



# Marion County

## Land Development Regulation Commission

### Meeting Agenda

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**Wednesday, January 21, 2026      5:30 PM      Growth Services Main Training  
Room**

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#### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

#### **Acknowledgement of Proof of Publication**

#### **1.      ADOPT THE FOLLOWING MINUTES**

1.1.      [January 7, 2026](#)

#### **2.      SCHEDULED ITEMS**

2.1.      [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Article 4 to Add New Section 4.3.29 - Private Airports](#)

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

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

2.4.      [Workshop: Discussion for Proposed Marion County Land Development Code \(LDC\) Amendments to Review and Update Section 6.8 Landscape](#)

#### **3.      NEW BUSINESS**

3.1.      [The next LDRC Public Hearing/Workshop will be February 4, 2026 at the McPherson Governmental Campus Auditorium](#)

#### **ADJOURN**



# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21825

**Agenda Date:** 1/21/2026

**Agenda No.:** 1.1.

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**SUBJECT:**

**January 7, 2026**

**DESCRIPTION/BACKGROUND:**

Minutes from the previous LDRC Workshop

The Marion County Land Development Regulation Commission met on January 7, 2026, at 5:30 p.m. in the Growth Services Main Training Room, 2710 E Silver Springs Blvd, Ocala, Florida.

**CALL TO ORDER**

Chairman David Tillman called the meeting to order at 5:33 p.m.

**ROLL CALL & PLEDGE OF ALLEGIANCE**

Kimberly Lamb called roll, and the quorum was confirmed.

Board members present were Chairman David Tillman, Richard Busche, Christopher Howson, Gene Losito, and Alternate Nate Chambers. Erica Larson was not present during the roll call, but the Chair confirmed her attendance on the record at 5:34 p.m., immediately after roll was called.

Staff members present were Chief Assistant County Attorney Dana Olesky, Assistant County Administrator Tracy Straub, Growth Services Director Chuck Varadin, Growth Services Deputy Director Ken Weyrauch, Development Review Coordinator Elizabeth Madeloni, Administrative Manager Autumn Williams, and Staff Assistant Kimberly Lamb.

Chairman David Tillman led the Pledge of Allegiance.

There were members of the public present.

Following the adoption of the minutes, Chairman David Tillman disclosed a conflict of interest regarding the items on tonight's agenda. He informed those present that he would abstain from voting but would continue to preside over the meeting as the Board Chairman.

**ACKNOWLEDGEMENT OF PROOF OF PUBLICATION**

Kimberly Lamb read the Proof of Publication and advised that the meeting was properly advertised.

**1. ADOPT THE FOLLOWING MINUTES**

LDRC Board Member Erica Larson made a motion to adopt the minutes from the December 17, 2025, meeting. The motion was seconded by Board Member Chris Howson. The motion passed unanimously (5-0).

**2. SCHEDULED ITEMS**

**2.1 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 4, to Add New Section 4.3.28 – Fly-In Communities**

Ken Weyrauch, Growth Services Deputy Director, opened the discussion regarding this item.

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

The following members of the public spoke during Public Comment:

1. Robert Moses – 8410 NE 16<sup>th</sup> Terrace, Ocala
  - Questioned the Board about combining rules for Fly-In Communities with those for Private Airports to include involvement in commercial uses. He noted, for example, that cargo aircraft operations and commercial cargo activity are fundamentally different from the nature and purpose of Fly-In Communities.
2. Tim Gant – 17820 SW 3<sup>rd</sup> Street, Micanopy
  - Expressed concerns regarding the proposed 50-foot height limit and the potential noise impacts from aircraft. He states he understands this board has no control of the aircraft when in the air, but asked whether any ground-based noise restrictions or monitoring can be implemented.
3. Brian Murphy – 8553 NE 14<sup>th</sup> Terrace, Ocala
  - Comments on the ongoing litigation involving Jumbolair and requested clarification regarding the definitions of a Fly-In Community and a Private Airport. Asks the board if they would consider Jumbolair to be a Fly-In Community or a Private Airport, and/or both?
4. Dirk Leeward – PO Box 1476, Ocala
  - Noted that the term “accessory structure” on page 1, line 34, is struck through in the attachments and believe it to be in error. Clarified that hangar height and door height are different. He also requested clarification regarding aircraft maneuverability within the PUD, as well as how the County intends to regulate these movements and the associated easements.
5. Bernie Little – 4899 NW 90<sup>th</sup> Avenue, Ocala
  - Distributed informational materials to the Board and would like to delete language in section E, specifically, “such as, but not limited to, hours of operation, lighting, aircraft operations, or airspace.”

Public comment was closed by the Chair.

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

## **2.2 Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 4, to Add New Section 4.3.29 – Private Airports**

Chairman David Tillman opened the discussion regarding this item.

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

The following members of the public spoke during Public Comment:

1. Dirk Leeward – PO Box 1476, Ocala
  - Distributed informational materials containing his proposed language for this section and noted that he had previously provided this material at the last LDRC Workshop for the Board's reference.
2. Robert Moses – 8410 NE 16<sup>th</sup> Terrace, Ocala
  - Raised concerns about language that would allow unrestricted 24/7 operations, specifically mentioning examples such as cargo handling and major maintenance activities.
3. Jessica Icerman – 401 E. Jackson Street, Suite 2100, Tampa
  - Provided an overview of what airport expansion entails and outlined the steps required to obtain zoning approval. Further explains runway requirements/revisions. She also clarifies where the authority of local government agencies ends and where state agency involvement begins regarding airports.

Public comment was closed by the Chair.

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

### **3. NEW BUSINESS**

#### **3.1 Attendance for January 21, 2026, LDRC Workshop Meeting**

Chairman David Tillman reminded the board of the upcoming LDRC meeting and emphasized the importance of their attendance to ensure a quorum.

**ADJOURNMENT**

The workshop adjourned at 7:03 p.m.

Attest:

\_\_\_\_\_  
David Tillman, Chairman

\_\_\_\_\_  
Kimberly Lamb, Staff Assistant IV

DRAFT

**Land Development Regulation Commission Attendance Report**

<b>2026</b>		January 7	January 21	February 4	February 18	March 4	March 18	April 1	April 15	May 6	May 20	June 3	June 17	July 1	July 15	August 5	August 19	September 2	September 16	October 7	October 21	November 4	November 18	December 2	December 16
<b>David Tillman</b>	Chairman	X																							
<b>Chris Howson</b>	Board Member	X																							
<b>Gene Losito</b>	Vice Chairman	X																							
<b>Richard Busche</b>	Board Member	X																							
<b>Robert Stepp</b>	Board Member																								
<b>Erica Larson</b>	Board Member	X																							
<b>Vacant</b>	Board Member	-																							
<b>Nate Chambers</b>	Alt. Board Member	*																							
<b>Vacant</b>	Alt. Board Member	-																							

- N/A

X Present: attendance is counted towards the quorum

\* Alternate Present; attendance not counted towards quorum

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Tillman Jonathan David</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Committee</i>	
MAILING ADDRESS <i>3301 SE 41st Place</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Ocala</i>	COUNTY <i>Marion</i>	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>4/7/2020</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion County</i>	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jonathan Daniel T. Moore, hereby disclose that on 1/7, 20 26:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*I work for Bob Pull/Turbo law.*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/7/2026  
Date Filed

*[Signature]*  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21821

**Agenda Date:** 1/21/2026

**Agenda No.:** 2.1.

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**SUBJECT:**

**Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 4 to Add New Section 4.3.29 - Private Airports**

**DESCRIPTION/BACKGROUND:**

Staff have attached the proposed language to add the new section 4.3.29, Private Airports.

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1 **Sec. 4.3.29 – Private Airports**

2 A new or expanded (defined as a geographic expansion beyond the limits of a previously approved Private Airport)  
3 Private Airport listed as a Special Use in a zoning category, or as deemed by the Growth Services Director to be  
4 permissible in a zoning category, must be approved through a Special Use Permit process meeting all requirements  
5 of Article 2, Division 8 except as modified below. Alternatively, a Private Airport may be approved through a Planned  
6 Unit Development process in accordance with Article 4, Division 2, Section 4.2.31 except as modified below.

7 A. A Special Use Permit or Planned Unit Development application must additionally include the following  
8 items:

9 (1) A formal written application on a form provided by the Growth Services Department is submitted to the  
10 Planning/Zoning Manager indicating that a Private Airport is sought and stating the grounds on which it is  
11 requested.

12 (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee  
13 schedule is available at the Growth Services Department.

14 (3) A Conceptual Plan prepared in accordance with the provisions of Article 6 and at an appropriate scale  
15 showing:

16 a. The limits of the proposed Private Airport in relation to adjacent properties.

17 b. A conceptual site plan for the Private Airport.

18 c. The proposed buffers, setbacks, and structure heights for uses within the Private Airport.

19 d. Provisions for ingress and egress

20 e. Provisions for screening and buffering of dissimilar uses and of adjacent properties

21 f. Provisions for general compatibility with adjacent properties, and other property in the  
22 surrounding area

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**Sec. 4.3.29 – Private Airports**

A new or expanded (defined as a geographic expansion beyond the limits of a previously approved Private Airport) Private Airport listed as a Special Use in a zoning category, or as deemed by the Growth Services Director to be permissible in a zoning category, must be approved through a Special Use Permit process meeting all requirements of Article 2, Division 8 except as modified below. Alternatively, a Private Airport may be approved through a Planned Unit Development process in accordance with Article 4, Division 2, Section 4.2.31 except as modified below.

- A. A Special Use Permit or Planned Unit Development application must additionally include the following items:
  - (1) A formal written application on a form provided by the Growth Services Department is submitted to the Planning/Zoning Manager indicating that a Private Airport is sought and stating the grounds on which it is requested.
  - (2) A fee in the amount established by resolution of the Board shall accompany the application. The fee schedule is available at the Growth Services Department.
  - (3) A Conceptual Plan prepared in accordance with the provisions of Article 6 and at an appropriate scale showing:
    - a. The limits of the proposed Private Airport in relation to adjacent properties.
    - b. A conceptual site plan for the Private Airport.
    - c. The proposed buffers, setbacks, and structure heights for uses within the Private Airport.
    - d. Provisions for ingress and egress
    - e. Provisions for screening and buffering of dissimilar uses and of adjacent properties
    - f. Provisions for general compatibility with adjacent properties, and other property in the surrounding area



# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21822

**Agenda Date:** 1/21/2026

**Agenda No.:** 2.2.

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**SUBJECT:**

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

**DESCRIPTION/BACKGROUND:**

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

Re-review Tree, Critical Root Zone

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***DIVISION 2. DEFINITIONS***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27       (2) That is both:

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

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

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

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

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

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

2       **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title  
3 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be  
4 inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and  
5 be heard with respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said  
6 public hearing in a newspaper of general circulation in the County. Due public notice for public hearings of the  
7 Planning and Zoning Commission and the Board for land use permits shall include mailed written notice to all  
8 owners of property, within 300 feet of the boundaries of the property subject to the land use change, whose  
9 address is known by reference to the latest ad valorem tax records and to all parties of interest who timely request  
10 such notice in writing to the Growth Services Director or designee. The mailed notice shall include a brief  
11 explanation of the land use permit request and a location map identifying the property under consideration and  
12 shall notify the person of the time, date and location of all public hearings. Notices shall also be posted in a  
13 conspicuous place or places on or around such lots, parcels, or tracts of lands requesting the land use change.  
14 Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing by  
15 the Growth Services Director, or designee, to the Clerk of the Court. For land use changes initiated by the County,  
16 and for ordinances that change the actual lists of permitted, conditional or prohibited uses within a zoning  
17 category, the provisions of § 125.66(4) FS shall apply.

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

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

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

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

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

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

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

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

36       **EQUIVALENT RESIDENTIAL CONNECTION (ERC).** A unit of measurement representing capacity demand of  
37 300 gallons per day for wastewater or 350 gallons per day for water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11       A. Less than completely and opaquely covered:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (2) That is both:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11       A.    Less than completely and opaquely covered:

12           (1)   Human genitals;

13           (2)   Pubic region;

14           (3)   Buttock; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21823

**Agenda Date:** 1/21/2026

**Agenda No.:** 2.3.

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**SUBJECT:**

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

**DESCRIPTION/BACKGROUND:**

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

## ***DIVISION 7. TREE PROTECTION AND REPLACEMENT***

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

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

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

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

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

17   **Sec. 6.7.2. Exceptions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

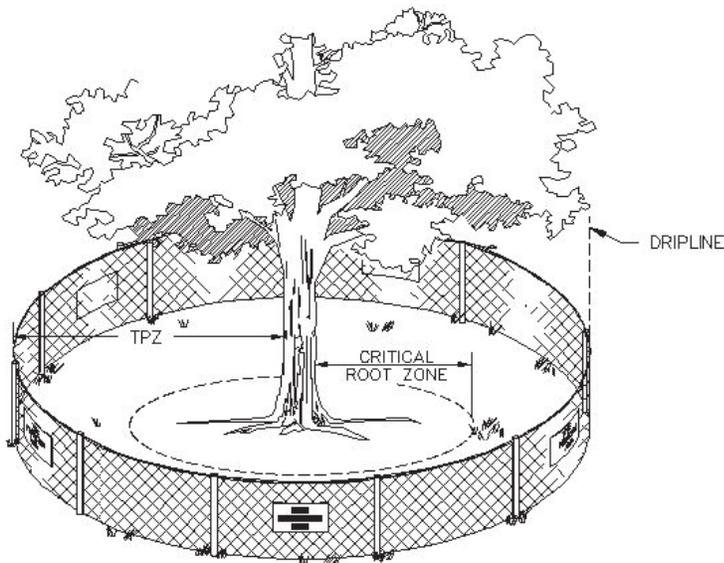
3 ~~(c) Damage to roots in this area may result in penalties or fines.~~

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

6 ~~(4)(3)~~ No reduction of the TPZ or removal of barricades may occur without prior written authorization from  
7 the County's Landscape Architect.

8 ~~(5)~~4 The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for  
9 minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect  
10 prior to construction activities. Barricades shall be reinstated as soon as work within the TPZ is  
11 completed.

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



13  
14 **Figure 6.7-1 Tree Protection Zones**

15  
16 C. Tree protection barricades shall be:

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

22 D. Pre-construction tree protection.

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

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

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

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

9 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any  
10 tree which is being protected is not allowed.

