall be noted by the County's Landscape Architect or his designee on
29 the permit and shall constitute notice of commencement of the required maintenance period of
30 replacement trees if replacement is required.

31 (Ord. No. 13-20, § 2, 7-11-2013)

32 **Sec. 6.7.13. Violation and enforcement.**

33 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with
34 any condition of any tree removal permit issued, or to violate any provision of this division. When such violations
35 occur, the following sanctions apply:

- 36 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or his designee
37 may issue a stop work order for the project and all related site work will cease until a restoration plan
38 is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the
39 County's Landscape Architect or his designee.
- 40 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be
41 cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.

-
- 1 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved
2 restoration plan have been installed and all site grades restored.
- 3 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the
4 property and the site grade restored even if project termination occurs before completion of the
5 project. Failure to complete the approved restoration plan is a violation of this Code and the owner,
6 developer, contractor, or agent will be cited by the County's Landscape Architect or his designee and
7 referred to the Code Enforcement Board.
- 8 E. In addition to all other remedies provided herein, the County may seek injunctive relief or the
9 imposition of fines and penalties for any violation of this division.

10 (Ord. No. 13-20, § 2, 7-11-2013)



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-21206

Agenda Date: 11/5/2025

Agenda No.: 2.3.

SUBJECT:

Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 1, Division 2, Definitions, Add New Section 4.3.28 - Fly In Communities, and Add New Section 4.3.29 - Private Airports.

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to add three definitions to Article 1 Division 2, Definitions for Airport, Private Airport, and Fly-In Community and to add two new LDC Sections 4.3.28 Fly-In Communities, and 4.3.29 Private Airports. These proposed changes will allow clear regulations and processes for creating or expanding Fly-In Communities within Unincorporated Marion County.

1 ***DIVISION 2. DEFINITIONS***

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

4 **ABANDONED WELL.** A well which has its use permanently discontinued, is in such disrepair that its continued
5 use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or
6 otherwise is or may be a health or safety hazard.

7 **ABROGATION.** To close, vacate, or abandon a right-of-way.

8 **ACCESSORY BUILDING OR STRUCTURE (APPURTENANT STRUCTURE).** A subordinate building or structure on
9 the same lot, or parcel, or on a contiguous parcel which is occupied by, or devoted to, an accessory use.

10 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
11 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
12 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
13 during conditions of the base flood.

14 **ACCESSORY USE.** A use naturally and normally incidental and subordinate to the principal use of a structure
15 or land and located on the same lot, or parcel or on a parcel contiguous to the principal use to which it relates.

16 **ACTIVE RECREATION.** Recreational activities that occur in areas that require substantial structural
17 development and investment, such as playing fields, courts or other facilities. Examples of active recreation include
18 soccer, baseball, swimming in a pool, tennis and basketball. Active recreation differs from passive recreation
19 primarily by the facilities that are required to undertake an activity.

20 **ADDITION.** An extension or increase in floor area or height of a building or structure.

21 **ADULT BOOKSTORE OR FILM STORE.** An establishment having as a substantial portion of its stock in trade
22 books, magazines, other periodicals, films, video tapes, video disks, or similar items which are distinguished or
23 characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or
24 "specified anatomical areas."

25 **ADULT BOOTH.** A small enclosed or partitioned area inside an adult entertainment establishment that is:

- 26 A. Designed or used for the viewing of adult material by one or more persons; and
27 B. Accessible to all persons, regardless of whether a fee is charged for access.

28 The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view
29 "adult material." The term "adult booth" does not include a foyer through which a person can enter or exit the
30 establishment, or a rest room.

31 **ADULT CABARET.** A bar, lounge, club, or other establishment which may sell alcoholic or non-alcoholic
32 beverages or food and which features as part of the regular entertainment topless or bottomless dancers,
33 strippers, whether male or female, or similar entertainers whose acts are characterized by an emphasis on matter
34 depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." This definition shall
35 include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling Studio.

36 **ADULT THEATER OR MINI-MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
37 capacity for fewer than 50 persons in which a substantial portion of the material presented is distinguished or
38 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
39 "specified anatomical areas" for observation by patrons therein.

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1 **ADULT THEATER OR MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
2 capacity of 50 or more persons in which a substantial portion of the material presented is distinguished or
3 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
4 "specified anatomical areas" for observation by patrons therein.

5 **ADVERTISING.** Sign copy or materials intended to directly or indirectly promote the sale or use of a product,
6 service, commodity, entertainment, or real or personal property.

7 **AGRICULTURAL USES.** Those uses of land which involve the science and art of production of plants and
8 animals useful to man including to a variable extent, the preparation of these products for man's use and their
9 disposal by marketing or otherwise. These shall include horticulture, floriculture, viticulture, aquaculture, forestry,
10 dairy, livestock, including the breeding and/or training of horses, poultry, bees, ratites, and any and all forms of
11 farm products and farm production.

12 **AIR GAP.** A physical separation between the free flowing discharge and an open or non-pressure receiving
13 vessel.

14 **AIRPORT-** an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including
15 appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.

16 **ALTERATION.** Any change in size, shape, character, or use of a building or structure.

17 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
18 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
19 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
20 during conditions of the base flood.

21 **ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

22 **ANIMAL UNIT.** As defined in § 62-670.200 FAC.

23 **ANIMAL RELATED BUSINESS.** Any for-profit person or business that renders services to, for or by any
24 domestic animal. Examples of animal related business include, but are not limited to, boarding facilities, doggie
25 day cares, groomers and training facilities. Animal related business does not include the offices or practices of
26 State-certified and licensed veterinarians.

27 **ANIMAL RELATED ORGANIZATION.** Any not for profit entity that has tax exempt status in accordance with
28 Section 501(c)(3) of the Internal Revenue Code and whose primary mission includes the rescue, welfare, care,
29 and/or adoption/placement of stray, abandoned, or surrendered animals, and which does not obtain animals from
30 a breeder or broker for payment or compensation.

31 **ANTENNA.** Any exterior apparatus designed to transmit or receive communications as authorized by the
32 Federal Communication Commission (FCC). The term "antenna" shall not include satellite earth stations used to
33 receive direct-to-home satellite services as defined in 47 USC § 303(v). An array of antennas, installed at one time
34 and designed as a single, integrated system, shall be considered to be a single antenna.

35 **ANTENNA SUPPORT STRUCTURE.** Any building or other structure other than a tower, which can be used for
36 the location of an antenna. An antenna support structure shall be referred to as a "utilized antenna support
37 structure" if it is or has been used for the location of an antenna.

38 **ANTIQUATED SUBDIVISION.** A subdivision, subdivision series, or any portion of a subdivision or subdivision
39 series, identified by the Board in which further or continued development of that subdivision is deemed
40 undesirable consistent with the provisions of § 163.3164 FS.

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1 **APPEAL.** The process of seeking a higher authority's determination as established by this Code when a
2 specific decision or determination made by designated staff, committee, or board is disputed. As it pertains to
3 floodplain management, request for a review of the Floodplain Administrator's interpretation of any provision of
4 this ordinance.

5 **APPLICANT.** The property owner, the duly authorized representative of the property owner, or the lessee or
6 occupant of said property who submits a County service or development application to and for said property and
7 who can be bound to all legal obligations related to such request.

8 **AQUACULTURE.** The commercial production of fin fish and shellfish, such as crustaceans and mollusks,
9 within a confined space and under controlled feeding, sanitation, and harvesting procedures.

10 **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map
11 (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the
12 path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is
13 characterized by ponding or sheet flow.

14 **ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building
15 Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

16 **AS-BUILT/RECORD SURVEY.** A record of completed construction drawings documenting the actual
17 construction work as it exists in the field, including any changes made from the originally approved plans, meeting
18 the requirements as set forth in § 5J-17.52(1) FAC, and signed, sealed, and dated by a Professional Surveyor and
19 Mapper licensed by the State of Florida.

20 **AUTOMOBILE WRECKING YARD.** Premises used for the dismantling or disassembling of two or more used
21 motor vehicles or trailers, or the business of storage, sale, or dumping of dismantled, obsolete or wrecked vehicles,
22 trailers or their parts; a junk yard.

23 **AUXILIARY WATER SUPPLY SYSTEM.** A pressurized or pumping-ready water supply system other than a
24 public potable water system which is located on or available to the customer's property whether or not connected
25 to a distribution system within the property. Such auxiliary systems include but are not limited to reclaimed water
26 systems and private wells, as further defined in AWWA M-14 most current edition.

27 **AVAILABLE CAPACITY.** An existing central water or sewer system shall be deemed to have "available
28 capacity," if: (a) as to a central water or sewer system, it is capable of providing central service concurrently with
29 the proposed build-out schedule of the project without the applicant having to expand the facility providing
30 treatment for the water to and/or the wastewater from the project; provided, however, if it is necessary for the
31 Marion County Utility Department to so expand the treatment facility, the applicant may be required to prepay
32 capital charges imposed for such facility; and (b) as to a central water or sewer system, its existing water or sewer
33 lines are of sufficient size and capacity to accommodate the water or sewer requirements of the project without
34 the applicant having to reconstruct the existing lines. This requirement concerns existing lines, only, and does not
35 excuse an applicant from having to construct new lines from its project to the point of connection to the central
36 water or sewer system. Further, if it is necessary to replace the existing lines, the County may require the applicant
37 to pay to reconstruct existing lines, within the applicant's required connection distance, in an amount equal to
38 what it would have cost the applicant to originally construct such lines of sufficient size and capacity to
39 accommodate the applicant's project. This does not preclude the County from requiring the developer to upsize
40 the lines in exchange for additional Equivalent Residential Connection credits.

41 **AVIARY.** A place for keeping birds confined, including but not limited to a large enclosure where birds fly
42 free, a structure where birds are confined in cages, or large cages where birds are confined. A residential structure
43 containing nine or more birds shall be considered an aviary.

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- 1 **BACKFLOW PREVENTION ASSEMBLY.** A mechanical assembly which is supplied with properly located
2 resilient-seated shut-off valves at each end of the assembly and properly located test cocks, and meets the
3 standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic
4 Research and complies with the standard listed in the Florida Building Code as adopted by Marion County.
- 5 **BACKFLOW PREVENTION DEVICE.** A mechanical device or plumbing configuration which is designed to
6 prevent backflow.
- 7 **BAR.** Any place devoted primarily to the retail sale and on premises consumption of malt, vinous, or other
8 alcoholic beverages; a tavern.
- 9 **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year (also
10 called the "one percent annual chance flood," "100-year flood" and the "regulatory flood"). [Also defined in FBC, B,
11 Section 202.]
- 12 **BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National
13 Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood
14 Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]
- 15 **BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also
16 defined in FBC, B, Section 202; see "Basement (for flood loads)".]
- 17 **BED AND BREAKFAST INN.** A building, or part thereof, other than a motel or hotel, where sleeping
18 accommodations are provided for transient guests, and may also serve as the residence of the owner or manager.
- 19 **BEEKEEPING.** The keeping or raising of bees for commercial purposes.
- 20 **BERM.** A mound of soil, either natural or manmade.
- 21 **BIORETENTION FACILITY.** An area which provides retention of stormwater through the use of vegetated
22 depressions of approximately four to nine inches in depth with landscaping and engineered soil matrix, designed to
23 collect, store, and infiltrate stormwater runoff. The invert of a bioretention facility is the bottom of the engineered
24 soil matrix.
- 25 **BOARD.** The Marion County Board of County Commissioners.
- 26 **BOAT YARD.** A lot, tract, or parcel where facilities for the construction, reconstruction, major repair,
27 maintenance, or sale of boats, marine engines, equipment, and services of all kinds are provided including marine
28 railways, lifting, or launching services and marinas.
- 29 **BOTTLE CLUB.** A commercial premises to which any alcoholic beverage is brought for consumption on the
30 premises.
- 31 **BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through
32 its design and construction to collapse under specific lateral loading forces without causing damage to the elevated
33 portion of the building or the supporting foundation system.
- 34 **BUFFER.** An area within a property or site, generally adjacent to and parallel with the property line, either
35 consisting of natural existing vegetation or created by the use of trees, shrubs, buffer walls, buffer fences, or
36 berms, designed to limit continuously the view of or sound from the site to adjacent sites, properties, or water
37 bodies.
- 38 **BUFFER FENCE.** A permanent opaque vertical structure providing a barrier with a finished height of six feet
39 measured from the adjacent grade or at a height as required otherwise.

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1 **BUFFER WALL.** A permanent opaque vertical structure with concrete components including, but not limited
2 to pillars, panels, block or brick, used within a buffer meeting the requirements of the Florida Building Code, and
3 providing a barrier (whether for sound, wind, or, views) with a finished height of six feet measured from the
4 adjacent grade or at a height as required otherwise.

5 **BUILDABLE AREA.** As it relates to hamlets, Rural Village District, and Rural Town, the remaining land area
6 eligible for development purposes once areas of open space and open water are subtracted from the gross
7 development lot/parcel/site.

8 **BUILDING.** Any structure designed for the habitation of persons or animals or for shelter of property.

9 **BUILDING PERMIT.** A permit issued by Marion County pursuant to the provisions of Article 2 of the Marion
10 County Code of Ordinances, consistent with the provisions of the Florida Building Code as established by the State
11 of Florida.

12 **BUILDING SIGN.** A sign displayed upon or attached to any part of the exterior of a building, including walls,
13 windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper.

14 **BUSINESS OR PROFESSIONAL OFFICE.** A space within a building where commercial service activity is
15 primarily conducted which may involve the sale of goods or commodities purely incidental to business services
16 provided.

17 **CALIPER OR TREE CALIPER.** Tree caliper means an American National Standards Institute (ANSI) standard for
18 the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above
19 the ground level. Trees that are seven to twelve-inch caliper are measured at twelve inches above the ground.

20 **CAMOUFLAGED ANTENNA AND/OR TOWER.** A wireless communication antenna and/or tower designed to
21 unobtrusively blend into the existing surroundings and be disguised to not have the appearance of a wireless
22 communication antenna and/or tower. Camouflaged antennas and/or towers on buildings must be disguised to
23 appear as an accessory structure or feature that is normally associated with the principal use occupying the
24 property. Camouflaged antennas and/or towers must be disguised to blend in with other facilities on the property
25 or existing vegetation, such as a tower constructed in the form and shape of a tree to be part of a forested area, or
26 an antenna and/or tower constructed to be a component of a bell, clock, or water tower on sites with compatible
27 buildings, or a component of a church steeple on sites with churches. Surface finish, paint and/or markings alone
28 are insufficient to qualify for a determination as a camouflaged antenna and/or tower.

29 **CAPACITY.** Supply of public facility:

- 30 A. Available - capacity of public facility after subtracting demand and reserved capacity.
31 B. Design - capacity that public facility was designed for.
32 C. Programmed - capacity to be added to public facility by improvement.
33 D. Reserved - capacity that has been reserved for a specific development project.

34 **CAPACITY RESERVATION FEE.** Fee required which reserves facility capacity. Fee is credited towards
35 applicable impact fees.

36 **CAPITAL IMPROVEMENT.** A physical asset constructed or purchased to provide, increase the capacity of, or
37 replace a public facility.

38 **CARPOR.** A garage not completely enclosed by walls and doors.

39 **CENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants) or a
40 wastewater collection, treatment, and dispersal system that serves the needs of one or more residential or non-

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1 residential development projects. Centralized systems are generally owned, operated, and maintained by Marion
2 County, a city, or a Public Service Commission-certificated entity. Types of facilities and systems not covered by the
3 foregoing general definition are found in § 367.022 FS.

4 **CHANGE OF USE.** A discontinuance of an existing use and the substitution of a use of a different kind or class.

5 **CLEAN DEBRIS.** Any solid waste material that is virtually inert, that is not a pollution threat to ground or
6 surface waters, that is not a fire hazard, and that is likely to retain its chemical and physical structure under
7 expected conditions of disposal or use. The term includes earth, brick, glass, ceramics, and uncontaminated
8 concrete including embedded pipe or steel, and other wastes designated by the FDEP.

9 **CLEAN FILL.** Granular soil free of roots, other vegetative material, and debris typically represented by an
10 AASHTO Soil Classification A-3. Other AASHTO soil classifications may satisfy a requirement for "clean fill" if they
11 meet industry specifications for various fill operations as accepted by FDOT or the Florida Building Code.

12 **CLEARING.** The uprooting or removal of vegetation in connection with development. This term does not
13 include yard maintenance operations or other such routine property clean-up activities.

14 **CLOSED BASIN.** An internally drained watershed in which the runoff does not have a surface outfall up to and
15 including the 100-year flood elevation.

16 **CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings and infrastructure in
17 specific areas on a site to allow the remaining land to be used for open space, preservation of environmentally
18 sensitive areas, or agriculture.

19 **CLUSTERING.** The grouping together of principal structures and infrastructure on a portion or portions of a
20 development site.

21 **COLLOCATION.** As it relates to antennas, the process of locating two or more antennas on an existing or
22 proposed tower or antenna support structure.

23 **COMMERCIAL BREEDER.** Any person, firm, partnership, corporation, or other association that engages in the
24 breeding of four (4) or more dogs or cats, in aggregate.

25 **COMMERCIAL VEHICLE.** Any vehicle designed or used for the transport of people, livestock, goods, or things.
26 This does not include private passenger vehicles and/or trailers used for private nonprofit transport of goods.

27 **COMMERCIALLY DEVELOPED PARCEL.** A parcel of property on which there is at least one walled and roofed
28 structure used, or designed to be used, for purposes other than residential or agricultural.

29 **COMMUNITY CENTER.** A building designed and used as a meeting or recreation area to accommodate and
30 serve the community in which it is located.

31 **COMMUNITY RESIDENTIAL HOMES.** Group homes or adult foster care facilities in which no more than 14
32 persons excluding staff reside and where program size and content is structured to meet the individual needs of
33 the residents in these homes.

34 **COMPLETELY ENCLOSED BUILDING.** A building having a complete, permanent roof and continuous walls on
35 all sides, either party walls or exterior walls, including windows and doors.

36 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
37 163 FS.

38 **CONCENTRATED ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

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1 **CONCURRENCY MANAGEMENT SYSTEM.** The policies, procedures, standards, and criteria that Marion
2 County will utilize to assure that development orders and permits are not issued unless the necessary facilities and
3 services are available concurrent with the impacts of development.

4 **CONSERVATION EASEMENT.** An easement established under § 704.06 FS, as amended, creating a right or
5 interest in the real property in favor of the entity named in the easement.

6 **CONSTRUCTION AND DEMOLITION DEBRIS (C&DD) DISPOSAL FACILITY.** A facility for the disposal of
7 "construction and demolition debris," as that term is defined in § 403.703(6) FS; also referred to as Construction
8 and Demolition (C&D) Landfill.

9 **CONSTRUCTION, EXISTING.** As it relates to flood plain management, structures for which the "start of
10 construction" commenced before January 19, 1983. This term may also be referred to as "existing structures."

11 **CONSTRUCTION, NEW.** As it relates to flood plain management, any structure for which the "start of
12 construction" commenced on or after January 19, 1983. The term also includes any subsequent improvements to
13 such structures.

14 **CONSTRUCTION PERMIT.** The permit issued by the Office of the County Engineer for construction of all
15 required improvements including construction in private and public rights-of-way.

16 **CONTIGUOUS PARCELS.** Those parcels of land with at least one common property line.

17 **CONTINUING IN GOOD FAITH.** As it relates to vested rights, shall mean the final local development order for
18 a project has been issued and has not expired, and no period of 180 consecutive days, or a previously approved
19 time frame as agreed to by the County, has passed without the occurrence of development activity which
20 significantly moves the proposed development toward completion; unless the developer establishes that such 180-
21 day lapse or previously approved time frame lapse in development activity was due to factors beyond the
22 developer's control; or unless development activity authorized by a final local development order has been
23 substantially completed on a significant portion of the development subject to said final development order and
24 has significantly moved the entire development toward completion.

25 **CONTRACTOR.** The person, firm, or corporation with whom the contract for work has been made by the
26 owner, the developer, or the County in accordance with any applicable State laws.

27 **COVENANTS, CONDITIONS AND RESTRICTIONS (CCR).** Declaration of Covenants, Conditions and Restrictions,
28 recorded in the public records for a development project.

29 **CONVENIENCE STORE.** Any retail establishment offering for sale food products, household, and sundry items,
30 beverages, gasoline, and other similar goods, but not including sales of prescription drugs, alcoholic beverages for
31 on-premises consumption, or any form of used merchandise sales, personal services, repair services, or any
32 outdoor sales, service, storage, or display other than approved accessory gasoline pumps.

33 **COPY.** As it relates to signs, the linguistic or graphic content of a sign.

34 **COUNTY.** The government of Marion County as a political subdivision of the State of Florida; or the physical
35 jurisdictional limits of Marion County as those boundaries described in § 7.42 FS.

36 **COUNTY ENGINEER.** The professional engineer retained by the Board of County Commissioners in the
37 capacity of administering the Office of the County Engineer. The County Engineer may appoint designees to
38 specific management and operation functions as appropriate.

39 **CROSS-CONNECTION.** Any physical arrangement whereby a Public Potable Water System is connected
40 directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than
41 for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain

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1 contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of
2 imparting contamination to the Public Potable Water System as the result of Backflow. By-pass arrangements,
3 jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices
4 through which or because of which Backflow could occur are considered to be Cross-Connections.

5 **CROSS-CONNECTION CONTROL COORDINATOR (CCC).** Utility Department Employee who is responsible for
6 implementation of cross-connection control directives.

7 **DECENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants)
8 or wastewater collection, treatment and dispersal system that is designed to serve the needs of a single residential
9 development project or non-residential development project. Decentralized systems are, further: (1) usually
10 located within the boundaries of the development project; (2) not typically owned, operated, and maintained by
11 Marion County, a city, CDD, or Public Service Commission-certificated entity; and (3) considered as temporary
12 facilities until a centralized system is available to serve the development project.

