



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Tuesday, July 1, 2025

5:30 PM

**McPherson Governmental
Campus Auditorium**

Public Hearing to Consider an Ordinance to Amend the Marion County Land Development Code

INTRODUCTION OF PUBLIC HEARING BY CHAIR KATHY BRYANT

Second of Two Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code. The First Public Hearing was held on Wednesday, June 4, 2025 at 10:00 a.m. at the McPherson Governmental Campus Auditorium

PLEDGE OF ALLEGIANCE

ROLL CALL

PROOF OF PUBLICATION

[Present Cover Documents from Land Development Regulation Commission Public Hearing](#)

STAFF PRESENTATION

1. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Section 4.2.30 Government Use \(G-U\) Classification](#)
2. [Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 1, Division 2 Definitions and Article 5, Division 3 Floodplain Management](#)

PUBLIC COMMENT

BOARD DISCUSSION AND CLOSING COMMENTS



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2025-19524

Agenda Date: 7/1/2025

Agenda No.:

SUBJECT:

Present Cover Documents from Land Development Regulation Commission Public Hearing

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Attached are:

- Proof of publication
- The Land Development Regulation Commission Minutes from the May 23rd meeting

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

For information only.

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Ashlyne Tuck
Marion County Attorneys' Office - 330
601 SE 25Th AVE # 108
Ocala FL 34471-2690

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Star Banner, published in Marion County, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Marion County, Florida, or in a newspaper by print in the issues of, on:

06/20/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/20/2025


Legal Clerk


Notary, State of WI, County of Brown


My commission expires

Publication Cost: \$270.94

Tax Amount: \$0.00

Payment Cost: \$270.94

Order No: 11379547

Customer No: 533707

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KAITLYN FELTY
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING
BY

NOTICE IS HEREBY GIVEN THAT THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, DIVISION 2, DEFINITIONS; AMENDING ARTICLE 5, DIVISION 3, FLOODPLAIN MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing conducted by the Marion County Board of County Commissioners will be held on Tuesday, July 1, 2025, at 5:30 p.m. at the McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL, 34471, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 1, in Marion County, Florida, providing for revisions to Article 1, Division 2, Definitions, and Article 5, Division 3, Floodplain Management.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. For more information:

[HTTPS://WWW.MARIONFL.ORG/L
EGAL/NOTICES](https://www.marionfl.org/legal/NOTICES)

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: www.MarionFL.org/BIE

PLEASE BE GOVERNED
ACCORDINGLY

DATED THIS 20th DAY OF MAY,
2025.

BOARD OF COUNTY COMMISSIONERS

MARION COUNTY, FLORIDA
KATHY BRYANT, CHAIRMAN
11379547 6/20/25

The Marion County Land Development Regulation Commission met on May 21, 2025, at 5:30 p.m. in the Board of County Commissioners Auditorium, 601 SE 25th Avenue, Ocala, Florida.

CALL TO ORDER

Chairman David Tillman called the Meeting to Order at 5:30 p.m.

ROLL CALL & PLEDGE OF ALLEGIANCE

Autumn Williams called roll, and the quorum was confirmed.

Board members present were Chairman David Tillman, Richard Busche, Gene Losito, and Jonny Heath.

Chairman David Tillman led the Pledge of Allegiance.

Staff members present were Chief Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Growth Services Deputy Director Ken Weyrauch, Growth Services Administrative Manager Nate Mittler, Development Review Coordinator Elizabeth Madeloni, Planner Kathleen Brugnoli, Planner Sarah Wells, Administrative Staff Assistant Autumn Williams, County Engineer Steven Cohoon, Land Development Manager Aaron Pool, and Stormwater Engineer Jason Cambre.

No members of the public were present.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Autumn Williams read the Proofs of Publication and advised that the meeting was properly advertised.

1. SCHEDULED ITEMS

1.1. PUBLIC HEARING: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.13.12 Roadside Vendors

Ken Weyrauch, Growth Services Deputy Director, explained that this item was removed from the agenda and will be brought back at a later date. Further discussion is needed. No action is required at this time.