11 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis ~~during the course~~  
12 ~~of~~ throughout construction. Any barricade or sign which has been damaged or is missing shall be replaced  
13 immediately.

14 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during  
15 construction, with the exception of natural events, so as to place its long term survival in question, the  
16 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed  
17 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)  
18 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a  
19 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the  
20 County's Landscape Architect.

21 (Ord. No. 13-20, § 2, 7-11-2013)

## 22 **Sec. 6.7.4. Shade ~~trees.~~ Trees, Minimum Requirements**

23 ~~Shade trees are required for all developments excluding residential developments.~~

24 A. The post-development ratio of shade trees to the area of the site shall be a minimum of one shade tree  
25 per 3,000 square feet. ~~for all developments excluding single-family or duplex residential developments~~

26 B. Shade trees may include:

27 (1) Specimen Trees and/or;

28 (2) Protected and preserved trees which have with a favorable assessment, and/or;

29 (2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas,  
30 and/or;

31 (3) Trees as required as tree mitigation replacement trees.

32 C. ~~When mature~~ Priority shall be given to preserve Specimen Trees and those existing trees with a full  
33 ~~canopy of 30-foot radius or larger, with a favorable~~ that are the highest rated per the tree assessment,;

34  
35  
36 D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are  
37 preserved on the project site, a credit of two shade by the development. Preserved trees ~~may be used~~  
38 ~~towards the overall shade tree requirement.~~ for Shade Tree credits shall be subject to the approval of  
39 the County Landscape Architect. Tree credits shall be given for preserved Regulated Trees as follows:

40 ~~D. — Required shade trees shall meet the minimum size requirements in Section 6.8.10.C.~~

<u>Preserved Regulated Tree (DBH)</u>	<u>Number of Shade Trees Credited</u>
<u>10" – 19"</u>	<u>One</u>
<u>20" – 29"</u>	<u>Two</u>
<u>30" – 35"</u>	<u>Three</u>
<u>Specimen Trees</u>	<u>Five</u>

(Ord. No. 13-20, § 2, 7-11-2013)

**Sec. 6.7.5. Tree trimming and tree removal permit.**

- A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- B. A tree removal permit shall be required for the removal of any ~~tree with a DBH of 10 inches or larger,~~ Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or ~~his~~their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.
- C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:
  - 1. Contact the County's Landscape Architect and ~~providing~~provide a map of where all vegetation management practices and tree trimming or removal will be performed.
  - 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
  - 3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" ~~as to where recovery~~the extent that the appearance and/or the long-term long-term viability of the ~~tree~~tree or palms is unlikely.
  - 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and remove grinding refuse.
  - 5. Stabilize all disturbed areas in an acceptable manner
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

**Sec. 6.7.6. Submittal requirements.**

The following requirements shall apply to the application for stand alone tree removal permits and site development review plans and are in addition to the Minimum Plan Requirements:

- 
- 1 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and  
2 Preservation Plan." For development sites with lower density of trees, such information may be indicated  
3 on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all ~~trees, with a~~  
4 ~~DBH of 10 inches and larger,~~ Regulated Trees to be removed and trees to be preserved. Preserved trees  
5 and replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of  
6 the site.
- 7 B. Tree calculations shall include:
- 8 (1) The total numbers of existing ~~trees~~ Regulated Trees within the site and the respective DBH of each  
9 tree; and
- 10 (2) The pre-development ratio of ~~native tree~~ Regulated Tree inches-per-acre; and
- 11 (3) The total DBH inches of ~~native trees~~ Regulated Trees to be removed; and
- 12 (4) The total DBH inches of ~~native trees~~ Regulated Trees to be preserved; and
- 13 (5) The native status of trees to be preserved.
- 14 C. A tree protection detail which graphically indicates the requirements of tree protection as required by  
15 this division.
- 16 D. ~~List~~ Listing general prohibitions ~~on the plan~~ as stated in Section 6.7.3.E.
- 17 E. Indication of all TPZs on the site plan, grading plan and on ~~which ever~~ whichever plan is used to  
18 demonstrate tree preservation and replacement.
- 19 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall  
20 be established by the Board, by resolution. Tree removal permit application fees for projects associated  
21 with any development (excluding stand alone permits) shall be included in the overall plan review and  
22 application fees available at the Office of the County Engineer.

23 (Ord. No. 13-20, § 2, 7-11-2013)

#### 24 **Sec. 6.7.7. Review and approval procedures.**

- 25 A. During review of tree preservation submittals, the County's Landscape Architect or his designee may  
26 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require  
27 changes include, but are not limited to, the following:
- 28 (1) ~~Preserving~~ Required preservation of any ~~tree due to their age, size, rarity, uniqueness, historic value,~~  
29 ~~status as a specimen tree, or other outstanding quality.~~ Specimen Trees
- 30 (2) Proposed grading or clearing activities ~~do not follow the requirements of this division.~~ Within the TPZ  
31 and/or
- 32 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- 33 B. The applicant will be ~~asked~~ required to revise and update the tree preservation information according to review  
34 comments.
- 35 ~~C. After approval, the County's Landscape Architect or his designee shall issue a tree removal permit if such tree~~  
36 ~~removal is in accordance with all provisions of this Code. The approved development plans shall serve as the~~  
37 ~~Tree Removal Permit.~~

38 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.7.8. Protected tree replacement requirements.**

2 ~~All trees not permitted~~ Regulated Trees that are proposed for removal ~~must be protected and maintained. For those~~  
3 ~~protected trees permitted for removal, trees~~ shall be replaced in accordance with the minimum standards set forth  
4 below.

5 A. ~~A.~~ Replacement is not required where the property owner retains existing trees on the site which  
6 total an average of 100 inches DBH per acre. ~~If replacement is necessary, a minimum of 100 inches DBH~~  
7 per acre on the average shall be achieved.

8 B. If the pre-development number of inches is less than 100 DBH per acre on ~~the average~~ average, the  
9 property owner shall replace trees to equal the pre-development number of DBH inches.

10 C. ~~Replacement~~ Removal of trees ~~Regulated Trees~~ less than ~~30~~ 36 inches DBH and permitted for removal  
11 ~~shall be as described below~~ is permissible if the following replacement requirements are met:

12 (1) Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one-inch  
13 replacement per two inches removed ~~and the minimum replacement tree size is 3.5-inch caliper.~~

14 (2) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with a ratio of 1.5 inches  
15 replacement per two inches removed ~~and the minimum replacement tree size is 3.5-inch caliper.~~

16 ~~D.~~ Replacement of (3) Existing trees measuring 30 inches DBH or to 35 inches DBH shall be  
17 replaced with a ratio of 2 inches replacement per 2 inches removed.

18 (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the  
19 County Landscape Architect.

20 D. If the pre-development number of inches of Regulated Trees is greater and than 100 DBH per acre, the  
21 property owner shall replace trees equal to 100 DBH per acre

22 E. Removal of Specimen Trees may only be permitted for removal shall be following review and approval  
23 by the County's Landscape Architect and as described below:

24 ~~(1)~~ All trees which receive a favorable assessment may be approved for removal by the County's Landscape  
25 Architect or his designee under per the following circumstances:

26 ~~(a)~~ The tree (a) The Specimen Tree does not have a favorable assessment per an arborist's  
27 assessment and confirmed during a pre-development on site review meeting with the County  
28 Landscape Architect; and/or

29 (b) The Specimen Tree materially interferes with the proposed location, service or function of  
30 the utility lines or services, or rights of way, and

31 ~~(b)~~ The tree project site plan and the Specimen Tree cannot be preserved through ~~re-design~~ redesign  
32 of the site infrastructure.

33 ~~(2)~~ All trees which receive a favorable assessment (c) If the County Landscape Architect approves  
34 removal, then Specimen Trees shall be replaced at a ratio of 3.0 inches replacement for 1 inch ~~for~~  
35 inch removed and the minimum replacement tree size is 4.0-inch caliper.

36 F. Existing trees that have experienced tree abuse as part of landscape maintenance or site development  
37 activities that cause critical impact as determined by the County Landscape Architect will require  
38 mitigation. Tree abuse may include:

39 (a) Hatracking a tree; or

40 (b) Destroying the natural habit of tree growth; or

- 1 (c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or  
2 (d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of  
3 the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;  
4 or  
5 (e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically  
6 permitted by standards set by the ANSI, as updated; or  
7 (f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or  
8 (g) Pruning of live palm fronds which initiate above the horizontal plane; or  
9 (h) Overlifting a tree; or  
10 (i) Shaping a tree ~~(3) All trees which receive;~~ or  
11 (j) Removing more than 25% of the tree's canopy.  
12 G. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree  
13 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by  
14 the County Landscape Architect.  
15 H. Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment  
16 at the predesign on site review shall be replaced with a ratio of 1.5 inches replacement per two inches  
17 removed and the minimum replacement tree size is 3.5-inch caliper.  
18 ~~E.I.~~ If replanting replacement trees on site is not practicable per best landscape design practices, then a fee  
19 in lieu of planting may be provided as per Section 6.7.10.  
20 J. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or  
21 Federal authority, ~~shall not be required to replace the DBH of trees removed~~ are exempt from protected  
22 tree removal requirements if such authority demonstrates that such trees conflict with proposed utilities,  
23 drainage, or roadway construction.

24 (Ord. No. 13-20, § 2, 7-11-2013)

### 25 **Sec. 6.7.9. Replacement trees.**

- 26 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required  
27 shade trees, buffer trees, and any other required landscaping.
- 28 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or  
29 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,  
30 as amended.
- 31 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 32 D. Replacement trees shall be Florida native species compatible to the site.
- 33 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear  
34 trunk height of 10-foot minimum. The use of palms shall ~~work~~ comply with the required palm ratio as required  
35 in Section 6.8.10.C.
- 36 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required  
37 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space  
38 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound  
39 horticultural and design principles, then the replacement trees may be located on public property at the  
40 County's discretion ~~and as determined at the time of the permit or site development review.~~ The public

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1 property location shall be specifically designated by the ~~County~~County, and such replacement trees shall be  
2 donated to the County. The County will be responsible for planting and maintenance of donated trees on public  
3 property.

4 ~~G.~~ G. The preservation of existing Regulated Trees will count towards satisfying the required Replacement Tree  
5 amount at the following ratios:

6 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement  
7 tree criteria at a ratio of one inch of replacement value per one-inch preserved.

8 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement  
9 tree criteria at a ratio of three inches of replacement per one inch preserved.

10 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement  
11 tree criteria at a ratio of four inches of replacement per one inch preserved.

12 (3) Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight inches  
13 of replacement per one inch preserved.

14 H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by  
15 designating existing trees on site which are native tree species and less than 10 inches DBH as conservation  
16 trees, provided that the property owner takes steps to designate and protect such conservation trees. If the  
17 owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those  
18 trees or groups of trees requested as conservation trees shall be included in the tree survey.

19 ~~H].~~ A property owner designating conservation trees shall record in the public records of Marion County, a notice  
20 to subsequent property owners that the site contains conservation trees, subject to maintenance  
21 requirements, with reference to the development plan on file with the County designating such trees. A copy  
22 of such recorded notice on a form provided by the County shall be supplied to the Planning/Zoning Manager  
23 or his designee prior to the issuance of a Certificate of Occupancy.

24 (Ord. No. 13-20, § 2, 7-11-2013)

### 25 **Sec. 6.7.10. Tree mitigation fund.**

26 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of  
27 accepting and disbursing the contributions made to the Board as part of the tree replacement monies  
28 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion  
29 County and to enhance the Marion County Parks system.

30 B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the  
31 County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees  
32 ~~and for no other landscape or tree planting requirement as stated in this Code.~~

33 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree  
34 Mitigation Fund at ~~a per tree cost. The amount of such fee shall be determined on a case by case basis through~~  
35 ~~the public solicitation for bids and the amount shall be based on:~~ the tree replacement fee as listed in the  
36 County's annual fee list.

37 ~~(1) The wholesale cost of material~~

38 ~~(2) Cost of labor for installation~~

39 ~~(3) Cost of maintenance for two years~~

40 D. Payment into the Tree Mitigation Fund shall be ~~recommended~~approved by the County's Landscape Architect  
41 and approved by the Board prior to issuance of the tree removal permit or development approval.

~~E. Tree mitigation funds shall be used by the County for the installation, establishment, and maintenance of trees on public property within Marion County.~~

E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

### Sec. 6.7.11. Tree maintenance and management.

~~A. Unless otherwise permitted by this division, no person shall cause or authorize:~~

~~(1) The removal of any protected tree without first obtaining a tree removal permit as required by this Code.~~

~~(2) Tree abuse which includes:~~

~~(a) Hatracking a tree; or~~

~~(b) Destroying the natural habit of tree growth; or~~

~~(c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or~~

~~(d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;~~  
~~or~~

~~(e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or~~

~~(f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or~~

~~(g) Pruning of live palm fronds which initiate above the horizontal plane; or~~

~~(h) Overlifting a tree; or~~

~~(i) Shaping a tree.~~

~~(3) Any encroachments, excavations, or change the natural grade within the Tree Protection Zone (TPZ), as defined herein, of a tree unless it can be demonstrated to the County's Landscape Architect prior to commencement of said activity, that the activity will not negatively impact any tree.~~

~~(4) Land clearing or the operation of heavy equipment in the vicinity of a protected tree without placing and maintaining a protective barrier around the TPZ.~~

~~(5) The storage or use of materials or equipment within the TPZ of any protected tree, or attachments, other than those of a protective and non-damaging nature, to any tree.~~

~~(6) Land clearing, including the removal of understory, without first obtaining authorization as herein provided.~~

B. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:

(1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.

(2) All replacement trees shall be maintained in a living, healthy condition ~~for a period of two years following final inspection and approval~~, or else be replaced, by the owner, successor, or assignee. ~~No replacement~~

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1 ~~shall be required beyond such two-year period. After the two-year period, the owner of record shall be~~  
2 ~~responsible for maintaining the replacement trees in a healthy condition.~~

3 (3) The permittee or the property owner shall record in the public records of Marion County, appropriate  
4 notice to subsequent owners of the maintenance period or replacement requirement for replacement  
5 trees with reference to the development plans on file with the County identifying such trees. A copy of  
6 such recorded notice shall be supplied to the ~~Planning/Zoning Manager or his designee~~County prior to  
7 the issuance of a Certificate of Occupancy.