13 **DEDICATION.** An act of conveyance and acceptance of an interest in or use of property to a public or private
14 entity. See §§ 177.031(6), (16); 177.081; and 177.085 FS (2012) for statutory requirements related to dedications.
15 Mortgagees are required to join in dedications.

16 **DEMAND.** Quantifiable use of a public facility. See Capacity.

17 **DESIGN FLOOD.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section
18 202.]

19 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

20 (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
21 designated.

22 **DESIGN FLOOD ELEVATION.** The elevation of the "design flood," including wave height, relative to the datum
23 specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design
24 flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth
25 number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is
26 not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section
27 202.]

28 **DEVELOPABLE AREA.** The portion of a project area that lies outside sovereign submerged lands.

29 **DEVELOPER.** The person, firm, entity, or corporation engaged in developing or improving real estate for use
30 or occupancy.

31 **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to,
32 buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or
33 materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing
34 activities. As it relates to vested rights, shall mean the particular development activity authorized by unexpired
35 final local development order issued for a specific project is continuing in good faith. Also see §§ 163.3164(14),
36 163.3221(4), and 380.04 FS.

37 **DEVELOPMENT AGREEMENT.** An agreement between Marion County and additional parties specifying
38 requirements of the parties in relation to a development application. Development Agreements are authorized by
39 the "Florida Local Government Development Agreement Act," §§ 163.3220—163.3243 FS and are subject to the
40 applicable provisions of those sections.

41 **DEVELOPMENT AREA.** See project area.

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1 **DEVELOPMENT ORDER.** An official action granting, granting with conditions, or denying an application for a
2 development permit consistent with this Code, § 163.3164 FS and Ch. 380 FS.

3 **DIAMETER AT BREAST HEIGHT.** Diameter at breast height (DBH) is a standard method of measuring the size
4 of a tree. In the Forestry and Survey industries, this measurement is taken at 4.5 feet above the ground.

5 **DIVIDER MEDIAN.** A continual landscaped island located between lineal rows of parking which face head-to-
6 head.

7 **DOMESTIC WASTEWATER RESIDUALS.** A domestic wastewater treatment by-product resulting from the
8 biological treatment process and which is disposed of by application for agricultural or land reclamation purposes.
9 Domestic wastewater residuals shall have the same meaning as "biosolids," as defined in rule § 62-640.200 FAC.

10 **DOUBLE CHECK VALVE ASSEMBLY.** A backflow prevention assembly which includes two internally loaded,
11 independently operating spring loaded check valves, which are installed as a unit between two tightly closing
12 resilient-seated shutoff valves and fittings with properly located test cocks.

13 **DRAFT HYDRANTS.** Draft hydrants are standard fire hydrants but are supplied by a static water source.
14 Normally these hydrants are not supplemented by a fire pump and rely on a fire department engine to draft from
15 the source. These draft hydrants have little to no pressure and function similar to a dry hydrant tank.

16 **DRAINAGE DETENTION AREA (DDA).** See water detention area.

17 **DRAINAGE RETENTION AREA (DRA).** See water retention area.

18 **DRIPLINE.** An imaginary line on the ground defined by vertical lines extending from the outermost tips of
19 tree to the ground or the area within a radius of one foot for each one inch DBH of the tree, whichever is greater.

20 **DRIVEWAY APRON.** That portion of a driveway lying between the street right-of-way line and the edge of the
21 travel lane of the street.

22 **DROUGHT TOLERANT VEGETATION.** Plants which have the ability to survive without supplemental irrigation
23 through periods of drought characteristic of the north-central Florida region, excluding invasive plant species.

24 **DRUGSTORE** (the term Pharmacy is included). An establishment that is either:

25 (1) Engaged in the retail sale of prescription drugs and nonprescription medicines pursuant to Chapter
26 465, FS; or

27 (2) That is both:

28 a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS
29 (2017); and

30 b. Operated in accordance with all provisions of such statute and all other statutes or regulations
31 governing the medical dispensation of marijuana pursuant to Florida law.

32 By way of example and not limitation, as the requirements of this subsection are cumulative, any establishment
33 that may have been licensed as a medical marijuana treatment center but is not operated in accordance with
34 Florida law, shall no longer constitute a drugstore, and hence is no longer a permitted use in zoning districts where
35 drugstores are permitted.

36 **DRYLINE PERMIT.** A construction permit for sewer lines issued with certain special conditions applied.

37 **DUCTILE IRON PIPE RESEARCH ASSOCIATION (DIPRA).** Any reference to DIPRA Standards shall be taken to
38 mean the most recently published revision unless otherwise specified.

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- 1 **DUDE RANCH.** A vacation resort offering activities typical of western ranches such as horseback riding.
- 2 **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title
3 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be
4 inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and
5 be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said
6 public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the
7 Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all
8 owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose
9 address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request
10 such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief
11 explanation of the land use permit request and a location map identifying the property under consideration and
12 shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a
13 conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change.
14 Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by
15 the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County,
16 and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning
17 category, the provisions of § 125.66(4) FS shall apply.
- 18 **DWELLING UNIT.** Any structure or portion thereof which is designed for or used for residential purposes as a
19 self-sufficient or individual unit by one family or other social association of persons.
- 20 **ELECTRIC SUBSTATION.** An electric substation which takes electricity from the transmission grid and converts
21 it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through
22 one or more distribution lines less than 69 kilovolts in size.
- 23 **ELEVATED BUILDING.** A non-basement building built to have the lowest floor elevated above the ground
24 level by foundation walls, posts, piers, columns, pilings, or shear walls.
- 25 **ELEVATION.** The vertical height or heights relative to a defined datum.
- 26 **EMPHASIS.** As it relates to the adult entertainment business, "emphasis" or "emphasis on" means that the
27 type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the
28 matter specified is a substantial portion of such work or exhibition.
- 29 **ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development
30 into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.
- 31 **ENVIRONMENTALLY SENSITIVE LANDS.** Lands or areas which include environmental or other natural
32 features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.1.
- 33 **EQUINE CENTER.** A facility identified and designated by the Board as a unique and specialized destination for
34 regional, state, and national equine interests and activities that further the County's equine identity as "The Horse
35 Capital of the World."
- 36 **EQUIVALENT RESIDENTIAL CONNECTION (ERC).** A unit of measurement representing capacity demand of
37 300 gallons per day for wastewater or 350 gallons per day for water.
- 38 **ERECT A SIGN.** To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint,
39 draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities
40 when performed as an incident to a change of message or routine maintenance.
- 41 **ESTABLISHED CHURCH.** Established place of meeting or worship at which non-profit religious services are
42 regularly conducted and carried on.

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1 **EXCEPTION.** As it relates to vested rights, shall mean an exception to the densities required in the Future
2 Land Use Element for parcels of record as of January 1, 1992 for the construction of one residential unit.
3 Exceptions apply to density only and do not exempt parcels from any other requirement of the Comprehensive
4 Plan.

5 **EXISTING BUILDING AND EXISTING STRUCTURE.** Any buildings and structures for which the "start of
6 construction" commenced before January 19, 1983. [Also defined in FBC, B, Section 202.]

7 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for
8 which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
9 (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the
10 pouring of concrete pads) is completed before January 19, 1983.

11 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional
12 sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
13 (including the installation of utilities, the construction of streets, and either final site grading or the pouring of
14 concrete pads).

15 **EXTRACTION OR RESOURCE EXTRACTION.** The removal of resources from their location so as to make them
16 suitable for commercial, industrial, or construction use, but does not include excavation solely in aid of on-site
17 farming or on-site construction, nor the process of searching, prospecting, exploring, or investigating for resources
18 by drilling.

19 **FAILING.** As defined in § 64E-6.002 FAC and periodically amended: a condition existing within an onsite
20 sewage treatment and disposal system which prohibits the system from functioning in a sanitary manner and
21 which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface
22 water, into ground water, or which results in the failure of building plumbing to discharge properly.

23 **FAMILY.** One or more persons occupying the whole or part of a dwelling unit and living as a single,
24 housekeeping unit provided that a group of four or more persons who are not within the second degree of kinship
25 shall not be deemed to constitute a family, except as set forth in Title VIII of the Civil Rights Act of 1968 and as
26 subsequently amended by the Fair Housing Amendments Act of 1988.

27 **FAMILY/GUEST COTTAGE/APARTMENT.** A small detached dwelling unit for use by immediate family
28 members or guests which is an accessory use to a single-family dwelling. The cottage may be a removable,
29 modular structure, or a conventionally constructed structure, and shall be compatible with the existing dwelling. It
30 shall be designed as an independent living unit smaller than the primary structure.

31 **FEEDLOT.** A confined area or structure, pen or corral, used to fatten livestock for a period of at least 30 days
32 prior to final shipment.

33 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that, in addition to carrying out
34 other functions, administers the National Flood Insurance Program.

35 **FENCE.** A vertical structure used to provide a physical division between areas.

36 **FIRE LINE.** Piping from the water main to point of delivery exclusively providing fire protection.

37 **FISH HATCHERY.** Establishments primarily engaged in hatching fish, not including fish or farm ponds.

38 **FLAG LOT.** A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property
39 contains no frontage.

40 **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land
41 areas from:

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1 (1) The overflow of inland or tidal waters.

2 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

3 **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and
4 prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also
5 defined in FBC, B, Section 202.]

6 **FLOOD HAZARD AREA.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

7 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

8 (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
9 designated.

10 **FLOOD INSURANCE RATE MAP (FIRM).** The official map of the community on which the Federal Emergency
11 Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the
12 community. [Also defined in FBC, B, Section 202.]

13 **FLOOD INSURANCE STUDY (FIS).** The official hydraulic and hydrologic report provided by FEMA. The study
14 contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water
15 surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-
16 related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable),
17 and other related data and information.

18 **FLOODPLAIN ADMINISTRATOR.** The office or position designated and charged with the administration and
19 enforcement of Flood Plain regulations within Article 5 Division 3 (may be referred to as the Floodplain Manager).

20 **FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document, certificate or development order
21 issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific
22 development activities that are located in flood hazard areas and that are determined to be compliant with Article
23 5, Division 3.

24 **FLOOD PLAIN ELEVATIONS.** The elevations established along waterbodies and in closed drainage basins
25 which represent the hydraulic gradients for the predicted 25-Year and 100-Year flood plains. The 100-Year flood
26 plain is shown on the adopted Marion County Flood Insurance Rate Maps. The elevations may be established by
27 the Flood Plain Administrator or designee; by a Florida Licensed Surveyor and Mapper and approved by the Flood
28 Plain Administrator or along the Rainbow River as established by Southwest Florida Water Management District
29 Profiles dated July 13, 1973.

30 **FLOOD PLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures
31 for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood plain,
32 including but not limited to emergency preparedness plans, flood control works, flood plain management
33 regulations, and open space plans.

34 **FLOOD PLAIN MANAGEMENT REGULATIONS.** This term describes Federal, State of Florida, or local
35 regulations in any combination thereof and other applications of police power which control development in flood-
36 prone areas, which provide standards for preventing and reducing flood loss and damage.

37 **FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to
38 structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary
39 facilities, structures and their contents.

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1 **FLOODWAY.** The channel of a river or other riverine watercourse and the adjacent land areas that must be
2 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more
3 than one (1) foot. [Also defined in FBC, B, Section 202.]

4 **FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed
5 encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the
6 evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and
7 models.

8 **FLOODWAY FRINGE.** That area of the flood plain on either side of the regulatory floodway where
9 encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

10 **FLOOR AREA.** Area of all floors of buildings or structures, measured to the outside of the exterior walls.

11 **FLOOR AREA RATIO (FAR).** The gross floor area of all buildings or structures on a lot divided by the total lot
12 area.

13 **FLORIDA BUILDING CODE.** The family of codes adopted by the Florida Building Commission, including:
14 Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida
15 Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

16 **FLY-IN COMMUNITY** – means a residential or mixed-use development of more than five residential units which
17 has legal taxiway access to a Private Airport that is utilized by the residents of the community and their invited guests
18 for operation of their aircraft. A new, or expanded, Fly-In Community must be designated and approved by the
19 County through a Planned Unit Development zoning application process. All uses and densities proposed within a
20 Fly-In Community must be consistent with the Comprehensive Plan, including the future land use designation.

21 **FOOD SERVICE FACILITIES.** Any commercial facility that generates wastewater through the processing and
22 preparation of food, including restaurants and other commercial facility where food is processed or prepared. It
23 does not include facilities that only sell pre-processed or pre-packaged foods.

24 **FREEBOARD.** The additional height, usually expressed as a factor of safety in feet, above a flood level for
25 purposes of flood plain management. Freeboard tends to compensate for many unknown factors, such as wave
26 action, bridge openings and hydrological effect of urbanization of the watershed that could contribute to flood
27 heights greater than the height calculated for a selected frequency flood and floodway conditions.

28 **FRONT BUILDING LINE.** A line measured between side lot lines no closer than the front setback and equal to
29 the minimum lot width.

30 **FUNCTIONALLY DEPENDENT USE.** As it relates to floodplain management, a use that cannot be used for its
31 intended purpose unless it is located or carried out in close proximity to water, including only docking or port
32 facilities necessary for the loading and unloading of cargo or passengers, and shipbuilding or ship repair facilities.
33 The term does not include long-term storage, manufacture, sales, or service facilities.

34 **GREEN SPACE.** A parcel or area of land which is developed, planted, and maintained with trees, shrubs,
35 groundcovers or turfgrass or a combination thereof, and is reserved for a yard area, landscape area, public or
36 private park or recreation area, drainage retention areas and other similar areas.

37 **GROUND SIGN.** A sign that is supported by one or more columns, upright poles, or braces extended from the
38 ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to
39 any part of a building.

40 **GROWTH SERVICES DIRECTOR.** Growth Services Director or his designee.

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1 **HARDSHIP.** As it relates to flood plain management and variances to the flood plain overlay zone, the
2 exceptional hardship associated with the land that would result from a failure to grant the requested variance. The
3 community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere
4 economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical
5 handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an
6 exceptional hardship. All of these problems can be resolved through other means without granting a variance,
7 even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a
8 different use than originally intended.

9 **HAZARD.** A cross-connection or potential cross-connection which involves an actual or potential threat to
10 the quality and/or potability of the water supplied by a public potable water system. The degree of hazard
11 associated with any private water system shall be determined from an evaluation of the conditions existing within
12 that system.

13 **HEALTH HAZARD.** A hazard involving any substance that could, if introduced into the public potable water
14 system, cause death or illness, spread disease, or have a high probability of causing such effects.

15 **HEAVY MACHINERY OR EQUIPMENT.** Machinery used primarily by the construction, mining, well drilling, oil
16 and gas industries and including overhead traveling cranes, hoists, and monorail systems for installation in
17 factories, warehouses, marinas, and other industrial and commercial establishments.

18 **HEIGHT OF BUILDING.** The vertical distance from the established grade at the center of the front of the
19 building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and the height of
20 the ridge for gable, hip, and gambrel roofs.

21 **HIGH VOLUME IRRIGATION.** An irrigation system (or zone) which utilizes heads or emitters with application
22 rates higher than 0.5 gpm.

23 **HIGH-VOLUME OWNER.** Any person, business, or organization who owns, harbors, or keeps more than
24 fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to,
25 housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use.
26 Such definition does not include any property or structure where a Florida state licensed veterinarian practices and
27 has a premises permit, as required by F.S. Ch. 474, or any property or structure used as a veterinary hospital,
28 medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any
29 boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include Marion
30 County Animal Services.

31 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of
32 construction, next to the proposed walls or foundation of a structure.

33 **HISTORIC STRUCTURE.** Any structure that is determined eligible for the exception to the flood hazard area
34 requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

35 **HOME OCCUPATION.** Any business or commercial activity that is:

- 36 A. Conducted within a single family dwelling unit in a residential zoning classification and is incidental to
37 the principal residential use of the premises, or
- 38 B. Conducted on the same tract with the principal structure in an agricultural zoning classification, and
- 39 C. Which is a permitted use within the agricultural zoning classification and conducted without
40 significantly adverse impact on the surrounding area.

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1 **HORIZONTAL DATUM.** An accepted current coordinate system used to describe a point on the earth's
2 surface pre-approved by the Office of the County Engineer.

3 **HOUSE OF WORSHIP.** A structure whose principal use is public assembly for worship and teaching of
4 religious concepts.

5 **HOUSEHOLD PET.** All animals which are normally considered as household pets and which can be maintained
6 and cared for within the living space of a residence or outside the residence. Such animals may include but are not
7 limited to dogs, cats, small reptiles, small rodents, fish, small birds such as parrots and parakeets, and other similar
8 animals.

9 **ILLUMINATED SIGN.** A sign which contains a source of light or which is designed or arranged to reflect light
10 from an artificial source including indirect lighting, neon, incandescent lights and backlighting.

11 **IMPERVIOUS SURFACES.** Those surfaces which do not absorb water including but not limited to, buildings,
12 paved parking areas, driveways, roads, sidewalks, patios and any areas covered by brick, concrete, concrete
13 pavers, or asphalt paving materials.

14 **INDUSTRIAL/COMMERCIAL PARK.** A tract of land that is planned, developed, and operated as an integrated
15 facility for a number of individual industrial or commercial or mixed uses.

16 **INFRASTRUCTURE.** Facilities and services needed to sustain residential, commercial, and industrial activities.
17 Infrastructure includes, but is not limited to, water and sewer, streets, street signage, drainage, parks and open
18 space, and other public facilities.

19 **INSTITUTIONAL USE.** A nonprofit, religious, or public use, such as a church, library, public or private school,
20 hospital, community home, convalescent home, adult congregate living facility, or government owned or operated
21 building, structure, or land used for public purpose or benefit.

22 **INTENSIVE RECREATIONAL AREAS.** Sites which provide location for uses such as football, baseball, softball,
23 soccer, and golf courses excluding such areas as secondary and tertiary roughs and out-of-bound areas. Only such
24 sports related fields shall fit this definition while common areas and open spaces between such fields shall not be
25 exempt from irrigation design standards or watering restrictions.

26 **IRRIGATION.** The application of water by manmade means to plant material and turfgrass.

27 **JUNK.** Used and discarded machinery, scrap, iron, steel, other ferrous and non-ferrous metals, inoperative
28 vehicles, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste.

29 **JUNK YARD.** A parcel of land on which junk is collected, stored, salvaged or sold, including automobile
30 recycling facilities.

31 **KARST FEATURE.** A landform that has been modified by dissolution of soluble rock, including limestone or
32 dolostone. These include springs, spring runs, sinkholes, solution pipes, swallets and swallow holes. A directly or
33 indirectly connected karst feature is one where no confining layer of sediment exists to prevent runoff from
34 directly or indirectly entering the Floridan Aquifer system.

35 **KENNEL.** Any place or premises where four or more dogs and/or cats, in aggregate, over four months of age
36 are groomed, bred, raised, boarded, or trained for compensation or income including an Animal Related Business;
37 Animal Related Organization; Commercial Breeder; and High-Volume Owners with over thirty (30) dogs and/or cats
38 in aggregate.

39 **LANDSCAPABLE AREA.** The entire parcel less the building footprint, natural water features, surfaced and un-
40 surfaced driveways and parking areas, road rights-of way, hardscapes such as decks and patios, and other non-
41 planted areas. Landscapable area excludes golf course play areas, other intensive recreation areas (e.g. soccer

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1 fields, ball diamonds, etc.) and any part of a constructed stormwater management system that has a design stage
2 or storage depth three feet or greater.

3 **LANDSCAPE ARCHITECT.** The County's Landscape Architect or his designee.

4 **LANDSCAPE ISLAND.** A raised area, usually curbed, placed to guide traffic and separate lanes, and used for
5 landscaping, signage, or lighting.

6 **LEASABLE/INTERIOR AREA.** The area of open floor space within a structure's exterior walls and excluding the
7 interior walls.

8 **LETTER OF MAP CHANGE (LOMC).** An official determination issued by FEMA that amends or revises an effective
9 Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- 10 (1) **LETTER OF MAP AMENDMENT (LOMA):** An amendment based on technical data showing that a
11 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
12 current effective Flood Insurance Rate Map and establishes that a specific property, portion of a
13 property, or structure is not located in a special flood hazard area.
- 14 (2) **LETTER OF MAP REVISION (LOMR):** A revision based on technical data that may show changes to flood
15 zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other
16 planimetric features.
- 17 (3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** A determination that a structure or parcel of land
18 has been elevated by fill above the base flood elevation and is, therefore, no longer located within the
19 special flood hazard area. In order to qualify for this determination, the fill must have been permitted
20 and placed in accordance with the community's floodplain management regulations.
- 21 (4) **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A formal review and comment as to whether a
22 proposed flood protection project or other project complies with the minimum NFIP requirements for
23 such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the
24 effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of
25 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
26 effective FIRM.

27 **LEVEL OF SERVICE.** An indicator of the extent or degree of service provided by, or proposed to be provided
28 by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the
29 capacity per unit of demand for each public facility.

30 **LEVEL OF SERVICE STANDARD.** The level of service a facility is not to exceed as established in the
31 Comprehensive Plan.

32 **LIGHT-DUTY TRUCK.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular
33 Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle
34 frontal area of 45 square feet or less, which is:

- 35 (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
36 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
37 (3) Available with special features enabling off-street or off-highway operation and use.

38 **LISTED SPECIES.** Those species identified by the USFWS and/or FWC as endangered, threatened, or special
39 concern.

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1 **LIVESTOCK.** Includes, but is not limited to, all animals of the equine, ratite, bovine, or swine class, including
2 goats, sheep, mules, horses, llamas, alpacas, hogs, cattle, poultry, emus, ostriches, and other grazing animals. The
3 term livestock shall specifically exclude specialty animals.

4 **LOCALLY SIGNIFICANT NATURAL RESOURCES.** Lands or areas which include environmentally sensitive lands
5 or other features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.2.