There was no public comment for this item.

1.2. PUBLIC HEARING: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.2.30 Government Use (G-U) Classification

Kathleen Brugnoli, Planner, opened the discussion regarding this item.

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

There was no public comment for this item.

Kathleen Brugnoli, Planner, made changes to the document as needed. These updates will finalize the board recommendations. Board Member Jonny Heath made a motion to recommend approval as presented with the amended language to Section 4.2.30 Government Use (G-U) Classification to the Board of County Commissioners. Motion was seconded by Board Member Gene Losito. Motion passed unanimously (4-0).

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

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

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

There was no public comment for this item.

Board Member Gene Losito made a motion to recommend approval as presented to the Board of County Commissioners. Motion was seconded by Board Member Richard Busche. Motion passed unanimously (4-0).

1.4. PUBLIC HEARING: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Article 5, Division 3 Floodplain Management

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

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

There was no public comment for this item.

Board Member Richard Busche made a motion to recommend approval as presented to the Board of County Commissioners. Motion was seconded by Board Member Jonny Heath. Motion passed unanimously (4-0).

The Public Hearing portion of the meeting was adjourned.

Board Member Jonny Heath made a motion to adjourn the Public Hearing portion of the meeting and continue with the Workshop portion of the meeting. Motion was seconded by Board Member Gene Losito. Motion passed unanimously (4-0).

1.5. WORKSHOP: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 4.2.2 General Requirements for all Agricultural Classifications

Ken Weyrauch, Growth Services Deputy Director, explained that this item was removed from the agenda and will be brought back at a later date. Further discussion is needed. No action is required at this time.

There was no public comment for this item.

1.6. Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 2.21.1 Applicability

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

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

These updates will finalize the board recommendations, and this item will be scheduled for a future public hearing. Board Member Richard Busche made a motion to adopt the changes and to move the item to a public hearing. Motion was seconded by Johnny Heath. Motion passed unanimously (4-0).

1.7. Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.4 Stormwater Quantity Criteria

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

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

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

1.8. Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.5 Watershed Storage Volume and Conveyance Protection

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

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

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

1.9. Workshop: Discussion for Proposed Marion County Land Development Code (LDC) Amendments to Review and Update Section 6.13.9 Grading Criteria

Jason Cambre, Stormwater Engineer, opened the discussion regarding this item.

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

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

2. NEW BUSINESS

No new business.

ADJOURNMENT

The meeting adjourned at 6:21 p.m.

Attest:

David Tillman, Chairman

Autumn Williams,
Administrative Staff Assistant



Marion County

Board of County Commissioners Public Hearing Meeting

Agenda Item

File No.: 2025-19521

Agenda Date: 7/1/2025

Agenda No.: 1.

SUBJECT:

Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Section 4.2.30 Government Use (G-U) Classification

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed amendments of Land Development Code (LDC) Section 4.2.30 Government Use (G-U) to add permitted uses, amend special Uses and establish development standards.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held May 21, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration. On June 4, 2025, the Board of County Commissioners held the first of two public hearings.

This is the Second of two required public hearings with the Board of County Commissioners.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Take public comments and motion to approved proposed amendments.

LDC CODE UPDATE	
DATE:	January 27, 2025
LDC SECTION:	Section 4.2.30 Government Use (G-U) Classification
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Section 4.2.30 of the Land Development Code outlines uses permitted and permissible by Special Use Permit within the Government Use (G-U) zoning category. Currently, the G-U zoning category does not provide for any uses as permissible by right and all uses must obtain a Special Use Permit. The text changes identify uses that are recommended to be permitted by right within the G-U zoning category, based on the premise that the proposed allowable uses are generally not impactful to surrounding properties, and that they are allowed by right in other zoning categories.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.2.30 Government Use (G-U) address the following issues.</p> <ol style="list-style-type: none"> 1. Add a Permitted Use subsection to the G-U zoning category and revise letter subsection sequencing accordingly. 2. Move the following list of uses from the Special Uses (requiring permit) subsection to the newly created Permitted Use subsection of the G-U zoning category: <ol style="list-style-type: none"> a. Fire Station b. Library c. Park and Recreation Areas up to ten acres d. Post Office e. Schools f. Sheriff's Substation g. Government Owned Auditorium up to 250 seats 3. Add the use "Government Administrative Use such as office buildings and similar uses" to the newly created Permitted Uses subsection. 4. Following adoption of these changes, the allowable uses for G-U in the zoning tables will need to be updated. <p>Attachments: Redline LDC Changes to Section 4.2.30 Government Use (G-U) Classification</p>	