8 (4) For ~~residential and mixed-use~~ developments where tree preservation and replacement requirements are  
9 ~~approved with any application~~ may be fulfilled by future or subsequent developers or builders, the  
10 developer shall require future property owners of lots where protected trees have been preserved to  
11 continue to protect and preserve such trees. Such requirements shall run with the parcel until  
12 ~~removal~~ replacement of the tree(s) is required due to age, declining health, or for the protection of public  
13 safety.

14 (Ord. No. 13-20, § 2, 7-11-2013)

### 15 **Sec. 6.7.12. Tree inspections.**

16 The following tree preservation and/or replacement inspections shall be required to ensure compliance with this  
17 division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of  
18 Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit  
19 until all of the following inspections have been completed and approval is granted:

20 A. A ~~preliminary~~ preconstruction inspection shall be conducted by the County's Landscape Architect or his  
21 designee prior to any demolition or site construction in order to confirm that the permittee has marked  
22 trees permitted to be removed and has installed tree protection barricades around trees, or groups of  
23 trees, to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this  
24 inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected.  
25 Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or his  
26 designee on the permit and shall constitute notice to proceed with tree removal.

27 B. A final inspection shall be conducted by the County's Landscape Architect or his designee after  
28 completion of tree removal and replacement in accordance with the approved plans. It is the Owner's  
29 responsibility to notify the County Landscape Architect of completion of tree removal activities.  
30 Approval, after final inspection, shall be noted by the County's Landscape Architect or his designee on  
31 the permit and shall constitute notice of commencement of the required maintenance period of  
32 replacement trees if replacement is required.

33 (Ord. No. 13-20, § 2, 7-11-2013)

### 34 **Sec. 6.7.13. Violation and enforcement.**

35 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with  
36 any condition of any tree removal permit issued, or to violate any provision of this division. When such violations  
37 occur, the following sanctions apply:

38 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or his designee  
39 may issue a stop work order for the ~~affected project area of such unauthorized tree removal~~ project  
40 and all related site work will cease until a restoration plan is prepared by the owner, developer,  
41 contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or his  
42 designee.

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- 1 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be  
2 cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- 3 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved  
4 restoration plan have been installed and all site grades restored.
- 5 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the  
6 property and the site grade restored even if project termination occurs before completion of the  
7 project. Failure to complete the approved restoration plan is a violation of this Code and the owner,  
8 developer, contractor, or agent will be cited by the County's Landscape Architect or his designee and  
9 referred to the Code Enforcement Board.
- 10 E. In addition to all other remedies provided herein, the ~~Landscape Architect~~County may seek injunctive  
11 relief or the imposition of fines and penalties for any violation of this division.
- 12 (Ord. No. 13-20, § 2, 7-11-2013)

## ***DIVISION 7. TREE PROTECTION AND REPLACEMENT***

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

- 2    A.    The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees on  
3        public and private property, excluding existing residential properties. Tree protection and replacement shall  
4        work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of Marion  
5        County, complementing the natural and built environments, while providing shade and habitat through:
- 6        (1)    Preservation of existing trees and native plant communities.  
7        (2)    Replacement of trees that are removed.  
8        (3)    Maintenance of trees;  
9        (4)    Prevention of tree abuse; and  
10       (5)    Enforcement.
- 11   B.    The preservation of trees, along with the planting of new trees as required in Division 8, shall be considered  
12        as a priority in the development of improvement plans. The process of site design, from the Master Plan level,  
13        through specific design details, shall take the protection of existing trees and the mature sizes of proposed  
14        trees into consideration.

15   **Sec. 6.7.2. Exceptions.**

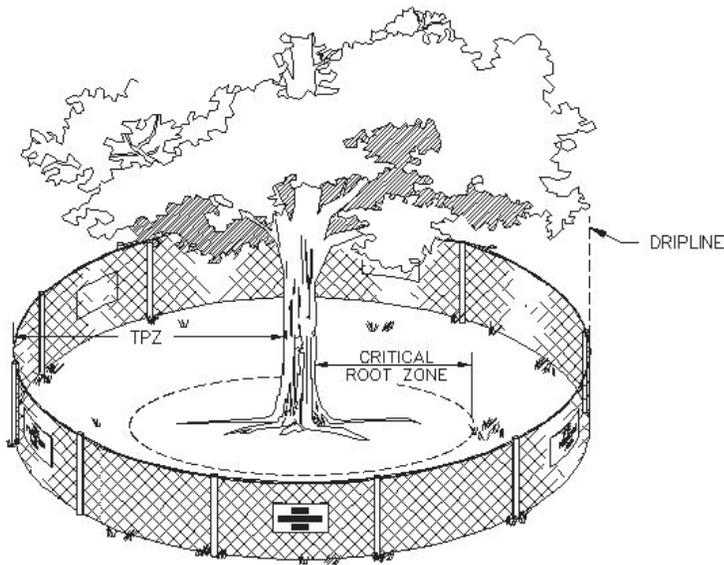
- 16        The preservation and replacement of trees and protected plant species shall apply to all development with the  
17        following exceptions:
- 18    A.    The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape  
19        nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the  
20        like, on lands with an agricultural zoning classification.
- 21    B.    Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than  
22        agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461  
23        FS.
- 24    C.    On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal  
25        without a permit, no applications for any land use or zoning changes from rural to urban designations  
26        shall be accepted within two years of the tree removal date unless:
- 27        (1)    The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based  
28        on the pre-clearing density of existing trees, or
- 29        (2)    The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of  
30        planting 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of  
31        existing trees.
- 32    D.    The removal of trees which have a DBH of less than 10 inches, except those trees which have been  
33        designated replacement and conservation trees pursuant to Section 6.7.9.G.

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

20 **Sec. 6.7.3. Tree Protection, General.**

- 21 A. Design for the protection of trees.
  - 22 (1) Every reasonable effort should be made to minimize tree removal. Site development shall consider tree  
23 preservation by balancing the requirements of site and utility design with preserving existing trees in an  
24 integrated manner across the site.
  - 25 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be  
26 considered early in the site design process and implemented to provide required buffers while preserving  
27 habitat and lowering the cost of development.
  - 28 (3) In all cases, a post-development ratio of shade trees to the area of the site must be provided as required  
29 in Section 6.7.4.
  - 30 (4) All regulated trees shall be considered Protected Trees.
  - 31 (5) After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect shall be  
32 made to determine if existing Regulated Trees, or groups of existing Regulated Trees, are suitable  
33 candidates for preservation before final site plans are developed. If the site proposes preserving existing  
34 trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the development  
35 application. The evaluation shall be used to guide decisions about tree preservation, tree protection, and  
36 tree removal and shall include:
    - 37 (a) Identification of species of tree(s) proposed for preservation;
    - 38 (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations  
39 of external or external signs of disease or impacts, and possible longevity based on species type,  
40 site conditions, or location.

- 1 (c) Assessment of the size (DBH and canopy) of the tree(s) to be preserved;
- 2 (d) Identification of Specimen Trees.
- 3 (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- 4 B. Tree protection measures shall be denoted on tree removal permit or site development review plans by
- 5 illustrating and dimensioning the following:
  - 6 (1) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection
  - 7 requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree
  - 8 Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
  - 9 (2) Extents of the Tree Critical Root Zone (CRZ) For trees proposed for preservation.
    - 10 (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ.
    - 11 (b) The CRZ is established by definition, or based on an on-site review and assessment by either a
    - 12 Landscape Architect or a Certified Arborist prior to construction.
  - 13 (3) No reduction of the TPZ or removal of barricades may occur without prior written authorization from
  - 14 the County's Landscape Architect.
  - 15 (4) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for
  - 16 minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect
  - 17 prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is
  - 18 completed.



19  
20 **Figure 6.7-1 Tree Protection Zones**  
21

- 22 C. Tree protection barricades shall be:
  - 23 (1) No less than four feet in height.
  - 24 (2) Constructed of rigid material capable of surviving for the duration of the construction.

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1 (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single  
2 protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs  
3 shall include the words "Tree Protection Zone."

4 D. Pre-construction tree protection.

5 (1) The owner shall be responsible for ensuring that all possible measures are taken to avoid damage to  
6 trees not approved for removal.

7 (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around  
8 all trees, or groups of trees, within the construction area which are to be preserved.

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

11 E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree  
12 removal permits, all permits for private construction in public rights-of-way, and all development permits  
13 issued under and pursuant to this Code:

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

17 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any  
18 tree which is being protected is not allowed.

19 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout  
20 construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.

21 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during  
22 construction, with the exception of natural events, so as to place its long term survival in question, the  
23 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed  
24 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)  
25 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a  
26 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the  
27 County's Landscape Architect.

28 (Ord. No. 13-20, § 2, 7-11-2013)

29 **Sec. 6.7.4. Shade Trees, Minimum Requirements**

30 A. The post-development ratio of shade trees to the area of the site shall be a minimum of one shade tree  
31 per 3,000 square feet for all developments excluding single-family or duplex residential developments

32 B. Shade trees may include:

33 (1) Specimen Trees and/or;

34 (2) Protected and preserved trees with a favorable assessment and/or;

35 (2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas,  
36 and/or;

37 (3) Trees as required as tree mitigation replacement trees.

38 C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per  
39 the tree assessment.

40

- 1
- 2 D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are
- 3 preserved by the development. Preserved trees used for Shade Tree credits shall be subject to the
- 4 approval of the County Landscape Architect. Tree credits shall be given for preserved Regulated Trees
- 5 as follows:

Preserved Regulated Tree (DBH)	Number of Shade Trees Credited
10" – 19"	One
20" – 29"	Two
30" – 35"	Three
Specimen Trees	Five

7 .

8 (Ord. No. 13-20, § 2, 7-11-2013)

9 **Sec. 6.7.5. Tree trimming and tree removal permit.**

- 10 A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For
- 11 all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- 12 B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as
- 13 outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or
- 14 their designee prior to any site clearing, grading, or for any construction which requires a permit from the
- 15 Marion County Building Department. The failure to obtain any such permit when required shall be a violation
- 16 of this Code, subject to penalties provided herein.
- 17 C. A tree removal permit shall be obtained by any public or private utility or communications company
- 18 undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the
- 19 public right of way, related to the utilities operations and not associated with road construction or road
- 20 maintenance activities, the contactor shall:
- 21 1. Contact the County's Landscape Architect and provide a map of where all vegetation management
  - 22 practices and tree trimming or removal will be performed.
  - 23 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential
  - 24 impacts.
  - 25 3. Consideration will be given to the removal of trees and palms which have been topped or have been
  - 26 "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or
  - 27 palms is unlikely.
  - 28 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and
  - 29 remove grinding refuse.
  - 30 5. Stabilize all disturbed areas in an acceptable manner
- 31 D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes
- 32 first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is
- 33 obtained pursuant to this division.

34

35 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

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1 **Sec. 6.7.6. Submittal requirements.**

2 The following requirements shall apply to the application for stand alone tree removal permits and site  
3 development review plans and are in addition to the Minimum Plan Requirements:

- 4 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and  
5 Preservation Plan." For development sites with lower density of trees, such information may be indicated  
6 on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all Regulated  
7 Trees to be removed and trees to be preserved. Preserved trees and replacement trees shall be indicated  
8 on the Landscape Plan to demonstrate the final appearance of the site.
- 9 B. Tree calculations shall include:
- 10 (1) The total numbers of existing Regulated Trees within the site and the respective DBH of each tree;  
11 and
- 12 (2) The pre-development ratio of Regulated Tree inches-per-acre; and
- 13 (3) The total DBH inches of Regulated Trees to be removed; and
- 14 (4) The total DBH inches of Regulated Trees to be preserved; and
- 15 (5) The native status of trees to be preserved.
- 16 C. A tree protection detail which graphically indicates the requirements of tree protection as required by  
17 this division.
- 18 D. Listing general prohibitions as stated in Section 6.7.3.E.
- 19 E. Indication of all TPZs on the site plan, grading plan and on whichever plan is used to demonstrate tree  
20 preservation and replacement.
- 21 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall  
22 be established by the Board, by resolution. Tree removal permit application fees for projects associated  
23 with any development (excluding stand alone permits) shall be included in the overall plan review and  
24 application fees available at the Office of the County Engineer.

25 (Ord. No. 13-20, § 2, 7-11-2013)

26 **Sec. 6.7.7. Review and approval procedures.**

- 27 A. During review of tree preservation submittals, the County's Landscape Architect or his designee may  
28 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require  
29 changes include, but are not limited to, the following:
- 30 (1) Required preservation of any Specimen Trees
- 31 (2) Proposed grading or clearing activities Within the TPZ and/or
- 32 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- 33 B. The applicant will be required to revise and update the tree preservation information according to review  
34 comments.

35 (Ord. No. 13-20, § 2, 7-11-2013)

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1 **Sec. 6.7.8. Protected tree replacement requirements.**

2 Regulated Trees that are proposed for removal shall be replaced in accordance with the minimum standards set  
3 forth below.

- 4 A. Replacement is not required where the property owner retains existing trees on the site which total an  
5 average of 100 inches DBH per acre.
- 6 B. If the pre-development number of inches is less than 100 DBH per acre on average, the property owner  
7 shall replace trees to equal the pre-development number of DBH inches.
- 8 C. Removal of Regulated Trees less than 36 inches DBH and permitted for removal is permissible if the  
9 following replacement requirements are met:
- 10 (1) Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one-inch  
11 replacement per two inches removed.
- 12 (2) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with a ratio of 1.5 inches  
13 replacement per two inches removed.
- 14 (3) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with a ratio of 2 inches  
15 replacement per 2 inches removed.
- 16 (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the  
17 County Landscape Architect.
- 18 D. If the pre-development number of inches of Regulated Trees is greater than 100 DBH per acre, the  
19 property owner shall replace trees equal to 100 DBH per acre
- 20 E. Removal of Specimen Trees may only be permitted following review and approval by the County's  
21 Landscape Architect and as per the following circumstances:
- 22 (a) The Specimen Tree does not have a favorable assessment per an arborist's assessment and  
23 confirmed during a pre-development on site review meeting with the County Landscape Architect;  
24 and/or
- 25 (b) The Specimen Tree materially interferes with the proposed location, service or function of the  
26 project site plan and the Specimen Tree cannot be preserved through a redesign of the site  
27 infrastructure.
- 28 (c) If the County Landscape Architect approves removal, then Specimen Trees shall be replaced at a  
29 ratio of 3.0 inches replacement for 1 inch removed and the minimum replacement tree size is 4.0-  
30 inch caliper.
- 31 F. Existing trees that have experienced tree abuse as part of landscape maintenance or site development  
32 activities that cause critical impact as determined by the County Landscape Architect will require  
33 mitigation. Tree abuse may include:
- 34 (a) Hatracking a tree; or
- 35 (b) Destroying the natural habit of tree growth; or
- 36 (c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or
- 37 (d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of  
38 the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;  
39 or

- 
- 1 (e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically  
2 permitted by standards set by the ANSI, as updated; or
  - 3 (f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or
  - 4 (g) Pruning of live palm fronds which initiate above the horizontal plane; or
  - 5 (h) Overlifting a tree; or
  - 6 (i) Shaping a tree; or
  - 7 (j) Removing more than 25% of the tree's canopy.
  - 8 G. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree  
9 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by  
10 the County Landscape Architect.
  - 11 H. Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment  
12 at the predesign on site review shall be replaced with a ratio of 1.5 inches replacement per two inches  
13 removed and the minimum replacement tree size is 3.5-inch caliper.
  - 14 I. If replanting replacement trees on site is not practicable per best landscape design practices, then a fee  
15 in lieu of planting may be provided as per Section 6.7.10.
  - 16 J. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or  
17 Federal authority, are exempt from protected tree removal requirements if such authority demonstrates  
18 that such trees conflict with proposed utilities, drainage, or roadway construction.