6 **LOT.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to
7 be used, developed, or built upon as a unit.

8 **LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

9 **LOT DEPTH.** The dimension from the center of the front of the lot to the center of the rear of the lot.

10 **LOT LINE.** The boundary line of a lot.

11 A. **LOT LINE, FRONT.** The line abutting the street right-of-way or point of access which for corner lots shall
12 be determined by the property owner.

13 B. **LOT LINE, REAR.** The lot line opposite to and most closely paralleling the front lot line.

14 C. **LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

15 **LOT WIDTH.** The horizontal distance between the side lot lines measured at the front property line. For lots
16 located on a curve, it shall be the chord distance of the curve at the front property line.

17 **LOW VOLUME IRRIGATION.** Irrigation by a system which utilizes devices that irrigate at rates of 0.5 gpm or
18 less, allowing water to be placed with a high degree of efficiency at the root zone of each plant.

19 **LOWEST ADJACENT GRADE.** The lowest elevation, after the completion of construction, of the ground,
20 sidewalk, patio, deck support, or basement entryway immediately next to the structure.

21 **LOWEST FLOOR.** The lowest floor of the lowest enclosed area of a building or structure (including basement),
22 but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking,
23 building access or limited storage provided that such enclosure is not built so as to render the structure in violation
24 of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.].

25 **MANUFACTURED BUILDING.** A structure bearing a seal issued by the Florida Department of Community
26 Affairs certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of
27 1979.

28 **MANUFACTURED HOME.** A structure bearing a label certifying that it is built in compliance with the Federal
29 Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. For floodplain management
30 purposes, it is a structure, transportable in one or more sections, which is eight (8) feet or more in width and
31 greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for
32 use with or without a permanent foundation when attached to the required utilities. The term "manufactured
33 home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

34 **MANUFACTURED HOME/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land
35 divided into two or more manufactured home lots for rent or sale.

36 **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** As it relates to the Flood Plain Overlay Zone, a
37 manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the
38 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
39 streets, and either final site grading or the pouring of concrete pads) was completed before January 19, 1983.

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1 **MANUFACTURED HOME PARK OR SUBDIVISION, NEW.** As it relates to the Flood Plain Overlay Zone, a
2 manufactured home park, or subdivision, for which the construction of facilities for servicing the lots on which the
3 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of
4 streets, and either final site grading or the pouring of concrete pads) and was completed on or after January 19,
5 1983.

6 **MANUFACTURING.** A commercial or industrial activity involved in the research, development, assembly,
7 production, testing, or processing of goods, materials, components, devices, equipment, or systems.

8 **MARINA.** A premises located adjacent to water bodies, canals, or water ways providing wet or dry storage
9 and all accessory facilities.

10 **MARION-FRIENDLY LANDSCAPING.** The use of plants (and non-plant materials such as mulch) and landscape
11 designs and practices that are compatible with the natural environment and climate of Marion County. Marion-
12 Friendly Landscaping minimizes the use of turfgrass that is irrigated and fertilized, and maximizes the use of plants
13 that tolerate sandy soils and drought conditions characteristic of north-central Florida.

14 **MARION-FRIENDLY LANDSCAPING AREA (MFLA).** That portion of a new or expanded development that
15 through the approved development plans, documents, and deed restrictions, is identified to be maintained as
16 Marion-Friendly Landscaping and where the use of high volume irrigation, non-drought tolerant plants, and lawn
17 chemicals (fertilizers and pesticides) on turfgrass is prohibited.

18 **MARKET VALUE.** As it relates to floodplain management, the price at which a property will change hands
19 between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having
20 reasonable knowledge of relevant facts. As used in Article 5, Division 3, the term refers to the market value of
21 buildings and structures, excluding the land and other improvements on the parcel. Market value can be
22 established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on
23 income approach), actual cash value (replacement cost depreciated for age and quality of construction of building),
24 or adjusted tax-assessed values adjusted to approximate market value by a factor provided by the Property
25 Appraiser.

26 **MARQUEE.** A structure projecting from and supported by a building which extends beyond the building line
27 or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

28 **MCUD DIRECTOR.** Marion County Utilities Department Director, or his designee.

29 **MINI-WAREHOUSE (SELF-SERVICE STORAGE FACILITY).** A building, or group of buildings, consisting of
30 individual, small, self-contained units that are leased or owned for the storage of business and household goods or
31 contractors supplies.

32 **MOBILE HOME.** A transportable structure designed to be:

- 33 A. Used as a year-round residential dwelling, built prior to enactment of the Federal Manufactured
34 Housing Construction and Safety Standards, which became effective for all manufactured home
35 construction on June 15, 1976, and
- 36 B. Any vehicle without independent motive power which is designed for housing accommodations and
37 transportation over the highways on a chassis under carriage, which is an integral part thereof, but
38 does not include travel trailers or recreational units as defined by § 320.01 FS. This definition shall
39 include any unit which meets the criteria above and is certified by the Department of Safety and Motor
40 Vehicles as meeting requirements of as defined in Ch. 320 FS.

41 **MODEL HOME.** A single-family dwelling unit, or units, used by a home builder to illustrate the features
42 available to a potential purchaser of a dwelling unit when constructed on a different lot, parcel, or tract.

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1 **MODEL HOME SALES LOT OR MODEL HOME COMPLEX.** Model homes designed in a cluster to create a sales
2 facility.

3 **MODIFY.** Regarding towers, modify shall include all structural changes to a tower other than routine
4 maintenance, including, without limitation, structural modifications, rebuilding, or relocating on the same parcel.
5 Modify does not include adding additional or different antennas, or deleting or removing antennas.

6 **MONOPOLE TOWER.** A tower consisting of a single pole, or spine, self supported by a permanent foundation,
7 and constructed without guy wires and ground anchors.

8 **MULTI-DWELLING.** A structure which contains three or more dwelling units.

9 **MULTI-FAMILY.** Any residential development project that consists of more than two dwelling units per
10 building, or eight dwelling units or more per gross acre.

11 **MULTIPLE OCCUPANCY COMPLEX.** A commercial occupancy (i.e. any occupancy other than residential or
12 agricultural) consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or
13 coordinated project, with a building or buildings housing more than one occupant, or more than one business
14 under one ownership.

15 **NATIVE TREE.** A self-supporting woody plant which normally grows to a height of ten feet or more and which
16 is classified as native vegetation.

17 **NATIVE VEGETATION.** Those species occurring within the state boundaries prior to European contact,
18 according to the best available scientific and historical documentation. It includes those species understood as
19 indigenous, occurring in natural associations and habitats that exist prior to significant human impacts.

20 **NATURAL AREA.** Undeveloped lands considered to be in, or maintained in, an undisturbed or unmodified
21 condition which provide habitat or natural open space.

22 **NEW CONSTRUCTION.** For the purposes of administration of Article 5, Division 3 and the flood resistant
23 construction requirements of the Florida Building Code, structures for which the "start of construction"
24 commenced on or after January 19, 1983 and includes any subsequent improvements to such structures.

25 **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which
26 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at
27 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
28 concrete pads) is completed on or after January 19, 1983.

29 **NIGHTCLUB.** A bar or similar establishment providing food, refreshments, or alcoholic beverages wherein
30 dancing is permitted or paid entertainment is provided.

31 **NONCONFORMING LOT.** A lot of record which does not conform to the current minimum requirements for a
32 lot in the zoning classification in which it is located.

33 **NONCONFORMING STRUCTURE.** A building or structure which does not conform to the current minimum
34 requirements for such structure in the zoning classification in which it is located.

35 **NONCONFORMING USE.** A use which is not a permitted use, or special use, in a current zoning classification.

36 **NON-CONTIGUOUS PARCELS.** Those parcels that do not have any common property lines, or which are
37 separated by platted or unplatted roads, streets, or alleys which have been dedicated for public use, or
38 prescriptive easements for road right-of-way purposes.

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1 **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.** The vertical control datum of orthometric height
2 established for vertical control surveying in the United States of America based upon the General Adjustment of
3 the North American Datum of 1988.

4 **OCCUPANT (OCCUPANCY).** One who has certain legal rights to or control over the premises he occupies; the
5 state of being an occupant.

6 **OFF-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
7 an activity conducted, or service rendered, or a commodity sold at a location or on a parcel other than where the
8 sign is located.

9 **ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS).** Also referred to as a septic system.

10 **ON-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
11 an activity conducted, service rendered, or a commodity sold, at the location where the sign is installed.

12 **OPEN BASIN.** All watersheds not meeting the definition for Closed Basin.

13 **OPEN SPACE.** Land area restricted or not developed depending on its designation as natural open space or
14 improved open space consistent with the provisions of Section 6.6.6.

15 **ORDINARY HIGH WATER LINE (OHWL).** The highest reach of a navigable, nontidal waterbody as it usually
16 exists when in its ordinary condition and is not the highest reach of such waterbody during the high water season
17 or in times of freshets. The term also includes the terms "ordinary high-water line" and "line of ordinary high
18 water."

19 **OUTSIDE STORAGE.** The storage or display, outside of a completely enclosed building, of merchandise
20 offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course
21 of a permitted use.

22 **OWNER.** The person, firm, corporation, or governmental unit holding title of the real estate upon which
23 construction is to take place.

24 **PACKAGE STORE.** A premises in which alcoholic beverages are sold for off-premises consumption.

25 **PARCEL.** A continuous quantity of land in the possession of or owned by, or recorded as the property of the
26 same person or persons. A parcel may consist of contiguous platted lots.

27 **PARCEL OF RECORD.** A designated parcel, tract, or area of land established by plat, metes and bounds
28 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which complies with the
29 applicable building codes and zoning regulations, and which existed on or before January 1, 1992, and under one
30 ownership as of August 11, 1993.

31 **PARK.** Land which is used for active or passive recreational purposes, whether dedicated public or private.

32 **PARK MODEL OR PARK TRAILER.** A transportable unit which has a body width not exceeding 14 feet and
33 which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected
34 to utilities necessary for operation of installed fixtures or appliances or; a park trailer constructed to ANSI A-119.5
35 standards which does not exceed 400 square feet gross floor area or; a park trailer constructed to US Department
36 of Housing and Urban Development Standards which does not exceed 500 square feet gross floor area.

37 **PARKING AREA.** An open area, other than a street or other public way, used for the parking of motor
38 vehicles.

39 **PARKING LANE.** A lane located on the side of a street, designed to provide on-street parking of a motor
40 vehicle.

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- 1 **PARKING SPACE.** An area provided for the parking of a motor vehicle.
- 2 **PASSIVE RECREATION.** Those recreational activities afforded by such natural resources as the native flora,
3 fauna, and aesthetic appeal of a natural setting and requiring minimal development to utilize and enjoy such
4 resources. These activities include hiking, nature watching, unstructured play, picnicking, horseback riding and
5 bicycle riding.
- 6 **PERMEABILITY.** The capacity of a porous medium for transmitting water.
- 7 **PLANNED UNIT DEVELOPMENT (PUD).** A designated contiguous area of property for the comprehensive
8 development of a single use or of mixed uses.
- 9 **PLANNING/ZONING MANAGER.** Planning /Zoning Manager or designee.
- 10 **PLAT.** A map, or delineated representation of the subdivision of lands, being a complete exact representation
11 of the subdivision and complying with this Code and Ch. 177 FS.
- 12 **PLAYGROUND.** Properties and facilities owned and operated by any governmental agency, or owned and
13 operated by any private agency, including day care centers, which are open for recreational or child care purposes.
- 14 **POINT OF CONNECTION.** The outlet side of the meter designated to serve the customer.
- 15 **PORTABLE SIGN.** Any sign which is designed to be transported by trailer or on its own wheels, including such
16 signs whose wheels have been removed and the remaining chassis or support structure converted to an A- or T-
17 frame sign and anchored temporarily to the ground.
- 18 **POTABLE WATER.** Water that is suitable for human consumption.
- 19 **POTENTIOMETRIC SURFACE (POTENTIOMETRIC HEAD).** The level to which water would rise in a tightly cased
20 well penetrating an aquifer. The water table and artesian pressure surfaces are particular potentiometric surfaces.
- 21 **PRESSURE VACUUM BREAKER ASSEMBLY.** A backflow prevention assembly which includes an independently
22 operating, internally loaded check valve; an independently operating, loaded air inlet valve located on the
23 discharge side of the check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves
24 attached at each end of the Assembly. This assembly shall not be used if back pressure could develop in the
25 downstream piping.
- 26 **PRINCIPAL STRUCTURE.** A structure on a lot or parcel which is used, arranged, adapted or designed for the
27 predominant or primary use for which the lot or parcel is or may be used.
- 28 **PRINCIPAL USE.** The primary or predominant use of a lot, parcel, structure, or structure and land in
29 combination.
- 30 **PRIVATE AIRPORT** – means an Airport which is not open or available for use by the public but may be made
31 available to others by invitation of the owner(s) or manager(s). A new, or expanded, Private Airport must be
32 designated and approved by the Board through a Special Use Permit application process or Planned Unit
33 Development process.
- 34 **PRIVATE CLUB.** A premises used for meetings or activities of persons in which use is restricted to members
35 and guests.
- 36 **PRIVATE PERFORMANCE.** As it relates to the adult entertainment business, modeling, posing or the display
37 or exposure of any specified anatomical area by an employee or independent contractor using the premises under
38 a contract or lease, of an adult entertainment establishment to a person other than an employee while the person
39 is in an area within the establishment not accessible during such display to all other persons in the establishment,

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1 or while the person is in an area in which the person is totally or partially screened or partitioned during such
2 display from the view of all persons within the establishment.

3 **PROGRAM DEFICIENCY.** As it relates to the flood plain overlay zone, a defect in the community's flood plain
4 management regulations or administrative procedures that impairs effective implementation of those flood plain
5 management regulations or of the standards required by the National Flood Insurance Program.

6 **PROHIBITED CONNECTION.** Any connection of an unsafe system to a safe system as deemed by the MCUD.

7 **PROJECT AREA.** The limits of the land area identified on a plan where project improvements and features are
8 proposed.

9 **PUBLIC ACCESS REUSE.** The application of reclaimed water to an area that is intended to be accessible to the
10 general public; such as golf courses, cemeteries, parks, landscape areas, hotels, motels, and highway medians.
11 Public access areas include private property that is not open to the public at large, but is intended for frequent use
12 by many persons. Public access areas also include residential dwellings. Presence of authorized farm personnel or
13 other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.
14 Irrigation of exercise areas and other landscape areas accessible to prisoners at penal institutions shall be
15 considered as irrigation of public access areas.

16 **PUBLIC AREAS.** Areas such as parks, playgrounds, trails, paths and other recreation areas and open spaces;
17 scenic and historic sites; schools and other properties, buildings and structures which have been or will be
18 conveyed or dedicated to the County or other public body.

19 **PUBLIC FACILITIES.** Transportation systems or facilities, sewer systems or facilities, solid waste systems or
20 facilities, drainage systems or facilities, potable water systems or facilities, schools, and parks and recreation
21 systems or facilities. This includes privately operated sewer and water systems that are classified as public systems.

22 **PUBLIC POTABLE WATER SUPPLY SYSTEMS.** Wells, treatment systems, disinfection systems, reservoirs or
23 other storage and high service pumps, pipes, lines, valves, meters, water mains, laterals, and services, used or
24 having the present capacity for future use in connection with the obtaining and supplying of potable water for
25 domestic consumption, fire protection, irrigation, consumption by business, or consumption by industry. Without
26 limiting the generality of the foregoing definition, the system shall embrace all necessary appurtenances and
27 equipment and shall include all property, rights, easements and franchises relative to any such system and deemed
28 necessary or convenient for the operation thereof.

29 **PUBLIC SAFETY AND NUISANCE.** As it relates to the flood plain overlay zone, anything which is injurious to
30 safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully
31 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or
32 basin.

33 **QUALIFYING NATURAL AREA/COMMUNITY.** Those lands identified by the FDEP and the Florida Natural
34 Areas Inventory (FNAI) produced by FDEP as significant areas which are relatively undisturbed and include flora or
35 fauna that reflect the conditions of the area at the time colonial settlement occurred in Florida and Marion County.

36 **RAPID-RATE LAND APPLICATION (RRLA).** The use of percolation ponds or rapid infiltration basins (RIBs) or
37 subsurface absorption fields, as described in Ch. 62 FAC.

38 **RECEIVING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
39 eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in
40 addition to other permitted development activity on the designated lands wherein the lands are depicted on
41 Marion County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use*
42 *Map*, or Map 13, *Transfer of Rights*.

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1 **RECLAIMED WATER.** Water that has received at least advanced secondary treatment and high level
2 disinfection. Water receiving additional treatment may be used in public access areas, when in compliance with
3 the FDEP requirements pursuant to § 62-610 FAC.

4 **RECORDED SUBDIVISION.** A platted subdivision of lands, approved by the Board of County Commissioners,
5 which has a final plat recorded in the public records of Marion County consistent with this Code and Ch. 177 FS.

6 **RECREATION VEHICLE PARK.** A tract of ground upon which three or more single-family camp cottages, tents
7 or recreational vehicles are located or maintained for accommodation of transients whether or not a charge is
8 made.

9 **RECREATIONAL FACILITY.** Any public or private structure or facility used for active recreational pursuits,
10 including such facilities as golf courses, tennis courts, racquetball courts, handball courts, baseball fields, soccer
11 fields, football fields, basketball courts, swimming pools, jogging or exercise trails, and similar facilities.

12 **RECREATIONAL VEHICLE.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- 13 (1) Built on a single chassis;
14 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
15 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
16 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
17 recreational, camping, travel, or seasonal use.

18 **REDUCED-PRESSURE PRINCIPLE ASSEMBLY.** A Backflow Prevention Assembly which includes two
19 independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief
20 valve located both between the check valves and below the first check valve; and properly located test cocks and
21 tightly closing resilient-seated shut-off valves attached at each end of the Assembly.

22 **REGISTERED DIVISIONS OF LAND.** A map or survey of divisions of land three acres or larger in size, including
23 "flag lots" as that term is commonly known in Marion County, and which was filed and accepted by Marion County
24 prior to January 1, 1992.

25 **REGULATED USES OR ADULT AND SEXUALLY-ORIENTED BUSINESS.** Uses such as but not limited to adult
26 book store or film store, adult booth, adult cabaret, and adult theater or mini-motion theater or drive-in.

27 **REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that
28 must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
29 more than a designated height.

30 **REMEDY A DEFICIENCY OR VIOLATION.** As it relates to the flood plain overlay zone, to bring the regulation,
31 procedure, structure or other development into compliance with State of Florida, Federal or local flood plain
32 management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts
33 may be reduced include protecting the structure or other affected development from flood damages,
34 implementing the enforcement provisions of the Flood Plain Overlay Zone in Article 5 or otherwise deterring
35 future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

36 **REMODELING.** Any change, partial removal, partial replacement, or addition to buildings.

37 **RESIDENTIAL DUAL CHECK.** A compact, mechanical Backflow Prevention Device manufactured with two
38 independently acting, spring actuated check valves.

39 **RESIDENTIAL SERVICE ADDRESS.** A metered residential address whose private water systems serve only
40 residential dwellings the total of which is designed to house no more than four families.

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- 1 **RESIDENTIAL USES.** One-family dwellings, two-family dwellings, and multi-family dwellings.
- 2 **RESIDUALS.** Biosolids from a permitted wastewater treatment or water reuse facility and septage from an
3 OSTDS.
- 4 **RETAIL SALES.** Any business activity, and related services, customarily selling goods and commodities for
5 profit.
- 6 **RETAINING WALL.** A structure erected between lands of different elevation to protect structures or to
7 prevent the loss of earth from the upper slope level.
- 8 **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 9 **ROOF LINE.** A horizontal line intersecting the highest point or points of a roof.
- 10 **ROOF SIGN.** A sign placed above the roof line of a building or on or against a roof slope of less than 45
11 degrees as measured from the vertical plane.
- 12 **RUNOFF.** The surface flow of stormwater.
- 13 **RURAL AREA.** Lands located outside the Urban Growth Boundary (UGB) as designated by the Comprehensive
14 Plan Future Land Use Map Series Map 1 *Marion County 2045 Future Land Use Map* excluding those lands bearing
15 an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Table 2-1:
16 *Summary of Future Land Use Designations*.
- 17 **SAFE YIELD.** The overage annual amount of groundwater that could be extracted from a groundwater basin
18 (or reservoir) over a long period of time without causing a long term reduction of groundwater quantity, quality, or
19 other undesirable impacts.
- 20 **SCHOOL.** A public or private educational institution offering students an academic curriculum, including
21 kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also
22 include all adjacent properties owned and used by such schools for education, research, maintenance, or
23 recreational purposes.
- 24 **SCREEN.** A structure or planting consisting of fencing, walls, berms, trees, or shrubs which provides sight
25 obstruction within or to a site or property.
- 26 **SEMICONFINED AQUIFER.** An aquifer that receives recharge in the form of leakage through underlying or
27 overlying semipermeable formations (aquitards).
- 28 **SENDING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
29 eligible to obtain Transferrable Credits (TDCs) which may be transferred or conveyed to a site within a designated
30 Receiving Area where the TDCs may be used for development.
- 31 **SETBACK (OR SETBACK LINE).** An area defined by a lot line, street centerline, wetland line, water boundary setback
32 line of an open body of water, or right-of-way line and a line on a lot parallel to, and a specified distance from said
33 lines in which area no structure may be located and into which no part of any structure shall project, unless
34 specifically permitted in this Land Development Code. Setbacks shall be measured from lot lines unless specifically
35 stated otherwise or unless the context in which the term is used implies another intended meaning.
- 36 A. **FRONT SETBACK.** That area defined by the front lot line and a parallel line on the lot a specified
37 distance from such front lot line.
- 38 B. **SIDE SETBACK.** An area located between a front yard setback and a rear yard setback, defined by a side
39 lot line and a parallel line on the lot a specified distance from such side lot line.