Sec. 4.2.30. Government Use (G-U) classification.

A. ~~A.~~ Intent of Classification. The Governmental Use classification is intended to apply to those areas where the only activities conducted are those of the U. S. Government, State of Florida, and Marion County Board of Commissioners, Marion County School Board or incorporated communities in Marion County.

B. ~~B.~~ Permitted Use:

Fire station

Library

Park and recreation areas up to ten acres in size.

Post Office

Schools

Sheriff's Substation

Government owned assembly/auditorium/conference center up to 250 seats

Government Administrative Use such as office buildings and similar uses

C. ~~BC.~~ Special Uses (requiring permit):

Airport

Armory

Equipment yards

~~Fire station~~

~~Garbage transfer station.~~

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Government owned assembly/auditorium/conference center greater than 250 seats

Hospital (County owned)

Landfill, any type

Landfill, construction, and demolition

Park and recreation areas greater than ten acres in size. ~~Park and recreation areas~~

Penal institution, jail

Post Office (US Postal Service owns land and building)

Schools

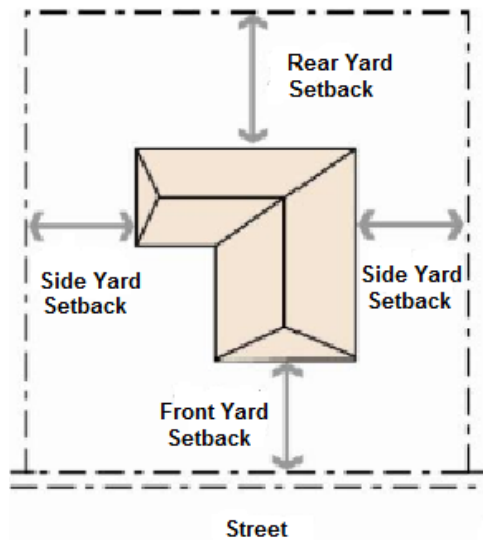
Sewage treatment plants with an inflow exceeding 5,000 gallons per day

~~Sheriff's Substation~~

Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law

Water wellfields

D. Development Standards:



Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Ratio: 1.0

E. Setbacks:

Minimum Front Setback: 40 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 10 feet

F. Special Requirements

1. For items requiring a special use permit approval, applications shall be accompanied by
_____ Architectural renderings and conceptual plan for the proposed facilities.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

LDC CODE UPDATE	
DATE:	January 27, 2025
LDC SECTION:	Section 4.2.30 Government Use (G-U) Classification
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>Section 4.2.30 of the Land Development Code outlines uses permitted and permissible by Special Use Permit within the Government Use (G-U) zoning category. Currently, the G-U zoning category does not provide for any uses as permissible by right and all uses must obtain a Special Use Permit. The text changes identify uses that are recommended to be permitted by right within the G-U zoning category, based on the premise that the proposed allowable uses are generally not impactful to surrounding properties, and that they are allowed by right in other zoning categories.</p> <p>Changes to the LDC Section</p> <p>Changes to the text of Section 4.2.30 Government Use (G-U) address the following issues.</p> <ol style="list-style-type: none"> 1. Add a Permitted Use subsection to the G-U zoning category and revise letter subsection sequencing accordingly. 2. Move the following list of uses from the Special Uses (requiring permit) subsection to the newly created Permitted Use subsection of the G-U zoning category: <ol style="list-style-type: none"> a. Fire Station b. Library c. Park and Recreation Areas up to ten acres d. Post Office e. Schools f. Sheriff's Substation g. Government Owned Auditorium up to 250 seats 3. Add the use "Government Administrative Use such as office buildings and similar uses" to the newly created Permitted Uses subsection. 4. Following adoption of these changes, the allowable uses for G-U in the zoning tables will need to be updated. <p>Attachments: Redline LDC Changes to Section 4.2.30 Government Use (G-U) Classification</p>	

Sec. 4.2.30. Government Use (G-U) classification.