19 (Ord. No. 13-20, § 2, 7-11-2013)

### 20 **Sec. 6.7.9. Replacement trees.**

- 21 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required  
22 shade trees, buffer trees, and any other required landscaping.
- 23 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or  
24 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,  
25 as amended.
- 26 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 27 D. Replacement trees shall be Florida native species compatible to the site.
- 28 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear  
29 trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in  
30 Section 6.8.10.C.
- 31 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required  
32 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space  
33 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound  
34 horticultural and design principles, then the replacement trees may be located on public property at the  
35 County's discretion and as determined at the time of the permit or site development review. The public  
36 property location shall be specifically designated by the County, and such replacement trees shall be donated  
37 to the County. The County will be responsible for planting and maintenance of donated trees on public  
38 property.
- 39 G. The preservation of existing Regulated Trees will count towards satisfying the required Replacement Tree  
40 amount at the following ratios:

- 
- 1 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement  
2 tree criteria at a ratio of one inch of replacement value per one-inch preserved.
- 3 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement  
4 tree criteria at a ratio of three inches of replacement per one inch preserved.
- 5 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement  
6 tree criteria at a ratio of four inches of replacement per one inch preserved.
- 7 (3) Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight inches  
8 of replacement per one inch preserved.
- 9 H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by  
10 designating existing trees on site which are native tree species and less than 10 inches DBH as conservation  
11 trees, provided that the property owner takes steps to designate and protect such conservation trees. If the  
12 owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those  
13 trees or groups of trees requested as conservation trees shall be included in the tree survey.
- 14 I. A property owner designating conservation trees shall record in the public records of Marion County, a notice  
15 to subsequent property owners that the site contains conservation trees, subject to maintenance  
16 requirements, with reference to the development plan on file with the County designating such trees. A copy  
17 of such recorded notice on a form provided by the County shall be supplied to the Planning/Zoning Manager  
18 or his designee prior to the issuance of a Certificate of Occupancy.
- 19 (Ord. No. 13-20, § 2, 7-11-2013)

20 **Sec. 6.7.10. Tree mitigation fund.**

- 21 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of  
22 accepting and disbursing the contributions made to the Board as part of the tree replacement monies  
23 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion  
24 County and to enhance the Marion County Parks system.
- 25 B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the  
26 County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees.
- 27 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree  
28 Mitigation Fund at the tree replacement fee as listed in the County's annual fee list.
- 29 D. Payment into the Tree Mitigation Fund shall be approved by the County's Landscape Architect and approved  
30 by the Board prior to issuance of the tree removal permit or development approval.
- 31 E. The County Landscape Architect shall provide an annual report to the Board describing the available funds,  
32 annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.
- 33 (Ord. No. 13-20, § 2, 7-11-2013)

34 **Sec. 6.7.11. Tree maintenance and management.**

- 35 A. The following requirements shall be conditions of any tree removal permit which includes a requirement for  
36 replacement trees:
- 37 (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision  
38 approval shall be considered required improvements and shall be subject to certification of satisfactory  
39 completion contained in this Code.

- 
- 1 (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner,  
2 successor, or assignee.
  - 3 (3) The permittee or the property owner shall record in the public records of Marion County appropriate  
4 notice to subsequent owners of the maintenance period or replacement requirement for replacement  
5 trees with reference to the development plans on file with the County identifying such trees. A copy of  
6 such recorded notice shall be supplied to the County prior to the issuance of a Certificate of Occupancy.
  - 7 (4) For developments where tree preservation and replacement requirements are may be fulfilled by future  
8 or subsequent developers or builders, the developer shall require future property owners of lots where  
9 protected trees have been preserved to continue to protect and preserve such trees. Such requirements  
10 shall run with the parcel until replacement of the tree(s) is required due to age, declining health, or for  
11 the protection of public safety.

12 (Ord. No. 13-20, § 2, 7-11-2013)

13 **Sec. 6.7.12. Tree inspections.**

14 The following tree preservation and/or replacement inspections shall be required to ensure compliance with this  
15 division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of  
16 Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit  
17 until all of the following inspections have been completed and approval is granted:

- 18 A. A preconstruction inspection shall be conducted by the County's Landscape Architect or his designee  
19 prior to any demolition or site construction in order to confirm that the permittee has marked trees  
20 permitted to be removed and has installed tree protection barricades around trees, or groups of trees,  
21 to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this  
22 inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected.  
23 Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or his  
24 designee on the permit and shall constitute notice to proceed with tree removal.
- 25 B. A final inspection shall be conducted by the County's Landscape Architect or his designee after  
26 completion of tree removal and replacement in accordance with the approved plans. It is the Owner's  
27 responsibility to notify the County Landscape Architect of completion of tree removal activities.  
28 Approval, after final inspection, shall be noted by the County's Landscape Architect or his designee on  
29 the permit and shall constitute notice of commencement of the required maintenance period of  
30 replacement trees if replacement is required.

31 (Ord. No. 13-20, § 2, 7-11-2013)

32 **Sec. 6.7.13. Violation and enforcement.**

33 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with  
34 any condition of any tree removal permit issued, or to violate any provision of this division. When such violations  
35 occur, the following sanctions apply:

- 36 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or his designee  
37 may issue a stop work order for the project and all related site work will cease until a restoration plan  
38 is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the  
39 County's Landscape Architect or his designee.
- 40 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be  
41 cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.

- 
- 1 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved  
2 restoration plan have been installed and all site grades restored.
- 3 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the  
4 property and the site grade restored even if project termination occurs before completion of the  
5 project. Failure to complete the approved restoration plan is a violation of this Code and the owner,  
6 developer, contractor, or agent will be cited by the County's Landscape Architect or his designee and  
7 referred to the Code Enforcement Board.
- 8 E. In addition to all other remedies provided herein, the County may seek injunctive relief or the  
9 imposition of fines and penalties for any violation of this division.

10 (Ord. No. 13-20, § 2, 7-11-2013)



# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21824

**Agenda Date:** 1/21/2026

**Agenda No.:** 2.4.

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**SUBJECT:**

**Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.8 Landscape**

**DESCRIPTION/BACKGROUND:**

Staff has attached the proposed language to update LDC Section 6.8 Landscape - Amendments related to Landscape requirements.

1 **DIVISION 8. LANDSCAPING**

2 **Sec. 6.8.1. Purpose and intent.**

3 The purpose and intent of this division is to provide landscaping guidelines establishing minimum standards  
4 and criteria for the design, installation, and maintenance of landscaping which enhances the aesthetic appearance  
5 of Marion County, complimenting the natural and built environments, reducing noise and glare, improving air and  
6 water quality, providing shade and habitat, and buffering the aspects of development.

7 (Ord. No. 13-20, § 2, 7-11-2013)

8 **Sec. 6.8.2. Landscape plan requirements.**

9 A landscape plan which indicates the following is required for all development except for individual single-  
10 family homes and duplexes:

- 11 A. All existing landscaping, indigenous open space, and natural features;
- 12 B. Locations of existing protected trees, labeled and with sizes provided, groups of trees, landscaping and  
13 other vegetation to be preserved;
- 14 C. Vegetation and tree protection barricades;
- 15 D. All replacement trees as required per Section 6.7.8;
- 16 E. All proposed landscape areas, labeled and with sizes of each landscape area provided;
- 17 F. Construction details as applicable, including but not limited to:
  - 18 (1) Tree protection;
  - 19 (2) Tree, palm, and shrub installation;
  - 20 (3) Details for specialized installations;
  - 21 (4) Elevation drawings of walls proposed for buffers and/or screening; and
  - 22 (5) Cross section of proposed walls/berms/combo for buffers.
- 23 G. Plant schedule:
  - 24 (1) A key matching the plants being specified (may be plant symbols or written)
  - 25 (2) Quantities of plants being specified
  - 26 (3) Common plant names
  - 27 (4) Scientific plant names
  - 28 (5) Plant specifications including height, spread, and spacing
  - 29 (6) Native status
- 30 H. Calculations for required landscaping:
  - 31 (1) Tree preservation and replacement

- 
- 1 (2) Shade tree requirements
  - 2 (3) Buffers
  - 3 (4) Parking areas
  - 4 (5) Vehicle use areas
  - 5 ~~H.~~ I. Proposed street and/or parking lot light pole locations.
  - 6 J. All proposed sign locations, including advertisement and internal vehicular control signs.
  - 7 K. Notes including installation instructions and special requirements related to contractor licensing, utility
  - 8 locating, tree protection, maintenance, fertilizer use, and watering.
  - 9 ~~J.~~ Notes. Tree barricade locations and details as well as notes regarding tree protection and
  - 10 inspections as outlined in Section 6.7.3 and 6.7.12 ~~and~~ shall also be provided on the ~~site and~~
  - 11 ~~grading~~landscape plan sheets.
  - 12 (Ord. No. 13-20, § 2, 7-11-2013)

13 **Sec. 6.8.3. Landscape design standards.**

- 14 A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by
- 15 conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife
- 16 habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and
- 17 FDEP, including but not limited to:
  - 18 (1) Right plant, right place;
  - 19 (2) Water efficiently;
  - 20 (3) Fertilize appropriately;
  - 21 (4) Mulch;
  - 22 (5) Attract wildlife;
  - 23 (6) Manage yard pests responsibly;
  - 24 (7) Recycle yard waste;
  - 25 (8) Reduce stormwater runoff; and
  - 26 (9) Protect the waterfront.
- 27 ~~B. All plant species listed as "Prohibited" in the UF/IFAS Assessment of Non-native Plants (Central Zone) shall be~~
- 28 ~~removed from proposed development sites. Plant species listed as "Invasive—Not Recommended" shall be~~
- 29 ~~removed from all proposed development sites outside of the Urban Growth Boundary (UGB); they may~~
- 30 ~~remain within the UGB with authorization from the County Landscape Architect.~~
- 31 ~~C.B.~~ C. Prohibited Plants. Prohibited vegetation based on the following sources:
  - 32 (1) Florida Exotic Pest Plant Council Category I & II List of *Invasive* Plant Species,
  - 33 (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
  - 34 (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- 35 C. Removal and eradication of Prohibited Plant species shall be a condition of development approval.
- 36 D. Landscaping within rights-of-way shall require approval by the County Engineer or his designee.

1 ~~D~~E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. ~~Large~~Shade  
2 trees shall not be located within 30 feet of ~~power~~overhead electric lines. Alternative design strategies may  
3 be approved by the County's Landscape Architect when conflicts with existing utilities cannot be avoided.

4 (Ord. No. 13-20, § 2, 7-11-2013)

#### 5 **Sec. 6.8.4. Non-residential development.**

6 For non-residential development, at least 20 percent of the ~~land to be developed shall be~~  
7 ~~landscaped~~development project area shall be landscape areas as defined below. The development project area is  
8 defined as the outer extent perimeter of all disturbed areas of the project.

9 ~~A. — When a project area is less than the size of the overall parcel to be developed, the required landscape~~  
10 ~~area calculation may be reduced to apply to the project area as authorized by the County Landscape~~  
11 ~~Architect. All other requirements directed by the Board, DRC, or included in this division shall apply.~~

12 ~~B~~A. Landscape areas shall include:

- 13 (1) Buffers;
- 14 (2) Landscaping required for parking areas;
- 15 (3) ~~Building landscaping;~~Shade Trees and/or Replacement Trees;
- 16 (4) ~~Service~~Landscaped side slopes and ~~equipment area screening.~~

17 ~~C. — Landscape areas may also include planted~~sodded bottoms of dry stormwater management areas  
18 with a depth of four feet or less, ~~and the planted littoral zones of wet stormwater management~~  
19 ~~areas;~~

20 ~~D~~(5) ~~Building landscaping;~~

21 (6) ~~Service and equipment area screening.~~

22 ~~B~~. Credit towards the landscape area requirements may be allowed for all or part of preserved native  
23 habitat if the applicant demonstrates that it includes one or more of the following:

- 24 (1) ~~Tree~~Preserved existing trees or tree clusters including ~~preserved~~ native ~~vegetative communities~~  
25 ~~are protected from development impact.~~~~vegetation under their dripline.~~
- 26 (2) ~~Vegetative~~Preserved areas ~~with~~of existing native ~~understory flora are protected from~~  
27 ~~development impact.~~~~vegetation.~~

28 (Ord. No. 13-20, § 2, 7-11-2013)

#### 29 **Sec. 6.8.5. New residential developments.**

30 For new residential developments and mixed-use developments, landscape plans shall demonstrate the  
31 following:

32 ~~A. — The landscape design standards in Section 6.8.3 shall be provided for any proposed landscaping in the~~  
33 ~~following areas:~~

- 34 (1) ~~Development entry areas.~~
- 35 (2) ~~Medians and/or boulevards.~~
- 36 (3) ~~Community buildings.~~

1 ~~(4) Recreation and common areas.~~ A. Yard Tree Requirements.