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1 C. **REAR SETBACK.** That area defined by the rear lot line and a parallel line on the lot a specified distance
2 from such rear lot line.

3 **SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is
4 erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists
5 approaching or at the intersection.

6 **SIGN.** Any structure, or part thereof, or any device attached to a structure or applied to any surface or
7 object, for visual communication, embodying letters, numerals, symbols, figures, flag, banner, pendant or designs
8 in the nature of an announcement, direction, or advertisement, directing attention to an object, products, place,
9 activity, service, person, institution, organization, or business and which is visible from any public street, alley,
10 waterway, or public place. This definition of a sign shall not include any flag, notice badge, or ensign of any
11 government or governmental agency, or any legal notice posted by and under governmental authority.

12 **SIGN FACE AREA OR SIGN AREA.** The area of any regular geometric shape which contains the entire surface
13 area of a sign upon which copy may be placed.

14 **SIGN STRUCTURE.** Any construction used or designed to exclusively support a sign.

15 **SIGNIFICANT IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure,
16 the cumulative cost of which equals or exceed 25 percent of the market value of the structure before the "start of
17 construction" of the improvement. This term includes structures that have incurred "substantial damage"
18 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
19 B, Section 202]

20 A. Any project for improvement of a building required to correct existing health, sanitary, or safety code
21 violations identified by the building official and that are the minimum necessary to assure safe living
22 conditions.

23 B. Any alternation of a historic structure provided the alternation will not preclude the structure's
24 continued designation as a historic structure.

25 **SINKHOLE.** A landform created by subsidence of soil, sediment or rock as underlying strata are dissolved by
26 ground water. Sinkholes may be directly or indirectly connected to the aquifer or disconnected by the presence of
27 a confining layer of soil (clay) or rock that no longer allows water to permeate below this layer. The later may be
28 expressed as a relic sinkhole or lake, depression in the land surface, or loose soils in the subsurface.

29 **SLOW-RATE LAND APPLICATION (SRLA).** The application of reclaimed water to a vegetated land surface
30 using an overhead or spray, or subsurface drip, Irrigation system, as defined in §§ 62-610.400 and 62-610.450 FAC.

31 **SOLUTION PIPE.** A naturally occurring vertical cylindrical hole attributable to dissolution, often without
32 surface expression and much narrower circumference than a sinkhole.

33 **SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the flood plain within a community subject to a one
34 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
35 AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

36 **SPECIAL USE.** A use that would not be appropriate generally or without restriction throughout the particular
37 zoning classification but which, if controlled as to number, area, location, or compatibility with the surrounding
38 area, would not adversely affect the public health, safety, and general welfare.

39 **SPECIAL USE PERMIT (SUP).** A permit for a use that would not be appropriate generally or without restriction
40 throughout the particular zoning classification but which, if controlled as to number, area, location, or
41 compatibility with the surrounding area, would not adversely affect the public health, safety, and general welfare.

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1 **SPECIALTY ANIMALS.** All animals including native and imported animals which have been, removed from the
2 wild or, animals being bred, raised or kept for research, food, fur, skins, or for the production of income and/or,
3 animals requiring a permit or license from the State Fish and Wildlife Conservation Commission or the US Fish and
4 Wildlife Service shall be regulated by Special Use Permit. Large reptiles are included in this category. Where nine or
5 more animals are being kept as household pets, and do not meet the above listed requirements or the below listed
6 exclusions, they shall be treated as specialty animals and regulated by Special Use Permit. Specialty animals shall
7 not include livestock, dogs, cats or homing/racing pigeons meeting the requirements of Article 4.

8 **SPECIFIC CAPACITY.** The ratio of well discharge to the drawdown produced, measured inside the well
9 (gpm/ft of drawdown).

10 **SPECIFIED ANATOMICAL AREAS.** As it relates to the adult entertainment business:

11 A. Less than completely and opaquely covered:

12 (1) Human genitals;

13 (2) Pubic region;

14 (3) Buttock; or

15 (4) Female breast below a point immediately above the top of the areola; or

16 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17 **SPECIFIED SEXUAL ACTIVITIES.** As it relates to the adult entertainment business:

18 A. Human genitals in a state of sexual stimulation or arousal;

19 B. Acts of human masturbation, sexual intercourse or sodomy; and

20 C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

21 **SPRINGS PROTECTION ZONE (SPZ).** An area surrounding designated springs within Marion County
22 establishing design and development criteria intended to maintain and support the continued existence and
23 quality of the designated springs, and divided into Primary and Secondary areas pursuant to Article 5.

24 **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements,
25 provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit
26 issuance. The actual start means the first placement of permanent construction of a building (including a
27 manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of
28 columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
29 Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include
30 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or
31 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory
32 buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial
33 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, whether or not that alteration affects the external dimensions of the building.

35 **STATIC LEVEL.** The stabilized water level in a nonpumped well.

36 **STOCKPILE.** As it relates to the springs protection zone, animal manure, including droppings, urine, and
37 soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in
38 excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation,
39 and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on

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1 pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and
2 this section is not considered stockpiling.

3 **STORAGE COEFFICIENT.** The volume of water that an aquifer releases from or takes into storage per unit
4 surface area of aquifer per unit change in the component of head normal to that surface. In a water table aquifer
5 the storage coefficient is essentially the same as its porosity.

6 **STORM CELLAR.** A place below grade used to accommodate occupants of the structure and emergency
7 supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

8 **STREET.** A public or private travelway used or intended to be used, for passage or travel by vehicles.

9 **STREET FRONTAGE.** The distance along the property line at the right-of-way or easement of the street
10 providing primary access and exposure to the existing or proposed development.

11 **STRUCTURE.** Anything constructed or built which is located on or under land. For flood plain management
12 purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well
13 as a manufactured home.

14 **STUB STREET.** A portion of a street for which an extension has been proposed and approved. May be
15 permitted when development is phased over a period of time, but only if the street in its entirety has been
16 approved in the preliminary plan.

17 **SUBDIVISION.** The division of land into three or more lots, tracts, parcels, tiers, blocks, sites, units or any
18 other division of land; and may include establishment of new streets and alleys, additions, and re-subdivisions or
19 replats; and, when appropriate to the context, relates to the process of subdividing or to the lands or area
20 subdivided.

21 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the
22 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
23 before the damage occurred.

24 **SUBSTANTIAL DEVELOPMENT.** As it relates to vested rights, shall mean that required permits for
25 commencement of construction have been obtained; and permitted clearing and grading has commenced on any
26 significant portion of the development subject to a single final local development order; and the actual
27 construction of water and sewer lines, or streets, or the stormwater management system, on said portion of the
28 development is substantially complete or is progressing in a manner that significantly moves the entire
29 development toward completion.

30 **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure,
31 the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
32 construction" of the improvement. This term includes structures that have incurred "substantial damage"
33 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
34 B, Section 202.]

35 (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code
36 violations identified by the building official and that are the minimum necessary to assure safe living
37 conditions.

38 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued
39 designation as a historic structure.

40 **SWALLET OR SWALLOW HOLE.** A place where water disappears underground in a limestone fissure or
41 opening at or near the surface. A swallow hole generally implies water loss in a closed depression or sinkhole,

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1 whereas a swallet may refer to water loss from a disappearing stream or streambed, even though there may be no
2 depression.

3 **TEST WELL.** Completed well for pumping used to obtain information on capacity, groundwater quality,
4 geologic and hydrologic conditions, and related information.

5 **TOTAL NITROGEN (TN).** As a measurement of wastewater effluent quality, Total Nitrogen is the total content
6 of the nitrogen species of organic nitrogen, ammonia, nitrate and nitrite expressed as elemental nitrogen, N, as
7 determined using approved methods.

8 **TOWER.** A lattice, guyed or monopole structure constructed from grade which supports antennas. The term
9 "tower" shall not include the singular use as a amateur radio operator's equipment, as licensed by the FCC, or
10 antenna support structures and/or towers which are less than 50 feet in height and are used only to support
11 antennas which receive, but do not transmit television signals.

12 **TOWER CLUSTERING.** The location of two or more towers on a parcel of property.

13 **TRANSFER OF RIGHTS PROGRAM (TRP).** A program which awards or grants to a property owner
14 Transferrable Development Credits (TDCs) which may then be transferred or conveyed to a party that may use the
15 TDCs for the development of lands deemed eligible by Marion County.

16 **TRANSFERRABLE DEVELOPMENT CREDIT (TDC).** A residential unit equivalent which may be granted to lands
17 within eligible Sending Areas for subsequent transfer/sale between parties wherein the TDC is used by the
18 receiving party to provide for additional residential development on lands eligible for use in a designated Receiving
19 Area.

20 **TRANSMITTER TOWER.** A structure designed, constructed or used for the sole purpose of broadcasting or
21 retransmitting any form of radio, television, radar, microwave, or other type of electronic wave, or impulse.

22 **TREE.** Any self-supporting woody plant which has at least one main trunk, and is normally grown to an
23 overall height of a minimum of ten feet.

24 **TREE REMOVAL.** To physically remove a tree, including the performance of any act by a property owner or
25 his designated agent, on a particular parcel of record which causes the death of a tree, or the effective removal of
26 a tree through damage.

27 **TURFGRASS.** A mat layer of monocotyledonous plants, including but not limited to Bahia, Bermuda,
28 Centipede, Paspalum, St. Augustine, and Zoysia grasses.

29 **TWO-FAMILY DWELLING.** A structure containing two dwelling units.

30 **UNIT.** That part of a multiple occupancy complex housing one occupant or use.

31 **UNRECORDED SUBDIVISION.** A platted subdivision of lands which has been accepted by the Board of County
32 Commissioners for filing only by the Clerk of the Court in the public records of Marion County. Said plats were
33 prepared and filed prior to August 14, 1970, in the public records of Marion County in record books entitled
34 "Unrecorded Subdivisions."

35 **URBAN AREA.** Lands located within the Urban Growth Boundary (UGB) as designated by the Comprehensive
36 Plan Future Land Use Map Series Map 1 Marion County 2045 Future Land Use Map or those lands located in the
37 Rural Area bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use
38 Element Table 2-1: *Summary of Land Use Designations*.

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1 **URBAN GROWTH BOUNDARY (UGB).** The boundary established by Marion County Comprehensive Plan
2 Future Land Use map Series Map 1, Marion County 2035 Future Land Use Map, which identifies the geographic
3 area wherein higher density and intensity development and full urban services are intended to be concentrated.

4 **UTILITY.** The individuals and/or legal entities which own and are responsible for the operation and
5 maintenance of public or private utility services such as potable water, wastewater, phone, cable, electric, etc.

6 **VARIANCE.** As it relates to the zoning requirements of this Code, a grant of relief to a particular property
7 owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application
8 of that zoning provision of the Code. For floodplain management purposes, a grant of relief from the requirements
9 of Article 5, Division 3, or the flood resistant construction requirements of the Florida Building Code, which permits
10 construction in a manner that would not otherwise be permitted by Article 5, Division 3 or the Florida Building
11 Code.

12 **VEHICLE SIGN.** Any sign affixed to a vehicle.

13 **VERTICAL DATUM.** An accepted reference or basis for elevations pre-approved by the Office of the County
14 Engineer.

15 **VESTED RIGHTS.** The authorization to improve and/or develop properties meeting the conditions established
16 in Division 1.7.

17 **VIOLATION.** The failure of a structure or other development to be fully compliant with the requirements of a
18 specific provision of this Code.

19 **WAIVER.** A grant of relief from compliance with a specific provision of this Code, not zoning related, granted
20 to a particular property owner because of financial hardship or alternate design concept.

21 **WASTEWATER.** Any substance that contains any of the waste products, excrement, or other discharge from
22 the bodies of human beings or animals as well as such other wastes as normally emanate from dwelling houses.

23 **WASTEWATER SERVICE LATERAL.** Those service laterals or force mains from the customer's property line to
24 the wastewater main and all appurtenances.

25 **WASTEWATER SYSTEM.** A centralized or decentralized system for the collection and treatment of domestic
26 wastewater and disposal of reclaimed effluent. A wastewater system includes without limitation the collection
27 lines, wastewater treatment facility, pumping stations, intercepting sewers, force mains, and all necessary
28 appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such
29 system and deemed necessary or convenient for the operation thereof.

30 **WASTEWATER TREATMENT FACILITY (WWTF).** The facility at which the raw wastewater is collected and
31 treated.

32 **WATER BOUNDARY SETBACK LINE (WBSL).** Unless previously established by Board action, the Water
33 Boundary Setback Line is the normal or average reach of a water body during the high water season. However, on
34 low, flat-banked water bodies where there is no well-defined mark, the boundary is located at the point up to
35 which the presence and action of the water is so continuous that the cultivation of ordinary agricultural crops is
36 prevented.

37 **WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through, or over which
38 water flows at least periodically.

39 **WATER DETENTION AREA (WDA).** A manmade or natural facility which collects surface or subsurface water
40 and which impedes its flow and releases the same gradually at a rate not greater than that prior to the
41 development of the property, into natural or manmade outlets.

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1 **WATER FRONTAGE OR WATER FRONT.** That side of a lot, parcel or tract abutting on a water body and which
2 may be considered as the front for setback requirements.

3 **WATER METER.** That device, with all appurtenances, which registers water flow to a customer.

4 **WATER RETENTION AREA (WRA).** A manmade or natural facility which collects and retains surface water and
5 allows gradual ground infiltration.

6 **WATER SERVICE CONNECTION.** The point of connection to the public potable water system (metered or non-
7 metered) where the Utility loses jurisdiction and sanitary control over the potable water delivered to that point.
8 Included within this definition are connections for fire hydrants and other temporary or emergency water service.
9 For metered connections, the point of connection is the downstream end of the water meter.

10 **WATER SERVICE LATERAL.** The pipe from the water main to the point of connection.

11 **WATER SURFACE ELEVATION.** The height, in relation to an accepted vertical datum, of floods of various
12 magnitudes and frequencies in the flood plains of coastal or riverine areas.

13 **WATER SYSTEM.** A water supply distribution system consisting of all water mains, valves, service laterals, fire
14 hydrants, meter boxes, etc. used to deliver water from the WTP to the consumer.

15 **WATER TREATMENT PLANT (WTP).** Includes all wells, pumps, tanks, valves, piping, treatment and
16 disinfection facilities required to withdraw, treat, and disinfect water suitable for public consumption.

17 **WETLANDS.** Those land areas featuring unique environmental and/or hydrogeologic characteristics which
18 qualifies as wetlands pursuant to § 373.019(25) FS and § 62-340.200 FAC as determined and delineated by the
19 appropriate jurisdictional agency

20 **WETTEST SEASON.** As defined in § 64E-6.002 FAC, that period of time each year in which the ground water
21 table elevation can normally be expected to be at its highest elevation.

22 **WILDLAND URBAN INTERFACE/INTERMIX ZONES:** Locations which the Marion County Fire Rescue (MCFR)
23 determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may
24 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
25 severity analysis shall be provided for review and approval by MCFR.

26 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A, § 2), 4-11-2017; Ord. No. 17-11, § 4, 5-16-2017; Ord.
27 No. 17-25, § 1(Exh. A), 10-3-2017; Ord. No. 2017-30, § 1(Exh. A, § 2), 11-7-2017; Ord. No. 18-14, § 1(Exh. A, § 2), 5-
28 21-2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023; Ord. No. 23-38, § 1(Att. 1), 12-19-2023; Ord. No. 25-11, § 1(Att. 1),
29 4-8-2025)

30

1 ***DIVISION 2. DEFINITIONS***

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

4 **ABANDONED WELL.** A well which has its use permanently discontinued, is in such disrepair that its continued
5 use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or
6 otherwise is or may be a health or safety hazard.

7 **ABROGATION.** To close, vacate, or abandon a right-of-way.

8 **ACCESSORY BUILDING OR STRUCTURE (APPURTENANT STRUCTURE).** A subordinate building or structure on
9 the same lot, or parcel, or on a contiguous parcel which is occupied by, or devoted to, an accessory use.

10 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
11 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
12 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
13 during conditions of the base flood.

14 **ACCESSORY USE.** A use naturally and normally incidental and subordinate to the principal use of a structure
15 or land and located on the same lot, or parcel or on a parcel contiguous to the principal use to which it relates.

16 **ACTIVE RECREATION.** Recreational activities that occur in areas that require substantial structural
17 development and investment, such as playing fields, courts or other facilities. Examples of active recreation include
18 soccer, baseball, swimming in a pool, tennis and basketball. Active recreation differs from passive recreation
19 primarily by the facilities that are required to undertake an activity.

20 **ADDITION.** An extension or increase in floor area or height of a building or structure.

21 **ADULT BOOKSTORE OR FILM STORE.** An establishment having as a substantial portion of its stock in trade
22 books, magazines, other periodicals, films, video tapes, video disks, or similar items which are distinguished or
23 characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or
24 "specified anatomical areas."

25 **ADULT BOOTH.** A small enclosed or partitioned area inside an adult entertainment establishment that is:

- 26 A. Designed or used for the viewing of adult material by one or more persons; and
27 B. Accessible to all persons, regardless of whether a fee is charged for access.

28 The term "adult booth" includes but is not limited to a "peep show" booth, or other booth used to view
29 "adult material." The term "adult booth" does not include a foyer through which a person can enter or exit the
30 establishment, or a rest room.

31 **ADULT CABARET.** A bar, lounge, club, or other establishment which may sell alcoholic or non-alcoholic
32 beverages or food and which features as part of the regular entertainment topless or bottomless dancers,
33 strippers, whether male or female, or similar entertainers whose acts are characterized by an emphasis on matter
34 depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas." This definition shall
35 include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling Studio.

36 **ADULT THEATER OR MINI-MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
37 capacity for fewer than 50 persons in which a substantial portion of the material presented is distinguished or
38 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
39 "specified anatomical areas" for observation by patrons therein.

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1 **ADULT THEATER OR MOTION PICTURE THEATER OR DRIVE-IN.** An enclosed building or drive-in with a
2 capacity of 50 or more persons in which a substantial portion of the material presented is distinguished or
3 characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or
4 "specified anatomical areas" for observation by patrons therein.

5 **ADVERTISING.** Sign copy or materials intended to directly or indirectly promote the sale or use of a product,
6 service, commodity, entertainment, or real or personal property.

7 **AGRICULTURAL USES.** Those uses of land which involve the science and art of production of plants and
8 animals useful to man including to a variable extent, the preparation of these products for man's use and their
9 disposal by marketing or otherwise. These shall include horticulture, floriculture, viticulture, aquaculture, forestry,
10 dairy, livestock, including the breeding and/or training of horses, poultry, bees, ratites, and any and all forms of
11 farm products and farm production.

12 **AIR GAP.** A physical separation between the free flowing discharge and an open or non-pressure receiving
13 vessel.

14 **AIRPORT-** an area of land or water used for, or intended to be used for, landing and takeoff of aircraft,
15 including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended

16 use.**ALTERATION.** Any change in size, shape, character, or use of a building or structure.

17 **ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment,
18 channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of
19 modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water
20 during conditions of the base flood.

21 **ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

22 **ANIMAL UNIT.** As defined in § 62-670.200 FAC.

23 **ANIMAL RELATED BUSINESS.** Any for-profit person or business that renders services to, for or by any
24 domestic animal. Examples of animal related business include, but are not limited to, boarding facilities, doggie
25 day cares, groomers and training facilities. Animal related business does not include the offices or practices of
26 State-certified and licensed veterinarians.

27 **ANIMAL RELATED ORGANIZATION.** Any not for profit entity that has tax exempt status in accordance with
28 Section 501(c)(3) of the Internal Revenue Code and whose primary mission includes the rescue, welfare, care,
29 and/or adoption/placement of stray, abandoned, or surrendered animals, and which does not obtain animals from
30 a breeder or broker for payment or compensation.

31 **ANTENNA.** Any exterior apparatus designed to transmit or receive communications as authorized by the
32 Federal Communication Commission (FCC). The term "antenna" shall not include satellite earth stations used to
33 receive direct-to-home satellite services as defined in 47 USC § 303(v). An array of antennas, installed at one time
34 and designed as a single, integrated system, shall be considered to be a single antenna.

35 **ANTENNA SUPPORT STRUCTURE.** Any building or other structure other than a tower, which can be used for
36 the location of an antenna. An antenna support structure shall be referred to as a "utilized antenna support
37 structure" if it is or has been used for the location of an antenna.

38 **ANTIQUATED SUBDIVISION.** A subdivision, subdivision series, or any portion of a subdivision or subdivision
39 series, identified by the Board in which further or continued development of that subdivision is deemed
40 undesirable consistent with the provisions of § 163.3164 FS.

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1 **APPEAL.** The process of seeking a higher authority's determination as established by this Code when a
2 specific decision or determination made by designated staff, committee, or board is disputed. As it pertains to
3 floodplain management, request for a review of the Floodplain Administrator's interpretation of any provision of
4 this ordinance.

5 **APPLICANT.** The property owner, the duly authorized representative of the property owner, or the lessee or
6 occupant of said property who submits a County service or development application to and for said property and
7 who can be bound to all legal obligations related to such request.

8 **AQUACULTURE.** The commercial production of fin fish and shellfish, such as crustaceans and mollusks,
9 within a confined space and under controlled feeding, sanitation, and harvesting procedures.

10 **AREA OF SHALLOW FLOODING.** A designated AO or AH Zone on the community's Flood Insurance Rate Map
11 (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the
12 path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is
13 characterized by ponding or sheet flow.

14 **ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building
15 Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

16 **AS-BUILT/RECORD SURVEY.** A record of completed construction drawings documenting the actual
17 construction work as it exists in the field, including any changes made from the originally approved plans, meeting
18 the requirements as set forth in § 5J-17.52(1) FAC, and signed, sealed, and dated by a Professional Surveyor and
19 Mapper licensed by the State of Florida.