A. Intent of Classification. The Governmental Use classification is intended to apply to those areas where the only activities conducted are those of the U. S. Government, State of Florida, and Marion County Board of Commissioners, Marion County School Board or incorporated communities in Marion County.

B. Permitted Use:

Fire station

Library

Park and recreation areas up to ten acres in size

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Government Administrative Use such as office buildings and similar uses

C. C. Special Uses (requiring permit):

Airport

Armory

Equipment yards

Garbage transfer station

Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Government owned assembly/auditorium/conference center greater than 250 seats

Hospital (County owned)

Landfill, any type

Landfill, construction, and demolition Park and recreation areas greater than ten acres in size

Penal institution, jail Post Office (US Postal Service owns land and building)

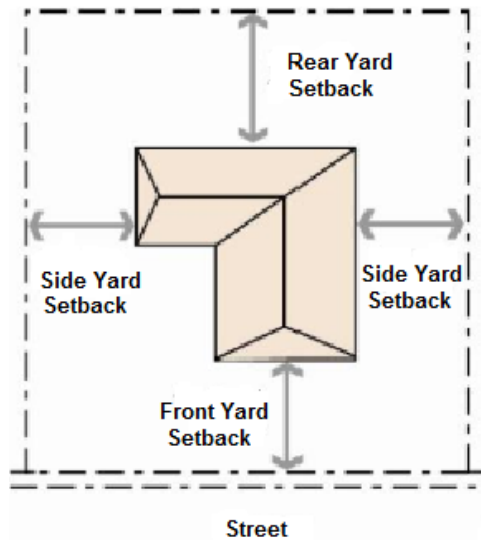
Schools

Sewage treatment plants with an inflow exceeding 5,000 gallons per day

Sprayfields or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law

Water wellfields

D. Development Standards:



Minimum Lot Area: None

Minimum Lot Width: None

Maximum Building Height: 50 feet

Maximum Floor Ratio: 1.0

E. Setbacks:

Minimum Front Setback: 40 feet

Minimum Rear Setback: 25 feet

Minimum Side Setback: 10 feet

F. Special Requirements

1. For items requiring a special use permit approval, applications shall be accompanied by Architectural renderings and conceptual plan for the proposed facilities.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, DIVISION 2, SECTION 4.2.30 GOVERNMENT USE (G-U) CLASSIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **20th day of June 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 4.2.30 GOVERNMENT USE CLASSIFICATION TO INCREASE EFFICIENCY AND EFFECTIVENESS WHEN PROVIDING GOVERNMENTAL SERVICES TO THE COMMUNITY.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed language updates the Government Use (G-U) zoning classification and adds uses to the permitted uses instead of all uses being by Special Use Permit only.**

ORDINANCE 25 – __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, DIVISION 2, SECTION 4.2.30, GOVERNMENT USE (G-U) CLASSIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on May 21, 2025; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on June 4, 2025, and July 1, 2025;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

A. Article 4 of the Marion County Land Development Code, Zoning, Division 2, Section 4.2.30, Government Use (G-U) Classification is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 1st day of July, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2025-19523

Agenda Date: 7/1/2025

Agenda No.: 2.

SUBJECT:

Presentation and Consideration of Revisions to the Marion County Land Development Code Amendments Article 1, Division 2 Definitions and Article 5, Division 3 Floodplain Management

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed amendments of Land Development Code (LDC), Article 1, Division 2 Definitions and Article 5 Division 3, Floodplain Management. The proposed changes to Article 1 and Article 5 are related to Floodplain Management to keep Marion County compliant with the National Flood Insurance Program (NFIP) concerning the Community Ratings System (CRS).