2 (1) For all

3 ~~B. New residential and mixed-use developments shall create Marion-Friendly Landscape Areas (MFLA) to~~  
4 ~~minimize impacts to the quality and quantity of natural groundwater recharge.~~

5 ~~(1) Non-residential components of mixed-use development shall adhere to the landscape~~  
6 ~~requirements as in accordance with Section 6.8.4.~~

7 ~~(2) MFLA shall not be located on residential lots.~~

8 ~~(3) The MFLA requirements for the residential components are as follows:~~

9 ~~(a) Within the Primary SPZ, 20 percent of the project area shall be MFLA.~~

10 ~~(b) Outside of the Primary SPZ, 15 percent of the project area shall be MFLA.~~

11 ~~(4) Water retention/detention areas that meet the stormwater quality criteria of Section 6.13.6 and~~  
12 ~~land-use buffers which use Marion-friendly landscaping qualify as MFLAs.~~

13 ~~(5) The area limitations under Section 6.8.5 above may be reduced in accordance with a mitigation~~  
14 ~~strategy approved by the County.~~

15 ~~C. The developer shall inform future owners within residential developments that all permit applications~~  
16 ~~for construction shall include a landscape plan which meets the requirements of this division.~~

17 ~~D. residential developments, each individual single-family or duplex lot shall contain two shade~~  
18 ~~trees. One shade tree shall be located in the front yard and one shall be located in the rear yard.~~  
19 ~~Front yard trees shall be installed within the residential lot area between the road right of way~~  
20 ~~and the residential structures. Yard trees may be deferred until the home construction.~~

21 (2) For multi-family or mixed-use developments where the residential structures are adjacent to  
22 parking areas instead of street, the requirements for building landscaping, parking lot  
23 landscaping and screening shall serve in lieu of yard trees.

24 (2) All yard trees shall be Shade Trees. Front yard trees must be planted within a minimum of five (5)  
25 feet and a maximum of twenty (20) feet of the right-of-way line.

26 (3) Front yard trees may not be planted in the right-of-way

27 B. In new single-family residential developments ~~with more than 50 lots,~~ the developer shall also promote  
28 the practices and principles of FFL as described in the 'Florida Yards and Neighborhoods-Friendly  
29 Landscaping Handbook for Home Landscapes', as amended. A program which promotes these  
30 principles shall be provided to the County as part of the development application materials, and  
31 incorporated into and made part of the restrictive covenants and shall include:

32 (1) Information about the applicable landscaping requirements under this division and under Division  
33 6.8;

34 (2) Procedures for future owners to follow when implementing FFL on individual lots, and

35 (3) Water conservation and FFL educational materials to all new homeowners; and

36 (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.

37 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.8.6. Buffers.**

2 A. It is the intent of this section to eliminate or reduce the negative impacts of ~~the~~ adjacent uses upon each  
3 other such that the long-term continuance of either use is not threatened by such impacts and the uses may  
4 be considered compatible.

5 B. Buffers shall provide a year-round screen, meaning no 100% deciduous trees, and provide an aesthetic  
6 quality, especially along public rights-of-way, which enhance travel corridors and screen unsightly areas from  
7 public view.

8 C. ~~Plant~~ A diverse number of plant species shall be ~~mixed~~ incorporated into buffer plantings to provide  
9 ~~diversity~~ habitat and appeal.

10 D. Buffers may consist of landscaping, buffer walls, ~~fencing~~, berms, or combinations thereof which work  
11 cohesively to achieve the intent of buffering.

12 ~~E. — Every development,~~ E. — If no buffering exists on the adjoining property or if the existing buffer fails to  
13 meet the requirements of this section, buffering shall be required with the exception of the construction of  
14 an individual single-family residence or duplexes on an individual parcel of record, ~~shall provide sufficient~~  
15 ~~buffering when topographical or other barriers do not provide reasonable screening.~~

16 ~~(1) In order to utilize a F. — If buffers are required, the length shall be measured along each property line,~~  
17 ~~and shall exclude driveways and other access points.~~

18 ~~G. — No buildings, structures (other than buffer walls or buffer fences), storage of materials, or parking shall be~~  
19 ~~permitted within~~ on an adjoining property to meet the regulations, the buffer area.

20 ~~H. — Buffers shall not be located on any portion of an existing or dedicated right-of-way.~~

21 ~~I. — Arrangement of plantings in buffers shall provide maximum protection to adjacent properties, avoid damage~~  
22 ~~to existing trees and plant material, and take mature growing sizes into consideration regarding shade, root~~  
23 ~~damage, and interference with nearby utilities.~~

24 ~~J. — Required buffer types between land uses.~~

25 ~~(1) — Specialized Commerce Districts include a mix of both commercial and industrial land uses, therefore,~~  
26 ~~buffer requirements shall apply only to lots on the perimeter of the district.~~

27 ~~(2) — Buffer installation and maintenance shall be provided concurrently with the adjoining property~~  
28 ~~must have been required by a development of the more intense land use, with the following~~  
29 ~~deviations:~~ order issued by Marion County or a municipality in Marion County.

30 ~~(2)~~ If a buffer exists on the adjoining property that meets the requirements of this section, no  
31 additional buffering shall be required.

32 (3) Commercial properties within a master planned commercial center, or mixed-use PUD may utilize  
33 the buffer installed on adjacent parcels within the same development if such buffers were  
34 required by a development order issued by Marion County.

35 (4) Commercial properties within a master planned commercial center if an adjacent commercial  
36 parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the  
37 commercial parcel being developed. The adjacent vacant commercial parcel shall install the  
38 remaining fifty (50) percent of the buffer when it is developed.

39 (5) When a new but less intense land use is developed adjoining a pre-existing developed site with a  
40 higher intensity use that does not provide a buffer consistent with this code, the new use is  
41 subject to providing the required land use buffer.

~~(b) When a new but less intense land use is responsible for providing the required land use buffer in this case, the developer may reduce the required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted on the development plan.~~

~~(c) The 4) Regardless of type of land use adjoining it, the development of an individual single-family residence or duplex is exempt from providing the required buffer buffers.~~

~~(35) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).~~

~~(46) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.~~

F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.

G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.

H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.

I. Arrangement of plantings in buffers shall: (Landscape to be given priority in buffers.)

(1) provide maximum screening to adjacent properties

(2) avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development,

(3) account for mature growing sizes of preserved existing and proposed trees regarding shade, root damage, and interference with nearby utilities and signage.

(4) offer interest with a meandering, organic layout where appropriate and a variety of textures and colors

~~Table 6.8-1 Buffer Type Requirements~~

<del>AG</del>	<del>Agriculture, Rural Lands, Natural Reservation</del>
<del>SFR</del>	<del>Single family, duplex residential</del>
<del>MF</del>	<del>Multi-family residential</del>
<del>COM</del>	<del>Commercial, RV parks, Commercial Recreation</del>
<del>IND</del>	<del>Industrial uses</del>
<del>PUB</del>	<del>Public Use (including Government, Institutional, and related Professional Offices)</del>
<del>ROW</del>	<del>Arterial or Collector Right of Way or Road Easement</del>

~~Table 6.8-2 Land Use Categories for Buffers~~

<del>AG</del>	<del>SFR</del>	<del>MF</del>	<del>COM</del>	<del>IND</del>	<del>PUB</del>	<del>ROW</del>	Permitted or Existing Use							
							<del>AG</del>	<del>SFR</del>	<del>MF</del>	<del>COM</del>	<del>IND</del>	<del>PUB</del>	<del>ROW</del>	
<del>AG</del>	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	<b>SFR</b>	E	-	C	A	B	C	C
	<b>MF</b>	E	A	-	A	B	C	C
	<b>COM</b>	D	B	B	-	B	C	C
	<b>IND</b>	B	B	B	B	-	B	D
	<b>PUB</b>	E	B	C	C	C	-	C

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K. Description of buffer classifications. The content and composition of each buffer type is described in the following items. ~~The design professional~~ Landscaping Plans for required buffers shall be prepared by a Registered Landscape Architect, who shall use these requirements to design buffers that are thoughtfully designed and enhance the perimeter of the development site. Visual screening shall be achieved through the use of proper plant material, arrangement, and layering. The plant quantities and parameters in the buffer type descriptions may be used to develop a total quantity of plants for the entire buffer length and then utilized to achieve an appealing, comprehensive landscape design. Desirable buffers are creatively designed, minimize the implementation of evenly spaced trees or a cookie-cutter appearance, and consider the specific character and topography of the proposed development.

Required landscaping as per below shall meet Section 6.8.10 General Planting Requirements.

- (1) ~~A-Type All landscaping required as part of a buffer shall consist of a 30-foot wide landscape strip without a be installed on the public view side of any buffer wall. The buffer shall contain at least three shade trees and five accent/ornamental trees for every 100 lineal, if a wall is required.~~  
(2) Shrubs, if required per the following, shall be seven (7) gallon in size, or equivalent, reaching a minimum height of three (3) feet or fractional part thereof, within one year of planting and shall be spaced no further apart than 48 inches on center unless otherwise approved by the County Landscape Architect.
- (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.
- (4) Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer area and shall if required, shall be arranged to form a layered landscape screen with a minimum height of three feet achieved within one year of planting. If a buffer wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer wall is required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer wall within 12 months of planting.
- ~~(2) B-5) Type buffer C Buffers adjacent to the following roadways shall consist of a 20~~require the 25-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees buffer width and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs planting requirements, and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer.
- ~~(shall also require an equestrian or agricultural-themed 3) C-Type buffer shall consist of a 15-foot wide landscape strip without a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered landscape screen with a minimum-rail, 4-rail wooden fence of a 48" height of three feet achieved within one year.~~
- ~~(4) D-Type buffer shall consist of a 15-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part~~

1 ~~thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 25 percent~~ at least 50%  
2 ~~of the required buffer.~~ buffer's linear footage and distributed throughout that linear footage:

3 ~~(5) E Type buffer shall consist of a five-foot wide landscape strip without a buffer wall. The buffer shall~~  
4 ~~contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall be~~  
5 ~~planted in a double-staggered row and be capable of reaching a maintained height of six feet within~~  
6 ~~three years. Groundcovers and/or turfgrass shall not be used in this buffer.~~

7 a) All roadways classified as a Collector or above in the following locations:

8 i. Within the Farmland Preservation Area

9 ii. Outside of the Urban Growth Boundary, west of I-75

10 iii. US 27 and SR 40 within the Urban Growth Boundary, west of I-75

11 iv. US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City  
12 Limits.

13 v. Classified as a Scenic Road

14 (6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet  
15 buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings,  
16 or in lieu of required buffer plantings, the applicant shall prepare an assessment of the existing trees  
17 vegetation and conduct a field meeting with the County Landscape Architect. Utilization of existing  
18 natural vegetation to satisfy buffer requirements is subject to approval by the County Landscape  
19 Architect.

20 K. ~~Buffer walls, buffer fences, and berms.~~

21 ~~(1) Where buffer walls are required by this article, a combination of buffer walls and berms may be used~~  
22 ~~to meet the intent of buffering. Buffer fences may be used to as a substitute for buffer walls with~~  
23 ~~approval of the DRC. The buffer walls, buffer fences, and berms shall:~~ (1) Buffer walls and berms  
24 shall:

25 (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes  
26 with vehicular circulation;

27 (b) Be designed to be compatible with existing and proposed site architecture and the character of  
28 the surrounding and adjacent settings including the style and selection of materials; and

29 (c) Be situated so that the ~~wall or fence components~~walls and berms are within the buffer limits and  
30 any required landscaping shall be installed on the public view side of the wall.

31 (2) When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a  
32 minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each  
33 are used, they shall be constructed to:

34 (a) Ensure that historic and/or proposed ~~drainage, stormwater, or other surface~~ water flow patterns  
35 or facilities are ~~accommodated~~not impacted;

36 ~~(b) Not interfere with or obstruct any stormwater facilities; and~~

37 ~~(c) Provide sufficient ingress/egress for bicycle traffic and pedestrians access with proper~~  
38 ~~arrangement to limit visibility into the proposed development.~~

39 ~~(3) If planted berms are used, the top of the berm shall have a four-foot wide maintainable area.~~ (3) The  
40 maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The maximum  
41 side slope for a berm planted with turfgrass shall be 3.5:1. ~~Planting trees~~Trees or shrubs ~~on~~may not be  
42 planted along the ~~very top~~ridgeline of a ~~the~~ berm is discouraged.

---

1 ~~M. Buffer plantings shall be irrigated appropriately for the specific plant species and characteristics of the site to~~  
2 ~~promote healthy growth.~~

3 ~~N.~~(4) Buffer areas shall be continually maintained and kept free of all trash and debris.