20 **AUTOMOBILE WRECKING YARD.** Premises used for the dismantling or disassembling of two or more used
21 motor vehicles or trailers, or the business of storage, sale, or dumping of dismantled, obsolete or wrecked vehicles,
22 trailers or their parts; a junk yard.

23 **AUXILIARY WATER SUPPLY SYSTEM.** A pressurized or pumping-ready water supply system other than a
24 public potable water system which is located on or available to the customer's property whether or not connected
25 to a distribution system within the property. Such auxiliary systems include but are not limited to reclaimed water
26 systems and private wells, as further defined in AWWA M-14 most current edition.

27 **AVAILABLE CAPACITY.** An existing central water or sewer system shall be deemed to have "available
28 capacity," if: (a) as to a central water or sewer system, it is capable of providing central service concurrently with
29 the proposed build-out schedule of the project without the applicant having to expand the facility providing
30 treatment for the water to and/or the wastewater from the project; provided, however, if it is necessary for the
31 Marion County Utility Department to so expand the treatment facility, the applicant may be required to prepay
32 capital charges imposed for such facility; and (b) as to a central water or sewer system, its existing water or sewer
33 lines are of sufficient size and capacity to accommodate the water or sewer requirements of the project without
34 the applicant having to reconstruct the existing lines. This requirement concerns existing lines, only, and does not
35 excuse an applicant from having to construct new lines from its project to the point of connection to the central
36 water or sewer system. Further, if it is necessary to replace the existing lines, the County may require the applicant
37 to pay to reconstruct existing lines, within the applicant's required connection distance, in an amount equal to
38 what it would have cost the applicant to originally construct such lines of sufficient size and capacity to
39 accommodate the applicant's project. This does not preclude the County from requiring the developer to upsize
40 the lines in exchange for additional Equivalent Residential Connection credits.

41 **AVIARY.** A place for keeping birds confined, including but not limited to a large enclosure where birds fly
42 free, a structure where birds are confined in cages, or large cages where birds are confined. A residential structure
43 containing nine or more birds shall be considered an aviary.

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1 **BACKFLOW PREVENTION ASSEMBLY.** A mechanical assembly which is supplied with properly located
2 resilient-seated shut-off valves at each end of the assembly and properly located test cocks, and meets the
3 standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic
4 Research and complies with the standard listed in the Florida Building Code as adopted by Marion County.

5 **BACKFLOW PREVENTION DEVICE.** A mechanical device or plumbing configuration which is designed to
6 prevent backflow.

7 **BAR.** Any place devoted primarily to the retail sale and on premises consumption of malt, vinous, or other
8 alcoholic beverages; a tavern.

9 **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year (also
10 called the "one percent annual chance flood," "100-year flood" and the "regulatory flood"). [Also defined in FBC, B,
11 Section 202.]

12 **BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, relative to the National
13 Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood
14 Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

15 **BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also
16 defined in FBC, B, Section 202; see "Basement (for flood loads)".]

17 **BED AND BREAKFAST INN.** A building, or part thereof, other than a motel or hotel, where sleeping
18 accommodations are provided for transient guests, and may also serve as the residence of the owner or manager.

19 **BEEKEEPING.** The keeping or raising of bees for commercial purposes.

20 **BERM.** A mound of soil, either natural or manmade.

21 **BIORETENTION FACILITY.** An area which provides retention of stormwater through the use of vegetated
22 depressions of approximately four to nine inches in depth with landscaping and engineered soil matrix, designed to
23 collect, store, and infiltrate stormwater runoff. The invert of a bioretention facility is the bottom of the engineered
24 soil matrix.

25 **BOARD.** The Marion County Board of County Commissioners.

26 **BOAT YARD.** A lot, tract, or parcel where facilities for the construction, reconstruction, major repair,
27 maintenance, or sale of boats, marine engines, equipment, and services of all kinds are provided including marine
28 railways, lifting, or launching services and marinas.

29 **BOTTLE CLUB.** A commercial premises to which any alcoholic beverage is brought for consumption on the
30 premises.

31 **BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through
32 its design and construction to collapse under specific lateral loading forces without causing damage to the elevated
33 portion of the building or the supporting foundation system.

34 **BUFFER.** An area within a property or site, generally adjacent to and parallel with the property line, either
35 consisting of natural existing vegetation or created by the use of trees, shrubs, buffer walls, buffer fences, or
36 berms, designed to limit continuously the view of or sound from the site to adjacent sites, properties, or water
37 bodies.

38 **BUFFER FENCE.** A permanent opaque vertical structure providing a barrier with a finished height of six feet
39 measured from the adjacent grade or at a height as required otherwise.

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1 **BUFFER WALL.** A permanent opaque vertical structure with concrete components including, but not limited
2 to pillars, panels, block or brick, used within a buffer meeting the requirements of the Florida Building Code, and
3 providing a barrier (whether for sound, wind, or, views) with a finished height of six feet measured from the
4 adjacent grade or at a height as required otherwise.

5 **BUILDABLE AREA.** As it relates to hamlets, Rural Village District, and Rural Town, the remaining land area
6 eligible for development purposes once areas of open space and open water are subtracted from the gross
7 development lot/parcel/site.

8 **BUILDING.** Any structure designed for the habitation of persons or animals or for shelter of property.

9 **BUILDING PERMIT.** A permit issued by Marion County pursuant to the provisions of Article 2 of the Marion
10 County Code of Ordinances, consistent with the provisions of the Florida Building Code as established by the State
11 of Florida.

12 **BUILDING SIGN.** A sign displayed upon or attached to any part of the exterior of a building, including walls,
13 windows, doors, parapets, marquees, and roof slopes of 45 degrees or steeper.

14 **BUSINESS OR PROFESSIONAL OFFICE.** A space within a building where commercial service activity is
15 primarily conducted which may involve the sale of goods or commodities purely incidental to business services
16 provided.

17 **CALIPER OR TREE CALIPER.** Tree caliper means an American National Standards Institute (ANSI) standard for
18 the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above
19 the ground level. Trees that are seven to twelve-inch caliper are measured at twelve inches above the ground.

20 **CAMOUFLAGED ANTENNA AND/OR TOWER.** A wireless communication antenna and/or tower designed to
21 unobtrusively blend into the existing surroundings and be disguised to not have the appearance of a wireless
22 communication antenna and/or tower. Camouflaged antennas and/or towers on buildings must be disguised to
23 appear as an accessory structure or feature that is normally associated with the principal use occupying the
24 property. Camouflaged antennas and/or towers must be disguised to blend in with other facilities on the property
25 or existing vegetation, such as a tower constructed in the form and shape of a tree to be part of a forested area, or
26 an antenna and/or tower constructed to be a component of a bell, clock, or water tower on sites with compatible
27 buildings, or a component of a church steeple on sites with churches. Surface finish, paint and/or markings alone
28 are insufficient to qualify for a determination as a camouflaged antenna and/or tower.

29 **CAPACITY.** Supply of public facility:

- 30 A. Available - capacity of public facility after subtracting demand and reserved capacity.
31 B. Design - capacity that public facility was designed for.
32 C. Programmed - capacity to be added to public facility by improvement.
33 D. Reserved - capacity that has been reserved for a specific development project.

34 **CAPACITY RESERVATION FEE.** Fee required which reserves facility capacity. Fee is credited towards
35 applicable impact fees.

36 **CAPITAL IMPROVEMENT.** A physical asset constructed or purchased to provide, increase the capacity of, or
37 replace a public facility.

38 **CARPORT.** A garage not completely enclosed by walls and doors.

39 **CENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants) or a
40 wastewater collection, treatment, and dispersal system that serves the needs of one or more residential or non-

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1 residential development projects. Centralized systems are generally owned, operated, and maintained by Marion
2 County, a city, or a Public Service Commission-certificated entity. Types of facilities and systems not covered by the
3 foregoing general definition are found in § 367.022 FS.

4 **CHANGE OF USE.** A discontinuance of an existing use and the substitution of a use of a different kind or class.

5 **CLEAN DEBRIS.** Any solid waste material that is virtually inert, that is not a pollution threat to ground or
6 surface waters, that is not a fire hazard, and that is likely to retain its chemical and physical structure under
7 expected conditions of disposal or use. The term includes earth, brick, glass, ceramics, and uncontaminated
8 concrete including embedded pipe or steel, and other wastes designated by the FDEP.

9 **CLEAN FILL.** Granular soil free of roots, other vegetative material, and debris typically represented by an
10 AASHTO Soil Classification A-3. Other AASHTO soil classifications may satisfy a requirement for "clean fill" if they
11 meet industry specifications for various fill operations as accepted by FDOT or the Florida Building Code.

12 **CLEARING.** The uprooting or removal of vegetation in connection with development. This term does not
13 include yard maintenance operations or other such routine property clean-up activities.

14 **CLOSED BASIN.** An internally drained watershed in which the runoff does not have a surface outfall up to and
15 including the 100-year flood elevation.

16 **CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings and infrastructure in
17 specific areas on a site to allow the remaining land to be used for open space, preservation of environmentally
18 sensitive areas, or agriculture.

19 **CLUSTERING.** The grouping together of principal structures and infrastructure on a portion or portions of a
20 development site.

21 **COLLOCATION.** As it relates to antennas, the process of locating two or more antennas on an existing or
22 proposed tower or antenna support structure.

23 **COMMERCIAL BREEDER.** Any person, firm, partnership, corporation, or other association that engages in the
24 breeding of four (4) or more dogs or cats, in aggregate.

25 **COMMERCIAL VEHICLE.** Any vehicle designed or used for the transport of people, livestock, goods, or things.
26 This does not include private passenger vehicles and/or trailers used for private nonprofit transport of goods.

27 **COMMERCIALLY DEVELOPED PARCEL.** A parcel of property on which there is at least one walled and roofed
28 structure used, or designed to be used, for purposes other than residential or agricultural.

29 **COMMUNITY CENTER.** A building designed and used as a meeting or recreation area to accommodate and
30 serve the community in which it is located.

31 **COMMUNITY RESIDENTIAL HOMES.** Group homes or adult foster care facilities in which no more than 14
32 persons excluding staff reside and where program size and content is structured to meet the individual needs of
33 the residents in these homes.

34 **COMPLETELY ENCLOSED BUILDING.** A building having a complete, permanent roof and continuous walls on
35 all sides, either party walls or exterior walls, including windows and doors.

36 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
37 163 FS.

38 **CONCENTRATED ANIMAL FEEDING OPERATION.** As defined in § 62-670.200 FAC.

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1 **CONCURRENCY MANAGEMENT SYSTEM.** The policies, procedures, standards, and criteria that Marion
2 County will utilize to assure that development orders and permits are not issued unless the necessary facilities and
3 services are available concurrent with the impacts of development.

4 **CONSERVATION EASEMENT.** An easement established under § 704.06 FS, as amended, creating a right or
5 interest in the real property in favor of the entity named in the easement.

6 **CONSTRUCTION AND DEMOLITION DEBRIS (C&DD) DISPOSAL FACILITY.** A facility for the disposal of
7 "construction and demolition debris," as that term is defined in § 403.703(6) FS; also referred to as Construction
8 and Demolition (C&D) Landfill.

9 **CONSTRUCTION, EXISTING.** As it relates to flood plain management, structures for which the "start of
10 construction" commenced before January 19, 1983. This term may also be referred to as "existing structures."

11 **CONSTRUCTION, NEW.** As it relates to flood plain management, any structure for which the "start of
12 construction" commenced on or after January 19, 1983. The term also includes any subsequent improvements to
13 such structures.

14 **CONSTRUCTION PERMIT.** The permit issued by the Office of the County Engineer for construction of all
15 required improvements including construction in private and public rights-of-way.

16 **CONTIGUOUS PARCELS.** Those parcels of land with at least one common property line.

17 **CONTINUING IN GOOD FAITH.** As it relates to vested rights, shall mean the final local development order for
18 a project has been issued and has not expired, and no period of 180 consecutive days, or a previously approved
19 time frame as agreed to by the County, has passed without the occurrence of development activity which
20 significantly moves the proposed development toward completion; unless the developer establishes that such 180-
21 day lapse or previously approved time frame lapse in development activity was due to factors beyond the
22 developer's control; or unless development activity authorized by a final local development order has been
23 substantially completed on a significant portion of the development subject to said final development order and
24 has significantly moved the entire development toward completion.

25 **CONTRACTOR.** The person, firm, or corporation with whom the contract for work has been made by the
26 owner, the developer, or the County in accordance with any applicable State laws.

27 **COVENANTS, CONDITIONS AND RESTRICTIONS (CCR).** Declaration of Covenants, Conditions and Restrictions,
28 recorded in the public records for a development project.

29 **CONVENIENCE STORE.** Any retail establishment offering for sale food products, household, and sundry items,
30 beverages, gasoline, and other similar goods, but not including sales of prescription drugs, alcoholic beverages for
31 on-premises consumption, or any form of used merchandise sales, personal services, repair services, or any
32 outdoor sales, service, storage, or display other than approved accessory gasoline pumps.

33 **COPY.** As it relates to signs, the linguistic or graphic content of a sign.

34 **COUNTY.** The government of Marion County as a political subdivision of the State of Florida; or the physical
35 jurisdictional limits of Marion County as those boundaries described in § 7.42 FS.

36 **COUNTY ENGINEER.** The professional engineer retained by the Board of County Commissioners in the
37 capacity of administering the Office of the County Engineer. The County Engineer may appoint designees to
38 specific management and operation functions as appropriate.

39 **CROSS-CONNECTION.** Any physical arrangement whereby a Public Potable Water System is connected
40 directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than
41 for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain

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1 contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of
2 imparting contamination to the Public Potable Water System as the result of Backflow. By-pass arrangements,
3 jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices
4 through which or because of which Backflow could occur are considered to be Cross-Connections.

5 **CROSS-CONNECTION CONTROL COORDINATOR (CCC).** Utility Department Employee who is responsible for
6 implementation of cross-connection control directives.

7 **DECENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants)
8 or wastewater collection, treatment and dispersal system that is designed to serve the needs of a single residential
9 development project or non-residential development project. Decentralized systems are, further: (1) usually
10 located within the boundaries of the development project; (2) not typically owned, operated, and maintained by
11 Marion County, a city, CDD, or Public Service Commission-certificated entity; and (3) considered as temporary
12 facilities until a centralized system is available to serve the development project.

13 **DEDICATION.** An act of conveyance and acceptance of an interest in or use of property to a public or private
14 entity. See §§ 177.031(6), (16); 177.081; and 177.085 FS (2012) for statutory requirements related to dedications.
15 Mortgagees are required to join in dedications.

16 **DEMAND.** Quantifiable use of a public facility. See Capacity.

17 **DESIGN FLOOD.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section
18 202.]

19 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

20 (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
21 designated.

22 **DESIGN FLOOD ELEVATION.** The elevation of the "design flood," including wave height, relative to the datum
23 specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design
24 flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth
25 number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is
26 not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section
27 202.]

28 **DEVELOPABLE AREA.** The portion of a project area that lies outside sovereign submerged lands.

29 **DEVELOPER.** The person, firm, entity, or corporation engaged in developing or improving real estate for use
30 or occupancy.

31 **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to,
32 buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or
33 materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing
34 activities. As it relates to vested rights, shall mean the particular development activity authorized by unexpired
35 final local development order issued for a specific project is continuing in good faith. Also see §§ 163.3164(14),
36 163.3221(4), and 380.04 FS.

37 **DEVELOPMENT AGREEMENT.** An agreement between Marion County and additional parties specifying
38 requirements of the parties in relation to a development application. Development Agreements are authorized by
39 the "Florida Local Government Development Agreement Act," §§ 163.3220—163.3243 FS and are subject to the
40 applicable provisions of those sections.

41 **DEVELOPMENT AREA.** See project area.

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1 **DEVELOPMENT ORDER.** An official action granting, granting with conditions, or denying an application for a
2 development permit consistent with this Code, § 163.3164 FS and Ch. 380 FS.

3 **DIAMETER AT BREAST HEIGHT.** Diameter at breast height (DBH) is a standard method of measuring the size
4 of a tree. In the Forestry and Survey industries, this measurement is taken at 4.5 feet above the ground.

5 **DIVIDER MEDIAN.** A continual landscaped island located between lineal rows of parking which face head-to-
6 head.

7 **DOMESTIC WASTEWATER RESIDUALS.** A domestic wastewater treatment by-product resulting from the
8 biological treatment process and which is disposed of by application for agricultural or land reclamation purposes.
9 Domestic wastewater residuals shall have the same meaning as "biosolids," as defined in rule § 62-640.200 FAC.

10 **DOUBLE CHECK VALVE ASSEMBLY.** A backflow prevention assembly which includes two internally loaded,
11 independently operating spring loaded check valves, which are installed as a unit between two tightly closing
12 resilient-seated shutoff valves and fittings with properly located test cocks.

13 **DRAFT HYDRANTS.** Draft hydrants are standard fire hydrants but are supplied by a static water source.
14 Normally these hydrants are not supplemented by a fire pump and rely on a fire department engine to draft from
15 the source. These draft hydrants have little to no pressure and function similar to a dry hydrant tank.

16 **DRAINAGE DETENTION AREA (DDA).** See water detention area.

17 **DRAINAGE RETENTION AREA (DRA).** See water retention area.

18 **DRIPLINE.** An imaginary line on the ground defined by vertical lines extending from the outermost tips of
19 tree to the ground or the area within a radius of one foot for each one inch DBH of the tree, whichever is greater.

20 **DRIVEWAY APRON.** That portion of a driveway lying between the street right-of-way line and the edge of the
21 travel lane of the street.

22 **DROUGHT TOLERANT VEGETATION.** Plants which have the ability to survive without supplemental irrigation
23 through periods of drought characteristic of the north-central Florida region, excluding invasive plant species.

24 **DRUGSTORE** (the term Pharmacy is included). An establishment that is either:

25 (1) Engaged in the retail sale of prescription drugs and nonprescription medicines pursuant to Chapter
26 465, FS; or

27 (2) That is both:

28 a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS
29 (2017); and

30 b. Operated in accordance with all provisions of such statute and all other statutes or regulations
31 governing the medical dispensation of marijuana pursuant to Florida law.

32 By way of example and not limitation, as the requirements of this subsection are cumulative, any establishment
33 that may have been licensed as a medical marijuana treatment center but is not operated in accordance with
34 Florida law, shall no longer constitute a drugstore, and hence is no longer a permitted use in zoning districts where
35 drugstores are permitted.

36 **DRYLINE PERMIT.** A construction permit for sewer lines issued with certain special conditions applied.

37 **DUCTILE IRON PIPE RESEARCH ASSOCIATION (DIPRA).** Any reference to DIPRA Standards shall be taken to
38 mean the most recently published revision unless otherwise specified.

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1 **DUDE RANCH.** A vacation resort offering activities typical of western ranches such as horseback riding.

2 **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title
3 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be
4 inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and
5 be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said
6 public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the
7 Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all
8 owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose
9 address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request
10 such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief
11 explanation of the land use permit request and a location map identifying the property under consideration and
12 shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a
13 conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change.
14 Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by
15 the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County,
16 and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning
17 category, the provisions of § 125.66(4) FS shall apply.

18 **DWELLING UNIT.** Any structure or portion thereof which is designed for or used for residential purposes as a
19 self-sufficient or individual unit by one family or other social association of persons.

20 **ELECTRIC SUBSTATION.** An electric substation which takes electricity from the transmission grid and converts
21 it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through
22 one or more distribution lines less than 69 kilovolts in size.

23 **ELEVATED BUILDING.** A non-basement building built to have the lowest floor elevated above the ground
24 level by foundation walls, posts, piers, columns, pilings, or shear walls.

25 **ELEVATION.** The vertical height or heights relative to a defined datum.

26 **EMPHASIS.** As it relates to the adult entertainment business, "emphasis" or "emphasis on" means that the
27 type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the
28 matter specified is a substantial portion of such work or exhibition.

29 **ENCROACHMENT.** The placement of fill, excavation, buildings, permanent structures or other development
30 into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

31 **ENVIRONMENTALLY SENSITIVE LANDS.** Lands or areas which include environmental or other natural
32 features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.1.

33 **EQUINE CENTER.** A facility identified and designated by the Board as a unique and specialized destination for
34 regional, state, and national equine interests and activities that further the County's equine identity as "The Horse
35 Capital of the World."

36 **EQUIVALENT RESIDENTIAL CONNECTION (ERC).** A unit of measurement representing capacity demand of
37 300 gallons per day for wastewater or 350 gallons per day for water.

38 **ERECT A SIGN.** To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint,
39 draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities
40 when performed as an incident to a change of message or routine maintenance.

41 **ESTABLISHED CHURCH.** Established place of meeting or worship at which non-profit religious services are
42 regularly conducted and carried on.

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1 **EXCEPTION.** As it relates to vested rights, shall mean an exception to the densities required in the Future
2 Land Use Element for parcels of record as of January 1, 1992 for the construction of one residential unit.
3 Exceptions apply to density only and do not exempt parcels from any other requirement of the Comprehensive
4 Plan.

5 **EXISTING BUILDING AND EXISTING STRUCTURE.** Any buildings and structures for which the "start of
6 construction" commenced before January 19, 1983. [Also defined in FBC, B, Section 202.]

7 **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for
8 which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
9 (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the
10 pouring of concrete pads) is completed before January 19, 1983.

11 **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional
12 sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
13 (including the installation of utilities, the construction of streets, and either final site grading or the pouring of
14 concrete pads).

15 **EXTRACTION OR RESOURCE EXTRACTION.** The removal of resources from their location so as to make them
16 suitable for commercial, industrial, or construction use, but does not include excavation solely in aid of on-site
17 farming or on-site construction, nor the process of searching, prospecting, exploring, or investigating for resources
18 by drilling.

19 **FAILING.** As defined in § 64E-6.002 FAC and periodically amended: a condition existing within an onsite
20 sewage treatment and disposal system which prohibits the system from functioning in a sanitary manner and
21 which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface
22 water, into ground water, or which results in the failure of building plumbing to discharge properly.

