

LDC CODE UPDATE	
DATE:	February 21, 2025
LDC SECTION:	Article 1, Division 2 Definitions Article 5, Division 3 Floodplain Management
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>During recent talks with Florida Division of Emergency Management it was brought to our attention we needed to make changes to our Land Development Code to stay in compliance with our 7 rating for the CRS/NFIP program which allows our citizens of Marion County to obtain a 15% discount off their Flood Insurance Premiums.</p> <p><u>Changes to the LDC Article 1, Division 2 Definitions</u></p> <ol style="list-style-type: none"> 1. Changes to the text on some definitions will state the following sentence: <u>This definition is not for the purposes of floodplain management under Article 5, Division 3.</u> 2. Remove the following definitions, they are not required for NFIP compliance; <ul style="list-style-type: none"> • Floodplain Management • Floodplain Management Regulations • Program Deficiency 3. Changes need to be made for Structure and Market Value Definitions. 4. Two other minor edits for two other definitions. <p><u>Article 5, Division 3 Floodplain Management</u></p> <ol style="list-style-type: none"> 1. Changing the word section to <u>Division</u> throughout Article 5, along with changing the word ordinance to division for Sec.5.3.1, General (A). 2. 5.3.2 Applicability (E), adding in ordinance or regulation in..... 3. 5.3.11 (E) changing last sentence from Section 5.3.5 to "5.13.5 of the Land Development Code has been met". 4. Sec.5.3.12 (E), changing <u>Elevation</u> as agreed by the LDRC panel to the following; "All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot." 5. Removing 5.3.12 (F) and (G) 	

DIVISION 2. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPEAL. The process of seeking a higher authority's determination as established by this Code when a specific decision or determination made by designated staff, committee, or board is disputed. As it pertains to floodplain management, request for a review of the Floodplain Administrator's interpretation of any provision of ~~this ordinance~~ Article 5, Division 3.

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

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

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the

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

path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

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

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

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

BACKFLOW PREVENTION ASSEMBLY. A mechanical assembly which is supplied with properly located resilient-seated shut-off valves at each end of the assembly and properly located test cocks, and meets the standards of the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research and complies with the standard listed in the Florida Building Code as adopted by Marion County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 **BUFFER WALL.** A permanent opaque vertical structure with concrete components including, but not limited
153 to pillars, panels, block or brick, used within a buffer meeting the requirements of the Florida Building Code, and
154 providing a barrier (whether for sound, wind, or, views) with a finished height of six feet measured from the
155 adjacent grade or at a height as required otherwise.

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

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

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

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

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

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

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

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

CAPACITY. Supply of public facility:

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

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

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

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

CENTRALIZED SYSTEM. A water withdrawal, treatment, and distribution system (including fire hydrants) or a wastewater collection, treatment, and dispersal system that serves the needs of one or more residential or non-residential development projects. Centralized systems are generally owned, operated, and maintained by Marion County, a city, or a Public Service Commission-certificated entity. Types of facilities and systems not covered by the foregoing general definition are found in § 367.022 FS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CROSS-CONNECTION. Any physical arrangement whereby a Public Potable Water System is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir (other than for storage of Potable Water by a Utility), plumbing fixture, or other device which contains or may contain contaminated water, wastewater or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the Public Potable Water System as the result of Backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which Backflow could occur are considered to be Cross-Connections.

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT AREA. See project area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) That is both:

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

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

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

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

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

DUDE RANCH. A vacation resort offering activities typical of western ranches such as horseback riding.

DUE PUBLIC NOTICE. Publication of notice of the date, time, and place of a required public hearing; the title or titles of proposed ordinances, and the place within the County where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief explanation of the land use permit request and a location map identifying the property under consideration and

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

shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County, and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning category, the provisions of § 125.66(4) FS shall apply.

DWELLING UNIT. Any structure or portion thereof which is designed for or used for residential purposes as a self-sufficient or individual unit by one family or other social association of persons.

ELECTRIC SUBSTATION. An electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

ELEVATION. The vertical height or heights relative to a defined datum.