4 (Ord. No. 13-20, § 2, 7-11-2013)

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**Table 6.8-1 Buffer Type Requirements**

<b><u>AG</u></b>	<u>Agriculture, Rural Lands, Rural Residential, Natural Preservation</u>
<b><u>SFR</u></b>	<u>Single family or duplex residential</u>
<b><u>MF</u></b>	<u>Multi-family residential</u>
<b><u>COM</u></b>	<u>Commercial, RV parks, Commercial Recreation</u>
<b><u>IND</u></b>	<u>Industrial uses</u>
<b><u>PUB</u></b>	<u>Public Use (including Government, Institutional, and related Professional Offices)</u>
<b><u>ROW</u></b>	<u>Arterial or Collector Right-of-Way or Road Easement</u>

2

3

**Table 6.8-2 Land Use Categories for Buffers**

		<b>Adjacent Permitted or Existing Use</b>						
		<b><u>AG</u></b>	<b><u>SFR</u></b>	<b><u>MF</u></b>	<b><u>COM</u></b>	<b><u>IND</u></b>	<b><u>PUB</u></b>	<b><u>ROW</u></b>
<b><u>Proposed Use</u></b>	<b><u>AG</u></b>	-	-	-	-	-	-	-
	<b><u>SFR</u></b>	<u>A</u>	<u>E<sup>3</sup></u>	<u>C</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D<sup>1</sup></u>
	<b><u>MF</u></b>	<u>A</u>	<u>D</u>	-	<u>A</u>	<u>B</u>	<u>C</u>	<u>D<sup>1</sup></u>
	<b><u>COM</u></b>	<u>D</u>	<u>B</u>	<u>B</u>	-	<u>B</u>	<u>C</u>	<u>C</u>
	<b><u>IND</u></b>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	-	<u>B</u>	<u>C/D<sup>2</sup></u>
	<b><u>PUB</u></b>	<u>A</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>C</u>

4

1. Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement

5

2. D Type Buffer if residential is adjacent to opposite ROW

6

3. A 6' opaque fence may be used in lieu of a vegetative buffer

7

**TABLE 6.8.3 – BUFFER CLASSIFICATION REQUIREMENTS**

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	50 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	25 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

1 **Sec. 6.8.7. Parking areas and vehicular use areas.**

- 2 A. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall  
3 be provided around the perimeter of parking areas to form a landscape screen with a minimum height of  
4 three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this  
5 requirement.
- 6 B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged ~~by~~  
7 vehicles using these areas. Landscaping at the ~~end~~nose of parking stalls shall be offset ~~away~~two and a half  
8 feet from the ~~parking stall~~face of curb or wheelstop to allow for vehicle overhang. The area between the  
9 landscape ~~screening and the end of the~~and parking stall shall be mulched and contain no vertical irrigation  
10 components.
- 11 C. A landscaped parking lot island shall be located every ten parking spaces ~~and~~. Where Shade Trees are  
12 required, to provide sufficient space for health root development, parking lot islands shall be a minimum of  
13 ~~200~~400 square feet in size. Unsuitable soils, including limerock road base, shall be excavated and replaced  
14 with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or  
15 porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of  
16 turfgrass is prohibited.
- 17 ~~D. — Trees within parking areas.~~
- 18 ~~(1) — All trees required for parking areas and vehicular use areas shall be shade trees, unless required~~  
19 ~~otherwise by provisions in this section.~~
- 20 ~~(2) — All parking lot islands, including terminal parking lot islands, shall contain one shade tree unless site~~  
21 ~~lighting fixtures are proposed in said island. Double parking lot islands (where double-loaded parking~~  
22 ~~bays are proposed) shall contain two shade trees.~~D. \_\_\_\_\_
- 23 ~~(3) — In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees~~  
24 ~~shall be installed depending on the size and configuration of the island.~~
- 25 ~~(4) — Parking lot islands with control signage may contain other tree (or palm) species, in lieu of shade trees,~~  
26 ~~which will not conflict with the visibility of such signage.~~
- 27 E. Each row of parking spaces shall be terminated by a landscaped island.
- 28 F. Divider medians may be used to meet parking area landscape requirements.
- 29 (1) The minimum width of a divider median shall be eight feet.
- 30 (2) One ~~shade tree~~Shade Tree shall be provided per 50 lineal feet of divider median.
- 31 G. To offset heat gain from paved surfaces, ~~shade trees~~Shade Trees as required in Section 6.7.4 should be  
32 located to provide as much shade as possible on such surfaces.
- 33 H. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade  
34 trees as required in Section 6.7.4 ~~may~~shall be integrated into the parking area landscaping.
- 35 I. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight  
36 triangle.
- 37 J. Trees within parking areas.
- 38 (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required  
39 otherwise by provisions in this section.
- 40 (2) All parking lot islands, including terminal parking lot islands, shall contain one Shade Tree unless site  
41 lighting fixtures are proposed in said island..

1 (3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees  
2 shall be installed depending on the size and configuration of the island.

3  
4 (Ord. No. 13-20, § 2, 7-11-2013)

5 **Sec. 6.8.8. Building landscaping.**

- 6 A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the  
7 monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the  
8 building.
- 9 B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend  
10 along 60 percent of the total length of the wall, excluding those areas required for access to the building.
- 11 C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the  
12 façade to the innermost plants.
- 13 D. Large trees shall not be located within 20 feet of a building. Accent/ornamental trees shall be located  
14 sufficiently to allow for healthy growth and to minimize the need for pruning.

15 (Ord. No. 13-20, § 2, 7-11-2013)

16 **Sec. 6.8.9. Service and equipment areas.**

17 ~~A. Utility areas and loading/unloading areas shall be screened as follows:~~

18 ~~(1) A planting area a minimum of three feet wide and shall form a continuous three-foot high landscape~~  
19 ~~screen, or~~

20 ~~(2) Buffer fencing with a minimum height of three feet.~~

21 ~~B.A.~~ Garbage collection areas (dumpster pad) shall be screened with a wall, ~~buffer~~opaque fencing, or a landscape  
22 screen capable of reaching a minimum height of six feet within three years- and maintained to preserve an  
23 opaque screening quality.

24 C. Shade Trees shall remain fifteen feet while other trees and shrubs shall remain eight feet from any fire  
25 service connection.

26 ~~D.~~ Trees and shrubs shall remain offset three feet from any electrical transformer and shall not be proposed  
27 along the access door face of the transformer within the distance provided by the power provider.

28 E. Exterior air conditioning components shall be screened by locating the equipment away from public view or  
29 through the use of a landscape screen with a minimum height of three feet- offset a minimum of three feet  
30 from the equipment.

31 (Ord. No. 13-20, § 2, 7-11-2013)

32 **Sec. 6.8.10. General planting requirements.**

- 33 A. All trees, palms, shrubs, and groundcovers shall be nursery grown and Florida No. 1 quality or better, as  
34 established by Florida Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,  
35 including latest updates, (‘Florida Grades and Standards’) as amended.

1 B. Plant ~~palettes~~selection shall be appropriate for the development site and provide the highest level of  
2 diversity as practicable.

3 ~~C.~~ Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. For  
4 projects in which 20 or more trees are required, one species may not account for more than 25% of the total  
5 number of trees unless otherwise approved by the County Landscape Architect. At least three species of  
6 shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.

7 D. Planting specifications are listed as follows:

8 (1) Native plant requirements:

9 (a) Within the Urban Growth Boundary (UGB), a minimum of 25 percent of all proposed plant  
10 quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.

11 (b) Outside of the UGB a minimum of 35 percent of all proposed plant quantities, excluding  
12 turfgrass, shall be Florida native species suitable for use in Marion County.

13 (c) A minimum of 50 percent of the required ~~shade trees~~Shade Trees shall be Florida native species  
14 suitable for use in Marion County.

15 ~~(d) To promote biological diversity, no more than 50 percent of the required shade trees for a~~  
16 ~~development shall be of one species.~~

17 (2) The use of invasive plant species ~~is~~ based on the ~~UF/IFAS Assessment of Non-native Plants (Central~~  
18 ~~Zone) as updated.~~ following sources, shall be prohibited:

19 (a) Florida Exotic Pest Plant species listed as "Council Category I & II List of Invasive Plant Species,

20 Prohibited" are not permitted for use in any proposed development. Aquatic Plants per F.A.C.  
21 5B-64.011, and

22 ~~(b) Plant species listed as "Invasive—Not Recommended" are not permitted for use in any~~  
23 ~~development outside of the UGB. This group of plants may be used within the UGB with subject~~  
24 ~~to approval by the County Landscape Architect.~~

25 ~~(c) Plant species listed as "Caution" may be used provided specific management strategies and~~  
26 ~~monitoring are included in the project's BMP manual.~~

27 (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.

28 (3) Trees.

29 (a) Shade trees shall have a minimum caliper of 3.5 inches ~~and a height and crown diameter as per~~  
30 Florida Grades and Standards.

31 ~~Accent or ornamental (understory) Understory~~ trees shall have a minimum ~~overall height caliper~~  
32 ~~of six feet and a minimum spread of 42 inches upon installation.~~ and a height and crown  
33 diameter as per Florida Grades and Standards.

34 (4) Palms.

35 (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is  
36 authorized as stated in Section 6.7.9.

37 (b) Additional palms may be provided in excess of the 25 percent threshold when three palms are  
38 used to substitute one required tree. ~~Where specimen palms are specified, substitution may be a~~  
39 ~~one-to-one ratio.~~

40 (c) Palm trees shall not be substituted for Shade Trees required ~~shade trees~~ to meet tree mitigation  
41 plantings.

- 
- 1 (d) Palms shall have a clear trunk height of 10 feet minimum.
- 2 (5) Shrubs shall ~~be reach~~ a ~~minimum~~-height of ~~18~~30 inches within one year of planting, unless specified  
3 differently elsewhere in this Section, and be spaced appropriately for the species and ~~the~~-required  
4 ~~screening and maintenance height.~~
- 5 (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and  
6 spaced up to ~~2'-3'~~24 inches minimum and 30 inches on-center maximum.
- 7 (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced  
8 accordingly for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be  
9 trained to the wall or fence for which they are proposed.
- 10 (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets  
11 FFL requirements. The use of rolled turf is prohibited on property with public access unless the  
12 supportive netting is removed prior to or during installation and the integrity of the turf is not  
13 jeopardized during installation.
- 14 D. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is  
15 ~~discouraged~~not allowed.
- 16 (Ord. No. 13-20, § 2, 7-11-2013)

17 **Sec. 6.8.11. Landscape installation.**

- 18 A. Any person providing landscape installation services for hire shall meet the licensing and certification  
19 requirements under Section 6.8.15.
- 20 B. All plantings shall be installed according to current best management practices.
- 21 C. Trees and palms shall be properly planted and guyed or staked.
- 22 D. All plantings shall be properly ~~watered during installation and through the establishment period~~irrigated for  
23 healthy growth as recommended by Florida Grades and Standards and UF/IFAS literature.
- 24 E. Installation shall mean survival in perpetuity, and replacement if necessary, of all materials. Dead and/or  
25 dying plant material shall be replaced by the owner ~~within 30 days of notification by the County~~.
- 26 (Ord. No. 13-20, § 2, 7-11-2013)

27 **Sec. 6.8.12. Landscape completion and ongoing inspection requirements.**

- 28 A. Upon completion of the installation, of the ~~contractor shall request an inspection by the design professional.~~  
29 ~~A~~project a Landscape and Irrigation As-Built Certification shall be signed and sealed by the design  
30 professional and submitted to the County Landscape Architect prior to the issuance of a Certificate of  
31 Occupancy.
- 32 B. Where landscape buffers are required under this code as a condition of development approval, the  
33 responsible maintenance entity shall every 24 months prepare a written certification, on a form provided by  
34 the County, that the buffers are in good health and maintenance, and that all plantings required in the buffer  
35 are meeting the requirements of the development approval. The certification must be signed by a  
36 responsible design professional and submitted to the Growth Services Department.
- 37 (Ord. No. 13-20, § 2, 7-11-2013)

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1 **Sec. 6.8.13. Landscape maintenance.**

- 2 A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices  
3 for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.
- 4 B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one  
5 trimming, then that tree is considered critically impacted and will require replanting at the cost of the  
6 Owner. The natural growth habit of a tree or palm shall be considered during the design phase to avoid  
7 maintenance conflicts.
- 8 C. Trees or palms which are guyed or braced shall have such guying or bracing removed ~~once sufficient root~~  
9 ~~growth has enable the tree or palm to support itself.~~ within one year of planting. Damaging trees with guying  
10 devices shall be considered a violation of this Code. Damaged trees shall be replaced at the expense of the  
11 owner.
- 12 D. The alteration of any required and approved landscape area without obtaining prior written approval from  
13 the County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of  
14 planted areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- 15 E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the  
16 required minimum heights.

17 (Ord. No. 13-20, § 2, 7-11-2013)

18 **Sec. 6.8.14. Fertilizers and other landscape chemicals.**

- 19 A. Applicability.
- 20 (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of  
21 application of fertilizer within the unincorporated area of Marion County, unless such applicator is  
22 specifically exempted by the terms of this section from the regulatory provisions of this Code. This  
23 section shall be prospective only, and shall not impair any existing contracts.
- 24 (2) This section requires the use of BMPs which provide specific management guidelines to minimize  
25 negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- 26 B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:
- 27 (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that  
28 fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted  
29 by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for  
30 the crop in question.
- 31 (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of  
32 fertilizer use on urban stormwater, water quality, agronomics, or horticulture.
- 33 C. Fertilizer content and application rates.
- 34 (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in  
35 accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf  
36 Fertilizers.
- 37 (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and  
38 shall not be applied for the first 30 days after seeding or sodding.

(3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

**Table 6.8-3 Fertilizer Application Rates**

Grass Species	Maximum N Application Rate (Lbs/1,000 sf <sup>2</sup> /year)
Bahia	3
Bermuda	4
Centipede	2
St. Augustine	3
Zoysia	4

(4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.

(5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus when soils are saturated.

E. Fertilizer-free zones.

(1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are installed within the plant pits during plant installation is allowed.

(2) Fertilizer shall not be applied to turf grass within the following areas:

(a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole or other karst feature that has an opening at the surface.

(b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained.

(3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the more restrictive provision (i.e., the larger distance) shall apply.

(4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent the direct deposit of nutrients into the water.

F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course, lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations apply, this provision does not relieve the requirement to adhere to the more stringent

- 
- 1 regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or  
2 deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this  
3 zone.
- 4 G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast)  
5 spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious  
6 surfaces, fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or  
7 otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either  
8 intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the  
9 greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and  
10 either legally applied to turf or any other legal site, or returned to the original or other appropriate  
11 container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater  
12 drains, ditches, conveyances, or water bodies.
- 13 H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material,  
14 and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances,  
15 water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be  
16 immediately removed to the maximum extent practicable.
- 17 I. Training for fertilizer applicators.
- 18 (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain  
19 current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of  
20 Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.
- 21 (2) Any other person whose duties include the application of fertilizer not required to maintain  
22 certification in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six  
23 months of assuming such duties.
- 24 (3) Private homeowners are required to follow the recommendations of the Florida Yards and  
25 Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides  
26 more stringent requirements.
- 27 J. Enforcement.
- 28 (1) In addition to county code enforcement officers, the County Administrator may also delegate  
29 enforcement responsibility for this section to agencies and departments of Marion County  
30 government, in accordance with state and local law.
- 31 (2) Funds generated by penalties imposed under this section shall be used by the County for the  
32 administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to  
33 further water conservation and nonpoint pollution prevention activities.
- 34 K. Penalties.
- 35 (1) Violation of any provision of this section shall be subject to the following penalties:
- 36 (a) First violation: Written Notification and Education.
- 37 (b) Second violation: Written Notification and Education.
- 38 (c) Third violation: Fifty dollars (\$50.00).
- 39 (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).
- 40 (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation,  
41 shall constitute a separate offense. The Board may take any other appropriate legal action, including  
42 but not limited to emergency injunctive action, to enforce the provisions of this section.

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1 (Ord. No. 13-20, § 2, 7-11-2013)

2 **Sec. 6.8.15. Landscape installation and maintenance licensing and certification.**

3 A. Landscape installation professionals performing work for hire within the unincorporated areas of Marion  
4 County shall be landscape contractors licensed by the Marion County Building Department, unless otherwise  
5 licensed by the State of Florida.