23 **FAMILY.** One or more persons occupying the whole or part of a dwelling unit and living as a single,
24 housekeeping unit provided that a group of four or more persons who are not within the second degree of kinship
25 shall not be deemed to constitute a family, except as set forth in Title VIII of the Civil Rights Act of 1968 and as
26 subsequently amended by the Fair Housing Amendments Act of 1988.

27 **FAMILY/GUEST COTTAGE/APARTMENT.** A small detached dwelling unit for use by immediate family
28 members or guests which is an accessory use to a single-family dwelling. The cottage may be a removable,
29 modular structure, or a conventionally constructed structure, and shall be compatible with the existing dwelling. It
30 shall be designed as an independent living unit smaller than the primary structure.

31 **FEEDLOT.** A confined area or structure, pen or corral, used to fatten livestock for a period of at least 30 days
32 prior to final shipment.

33 **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that, in addition to carrying out
34 other functions, administers the National Flood Insurance Program.

35 **FENCE.** A vertical structure used to provide a physical division between areas.

36 **FIRE LINE.** Piping from the water main to point of delivery exclusively providing fire protection.

37 **FISH HATCHERY.** Establishments primarily engaged in hatching fish, not including fish or farm ponds.

38 **FLAG LOT.** A parcel of land shaped like a flag with a narrow strip providing access; the bulk of the property
39 contains no frontage.

40 **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land
41 areas from:

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1 (1) The overflow of inland or tidal waters.

2 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

3 **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material capable of withstanding direct and
4 prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also
5 defined in FBC, B, Section 202.]

6 **FLOOD HAZARD AREA.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

7 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

8 (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally
9 designated.

10 **FLOOD INSURANCE RATE MAP (FIRM).** The official map of the community on which the Federal Emergency
11 Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the
12 community. [Also defined in FBC, B, Section 202.]

13 **FLOOD INSURANCE STUDY (FIS).** The official hydraulic and hydrologic report provided by FEMA. The study
14 contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water
15 surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-
16 related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable),
17 and other related data and information.

18 **FLOODPLAIN ADMINISTRATOR.** The office or position designated and charged with the administration and
19 enforcement of Flood Plain regulations within Article 5 Division 3 (may be referred to as the Floodplain Manager).

20 **FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document, certificate or development order
21 issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific
22 development activities that are located in flood hazard areas and that are determined to be compliant with Article
23 5, Division 3.

24 **FLOOD PLAIN ELEVATIONS.** The elevations established along waterbodies and in closed drainage basins
25 which represent the hydraulic gradients for the predicted 25-Year and 100-Year flood plains. The 100-Year flood
26 plain is shown on the adopted Marion County Flood Insurance Rate Maps. The elevations may be established by
27 the Flood Plain Administrator or designee; by a Florida Licensed Surveyor and Mapper and approved by the Flood
28 Plain Administrator or along the Rainbow River as established by Southwest Florida Water Management District
29 Profiles dated July 13, 1973.

30 **FLOOD PLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures
31 for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood plain,
32 including but not limited to emergency preparedness plans, flood control works, flood plain management
33 regulations, and open space plans.

34 **FLOOD PLAIN MANAGEMENT REGULATIONS.** This term describes Federal, State of Florida, or local
35 regulations in any combination thereof and other applications of police power which control development in flood-
36 prone areas, which provide standards for preventing and reducing flood loss and damage.

37 **FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to
38 structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary
39 facilities, structures and their contents.

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1 **FLOODWAY.** The channel of a river or other riverine watercourse and the adjacent land areas that must be
2 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more
3 than one (1) foot. [Also defined in FBC, B, Section 202.]

4 **FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed
5 encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the
6 evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and
7 models.

8 **FLOODWAY FRINGE.** That area of the flood plain on either side of the regulatory floodway where
9 encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

10 **FLOOR AREA.** Area of all floors of buildings or structures, measured to the outside of the exterior walls.

11 **FLOOR AREA RATIO (FAR).** The gross floor area of all buildings or structures on a lot divided by the total lot
12 area.

13 **FLORIDA BUILDING CODE.** The family of codes adopted by the Florida Building Commission, including:
14 Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida
15 Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

16 **FLY-IN COMMUNITY** – means a residential or mixed-use development of more than five residential units
17 which has legal taxiway access to a Private Airport that is utilized by the residents of the community and their
18 invited guests for operation of their aircraft. A new, or expanded, Fly-In Community must be designated and
19 approved by the County through a Planned Unit Development zoning application process. All uses and densities
20 proposed within a Fly-In Community must be consistent with the Comprehensive Plan, including the future land
21 use designation.

22 **FOOD SERVICE FACILITIES.** Any commercial facility that generates wastewater through the processing and
23 preparation of food, including restaurants and other commercial facility where food is processed or prepared. It
24 does not include facilities that only sell pre-processed or pre-packaged foods.

25 **FREEBOARD.** The additional height, usually expressed as a factor of safety in feet, above a flood level for
26 purposes of flood plain management. Freeboard tends to compensate for many unknown factors, such as wave
27 action, bridge openings and hydrological effect of urbanization of the watershed that could contribute to flood
28 heights greater than the height calculated for a selected frequency flood and floodway conditions.

29 **FRONT BUILDING LINE.** A line measured between side lot lines no closer than the front setback and equal to
30 the minimum lot width.

31 **FUNCTIONALLY DEPENDENT USE.** As it relates to floodplain management, a use that cannot be used for its
32 intended purpose unless it is located or carried out in close proximity to water, including only docking or port
33 facilities necessary for the loading and unloading of cargo or passengers, and shipbuilding or ship repair facilities.
34 The term does not include long-term storage, manufacture, sales, or service facilities.

35 **GREEN SPACE.** A parcel or area of land which is developed, planted, and maintained with trees, shrubs,
36 groundcovers or turfgrass or a combination thereof, and is reserved for a yard area, landscape area, public or
37 private park or recreation area, drainage retention areas and other similar areas.

38 **GROUND SIGN.** A sign that is supported by one or more columns, upright poles, or braces extended from the
39 ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to
40 any part of a building.

41 **GROWTH SERVICES DIRECTOR.** Growth Services Director or his designee.

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1 **HARDSHIP.** As it relates to flood plain management and variances to the flood plain overlay zone, the
2 exceptional hardship associated with the land that would result from a failure to grant the requested variance. The
3 community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere
4 economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical
5 handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an
6 exceptional hardship. All of these problems can be resolved through other means without granting a variance,
7 even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a
8 different use than originally intended.

9 **HAZARD.** A cross-connection or potential cross-connection which involves an actual or potential threat to
10 the quality and/or potability of the water supplied by a public potable water system. The degree of hazard
11 associated with any private water system shall be determined from an evaluation of the conditions existing within
12 that system.

13 **HEALTH HAZARD.** A hazard involving any substance that could, if introduced into the public potable water
14 system, cause death or illness, spread disease, or have a high probability of causing such effects.

15 **HEAVY MACHINERY OR EQUIPMENT.** Machinery used primarily by the construction, mining, well drilling, oil
16 and gas industries and including overhead traveling cranes, hoists, and monorail systems for installation in
17 factories, warehouses, marinas, and other industrial and commercial establishments.

18 **HEIGHT OF BUILDING.** The vertical distance from the established grade at the center of the front of the
19 building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and the height of
20 the ridge for gable, hip, and gambrel roofs.

21 **HIGH VOLUME IRRIGATION.** An irrigation system (or zone) which utilizes heads or emitters with application
22 rates higher than 0.5 gpm.

23 **HIGH-VOLUME OWNER.** Any person, business, or organization who owns, harbors, or keeps more than
24 fifteen (15) dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to,
25 housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use.
26 Such definition does not include any property or structure where a Florida state licensed veterinarian practices and
27 has a premises permit, as required by F.S. Ch. 474, or any property or structure used as a veterinary hospital,
28 medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any
29 boarding kennel operated in conjunction with any of the foregoing. Such definition shall not include Marion
30 County Animal Services.

31 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to the start of
32 construction, next to the proposed walls or foundation of a structure.

33 **HISTORIC STRUCTURE.** Any structure that is determined eligible for the exception to the flood hazard area
34 requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

35 **HOME OCCUPATION.** Any business or commercial activity that is:

- 36 A. Conducted within a single family dwelling unit in a residential zoning classification and is incidental to
37 the principal residential use of the premises, or
- 38 B. Conducted on the same tract with the principal structure in an agricultural zoning classification, and
- 39 C. Which is a permitted use within the agricultural zoning classification and conducted without
40 significantly adverse impact on the surrounding area.

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1 **HORIZONTAL DATUM.** An accepted current coordinate system used to describe a point on the earth's
2 surface pre-approved by the Office of the County Engineer.

3 **HOUSE OF WORSHIP.** A structure whose principal use is public assembly for worship and teaching of
4 religious concepts.

5 **HOUSEHOLD PET.** All animals which are normally considered as household pets and which can be maintained
6 and cared for within the living space of a residence or outside the residence. Such animals may include but are not
7 limited to dogs, cats, small reptiles, small rodents, fish, small birds such as parrots and parakeets, and other similar
8 animals.

9 **ILLUMINATED SIGN.** A sign which contains a source of light or which is designed or arranged to reflect light
10 from an artificial source including indirect lighting, neon, incandescent lights and backlighting.

11 **IMPERVIOUS SURFACES.** Those surfaces which do not absorb water including but not limited to, buildings,
12 paved parking areas, driveways, roads, sidewalks, patios and any areas covered by brick, concrete, concrete
13 pavers, or asphalt paving materials.

14 **INDUSTRIAL/COMMERCIAL PARK.** A tract of land that is planned, developed, and operated as an integrated
15 facility for a number of individual industrial or commercial or mixed uses.

16 **INFRASTRUCTURE.** Facilities and services needed to sustain residential, commercial, and industrial activities.
17 Infrastructure includes, but is not limited to, water and sewer, streets, street signage, drainage, parks and open
18 space, and other public facilities.

19 **INSTITUTIONAL USE.** A nonprofit, religious, or public use, such as a church, library, public or private school,
20 hospital, community home, convalescent home, adult congregate living facility, or government owned or operated
21 building, structure, or land used for public purpose or benefit.

22 **INTENSIVE RECREATIONAL AREAS.** Sites which provide location for uses such as football, baseball, softball,
23 soccer, and golf courses excluding such areas as secondary and tertiary roughs and out-of-bound areas. Only such
24 sports related fields shall fit this definition while common areas and open spaces between such fields shall not be
25 exempt from irrigation design standards or watering restrictions.

26 **IRRIGATION.** The application of water by manmade means to plant material and turfgrass.

27 **JUNK.** Used and discarded machinery, scrap, iron, steel, other ferrous and non-ferrous metals, inoperative
28 vehicles, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste.

29 **JUNK YARD.** A parcel of land on which junk is collected, stored, salvaged or sold, including automobile
30 recycling facilities.

31 **KARST FEATURE.** A landform that has been modified by dissolution of soluble rock, including limestone or
32 dolostone. These include springs, spring runs, sinkholes, solution pipes, swallets and swallow holes. A directly or
33 indirectly connected karst feature is one where no confining layer of sediment exists to prevent runoff from
34 directly or indirectly entering the Floridan Aquifer system.

35 **KENNEL.** Any place or premises where four or more dogs and/or cats, in aggregate, over four months of age
36 are groomed, bred, raised, boarded, or trained for compensation or income including an Animal Related Business;
37 Animal Related Organization; Commercial Breeder; and High-Volume Owners with over thirty (30) dogs and/or cats
38 in aggregate.

39 **LANDSCAPABLE AREA.** The entire parcel less the building footprint, natural water features, surfaced and un-
40 surfaced driveways and parking areas, road rights-of way, hardscapes such as decks and patios, and other non-
41 planted areas. Landscapable area excludes golf course play areas, other intensive recreation areas (e.g. soccer

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1 fields, ball diamonds, etc.) and any part of a constructed stormwater management system that has a design stage
2 or storage depth three feet or greater.

3 **LANDSCAPE ARCHITECT.** The County's Landscape Architect or his designee.

4 **LANDSCAPE ISLAND.** A raised area, usually curbed, placed to guide traffic and separate lanes, and used for
5 landscaping, signage, or lighting.

6 **LEASABLE/INTERIOR AREA.** The area of open floor space within a structure's exterior walls and excluding the
7 interior walls.

8 **LETTER OF MAP CHANGE (LOMC).** An official determination issued by FEMA that amends or revises an effective
9 Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- 10 (1) **LETTER OF MAP AMENDMENT (LOMA):** An amendment based on technical data showing that a
11 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
12 current effective Flood Insurance Rate Map and establishes that a specific property, portion of a
13 property, or structure is not located in a special flood hazard area.
- 14 (2) **LETTER OF MAP REVISION (LOMR):** A revision based on technical data that may show changes to flood
15 zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other
16 planimetric features.
- 17 (3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** A determination that a structure or parcel of land
18 has been elevated by fill above the base flood elevation and is, therefore, no longer located within the
19 special flood hazard area. In order to qualify for this determination, the fill must have been permitted
20 and placed in accordance with the community's floodplain management regulations.
- 21 (4) **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A formal review and comment as to whether a
22 proposed flood protection project or other project complies with the minimum NFIP requirements for
23 such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the
24 effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of
25 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
26 effective FIRM.

27 **LEVEL OF SERVICE.** An indicator of the extent or degree of service provided by, or proposed to be provided
28 by, a facility based on and related to the operational characteristics of the facility. Level of service indicates the
29 capacity per unit of demand for each public facility.

30 **LEVEL OF SERVICE STANDARD.** The level of service a facility is not to exceed as established in the
31 Comprehensive Plan.

32 **LIGHT-DUTY TRUCK.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular
33 Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle
34 frontal area of 45 square feet or less, which is:

- 35 (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
36 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
37 (3) Available with special features enabling off-street or off-highway operation and use.

38 **LISTED SPECIES.** Those species identified by the USFWS and/or FWC as endangered, threatened, or special
39 concern.

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1 **LIVESTOCK.** Includes, but is not limited to, all animals of the equine, ratite, bovine, or swine class, including
2 goats, sheep, mules, horses, llamas, alpacas, hogs, cattle, poultry, emus, ostriches, and other grazing animals. The
3 term livestock shall specifically exclude specialty animals.

4 **LOCALLY SIGNIFICANT NATURAL RESOURCES.** Lands or areas which include environmentally sensitive lands
5 or other features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.2.

6 **LOT.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to
7 be used, developed, or built upon as a unit.

8 **LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

9 **LOT DEPTH.** The dimension from the center of the front of the lot to the center of the rear of the lot.

10 **LOT LINE.** The boundary line of a lot.

11 A. **LOT LINE, FRONT.** The line abutting the street right-of-way or point of access which for corner lots shall
12 be determined by the property owner.

13 B. **LOT LINE, REAR.** The lot line opposite to and most closely paralleling the front lot line.

14 C. **LOT LINE, SIDE.** Any lot line other than a front or rear lot line.

15 **LOT WIDTH.** The horizontal distance between the side lot lines measured at the front property line. For lots
16 located on a curve, it shall be the chord distance of the curve at the front property line.

17 **LOW VOLUME IRRIGATION.** Irrigation by a system which utilizes devices that irrigate at rates of 0.5 gpm or
18 less, allowing water to be placed with a high degree of efficiency at the root zone of each plant.

19 **LOWEST ADJACENT GRADE.** The lowest elevation, after the completion of construction, of the ground,
20 sidewalk, patio, deck support, or basement entryway immediately next to the structure.

21 **LOWEST FLOOR.** The lowest floor of the lowest enclosed area of a building or structure (including basement),
22 but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking,
23 building access or limited storage provided that such enclosure is not built so as to render the structure in violation
24 of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.].

25 **MANUFACTURED BUILDING.** A structure bearing a seal issued by the Florida Department of Community
26 Affairs certifying that it is built in compliance with the requirements of the Florida Manufactured Building Act of
27 1979.

28 **MANUFACTURED HOME.** A structure bearing a label certifying that it is built in compliance with the Federal
29 Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. For floodplain management
30 purposes, it is a structure, transportable in one or more sections, which is eight (8) feet or more in width and
31 greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for
32 use with or without a permanent foundation when attached to the required utilities. The term "manufactured
33 home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

34 **MANUFACTURED HOME/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land
35 divided into two or more manufactured home lots for rent or sale.

36 **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** As it relates to the Flood Plain Overlay Zone, a
37 manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the
38 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
39 streets, and either final site grading or the pouring of concrete pads) was completed before January 19, 1983.

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1 **MANUFACTURED HOME PARK OR SUBDIVISION, NEW.** As it relates to the Flood Plain Overlay Zone, a
2 manufactured home park, or subdivision, for which the construction of facilities for servicing the lots on which the
3 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of
4 streets, and either final site grading or the pouring of concrete pads) and was completed on or after January 19,
5 1983.

6 **MANUFACTURING.** A commercial or industrial activity involved in the research, development, assembly,
7 production, testing, or processing of goods, materials, components, devices, equipment, or systems.

8 **MARINA.** A premises located adjacent to water bodies, canals, or water ways providing wet or dry storage
9 and all accessory facilities.

10 **MARION-FRIENDLY LANDSCAPING.** The use of plants (and non-plant materials such as mulch) and landscape
11 designs and practices that are compatible with the natural environment and climate of Marion County. Marion-
12 Friendly Landscaping minimizes the use of turfgrass that is irrigated and fertilized, and maximizes the use of plants
13 that tolerate sandy soils and drought conditions characteristic of north-central Florida.

14 **MARION-FRIENDLY LANDSCAPING AREA (MFLA).** That portion of a new or expanded development that
15 through the approved development plans, documents, and deed restrictions, is identified to be maintained as
16 Marion-Friendly Landscaping and where the use of high volume irrigation, non-drought tolerant plants, and lawn
17 chemicals (fertilizers and pesticides) on turfgrass is prohibited.

18 **MARKET VALUE.** As it relates to floodplain management, the price at which a property will change hands
19 between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having
20 reasonable knowledge of relevant facts. As used in Article 5, Division 3, the term refers to the market value of
21 buildings and structures, excluding the land and other improvements on the parcel. Market value can be
22 established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on
23 income approach), actual cash value (replacement cost depreciated for age and quality of construction of building),
24 or adjusted tax-assessed values adjusted to approximate market value by a factor provided by the Property
25 Appraiser.

26 **MARQUEE.** A structure projecting from and supported by a building which extends beyond the building line
27 or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

28 **MCUD DIRECTOR.** Marion County Utilities Department Director, or his designee.

29 **MINI-WAREHOUSE (SELF-SERVICE STORAGE FACILITY).** A building, or group of buildings, consisting of
30 individual, small, self-contained units that are leased or owned for the storage of business and household goods or
31 contractors supplies.

32 **MOBILE HOME.** A transportable structure designed to be:

- 33 A. Used as a year-round residential dwelling, built prior to enactment of the Federal Manufactured
34 Housing Construction and Safety Standards, which became effective for all manufactured home
35 construction on June 15, 1976, and
- 36 B. Any vehicle without independent motive power which is designed for housing accommodations and
37 transportation over the highways on a chassis under carriage, which is an integral part thereof, but
38 does not include travel trailers or recreational units as defined by § 320.01 FS. This definition shall
39 include any unit which meets the criteria above and is certified by the Department of Safety and Motor
40 Vehicles as meeting requirements of as defined in Ch. 320 FS.

41 **MODEL HOME.** A single-family dwelling unit, or units, used by a home builder to illustrate the features
42 available to a potential purchaser of a dwelling unit when constructed on a different lot, parcel, or tract.

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1 **MODEL HOME SALES LOT OR MODEL HOME COMPLEX.** Model homes designed in a cluster to create a sales
2 facility.

3 **MODIFY.** Regarding towers, modify shall include all structural changes to a tower other than routine
4 maintenance, including, without limitation, structural modifications, rebuilding, or relocating on the same parcel.
5 Modify does not include adding additional or different antennas, or deleting or removing antennas.

6 **MONOPOLE TOWER.** A tower consisting of a single pole, or spine, self supported by a permanent foundation,
7 and constructed without guy wires and ground anchors.

8 **MULTI-DWELLING.** A structure which contains three or more dwelling units.

9 **MULTI-FAMILY.** Any residential development project that consists of more than two dwelling units per
10 building, or eight dwelling units or more per gross acre.

11 **MULTIPLE OCCUPANCY COMPLEX.** A commercial occupancy (i.e. any occupancy other than residential or
12 agricultural) consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or
13 coordinated project, with a building or buildings housing more than one occupant, or more than one business
14 under one ownership.

15 **NATIVE TREE.** A self-supporting woody plant which normally grows to a height of ten feet or more and which
16 is classified as native vegetation.

17 **NATIVE VEGETATION.** Those species occurring within the state boundaries prior to European contact,
18 according to the best available scientific and historical documentation. It includes those species understood as
19 indigenous, occurring in natural associations and habitats that exist prior to significant human impacts.

20 **NATURAL AREA.** Undeveloped lands considered to be in, or maintained in, an undisturbed or unmodified
21 condition which provide habitat or natural open space.

22 **NEW CONSTRUCTION.** For the purposes of administration of Article 5, Division 3 and the flood resistant
23 construction requirements of the Florida Building Code, structures for which the "start of construction"
24 commenced on or after January 19, 1983 and includes any subsequent improvements to such structures.

25 **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which
26 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at
27 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
28 concrete pads) is completed on or after January 19, 1983.

29 **NIGHTCLUB.** A bar or similar establishment providing food, refreshments, or alcoholic beverages wherein
30 dancing is permitted or paid entertainment is provided.

31 **NONCONFORMING LOT.** A lot of record which does not conform to the current minimum requirements for a
32 lot in the zoning classification in which it is located.