EMPHASIS. As it relates to the adult entertainment business, "emphasis" or "emphasis on" means that the type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the matter specified is a substantial portion of such work or exhibition.

ENCROACHMENT. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

ENVIRONMENTALLY SENSITIVE LANDS. Lands or areas which include environmental or other natural features and/or characteristics as identified by Comprehensive Plan Conservation Element Policy 1.1.1.

EQUINE CENTER. A facility identified and designated by the Board as a unique and specialized destination for regional, state, and national equine interests and activities that further the County's equine identity as "The Horse Capital of the World."

EQUIVALENT RESIDENTIAL CONNECTION (ERC). A unit of measurement representing capacity demand of 300 gallons per day for wastewater or 350 gallons per day for water.

ERECT A SIGN. To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to a change of message or routine maintenance.

ESTABLISHED CHURCH. Established place of meeting or worship at which non-profit religious services are regularly conducted and carried on.

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the

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

pouring of concrete pads) is completed before January 19, 1983. This definition is not for the purposes for floodplain management under Article 5, Division 3.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). This definition is not for the purposes for floodplain management under Article 5, Division 3.

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

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

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

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

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

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

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

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

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

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

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

(1) The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROWTH SERVICES DIRECTOR. Growth Services Director or his designee.

HARDSHIP. As it relates to flood plain management and variances to the flood plain overlay zone, the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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

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

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

HEIGHT OF BUILDING. The vertical distance from the established grade at the center of the front of the 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 the ridge for gable, hip, and gambrel roofs.

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

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

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

HOME OCCUPATION. Any business or commercial activity that is:

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

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

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

HOUSEHOLD PET. All animals which are normally considered as household pets and which can be maintained and cared for within the living space of a residence or outside the residence. Such animals may include but are not limited to dogs, cats, small reptiles, small rodents, fish, small birds such as parrots and parakeets, and other similar animals.

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

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

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

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

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

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

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

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

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

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

KENNEL. Any place or premises where four or more dogs or cats, over four months of age are groomed, bred, raised, boarded, or trained for compensation or income.

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

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

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

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

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

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

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

effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

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

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

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

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

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

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

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

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

LOT LINE. The boundary line of a lot.

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

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

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

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

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

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area of a building or structure (including basement), but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking,

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

building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.].

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

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

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

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

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

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

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

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

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

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

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

681 age, wear and tear, neglect, and quality of construction), or tax-assessed values adjusted to approximate market
682 value by a factor provided by the County Property Appraiser.

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

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

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

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

690 A. Used as a year-round residential dwelling, built prior to enactment of the Federal Manufactured
691 Housing Construction and Safety Standards, which became effective for all manufactured home
692 construction on June 15, 1976, and

693 B. Any vehicle without independent motive power which is designed for housing accommodations and
694 transportation over the highways on a chassis under carriage, which is an integral part thereof, but
695 does not include travel trailers or recreational units as defined by § 320.01 FS. This definition shall
696 include any unit which meets the criteria above and is certified by the Department of Safety and Motor
697 Vehicles as meeting requirements of as defined in Ch. 320 FS.

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

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

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

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

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

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

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

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

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

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

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

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 19, 1983. This definition is not for the purposes for floodplain management under Article 5, Division 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POTABLE WATER. Water that is suitable for human consumption.

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

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

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

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

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

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

PRIVATE PERFORMANCE. As it relates to the adult entertainment business, modeling, posing or the display or exposure of any specified anatomical area by an employee or independent contractor using the premises under a contract or lease, of an adult entertainment establishment to a person other than an employee while the person is in an area within the establishment not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons within the establishment.

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

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

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

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

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

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

PUBLIC POTABLE WATER SUPPLY SYSTEMS. Wells, treatment systems, disinfection systems, reservoirs or other storage and high service pumps, pipes, lines, valves, meters, water mains, laterals, and services, used or having the present capacity for future use in connection with the obtaining and supplying of potable water for domestic consumption, fire protection, irrigation, consumption by business, or consumption by industry. Without limiting the generality of the foregoing definition, the system shall embrace all necessary appurtenances and

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

equipment and shall include all property, rights, easements and franchises relative to any such system and deemed necessary or convenient for the operation thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL USES. One-family dwellings, two-family dwellings, and multi-family dwellings.