6 (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed  
7 under this section are required to complete a minimum of eight Professional Development Hours or  
8 Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education  
9 organization approved by the County before each succeeding license renewal or bi-annually, whichever  
10 is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an  
11 approved audit procedure.

12 (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be  
13 maintained by the Marion County Licensing Board.

14 (3) A course or certification may be added to or withdrawn from the approved list using an approved  
15 petition procedure.

16 B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion  
17 County shall possess current GI-BMP Certificate of Completion.

18 C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the  
19 application of fertilizer or pesticide shall meet the applicable state and County licensing and certification  
20 requirements included herein.

21 (Ord. No. 13-20, § 2, 7-11-2013)

22

1    **DIVISION 8. LANDSCAPING**

2    **Sec. 6.8.1. Purpose and intent.**

3           The purpose and intent of this division is to provide landscaping guidelines establishing minimum standards  
4    and criteria for the design, installation, and maintenance of landscaping which enhances the aesthetic appearance  
5    of Marion County, complimenting the natural and built environments, reducing noise and glare, improving air and  
6    water quality, providing shade and habitat, and buffering the aspects of development.

7    (Ord. No. 13-20, § 2, 7-11-2013)

8    **Sec. 6.8.2. Landscape plan requirements.**

9           A landscape plan which indicates the following is required for all development except for individual single-  
10   family homes and duplexes:

- 11    A.   All existing landscaping, indigenous open space, and natural features;
- 12    B.   Locations of existing protected trees, labeled and with sizes provided, groups of trees, landscaping and  
13       other vegetation to be preserved;
- 14    C.   Vegetation and tree protection barricades;
- 15    D.   All replacement trees as required per Section 6.7.8;
- 16    E.   All proposed landscape areas, labeled and with sizes of each landscape area provided;
- 17    F.   Construction details as applicable, including but not limited to:
  - 18       (1)   Tree protection;
  - 19       (2)   Tree, palm, and shrub installation;
  - 20       (3)   Details for specialized installations;
  - 21       (4)   Elevation drawings of walls proposed for buffers and/or screening; and
  - 22       (5)   Cross section of proposed walls/berms/combination for buffers.
- 23    G.   Plant schedule:
  - 24       (1)   A key matching the plants being specified (may be plant symbols or written)
  - 25       (2)   Quantities of plants being specified
  - 26       (3)   Common plant names
  - 27       (4)   Scientific plant names
  - 28       (5)   Plant specifications including height, spread, and spacing
  - 29       (6)   Native status
- 30    H.   Calculations for required landscaping:
  - 31       (1)   Tree preservation and replacement

- 
- 1 (2) Shade tree requirements
  - 2 (3) Buffers
  - 3 (4) Parking areas
  - 4 (5) Vehicle use areas
  - 5 I. Proposed street and/or parking lot light pole locations.
  - 6 J. All proposed sign locations, including advertisement and internal vehicular control signs.
  - 7 K. Notes including installation instructions and special requirements related to contractor licensing, utility
  - 8 locating, tree protection, maintenance, fertilizer use, and watering.
  - 9 L. Tree barricade locations and details as well as notes regarding tree protection and inspections as
  - 10 outlined in Section 6.7.3 and 6.7.12 shall also be provided on the landscape plan sheets.
  - 11 (Ord. No. 13-20, § 2, 7-11-2013)

12 **Sec. 6.8.3. Landscape design standards.**

- 13 A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by
- 14 conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife
- 15 habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and
- 16 FDEP, including but not limited to:
  - 17 (1) Right plant, right place;
  - 18 (2) Water efficiently;
  - 19 (3) Fertilize appropriately;
  - 20 (4) Mulch;
  - 21 (5) Attract wildlife;
  - 22 (6) Manage yard pests responsibly;
  - 23 (7) Recycle yard waste;
  - 24 (8) Reduce stormwater runoff; and
  - 25 (9) Protect the waterfront.
- 26 B. Prohibited Plants. Prohibited vegetation based on the following sources:
  - 27 (1) Florida Exotic Pest Plant Council Category I & II List of *Invasive* Plant Species,
  - 28 (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
  - 29 (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- 30 C. Removal and eradication of Prohibited Plant species shall be a condition of development approval.
- 31 D. Landscaping within rights-of-way shall require approval by the County Engineer or his designee.
- 32 E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. Shade trees
- 33 shall not be located within 30 feet of overhead electric lines. Alternative design strategies may be approved
- 34 by the County's Landscape Architect when conflicts with existing utilities cannot be avoided.
- 35 (Ord. No. 13-20, § 2, 7-11-2013)

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1 **Sec. 6.8.4. Non-residential development.**

2 For non-residential development, at least 20 percent of the development project area shall be landscape  
3 areas as defined below. The development project area is defined as the outer extent perimeter of all disturbed  
4 areas of the project.

5 A. Landscape areas shall include:

- 6 (1) Buffers;
- 7 (2) Landscaping required for parking areas;
- 8 (3) Shade Trees and/or Replacement Trees;
- 9 (4) Landscaped side slopes and sodded bottoms of dry stormwater management areas with a depth  
10 of four feet or less, and the planted littoral zones of wet stormwater management areas;
- 11 (5) Building landscaping;
- 12 (6) Service and equipment area screening.

13 B. Credit towards the landscape area requirements may be allowed for all or part of preserved native  
14 habitat if the applicant demonstrates that it includes one or more of the following:

- 15 (1) Preserved existing trees or tree clusters including preserved native vegetation under their  
16 dripline.
- 17 (2) Preserved areas of existing native vegetation.

18 (Ord. No. 13-20, § 2, 7-11-2013)

19 **Sec. 6.8.5. New residential developments.**

20 For new residential developments and mixed-use developments, landscape plans shall demonstrate the  
21 following:

22 A. Yard Tree Requirements.

- 23 (1) For all residential developments, each individual single-family or duplex lot shall contain two  
24 shade trees. One shade tree shall be located in the front yard and one shall be located in the rear  
25 yard. Front yard trees shall be installed within the residential lot area between the road right of  
26 way and the residential structures. Yard trees may be deferred until the home construction.
- 27 (2) For multi-family or mixed-use developments where the residential structures are adjacent to  
28 parking areas instead of street, the requirements for building landscaping, parking lot  
29 landscaping and screening shall serve in lieu of yard trees.
- 30 (2) All yard trees shall be Shade Trees. Front yard trees must be planted within a minimum of five (5)  
31 feet and a maximum of twenty (20) feet of the right-of-way line.
- 32 (3) Front yard trees may not be planted in the right-of-way

33 B. In new single-family residential developments the developer shall also promote the practices and  
34 principles of FFL as described in the 'Florida-Friendly Landscaping Handbook for Home Landscapes', as  
35 amended. A program which promotes these principles shall be provided to the County as part of the  
36 development application materials, and incorporated into and made part of the restrictive covenants  
37 and shall include:

- 
- 1 (1) Information about the applicable landscaping requirements under this division and under Division  
2 6.8;
- 3 (2) Procedures for future owners to follow when implementing FFL on individual lots, and  
4 (3) Water conservation and FFL educational materials to all new homeowners; and  
5 (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.  
6 (Ord. No. 13-20, § 2, 7-11-2013)

7 **Sec. 6.8.6. Buffers.**

- 8 A. It is the intent of this section to eliminate or reduce the negative impacts of adjacent uses upon each other  
9 such that the long-term continuance of either use is not threatened by such impacts and the uses may be  
10 considered compatible.
- 11 B. Buffers shall provide a year-round screen, meaning no 100% deciduous trees, and provide an aesthetic  
12 quality, especially along public rights-of-way, which enhance travel corridors and screen unsightly areas from  
13 public view.
- 14 C. A diverse number of plant species shall be incorporated into buffer plantings to provide habitat and appeal.
- 15 D. Buffers may consist of landscaping, buffer walls, berms, or combinations thereof which work cohesively to  
16 achieve the intent of buffering.
- 17 E. If no buffering exists on the adjoining property or if the existing buffer fails to meet the requirements of this  
18 section, buffering shall be required with the exception of the construction of an individual single-family  
19 residence or duplexes on an individual parcel of record.
- 20 (1) In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the  
21 adjoining property must have been required by a development order issued by Marion County or  
22 a municipality in Marion County.
- 23 (2) If a buffer exists on the adjoining property that meets the requirements of this section, no  
24 additional buffering shall be required.
- 25 (3) Commercial properties within a master planned commercial center, or mixed-use PUD may utilize  
26 the buffer installed on adjacent parcels within the same development if such buffers were  
27 required by a development order issued by Marion County.
- 28 (4) Commercial properties within a master planned commercial center if an adjacent commercial  
29 parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the  
30 commercial parcel being developed. The adjacent vacant commercial parcel shall install the  
31 remaining fifty (50) percent of the buffer when it is developed.
- 32 (5) When a new but less intense land use is developed adjoining a pre-existing developed site with a  
33 higher intensity use that does not provide a buffer consistent with this code, the new use is  
34 subject to providing the required land use buffer. In this case, the developer may reduce the  
35 required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted  
36 on the development plan.
- 37 (4) Regardless of type of land use adjoining it, the development of an individual single-family  
38 residence or duplex is exempt from providing buffers.
- 39 (5) In interpreting and applying the provisions of buffers, development is classified into categories  
40 shown in Table 6.8-1. and as based on the project's proposed use(s).

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1 (6) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or  
2 in the absence of an existing use.

3 F. If buffers are required, the length shall be measured along each property line and shall exclude driveways  
4 and other access points and easements.

5 G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of  
6 materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are  
7 permitted in buffers when integrated into the design of the buffer areas.

8 H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-  
9 family residential or duplex parcels.

10 I. Arrangement of plantings in buffers shall: (Landscape to be given priority in buffers.)

11 (1) provide maximum screening to adjacent properties

12 (2) avoid damage to existing trees and plant material both within the development and in those areas  
13 outside of but directly adjacent to the project development,

14 (3) account for mature growing sizes of preserved existing and proposed trees regarding shade, root  
15 damage, and interference with nearby utilities and signage.

16 (4) offer interest with a meandering, organic layout where appropriate and a variety of textures and colors

17 J

19 . Description of buffer classifications. The content and composition of each buffer type is described in the  
20 following items. Landscaping Plans for required buffers shall be prepared by a Registered Landscape  
21 Architect, who shall use these requirements to design buffers that are thoughtfully designed and enhance the  
22 perimeter of the development site. Visual screening shall be achieved through the use of proper plant  
23 material, arrangement, and layering. The plant quantities and parameters in the buffer type descriptions may  
24 be used to develop a total quantity of plants for the entire buffer length and then utilized to achieve an  
25 appealing, comprehensive landscape design. Desirable buffers are creatively designed, minimize the  
26 implementation of evenly spaced trees or a cookie-cutter appearance, and consider the specific character  
27 and topography of the proposed development.

28 Required landscaping as per below shall meet Section 6.8.10 General Planting Requirements.

29 (1) All landscaping required as part of a buffer shall be installed on the public view side of any buffer wall,  
30 if a wall is required.

31 (2) Shrubs, if required per the following, shall be seven (7) gallon in size, or equivalent, reaching a  
32 minimum height of three (3) feet within one year of planting and shall be spaced no further apart than  
33 48 inches on center unless otherwise approved by the County Landscape Architect.

34 (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.

35 (4) Shrubs and groundcovers, if required, shall be arranged to form a layered landscape screen. If a buffer  
36 wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12  
37 months of planting. If a buffer wall is required, then shrubs and groundcovers shall attain fifty (50)  
38 percent opacity in front of the buffer wall within 12 months of planting.

39 (5) Type C Buffers adjacent to the following roadways shall require the 25-foot buffer width and planting  
40 requirements, and shall also require an equestrian or agricultural-themed 3-rail, 4-rail wooden fence of  
41 a 48" height within at least 50% of the buffer's linear footage and distributed throughout that linear  
42 footage:

43 a) All roadways classified as a Collector or above in the following locations:

- 
- 1                           i.     Within the Farmland Preservation Area
- 2                           ii.    Outside of the Urban Growth Boundary, west of I-75
- 3                           iii.   US 27 and SR 40 within the Urban Growth Boundary, west of I-75
- 4                           iv.    US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City
- 5                                       Limits.
- 6                           v.     Classified as a Scenic Road
- 7       (6)   The preservation of existing natural vegetation within buffers is permitted and encouraged to meet
- 8       buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings,
- 9       or in lieu of required buffer plantings, the applicant shall prepare an assessment of the existing trees
- 10      vegetation and conduct a field meeting with the County Landscape Architect. Utilization of existing
- 11      natural vegetation to satisfy buffer requirements is subject to approval by the County Landscape
- 12      Architect.
- 13   K.    Buffer walls and berms.
- 14      (1)   Buffer walls and berms shall:
- 15          (a)   Not be constructed or installed in a manner which creates a threat to public safety or interferes
- 16          with vehicular circulation;
- 17          (b)   Be designed to be compatible with existing and proposed site architecture and the character of
- 18          the surrounding and adjacent settings including the style and selection of materials; and
- 19          (c)   Be situated so that the walls and berms are within the buffer limits and any required landscaping
- 20          shall be installed on the public view side of the wall.
- 21      (2)   When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a
- 22      minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each
- 23      are used, they shall be constructed to:
- 24          (a)   Ensure that historic and/or proposed drainage, stormwater, or other surface water flow patterns
- 25          or facilities are not impacted;
- 26      (3)   The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The
- 27      maximum side slope for a berm planted with turfgrass shall be 3.5:1. Trees or shrubs may not be planted
- 28      along the ridgeline of the berm.
- 29      (4)   Buffer areas shall be continually maintained and kept free of all trash and debris.
- 30   (Ord. No. 13-20, § 2, 7-11-2013)
- 31

1

**Table 6.8-1 Buffer Type Requirements**

<b>AG</b>	Agriculture, Rural Lands, Rural Residential, Natural Preservation
<b>SFR</b>	Single family or duplex residential
<b>MF</b>	Multi-family residential
<b>COM</b>	Commercial, RV parks, Commercial Recreation
<b>IND</b>	Industrial uses
<b>PUB</b>	Public Use (including Government, Institutional, and related Professional Offices)
<b>ROW</b>	Arterial or Collector Right-of-Way or Road Easement