33 **NONCONFORMING STRUCTURE.** A building or structure which does not conform to the current minimum
34 requirements for such structure in the zoning classification in which it is located.

35 **NONCONFORMING USE.** A use which is not a permitted use, or special use, in a current zoning classification.

36 **NON-CONTIGUOUS PARCELS.** Those parcels that do not have any common property lines, or which are
37 separated by platted or unplatted roads, streets, or alleys which have been dedicated for public use, or
38 prescriptive easements for road right-of-way purposes.

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1 **NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988.** The vertical control datum of orthometric height
2 established for vertical control surveying in the United States of America based upon the General Adjustment of
3 the North American Datum of 1988.

4 **OCCUPANT (OCCUPANCY).** One who has certain legal rights to or control over the premises he occupies; the
5 state of being an occupant.

6 **OFF-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
7 an activity conducted, or service rendered, or a commodity sold at a location or on a parcel other than where the
8 sign is located.

9 **ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM (OSTDS).** Also referred to as a septic system.

10 **ON-SITE SIGN.** A sign that identifies or communicates a commercial or non-commercial message related to
11 an activity conducted, service rendered, or a commodity sold, at the location where the sign is installed.

12 **OPEN BASIN.** All watersheds not meeting the definition for Closed Basin.

13 **OPEN SPACE.** Land area restricted or not developed depending on its designation as natural open space or
14 improved open space consistent with the provisions of Section 6.6.6.

15 **ORDINARY HIGH WATER LINE (OHWL).** The highest reach of a navigable, nontidal waterbody as it usually
16 exists when in its ordinary condition and is not the highest reach of such waterbody during the high water season
17 or in times of freshets. The term also includes the terms "ordinary high-water line" and "line of ordinary high
18 water."

19 **OUTSIDE STORAGE.** The storage or display, outside of a completely enclosed building, of merchandise
20 offered for sale or rent as a permitted use or of equipment, machinery, and materials used in the ordinary course
21 of a permitted use.

22 **OWNER.** The person, firm, corporation, or governmental unit holding title of the real estate upon which
23 construction is to take place.

24 **PACKAGE STORE.** A premises in which alcoholic beverages are sold for off-premises consumption.

25 **PARCEL.** A continuous quantity of land in the possession of or owned by, or recorded as the property of the
26 same person or persons. A parcel may consist of contiguous platted lots.

27 **PARCEL OF RECORD.** A designated parcel, tract, or area of land established by plat, metes and bounds
28 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which complies with the
29 applicable building codes and zoning regulations, and which existed on or before January 1, 1992, and under one
30 ownership as of August 11, 1993.

31 **PARK.** Land which is used for active or passive recreational purposes, whether dedicated public or private.

32 **PARK MODEL OR PARK TRAILER.** A transportable unit which has a body width not exceeding 14 feet and
33 which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected
34 to utilities necessary for operation of installed fixtures or appliances or; a park trailer constructed to ANSI A-119.5
35 standards which does not exceed 400 square feet gross floor area or; a park trailer constructed to US Department
36 of Housing and Urban Development Standards which does not exceed 500 square feet gross floor area.

37 **PARKING AREA.** An open area, other than a street or other public way, used for the parking of motor
38 vehicles.

39 **PARKING LANE.** A lane located on the side of a street, designed to provide on-street parking of a motor
40 vehicle.

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- 1 **PARKING SPACE.** An area provided for the parking of a motor vehicle.
- 2 **PASSIVE RECREATION.** Those recreational activities afforded by such natural resources as the native flora,
3 fauna, and aesthetic appeal of a natural setting and requiring minimal development to utilize and enjoy such
4 resources. These activities include hiking, nature watching, unstructured play, picnicking, horseback riding and
5 bicycle riding.
- 6 **PERMEABILITY.** The capacity of a porous medium for transmitting water.
- 7 **PLANNED UNIT DEVELOPMENT (PUD).** A designated contiguous area of property for the comprehensive
8 development of a single use or of mixed uses.
- 9 **PLANNING/ZONING MANAGER.** Planning /Zoning Manager or designee.
- 10 **PLAT.** A map, or delineated representation of the subdivision of lands, being a complete exact representation
11 of the subdivision and complying with this Code and Ch. 177 FS.
- 12 **PLAYGROUND.** Properties and facilities owned and operated by any governmental agency, or owned and
13 operated by any private agency, including day care centers, which are open for recreational or child care purposes.
- 14 **POINT OF CONNECTION.** The outlet side of the meter designated to serve the customer.
- 15 **PORTABLE SIGN.** Any sign which is designed to be transported by trailer or on its own wheels, including such
16 signs whose wheels have been removed and the remaining chassis or support structure converted to an A- or T-
17 frame sign and anchored temporarily to the ground.
- 18 **POTABLE WATER.** Water that is suitable for human consumption.
- 19 **POTENTIOMETRIC SURFACE (POTENTIOMETRIC HEAD).** The level to which water would rise in a tightly cased
20 well penetrating an aquifer. The water table and artesian pressure surfaces are particular potentiometric surfaces.
- 21 **PRESSURE VACUUM BREAKER ASSEMBLY.** A backflow prevention assembly which includes an independently
22 operating, internally loaded check valve; an independently operating, loaded air inlet valve located on the
23 discharge side of the check valve; and properly located test cocks and tightly closing resilient-seated shut-off valves
24 attached at each end of the Assembly. This assembly shall not be used if back pressure could develop in the
25 downstream piping.
- 26 **PRINCIPAL STRUCTURE.** A structure on a lot or parcel which is used, arranged, adapted or designed for the
27 predominant or primary use for which the lot or parcel is or may be used.
- 28 **PRINCIPAL USE.** The primary or predominant use of a lot, parcel, structure, or structure and land in
29 combination.
- 30 **PRIVATE AIRPORT** – means an Airport which is not open or available for use by the public but may be made
31 available to others by invitation of the owner(s) or manager(s). A new, or expanded, Private Airport must be
32 designated and approved by the Board through a Special Use Permit application process or Planned Unit
33 Development process.
- 34 **PRIVATE CLUB.** A premises used for meetings or activities of persons in which use is restricted to members
35 and guests.
- 36 **PRIVATE PERFORMANCE.** As it relates to the adult entertainment business, modeling, posing or the display
37 or exposure of any specified anatomical area by an employee or independent contractor using the premises under
38 a contract or lease, of an adult entertainment establishment to a person other than an employee while the person
39 is in an area within the establishment not accessible during such display to all other persons in the establishment,

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1 or while the person is in an area in which the person is totally or partially screened or partitioned during such
2 display from the view of all persons within the establishment.

3 **PROGRAM DEFICIENCY.** As it relates to the flood plain overlay zone, a defect in the community's flood plain
4 management regulations or administrative procedures that impairs effective implementation of those flood plain
5 management regulations or of the standards required by the National Flood Insurance Program.

6 **PROHIBITED CONNECTION.** Any connection of an unsafe system to a safe system as deemed by the MCUD.

7 **PROJECT AREA.** The limits of the land area identified on a plan where project improvements and features are
8 proposed.

9 **PUBLIC ACCESS REUSE.** The application of reclaimed water to an area that is intended to be accessible to the
10 general public; such as golf courses, cemeteries, parks, landscape areas, hotels, motels, and highway medians.
11 Public access areas include private property that is not open to the public at large, but is intended for frequent use
12 by many persons. Public access areas also include residential dwellings. Presence of authorized farm personnel or
13 other authorized treatment plant, utilities system, or reuse system personnel does not constitute public access.
14 Irrigation of exercise areas and other landscape areas accessible to prisoners at penal institutions shall be
15 considered as irrigation of public access areas.

16 **PUBLIC AREAS.** Areas such as parks, playgrounds, trails, paths and other recreation areas and open spaces;
17 scenic and historic sites; schools and other properties, buildings and structures which have been or will be
18 conveyed or dedicated to the County or other public body.

19 **PUBLIC FACILITIES.** Transportation systems or facilities, sewer systems or facilities, solid waste systems or
20 facilities, drainage systems or facilities, potable water systems or facilities, schools, and parks and recreation
21 systems or facilities. This includes privately operated sewer and water systems that are classified as public systems.

22 **PUBLIC POTABLE WATER SUPPLY SYSTEMS.** Wells, treatment systems, disinfection systems, reservoirs or
23 other storage and high service pumps, pipes, lines, valves, meters, water mains, laterals, and services, used or
24 having the present capacity for future use in connection with the obtaining and supplying of potable water for
25 domestic consumption, fire protection, irrigation, consumption by business, or consumption by industry. Without
26 limiting the generality of the foregoing definition, the system shall embrace all necessary appurtenances and
27 equipment and shall include all property, rights, easements and franchises relative to any such system and deemed
28 necessary or convenient for the operation thereof.

29 **PUBLIC SAFETY AND NUISANCE.** As it relates to the flood plain overlay zone, anything which is injurious to
30 safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully
31 obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or
32 basin.

33 **QUALIFYING NATURAL AREA/COMMUNITY.** Those lands identified by the FDEP and the Florida Natural
34 Areas Inventory (FNAI) produced by FDEP as significant areas which are relatively undisturbed and include flora or
35 fauna that reflect the conditions of the area at the time colonial settlement occurred in Florida and Marion County.

36 **RAPID-RATE LAND APPLICATION (RRLA).** The use of percolation ponds or rapid infiltration basins (RIBs) or
37 subsurface absorption fields, as described in Ch. 62 FAC.

38 **RECEIVING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
39 eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in
40 addition to other permitted development activity on the designated lands wherein the lands are depicted on
41 Marion County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use*
42 *Map*, or Map 13, *Transfer of Rights*.

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1 **RECLAIMED WATER.** Water that has received at least advanced secondary treatment and high level
2 disinfection. Water receiving additional treatment may be used in public access areas, when in compliance with
3 the FDEP requirements pursuant to § 62-610 FAC.

4 **RECORDED SUBDIVISION.** A platted subdivision of lands, approved by the Board of County Commissioners,
5 which has a final plat recorded in the public records of Marion County consistent with this Code and Ch. 177 FS.

6 **RECREATION VEHICLE PARK.** A tract of ground upon which three or more single-family camp cottages, tents
7 or recreational vehicles are located or maintained for accommodation of transients whether or not a charge is
8 made.

9 **RECREATIONAL FACILITY.** Any public or private structure or facility used for active recreational pursuits,
10 including such facilities as golf courses, tennis courts, racquetball courts, handball courts, baseball fields, soccer
11 fields, football fields, basketball courts, swimming pools, jogging or exercise trails, and similar facilities.

12 **RECREATIONAL VEHICLE.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- 13 (1) Built on a single chassis;
14 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
15 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
16 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
17 recreational, camping, travel, or seasonal use.

18 **REDUCED-PRESSURE PRINCIPLE ASSEMBLY.** A Backflow Prevention Assembly which includes two
19 independently acting check valves; a hydraulically operating, mechanically independent pressure differential relief
20 valve located both between the check valves and below the first check valve; and properly located test cocks and
21 tightly closing resilient-seated shut-off valves attached at each end of the Assembly.

22 **REGISTERED DIVISIONS OF LAND.** A map or survey of divisions of land three acres or larger in size, including
23 "flag lots" as that term is commonly known in Marion County, and which was filed and accepted by Marion County
24 prior to January 1, 1992.

25 **REGULATED USES OR ADULT AND SEXUALLY-ORIENTED BUSINESS.** Uses such as but not limited to adult
26 book store or film store, adult booth, adult cabaret, and adult theater or mini-motion theater or drive-in.

27 **REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that
28 must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
29 more than a designated height.

30 **REMEDY A DEFICIENCY OR VIOLATION.** As it relates to the flood plain overlay zone, to bring the regulation,
31 procedure, structure or other development into compliance with State of Florida, Federal or local flood plain
32 management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts
33 may be reduced include protecting the structure or other affected development from flood damages,
34 implementing the enforcement provisions of the Flood Plain Overlay Zone in Article 5 or otherwise deterring
35 future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

36 **REMODELING.** Any change, partial removal, partial replacement, or addition to buildings.

37 **RESIDENTIAL DUAL CHECK.** A compact, mechanical Backflow Prevention Device manufactured with two
38 independently acting, spring actuated check valves.

39 **RESIDENTIAL SERVICE ADDRESS.** A metered residential address whose private water systems serve only
40 residential dwellings the total of which is designed to house no more than four families.

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- 1 **RESIDENTIAL USES.** One-family dwellings, two-family dwellings, and multi-family dwellings.
- 2 **RESIDUALS.** Biosolids from a permitted wastewater treatment or water reuse facility and septage from an
3 OSTDS.
- 4 **RETAIL SALES.** Any business activity, and related services, customarily selling goods and commodities for
5 profit.
- 6 **RETAINING WALL.** A structure erected between lands of different elevation to protect structures or to
7 prevent the loss of earth from the upper slope level.
- 8 **RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 9 **ROOF LINE.** A horizontal line intersecting the highest point or points of a roof.
- 10 **ROOF SIGN.** A sign placed above the roof line of a building or on or against a roof slope of less than 45
11 degrees as measured from the vertical plane.
- 12 **RUNOFF.** The surface flow of stormwater.
- 13 **RURAL AREA.** Lands located outside the Urban Growth Boundary (UGB) as designated by the Comprehensive
14 Plan Future Land Use Map Series Map 1 *Marion County 2045 Future Land Use Map* excluding those lands bearing
15 an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Table 2-1:
16 *Summary of Future Land Use Designations*.
- 17 **SAFE YIELD.** The overage annual amount of groundwater that could be extracted from a groundwater basin
18 (or reservoir) over a long period of time without causing a long term reduction of groundwater quantity, quality, or
19 other undesirable impacts.
- 20 **SCHOOL.** A public or private educational institution offering students an academic curriculum, including
21 kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also
22 include all adjacent properties owned and used by such schools for education, research, maintenance, or
23 recreational purposes.
- 24 **SCREEN.** A structure or planting consisting of fencing, walls, berms, trees, or shrubs which provides sight
25 obstruction within or to a site or property.
- 26 **SEMICONFINED AQUIFER.** An aquifer that receives recharge in the form of leakage through underlying or
27 overlying semipermeable formations (aquitards).
- 28 **SENDING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
29 eligible to obtain Transferrable Credits (TDCs) which may be transferred or conveyed to a site within a designated
30 Receiving Area where the TDCs may be used for development.
- 31 **SETBACK (OR SETBACK LINE).** An area defined by a lot line, street centerline, wetland line, water boundary setback
32 line of an open body of water, or right-of-way line and a line on a lot parallel to, and a specified distance from said
33 lines in which area no structure may be located and into which no part of any structure shall project, unless
34 specifically permitted in this Land Development Code. Setbacks shall be measured from lot lines unless specifically
35 stated otherwise or unless the context in which the term is used implies another intended meaning.
- 36 A. **FRONT SETBACK.** That area defined by the front lot line and a parallel line on the lot a specified
37 distance from such front lot line.
- 38 B. **SIDE SETBACK.** An area located between a front yard setback and a rear yard setback, defined by a side
39 lot line and a parallel line on the lot a specified distance from such side lot line.

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1 C. **REAR SETBACK.** That area defined by the rear lot line and a parallel line on the lot a specified distance
2 from such rear lot line.

3 **SIGHT TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is
4 erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists
5 approaching or at the intersection.

6 **SIGN.** Any structure, or part thereof, or any device attached to a structure or applied to any surface or
7 object, for visual communication, embodying letters, numerals, symbols, figures, flag, banner, pendant or designs
8 in the nature of an announcement, direction, or advertisement, directing attention to an object, products, place,
9 activity, service, person, institution, organization, or business and which is visible from any public street, alley,
10 waterway, or public place. This definition of a sign shall not include any flag, notice badge, or ensign of any
11 government or governmental agency, or any legal notice posted by and under governmental authority.

12 **SIGN FACE AREA OR SIGN AREA.** The area of any regular geometric shape which contains the entire surface
13 area of a sign upon which copy may be placed.

14 **SIGN STRUCTURE.** Any construction used or designed to exclusively support a sign.

15 **SIGNIFICANT IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure,
16 the cumulative cost of which equals or exceed 25 percent of the market value of the structure before the "start of
17 construction" of the improvement. This term includes structures that have incurred "substantial damage"
18 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
19 B, Section 202]

20 A. Any project for improvement of a building required to correct existing health, sanitary, or safety code
21 violations identified by the building official and that are the minimum necessary to assure safe living
22 conditions.

23 B. Any alternation of a historic structure provided the alternation will not preclude the structure's
24 continued designation as a historic structure.

25 **SINKHOLE.** A landform created by subsidence of soil, sediment or rock as underlying strata are dissolved by
26 ground water. Sinkholes may be directly or indirectly connected to the aquifer or disconnected by the presence of
27 a confining layer of soil (clay) or rock that no longer allows water to permeate below this layer. The later may be
28 expressed as a relic sinkhole or lake, depression in the land surface, or loose soils in the subsurface.

29 **SLOW-RATE LAND APPLICATION (SRLA).** The application of reclaimed water to a vegetated land surface
30 using an overhead or spray, or subsurface drip, Irrigation system, as defined in §§ 62-610.400 and 62-610.450 FAC.

31 **SOLUTION PIPE.** A naturally occurring vertical cylindrical hole attributable to dissolution, often without
32 surface expression and much narrower circumference than a sinkhole.

33 **SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the flood plain within a community subject to a one
34 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
35 AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

36 **SPECIAL USE.** A use that would not be appropriate generally or without restriction throughout the particular
37 zoning classification but which, if controlled as to number, area, location, or compatibility with the surrounding
38 area, would not adversely affect the public health, safety, and general welfare.

39 **SPECIAL USE PERMIT (SUP).** A permit for a use that would not be appropriate generally or without restriction
40 throughout the particular zoning classification but which, if controlled as to number, area, location, or
41 compatibility with the surrounding area, would not adversely affect the public health, safety, and general welfare.

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1 **SPECIALTY ANIMALS.** All animals including native and imported animals which have been, removed from the
2 wild or, animals being bred, raised or kept for research, food, fur, skins, or for the production of income and/or,
3 animals requiring a permit or license from the State Fish and Wildlife Conservation Commission or the US Fish and
4 Wildlife Service shall be regulated by Special Use Permit. Large reptiles are included in this category. Where nine or
5 more animals are being kept as household pets, and do not meet the above listed requirements or the below listed
6 exclusions, they shall be treated as specialty animals and regulated by Special Use Permit. Specialty animals shall
7 not include livestock, dogs, cats or homing/racing pigeons meeting the requirements of Article 4.

8 **SPECIFIC CAPACITY.** The ratio of well discharge to the drawdown produced, measured inside the well
9 (gpm/ft of drawdown).

10 **SPECIFIED ANATOMICAL AREAS.** As it relates to the adult entertainment business:

11 A. Less than completely and opaquely covered:

12 (1) Human genitals;

13 (2) Pubic region;

14 (3) Buttock; or

15 (4) Female breast below a point immediately above the top of the areola; or

16 B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17 **SPECIFIED SEXUAL ACTIVITIES.** As it relates to the adult entertainment business:

18 A. Human genitals in a state of sexual stimulation or arousal;

19 B. Acts of human masturbation, sexual intercourse or sodomy; and

20 C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

21 **SPRINGS PROTECTION ZONE (SPZ).** An area surrounding designated springs within Marion County
22 establishing design and development criteria intended to maintain and support the continued existence and
23 quality of the designated springs, and divided into Primary and Secondary areas pursuant to Article 5.

24 **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements,
25 provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit
26 issuance. The actual start means the first placement of permanent construction of a building (including a
27 manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of
28 columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
29 Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include
30 the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or
31 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory
32 buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial
33 improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, whether or not that alteration affects the external dimensions of the building.

35 **STATIC LEVEL.** The stabilized water level in a nonpumped well.

36 **STOCKPILE.** As it relates to the springs protection zone, animal manure, including droppings, urine, and
37 soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in
38 excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation,
39 and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on

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1 pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and
2 this section is not considered stockpiling.

3 **STORAGE COEFFICIENT.** The volume of water that an aquifer releases from or takes into storage per unit
4 surface area of aquifer per unit change in the component of head normal to that surface. In a water table aquifer
5 the storage coefficient is essentially the same as its porosity.

6 **STORM CELLAR.** A place below grade used to accommodate occupants of the structure and emergency
7 supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

8 **STREET.** A public or private travelway used or intended to be used, for passage or travel by vehicles.

9 **STREET FRONTAGE.** The distance along the property line at the right-of-way or easement of the street
10 providing primary access and exposure to the existing or proposed development.

11 **STRUCTURE.** Anything constructed or built which is located on or under land. For flood plain management
12 purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well
13 as a manufactured home.

14 **STUB STREET.** A portion of a street for which an extension has been proposed and approved. May be
15 permitted when development is phased over a period of time, but only if the street in its entirety has been
16 approved in the preliminary plan.

17 **SUBDIVISION.** The division of land into three or more lots, tracts, parcels, tiers, blocks, sites, units or any
18 other division of land; and may include establishment of new streets and alleys, additions, and re-subdivisions or
19 replats; and, when appropriate to the context, relates to the process of subdividing or to the lands or area
20 subdivided.

21 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the
22 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
23 before the damage occurred.

24 **SUBSTANTIAL DEVELOPMENT.** As it relates to vested rights, shall mean that required permits for
25 commencement of construction have been obtained; and permitted clearing and grading has commenced on any
26 significant portion of the development subject to a single final local development order; and the actual
27 construction of water and sewer lines, or streets, or the stormwater management system, on said portion of the
28 development is substantially complete or is progressing in a manner that significantly moves the entire
29 development toward completion.

30 **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure,
31 the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
32 construction" of the improvement. This term includes structures that have incurred "substantial damage"
33 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
34 B, Section 202.]

35 (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code
36 violations identified by the building official and that are the minimum necessary to assure safe living
37 conditions.

38 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued
39 designation as a historic structure.