RESIDUALS. Biosolids from a permitted wastewater treatment or water reuse facility and septage from an OSTDS.

RETAIL SALES. Any business activity, and related services, customarily selling goods and commodities for profit.

RETAINING WALL. A structure erected between lands of different elevation to protect structures or to prevent the loss of earth from the upper slope level.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROOF LINE. A horizontal line intersecting the highest point or points of a roof.

ROOF SIGN. A sign placed above the roof line of a building or on or against a roof slope of less than 45 degrees as measured from the vertical plane.

RUNOFF. The surface flow of stormwater.

RURAL AREA. Lands located outside the Urban Growth Boundary (UGB) as designated by the Comprehensive Plan Future Land Use Map Series Map 1 *Marion County 2035 Future Land Use Map* excluding those lands bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Appendix A, Table A-1 *Land Use Classifications and Standards*.

SAFE YIELD. The overage annual amount of groundwater that could be extracted from a groundwater basin (or reservoir) over a long period of time without causing a long term reduction of groundwater quantity, quality, or other undesirable impacts.

SCHOOL. A public or private educational institution offering students an academic curriculum, including kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also include all adjacent properties owned and used by such schools for education, research, maintenance, or recreational purposes.

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

919 **SCREEN.** A structure or planting consisting of fencing, walls, berms, trees, or shrubs which provides sight
920 obstruction within or to a site or property.

921 **SEMICONFINED AQUIFER.** An aquifer that receives recharge in the form of leakage through underlying or
922 overlying semipermeable formations (aquitards).

923 **SENDING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
924 eligible to obtain Transferrable Credits (TDCs) which may be transferred or conveyed to a site within a designated
925 Receiving Area where the TDCs may be used for development.

926 **SETBACK (OR SETBACK LINE).** An area defined by a lot line, street centerline, wetland line, water boundary setback
927 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
928 lines in which area no structure may be located and into which no part of any structure shall project, unless
929 specifically permitted in this Land Development Code. Setbacks shall be measured from lot lines unless specifically
930 stated otherwise or unless the context in which the term is used implies another intended meaning.

931 A. **FRONT SETBACK.** That area defined by the front lot line and a parallel line on the lot a specified
932 distance from such front lot line.

933 B. **SIDE SETBACK.** An area located between a front yard setback and a rear yard setback, defined by a side
934 lot line and a parallel line on the lot a specified distance from such side lot line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Less than completely and opaquely covered:

(1) Human genitals;

(2) Pubic region;

(3) Buttock; or

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

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

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

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

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

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

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

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

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

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

STOCKPILE. As it relates to the springs protection zone, animal manure, including droppings, urine, and soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation, and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and this section is not considered stockpiling.

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

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

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

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

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

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

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

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

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

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

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

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

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

SWALLET OR SWALLOW HOLE. A place where water disappears underground in a limestone fissure or opening at or near the surface. A swallow hole generally implies water loss in a closed depression or sinkhole, whereas a swallet may refer to water loss from a disappearing stream or streambed, even though there may be no depression.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

URBAN AREA. Lands located within the Urban Growth Boundary (UGB) as designated by the Comprehensive Plan Future Land Use Map Series Map 1 Marion County 2035 Future Land Use Map or those lands located in the Rural Area bearing an Urban Area land use designation as specified in Comprehensive Plan Future Land Use Element Appendix A, Table A-1 Land Use Classifications and Standards.

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

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

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

VEHICLE SIGN. Any sign affixed to a vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WILDLAND URBAN INTERFACE/INTERMIX ZONES: Locations which the Marion County Fire Rescue (MCFR) determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may

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

1158 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
1159 severity analysis shall be provided for review and approval by MCFR.
1160 (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.
1161 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-
1162 21-2018; Ord. No. 23-09 , § 1(Att. 1), 4-13-2023)
1163