2

3

**Table 6.8-2 Land Use Categories for Buffers**

		Adjacent Permitted or Existing Use						
		<b>AG</b>	<b>SFR</b>	<b>MF</b>	<b>COM</b>	<b>IND</b>	<b>PUB</b>	<b>ROW</b>
<b>Proposed Use</b>	<b>AG</b>	-	-	-	-	-	-	-
	<b>SFR</b>	A	E <sup>3</sup>	C	A	B	C	D <sup>1</sup>
	<b>MF</b>	A	D	-	A	B	C	D <sup>1</sup>
	<b>COM</b>	D	B	B	-	B	C	C
	<b>IND</b>	B	B	B	B	-	B	C/D <sup>2</sup>
	<b>PUB</b>	A	B	C	C	C	-	C

4

1. Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement

5

2. D Type Buffer if residential is adjacent to opposite ROW

6

3. A 6' opaque fence may be used in lieu of a vegetative buffer

7

**TABLE 6.8.3 – BUFFER CLASSIFICATION REQUIREMENTS**

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	50 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	25 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

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1 **Sec. 6.8.7. Parking areas and vehicular use areas.**

- 2 A. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall  
3 be provided around the perimeter of parking areas to form a landscape screen with a minimum height of  
4 three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this  
5 requirement.
- 6 B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged by  
7 vehicles using these areas. Landscaping at the nose of parking stalls shall be offset two and a half feet from  
8 the face of curb or wheelstop to allow for vehicle overhang. The area between the landscape and parking  
9 stall shall be mulched and contain no vertical irrigation components.
- 10 C. A landscaped parking lot island shall be located every ten parking spaces. Where Shade Trees are required, to  
11 provide sufficient space for health root development, parking lot islands shall be a minimum of 400 square  
12 feet in size. Unsuitable soils, including limerock road base, shall be excavated and replaced with properly  
13 drained soils. For paved parking areas within a Primary SPZ, including those with permeable or porous  
14 surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of turfgrass is  
15 prohibited.
- 16 D. E. Each row of parking spaces shall be terminated by a landscaped island.
- 17 F. Divider medians may be used to meet parking area landscape requirements.
- 18 (1) The minimum width of a divider median shall be eight feet.
- 19 (2) One Shade Tree shall be provided per 50 lineal feet of divider median.
- 20 G. To offset heat gain from paved surfaces, Shade Trees as required in Section 6.7.4 should be located to  
21 provide as much shade as possible on such surfaces.
- 22 H. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade  
23 trees as required in Section 6.7.4 shall be integrated into the parking area landscaping.
- 24 I. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight  
25 triangle.
- 26 J. Trees within parking areas.
- 27 (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required  
28 otherwise by provisions in this section.
- 29 (2) All parking lot islands, including terminal parking lot islands, shall contain one Shade Tree unless site  
30 lighting fixtures are proposed in said island..
- 31 (3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees  
32 shall be installed depending on the size and configuration of the island.

33  
34 (Ord. No. 13-20, § 2, 7-11-2013)

35 **Sec. 6.8.8. Building landscaping.**

- 36 A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the  
37 monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the  
38 building.

- 
- 1 B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend
  - 2 along 60 percent of the total length of the wall, excluding those areas required for access to the building.
  - 3 C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the
  - 4 façade to the innermost plants.
  - 5 D. Large trees shall not be located within 20 feet of a building. Accent/ornamental trees shall be located
  - 6 sufficiently to allow for healthy growth and to minimize the need for pruning.
  - 7 (Ord. No. 13-20, § 2, 7-11-2013)

8 **Sec. 6.8.9. Service and equipment areas.**

- 9 A. Garbage collection areas (dumpster pad) shall be screened with a wall, opaque fencing, or a landscape
- 10 screen capable of reaching a minimum height of six feet within three years and maintained to preserve an
- 11 opaque screening quality.
- 12 C. Shade Trees shall remain fifteen feet while other trees and shrubs shall remain eight feet from any fire
- 13 service connection.
- 14 D. Trees and shrubs shall remain offset three feet from any electrical transformer and shall not be proposed
- 15 along the access door face of the transformer within the distance provided by the power provider.
- 16 E. Exterior air conditioning components shall be screened by locating the equipment away from public view or
- 17 through the use of a landscape screen with a minimum height of three feet offset a minimum of three feet
- 18 from the equipment.
- 19 (Ord. No. 13-20, § 2, 7-11-2013)

20 **Sec. 6.8.10. General planting requirements.**

- 21 A. All trees, palms, shrubs, and groundcovers shall be nursery grown and Florida No. 1 quality or better, as
- 22 established by Florida Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
- 23 including latest updates, ('Florida Grades and Standards') as amended.
- 24 B. Plant selection shall be appropriate for the development site and provide the highest level of diversity as
- 25 practicable.
- 26 C. Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. For
- 27 projects in which 20 or more trees are required, one species may not account for more than 25% of the total
- 28 number of trees unless otherwise approved by the County Landscape Architect. At least three species of
- 29 shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.
- 30 D. Planting specifications are listed as follows:
  - 31 (1) Native plant requirements:
    - 32 (a) Within the Urban Growth Boundary (UGB), a minimum of 25 percent of all proposed plant
    - 33 quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.
    - 34 (b) Outside of the UGB a minimum of 35 percent of all proposed plant quantities, excluding
    - 35 turfgrass, shall be Florida native species suitable for use in Marion County.
    - 36 (c) A minimum of 50 percent of the required Shade Trees shall be Florida native species suitable for
    - 37 use in Marion County.
  - 38 (2) The use of invasive plant species based on the following sources, shall be prohibited:

- 
- 1 (a) Florida Exotic Pest Plant Council Category I & II List of Invasive Plant Species,  
2 (b) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and  
3 (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
- 4 (3) Trees.
- 5 (a) Shade trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per  
6 Florida Grades and Standards.
- 7 (b) Understory trees shall have a minimum caliper of 2 inches and a height and crown diameter as  
8 per Florida Grades and Standards.
- 9 (4) Palms.
- 10 (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is  
11 authorized as stated in Section 6.7.9.
- 12 (b) Additional palms may be provided in excess of the 25 percent threshold when three palms are  
13 used to substitute one required tree.
- 14 (c) Palm trees shall not be substituted for Shade Trees required to meet tree mitigation plantings.
- 15 (d) Palms shall have a clear trunk height of 10 feet minimum.
- 16 (5) Shrubs shall reach a height of 30 inches within one year of planting, unless specified differently  
17 elsewhere in this Section, and be spaced appropriately for the species and required maintenance.
- 18 (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and  
19 spaced up to 24 inches minimum and 30 inches on-center maximum.
- 20 (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced  
21 accordingly for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be  
22 trained to the wall or fence for which they are proposed.
- 23 (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets  
24 FFL requirements. The use of rolled turf is prohibited on property with public access unless the  
25 supportive netting is removed prior to or during installation and the integrity of the turf is not  
26 jeopardized during installation.
- 27 D. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is not allowed.  
28 (Ord. No. 13-20, § 2, 7-11-2013)

29 **Sec. 6.8.11. Landscape installation.**

- 30 A. Any person providing landscape installation services for hire shall meet the licensing and certification  
31 requirements under Section 6.8.15.
- 32 B. All plantings shall be installed according to current best management practices.
- 33 C. Trees and palms shall be properly planted and guyed or staked.
- 34 D. All plantings shall be properly irrigated for healthy growth as recommended by Florida Grades and Standards  
35 and UF/IFAS literature.
- 36 E. Installation shall mean survival in perpetuity, and replacement if necessary, of all materials. Dead and/or  
37 dying plant material shall be replaced by the owner.
- 38 (Ord. No. 13-20, § 2, 7-11-2013)

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1 **Sec. 6.8.12. Landscape completion and ongoing inspection requirements.**

- 2 A. Upon completion of the installation of the project a Landscape and Irrigation As-Built Certification shall be  
3 signed and sealed by the design professional and submitted to the County Landscape Architect prior to the  
4 issuance of a Certificate of Occupancy.
- 5 B. Where landscape buffers are required under this code as a condition of development approval, the  
6 responsible maintenance entity shall every 24 months prepare a written certification, on a form provided by  
7 the County, that the buffers are in good health and maintenance, and that all plantings required in the buffer  
8 are meeting the requirements of the development approval. The certification must be signed by a  
9 responsible design professional and submitted to the Growth Services Department.

10 (Ord. No. 13-20, § 2, 7-11-2013)

11 **Sec. 6.8.13. Landscape maintenance.**

- 12 A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices  
13 for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.
- 14 B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one  
15 trimming, then that tree is considered critically impacted and will require replanting at the cost of the  
16 Owner. The natural growth habit of a tree or palm shall be considered during the design phase to avoid  
17 maintenance conflicts.
- 18 C. Trees or palms which are guyed or braced shall have such guying or bracing removed within one year of  
19 planting. Damaging trees with guying devices shall be considered a violation of this Code. Damaged trees  
20 shall be replaced at the expense of the owner.
- 21 D. The alteration of any required and approved landscape area without obtaining prior written approval from  
22 the County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of  
23 planted areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- 24 E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the  
25 required minimum heights.

26 (Ord. No. 13-20, § 2, 7-11-2013)

27 **Sec. 6.8.14. Fertilizers and other landscape chemicals.**

- 28 A. Applicability.
- 29 (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of  
30 application of fertilizer within the unincorporated area of Marion County, unless such applicator is  
31 specifically exempted by the terms of this section from the regulatory provisions of this Code. This  
32 section shall be prospective only, and shall not impair any existing contracts.
- 33 (2) This section requires the use of BMPs which provide specific management guidelines to minimize  
34 negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- 35 B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:
- 36 (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that  
37 fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted

1 by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for  
2 the crop in question.

- 3 (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of  
4 fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

5 C. Fertilizer content and application rates.

- 6 (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in  
7 accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf  
8 Fertilizers.
- 9 (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and  
10 shall not be applied for the first 30 days after seeding or sodding.
- 11 (3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen  
12 shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000  
13 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1  
14 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen  
15 recommendations set forth below on an annual basis:

16 **Table 6.8-3 Fertilizer Application Rates**

Grass Species	Maximum N Application Rate (Lbs/1,000 sf <sup>2</sup> /year)
Bahia	3
Bermuda	4
Centipede	2
St. Augustine	3
Zoysia	4

- 17
- 18
- 19 (4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at  
20 application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor  
21 exceed 0.50 pounds phosphorus per 1,000 square feet per year.

- 22 (5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in  
23 Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable  
24 gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved  
25 test.

26 D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus  
27 when soils are saturated.

28 E. Fertilizer-free zones.

- 29 (1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream,  
30 watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape  
31 plants which are installed within the plant pits during plant installation is allowed.

- 32 (2) Fertilizer shall not be applied to turf grass within the following areas:

- 33 (a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole  
34 or other karst feature that has an opening at the surface.

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- 1 (b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a  
2 seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply  
3 defined edge, is used, in which case a minimum of 3 feet shall be maintained.
- 4 (3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the  
5 more restrictive provision (i.e., the larger distance) shall apply.
- 6 (4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period  
7 beginning 30 days after planting if need to allow the plants to become well established. Caution shall  
8 be used to prevent the direct deposit of nutrients into the water.
- 9 F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course,  
10 lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the  
11 landward edge of this low maintenance zone to capture and filter runoff. If more stringent County  
12 regulations apply, this provision does not relieve the requirement to adhere to the more stringent  
13 regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or  
14 deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this  
15 zone.
- 16 G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast)  
17 spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious  
18 surfaces, fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or  
19 otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either  
20 intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the  
21 greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and  
22 either legally applied to turf or any other legal site, or returned to the original or other appropriate  
23 container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater  
24 drains, ditches, conveyances, or water bodies.
- 25 H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material,  
26 and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances,  
27 water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be  
28 immediately removed to the maximum extent practicable.
- 29 I. Training for fertilizer applicators.
- 30 (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain  
31 current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of  
32 Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.
- 33 (2) Any other person whose duties include the application of fertilizer not required to maintain  
34 certification in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six  
35 months of assuming such duties.
- 36 (3) Private homeowners are required to follow the recommendations of the Florida Yards and  
37 Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides  
38 more stringent requirements.
- 39 J. Enforcement.
- 40 (1) In addition to county code enforcement officers, the County Administrator may also delegate  
41 enforcement responsibility for this section to agencies and departments of Marion County  
42 government, in accordance with state and local law.
- 43 (2) Funds generated by penalties imposed under this section shall be used by the County for the  
44 administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to  
45 further water conservation and nonpoint pollution prevention activities.

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- 1 K. Penalties.
- 2 (1) Violation of any provision of this section shall be subject to the following penalties:
- 3 (a) First violation: Written Notification and Education.
- 4 (b) Second violation: Written Notification and Education.
- 5 (c) Third violation: Fifty dollars (\$50.00).
- 6 (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).
- 7 (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation,
- 8 shall constitute a separate offense. The Board may take any other appropriate legal action, including
- 9 but not limited to emergency injunctive action, to enforce the provisions of this section.

10 (Ord. No. 13-20, § 2, 7-11-2013)

11 **Sec. 6.8.15. Landscape installation and maintenance licensing and certification.**

- 12 A. Landscape installation professionals performing work for hire within the unincorporated areas of Marion
- 13 County shall be landscape contractors licensed by the Marion County Building Department, unless otherwise
- 14 licensed by the State of Florida.
- 15 (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed
- 16 under this section are required to complete a minimum of eight Professional Development Hours or
- 17 Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education
- 18 organization approved by the County before each succeeding license renewal or bi-annually, whichever
- 19 is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an
- 20 approved audit procedure.
- 21 (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be
- 22 maintained by the Marion County Licensing Board.
- 23 (3) A course or certification may be added to or withdrawn from the approved list using an approved
- 24 petition procedure.
- 25 B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion
- 26 County shall possess current GI-BMP Certificate of Completion.
- 27 C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the
- 28 application of fertilizer or pesticide shall meet the applicable state and County licensing and certification
- 29 requirements included herein.

30 (Ord. No. 13-20, § 2, 7-11-2013)

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# Marion County

## Land Development Regulation Commission

### Agenda Item

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**File No.:** 2026-21826

**Agenda Date:** 1/21/2026

**Agenda No.:** 3.1.

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**SUBJECT:**

**The next LDRC Public Hearing/Workshop will be February 4, 2026 at the McPherson Governmental Campus Auditorium**

**DESCRIPTION/BACKGROUND:**

For information purposes only.