40 **SWALLET OR SWALLOW HOLE.** A place where water disappears underground in a limestone fissure or
41 opening at or near the surface. A swallow hole generally implies water loss in a closed depression or sinkhole,

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1 whereas a swallet may refer to water loss from a disappearing stream or streambed, even though there may be no
2 depression.

3 **TEST WELL.** Completed well for pumping used to obtain information on capacity, groundwater quality,
4 geologic and hydrologic conditions, and related information.

5 **TOTAL NITROGEN (TN).** As a measurement of wastewater effluent quality, Total Nitrogen is the total content
6 of the nitrogen species of organic nitrogen, ammonia, nitrate and nitrite expressed as elemental nitrogen, N, as
7 determined using approved methods.

8 **TOWER.** A lattice, guyed or monopole structure constructed from grade which supports antennas. The term
9 "tower" shall not include the singular use as a amateur radio operator's equipment, as licensed by the FCC, or
10 antenna support structures and/or towers which are less than 50 feet in height and are used only to support
11 antennas which receive, but do not transmit television signals.

12 **TOWER CLUSTERING.** The location of two or more towers on a parcel of property.

13 **TRANSFER OF RIGHTS PROGRAM (TRP).** A program which awards or grants to a property owner
14 Transferrable Development Credits (TDCs) which may then be transferred or conveyed to a party that may use the
15 TDCs for the development of lands deemed eligible by Marion County.

16 **TRANSFERRABLE DEVELOPMENT CREDIT (TDC).** A residential unit equivalent which may be granted to lands
17 within eligible Sending Areas for subsequent transfer/sale between parties wherein the TDC is used by the
18 receiving party to provide for additional residential development on lands eligible for use in a designated Receiving
19 Area.

20 **TRANSMITTER TOWER.** A structure designed, constructed or used for the sole purpose of broadcasting or
21 retransmitting any form of radio, television, radar, microwave, or other type of electronic wave, or impulse.

22 **TREE.** Any self-supporting woody plant which has at least one main trunk, and is normally grown to an
23 overall height of a minimum of ten feet.

24 **TREE REMOVAL.** To physically remove a tree, including the performance of any act by a property owner or
25 his designated agent, on a particular parcel of record which causes the death of a tree, or the effective removal of
26 a tree through damage.

27 **TURFGRASS.** A mat layer of monocotyledonous plants, including but not limited to Bahia, Bermuda,
28 Centipede, Paspalum, St. Augustine, and Zoysia grasses.

29 **TWO-FAMILY DWELLING.** A structure containing two dwelling units.

30 **UNIT.** That part of a multiple occupancy complex housing one occupant or use.

31 **UNRECORDED SUBDIVISION.** A platted subdivision of lands which has been accepted by the Board of County
32 Commissioners for filing only by the Clerk of the Court in the public records of Marion County. Said plats were
33 prepared and filed prior to August 14, 1970, in the public records of Marion County in record books entitled
34 "Unrecorded Subdivisions."

35 **URBAN AREA.** Lands located within the Urban Growth Boundary (UGB) as designated by the Comprehensive
36 Plan Future Land Use Map Series Map 1 Marion County 2045 Future Land Use Map or those lands located in the
37 Rural Area bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use
38 Element Table 2-1: *Summary of Land Use Designations*.

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1 **URBAN GROWTH BOUNDARY (UGB).** The boundary established by Marion County Comprehensive Plan
2 Future Land Use map Series Map 1, Marion County 2035 Future Land Use Map, which identifies the geographic
3 area wherein higher density and intensity development and full urban services are intended to be concentrated.

4 **UTILITY.** The individuals and/or legal entities which own and are responsible for the operation and
5 maintenance of public or private utility services such as potable water, wastewater, phone, cable, electric, etc.

6 **VARIANCE.** As it relates to the zoning requirements of this Code, a grant of relief to a particular property
7 owner because of the practical difficulties or unnecessary hardship that would be imposed by the strict application
8 of that zoning provision of the Code. For floodplain management purposes, a grant of relief from the requirements
9 of Article 5, Division 3, or the flood resistant construction requirements of the Florida Building Code, which permits
10 construction in a manner that would not otherwise be permitted by Article 5, Division 3 or the Florida Building
11 Code.

12 **VEHICLE SIGN.** Any sign affixed to a vehicle.

13 **VERTICAL DATUM.** An accepted reference or basis for elevations pre-approved by the Office of the County
14 Engineer.

15 **VESTED RIGHTS.** The authorization to improve and/or develop properties meeting the conditions established
16 in Division 1.7.

17 **VIOLATION.** The failure of a structure or other development to be fully compliant with the requirements of a
18 specific provision of this Code.

19 **WAIVER.** A grant of relief from compliance with a specific provision of this Code, not zoning related, granted
20 to a particular property owner because of financial hardship or alternate design concept.

21 **WASTEWATER.** Any substance that contains any of the waste products, excrement, or other discharge from
22 the bodies of human beings or animals as well as such other wastes as normally emanate from dwelling houses.

23 **WASTEWATER SERVICE LATERAL.** Those service laterals or force mains from the customer's property line to
24 the wastewater main and all appurtenances.

25 **WASTEWATER SYSTEM.** A centralized or decentralized system for the collection and treatment of domestic
26 wastewater and disposal of reclaimed effluent. A wastewater system includes without limitation the collection
27 lines, wastewater treatment facility, pumping stations, intercepting sewers, force mains, and all necessary
28 appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such
29 system and deemed necessary or convenient for the operation thereof.

30 **WASTEWATER TREATMENT FACILITY (WWTF).** The facility at which the raw wastewater is collected and
31 treated.

32 **WATER BOUNDARY SETBACK LINE (WBSL).** Unless previously established by Board action, the Water
33 Boundary Setback Line is the normal or average reach of a water body during the high water season. However, on
34 low, flat-banked water bodies where there is no well-defined mark, the boundary is located at the point up to
35 which the presence and action of the water is so continuous that the cultivation of ordinary agricultural crops is
36 prevented.

37 **WATERCOURSE.** A river, creek, stream, channel or other topographic feature in, on, through, or over which
38 water flows at least periodically.

39 **WATER DETENTION AREA (WDA).** A manmade or natural facility which collects surface or subsurface water
40 and which impedes its flow and releases the same gradually at a rate not greater than that prior to the
41 development of the property, into natural or manmade outlets.

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1 **WATER FRONTAGE OR WATER FRONT.** That side of a lot, parcel or tract abutting on a water body and which
2 may be considered as the front for setback requirements.

3 **WATER METER.** That device, with all appurtenances, which registers water flow to a customer.

4 **WATER RETENTION AREA (WRA).** A manmade or natural facility which collects and retains surface water and
5 allows gradual ground infiltration.

6 **WATER SERVICE CONNECTION.** The point of connection to the public potable water system (metered or non-
7 metered) where the Utility loses jurisdiction and sanitary control over the potable water delivered to that point.
8 Included within this definition are connections for fire hydrants and other temporary or emergency water service.
9 For metered connections, the point of connection is the downstream end of the water meter.

10 **WATER SERVICE LATERAL.** The pipe from the water main to the point of connection.

11 **WATER SURFACE ELEVATION.** The height, in relation to an accepted vertical datum, of floods of various
12 magnitudes and frequencies in the flood plains of coastal or riverine areas.

13 **WATER SYSTEM.** A water supply distribution system consisting of all water mains, valves, service laterals, fire
14 hydrants, meter boxes, etc. used to deliver water from the WTP to the consumer.

15 **WATER TREATMENT PLANT (WTP).** Includes all wells, pumps, tanks, valves, piping, treatment and
16 disinfection facilities required to withdraw, treat, and disinfect water suitable for public consumption.

17 **WETLANDS.** Those land areas featuring unique environmental and/or hydrogeologic characteristics which
18 qualifies as wetlands pursuant to § 373.019(25) FS and § 62-340.200 FAC as determined and delineated by the
19 appropriate jurisdictional agency

20 **WETTEST SEASON.** As defined in § 64E-6.002 FAC, that period of time each year in which the ground water
21 table elevation can normally be expected to be at its highest elevation.

22 **WILDLAND URBAN INTERFACE/INTERMIX ZONES:** Locations which the Marion County Fire Rescue (MCFR)
23 determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may
24 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
25 severity analysis shall be provided for review and approval by MCFR.

26 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A, § 2), 4-11-2017; Ord. No. 17-11, § 4, 5-16-2017; Ord.
27 No. 17-25, § 1(Exh. A), 10-3-2017; Ord. No. 2017-30, § 1(Exh. A, § 2), 11-7-2017; Ord. No. 18-14, § 1(Exh. A, § 2), 5-
28 21-2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023; Ord. No. 23-38, § 1(Att. 1), 12-19-2023; Ord. No. 25-11, § 1(Att. 1),
29 4-8-2025)

30

1 **Sec. 4.3.28. – Fly-In Communities**

2 A. A Fly-In Community is intended to consist of a residential or mixed-use development that includes or has
3 legal taxiway access to a Private Airport that is available for use by the residents of the community and their
4 invited guests for the operation of their aircraft. The purpose of the requirements for a Fly-In Community
5 is to:

6 (1) Plan the Fly-In Community as a whole to develop a comprehensive plan of development that
7 results in a well-planned community that integrates the special design elements necessary for
8 aircraft operations within the community areas. These may include, but are not limited to,
9 provisions for aircraft circulation, special accessory uses, and other uses that are unique to a Fly-
10 In Community.

11 (2) Incorporate elements into the design to minimize the impact of the Fly-In Community on adjacent
12 property owners.

13 (3) Provide flexibility in design to allow a creative approach to the use of the land and related physical
14 environment, as well as utilizing innovative techniques to enhance the quality of the development.

15 (4) Ensure that the Fly-In Community standards and conditions are enacted and permanently enforced
16 through a PUD process, approved by the Board of County Commissioners.

17 B. A new or expanded Fly-In Community must be approved by the Board of County Commissioners through
18 the Planned Unit Development (PUD) process. An expansion shall mean a geographic expansion beyond
19 the boundaries of a previously approved Fly-In Community or an increase in land use types or densities in
20 excess of those established in a previously approved Fly-In Community approval. In addition to all other
21 PUD requirements within the LDC, Fly-In Communities must meet the following requirements:

22 (1) The PUD application must include a Conceptual or Master Plan which shall at a minimum depict
23 the location and extents of all proposed uses, accessory structure location criteria, accessory
24 structure heights and setbacks, and provisions for safe aircraft circulation within the Fly-In
25 Community. The Conceptual or Master Plan shall also depict the details associated with legal
26 taxiway access to a Private Airport to be accessed by residents to demonstrate safe
27 interconnection of the Fly-In Community with the Private Airport.

28 (2) All accessory structure locations and proposed maximum heights must be indicated on the PUD
29 plan. Accessory use aircraft hangars are limited to a maximum of 50 feet in height.

30 A Fly-In Community shall encourage best practices for their residents and invited guests that include rules and
31 policies for the operation of aircraft within the Fly-In Community.

32
33 **Sec. 4.3.29 – Private Airports**

34 A new or expanded (defined as a geographic expansion beyond the limits of a previously approved Private Airport)
35 Private Airport listed as a Special Use in a zoning category, or as deemed by the Growth Services Director to be
36 permissible in a zoning category, must be approved through a Special Use Permit process meeting all requirements
37 of Article 2, Division 8 except as modified below. Alternatively, a Private Airport may be approved through a Planned
38 Unit Development process in accordance with Article 4, Division 2, Section 4.2.31 except as modified below.

-
- 1 A. A Special Use Permit application must additionally include the following items:
- 2 (1) A formal written application for a SUP on a form provided by the Growth Services Department is submitted
- 3 to the Planning/Zoning Manager indicating that a private airport SUP is sought and stating the grounds on
- 4 which it is requested.
- 5 (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee
- 6 schedule is available at the Growth Services Department.
- 7 (3) A Conceptual Plan prepared in accordance with the provisions of Article 6 and at an appropriate scale
- 8 showing:
- 9 a. The limits of the proposed Private Airport in relation to adjacent properties.
- 10 b. A conceptual site plan for the Private Airport Special Use.
- 11 c. The proposed buffers, setbacks, and structure heights for uses within the Private Airport.
- 12 d. Provisions for ingress and egress
- 13 e. Provisions for screening and buffering of dissimilar uses and of adjacent properties
- 14 f. Provisions for general compatibility with adjacent properties, and other property in the
- 15 surrounding area
- 16

1 **Sec. 4.3.28. – Fly-In Communities**

2 A. A Fly-In Community is intended to consist of a residential or mixed-use development that includes or has
3 legal taxiway access to a Private Airport that is available for use by the residents of the community and their
4 invited guests for the operation of their aircraft. The purpose of the requirements for a Fly-In Community
5 is to:

6 (1) Plan the Fly-In Community as a whole to develop a comprehensive plan of development that
7 results in a well-planned community that integrates the special design elements necessary for
8 aircraft operations within the community areas. These may include, but are not limited to,
9 provisions for aircraft circulation, special accessory uses, and other uses that are unique to a Fly-
10 In Community.

11 (2) Incorporate elements into the design to minimize the impact of the Fly-In Community on adjacent
12 property owners.

13 (3) Provide flexibility in design to allow a creative approach to the use of the land and related physical
14 environment, as well as utilizing innovative techniques to enhance the quality of the development.

15 (4) Ensure that the Fly-In Community standards and conditions are enacted and permanently enforced
16 through a PUD process, approved by the Board of County Commissioners.

17 B. A new or expanded Fly-In Community must be approved by the Board of County Commissioners through
18 the Planned Unit Development (PUD) process. An expansion shall mean a geographic expansion beyond
19 the boundaries of a previously approved Fly-In Community or an increase in land use types or densities in
20 excess of those established in a previously approved Fly-In Community approval. In addition to all other
21 PUD requirements within the LDC, Fly-In Communities must meet the following requirements:

22 (1) The PUD application must include a Conceptual or Master Plan which shall at a minimum depict
23 the location and extents of all proposed uses, accessory structure location criteria, accessory
24 structure heights and setbacks, and provisions for safe aircraft circulation within the Fly-In
25 Community. The Conceptual or Master Plan shall also depict the details associated with legal
26 taxiway access to a Private Airport to be accessed by residents to demonstrate safe
27 interconnection of the Fly-In Community with the Private Airport.

28 (2) All accessory structure locations and proposed maximum heights must be indicated on the PUD
29 plan. Accessory use aircraft hangars are limited to a maximum of 50 feet in height.

30 A Fly-In Community shall encourage best practices for their residents and invited guests that include rules and
31 policies for the operation of aircraft within the Fly-In Community.
32

33 **Sec. 4.3.29 – Private Airports**

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- 15 surrounding area
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Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2025-21207

Agenda Date: 11/5/2025

Agenda No.: 2.4.

SUBJECT:

Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.3.12 Roadside Vendors

DESCRIPTION/BACKGROUND:

Staff has attached the proposed language to update LDC Section 4.3.12 Roadside Vendors to update agency names, clarify what qualifies as a roadside vendor, add requirements for Special Use Permit and minor or major site plan review, include Specialty Business (B-3) zoning classification as a zoning where roadside vendors are allowed by right, and clarify the intended temporary nature of roadside vendors.

LDC CODE UPDATE	
DATE:	January 27, 2025, Revised February 20, 2025 and March 26, 2025 October 1 November 5, 2025
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.3.12 Roadside Vendors address the following topics.</p> <ul style="list-style-type: none"> • Correct the reference to the permitting agency name from the “Florida Department of Business and Regulation, Division of Hotels and Restaurants” to the “Florida Department of Business and <u>Professional</u> Regulation, Division of Hotels and Restaurants.” • Clarify what qualifies as a roadside vendor by removing the descriptor, “cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood” and replacing it with “Hot Dog Cart or Mobile Food Dispensing Vehicle (aka “Food Truck”).” This change makes the LDC consistent with State definitions and terms. • Add requirements for <u>Special Use Permit and</u> -Minor or Major Site Plan review and approval where more than one roadside vendor operates on a single parcel of land. Revise subsection lettering sequence accordingly. • Clarify the intended temporary nature of roadside vendors. <p>Attachments: Redline LDC Changes to Section 4.3.12 Roadside Vendors</p>	

1 **Sec. 4.3.12. Temporary Roadside vendors**

2 A. ~~A. Roadside~~ Temporary roadside vendors as used herein shall mean a person or business who sells goods as
3 follows:

- 4 (1) From a roadside stand: fruit, vegetables, produce, peanuts, ~~fireworks,~~ Christmas trees, firewood; ~~and,~~
5 dry goods, homemade crafts, etc.; and or
- 6 (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants
7 approved ~~cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked~~
8 ~~seafood.~~ Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").

9 B. The maximum number of temporary roadside vendors per parcel or area is two vendors. ~~B. Sale of~~
10 ~~the above listed merchandise shall be conducted from a flame retardant tent or pole-barn type facility with~~
11 ~~the~~ Seasonal firework sales are an exception of peanuts, food vendors and Christmas trees, which are not
12 required to have a structure on the land. This facility shall be located on private property which is either owned
13 or leased by the vendor. Sale to temporary roadside vendor regulations. These sales require a temporary use
14 permit from the zoning department and a building permit.

15
16 ~~B.~~ C. C. Temporary roadside vendor sales are prohibited within the public ~~County~~ -right-of-way or public
17 easement.

18 ~~C. Roadside vendors~~ DD. Temporary roadside vendors are intended to function temporarily and independently.
19 Services such as electric, water, and sewer shall not be permitted ~~on vacant land~~. Permanent structures such as,
20 but not limited to, sheds, carports, modular buildings, etc., ~~shall be~~ are prohibited.

21 ~~D. Permitted Zoning Classifications. Sale of listed merchandise will be~~ ED. Temporary roadside vendors
22 conducting sales from a tent, pole-barn type facility, or other temporary structure shall obtain all applicable
23 Building and Safety dDepartment approvals for permitting.

24 ~~FE. Temporary roadside vendors are~~ allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2,
25 B-3, B-4, B-5, M-1, and RAC, upon meeting and shall at a minimum comply with the following conditions ~~criteria:~~

- 26 (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate
27 permitting agency.
- 28 (2) Adequate parking area shall be provided on site for customers including ~~handicapped~~ persons with
29 disabilities, who shall be provided service without leaving their vehicle if requested.
- 30 ~~(3) Parking areas shall be covered with a layer (minimum 1½" thick) of bark chips, sawdust, shavings or~~
31 ~~combination thereof, or construct a stabilized base parking area or pave the parking area.~~
- 32 (4) On site temporary rest room facilities are to be provided when more than two ~~persons~~ employees are
33 employed on the site present.
- 34 (5) Water and soap for the washing of hands shall be available on site.
- 35 (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
- 36 ~~(7) Products to be sold will be covered overnight or removed from the site and if required by State law,~~
37 ~~refrigeration will be provided.~~
- 38 (7) Overnight food, vegetable, produce, etc. storage is not permitted.
- 39 (8) A Temporary roadside ~~stand~~ stands for the sale of farm products raised or produced on the premises shall
40 be permitted in accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.) provided
41 such stands are located not less than 30 feet from any street, highway or right of way. A site plan will be

~~submitted as part of the building permit process for a permanent structure or for the installation of electrical, water or rest room facilities. The applicable site plan shall be submitted as set forth in Article 2 of this Code, at least 30 feet from the right of way. Non temporary roadside stands for farm products shall be regulated by applicable Site Plan and Building Plan regulations.~~

(9) All advertising signs, trash, and other necessities shall be removed when the temporary roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall be no larger than six square feet in size. Signage shall not be placed in public right of way or public easement.

H.F. Operation of more than two temporary roadside vendors, mobile food dispensing vehicles, food trucks, etc. on a single parcel of land or shared area, or roadside vendors not operating on a temporary basis, shall require a Special Use Permit and either a Minor Site Plan or Major Site Plan approval as set forth in Article 2 of this Code, and be consistent with the underlying land use designation and zoning classification for the property. The Special Use Permit, at a minimum, shall address the following:

- (1) Maximum number of vendors
- (2) Layout of the site
- (3) Access to the site
- (4) Parking, including ADA Parking
- (5) Restroom and handwashing facilities
- (6) Lighting
- (7) Signage
- (8) Buffering
- (9) Trash/dumpster placement and pickup
- (10) Overnight storage

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

LDC CODE UPDATE	
DATE:	November 5, 2025
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan.</p>	
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4 homemade crafts, etc.; or
- 5 (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants
6 approved Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").
- 7 B. The maximum number of temporary roadside vendors per parcel or area is two vendors.
- 8 C. Temporary roadside vendor sales are prohibited within the public right-of-way or public easement.
- 9 D. Temporary roadside vendors are intended to function temporarily and independently. Services such as
10 electric, water, and sewer shall not be permitted. Permanent structures such as, but not limited to, sheds,
11 carports, modular buildings, etc., are prohibited.
- 12 D. Temporary roadside vendors conducting sales from a tent, pole-barn type facility, or other temporary
13 structure shall obtain all applicable Building and Safety Department approvals for permitting.
- 14 E. Temporary roadside vendors are allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2,
15 B-3, B-4, B-5, M-1, and RAC, and shall at a minimum comply with the following criteria:
- 16 (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate
17 permitting agency.
- 18 (2) Adequate parking area shall be provided on site for customers including persons with disabilities, who
19 shall be provided service without leaving their vehicle if requested.
- 20 (4) On site temporary rest room facilities are to be provided when more than two employees are present.
- 21 (5) Water and soap for the washing of hands shall be available on site.
- 22 (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.
- 23 (7) Overnight food, vegetable, produce, etc. storage is not permitted.
- 24 (8) Temporary roadside stands for the sale of farm products raised or produced on the premises shall be
25 permitted in accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.).
- 26 (9) All advertising signs, trash, and other necessities shall be removed when the temporary roadside vendor
27 ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and
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-
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 - 6
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 - 8 (Ord. No. 17-08, § 2(Exh. A), 4-11-2017)
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