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held May 21, 2025. The LDRC recommended approval of these items and motioned to forward them to the Board of County Commissioners for consideration. On June 4, 2025, the Board of County Commissioners held the first of two public hearings.

This is the Second of two required public hearings with the Board of County Commissioners.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Take public comments and motion to approved proposed amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CAPACITY. Supply of public facility:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
226 163 FS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT AREA. See project area.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Engaged in the retail sale of prescription drugs and nonprescription medicines pursuant to Chapter 465, FS; or
- (2) That is both:
 - a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS (2017); and
 - b. Operated in accordance with all provisions of such statute and all other statutes or regulations governing the medical dispensation of marijuana pursuant to Florida law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROWTH SERVICES DIRECTOR. Growth Services Director or his designee.

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

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

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

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

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

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

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

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

HOME OCCUPATION. Any business or commercial activity that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT LINE. The boundary line of a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POTABLE WATER. Water that is suitable for human consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RUNOFF. The surface flow of stormwater.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Less than completely and opaquely covered:

(1) Human genitals;

(2) Pubic region;

(3) Buttock; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VEHICLE SIGN. Any sign affixed to a vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1158 result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard
1159 severity analysis shall be provided for review and approval by MCFR.
1160 (Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A, § 2), 4-11-2017; Ord. No. 17-11, § 4, 5-16-2017; Ord.
1161 No. 17-25, § 1(Exh. A), 10-3-2017; Ord. No. 2017-30, § 1(Exh. A, § 2), 11-7-2017; Ord. No. 18-14, § 1(Exh. A, § 2), 5-
1162 21-2018; Ord. No. 23-09 , § 1(Att. 1), 4-13-2023)
1163

DIVISION 2. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CAPACITY. Supply of public facility:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 **COMPREHENSIVE PLAN.** The Marion County Comprehensive Plan as adopted by the Board pursuant to Ch.
226 163 FS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT AREA. See project area.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) That is both:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The overflow of inland or tidal waters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROWTH SERVICES DIRECTOR. Growth Services Director or his designee.

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

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

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

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

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

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

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

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

HOME OCCUPATION. Any business or commercial activity that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT LINE. The boundary line of a lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MARKET VALUE. As it relates to floodplain management, the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), or tax-assessed values adjusted to approximate market value by a factor provided by the County Property Appraiser.

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

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

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

MOBILE HOME. A transportable structure designed to be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POTABLE WATER. Water that is suitable for human consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVING AREA. Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in

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addition to other permitted development activity on the designated lands wherein the lands are depicted on Marion County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use Map*, or Map 13, *Transfer of Rights*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RUNOFF. The surface flow of stormwater.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Less than completely and opaquely covered:

(1) Human genitals;

(2) Pubic region;

(3) Buttock; or

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

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

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

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

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

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

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

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

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- 993 **STATIC LEVEL.** The stabilized water level in a nonpumped well.
- 994 **STOCKPILE.** As it relates to the springs protection zone, animal manure, including droppings, urine, and
995 soiled bedding material, that is piled, spread, or otherwise allowed to accumulate to such depth and/or volume in
996 excess of three cubic yards that it: a) prevents or substantially hinders the growth of grass or other vegetation,
997 and/or b) generates leachate that can potentially contaminate ground or surface water. Manure that is spread on
998 pasture or cropland areas in accordance with normal agronomic practices following UF/IFAS recommendations and
999 this section is not considered stockpiling.
- 1000 **STORAGE COEFFICIENT.** The volume of water that an aquifer releases from or takes into storage per unit
1001 surface area of aquifer per unit change in the component of head normal to that surface. In a water table aquifer
1002 the storage coefficient is essentially the same as its porosity.
- 1003 **STORM CELLAR.** A place below grade used to accommodate occupants of the structure and emergency
1004 supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.
- 1005 **STREET.** A public or private travelway used or intended to be used, for passage or travel by vehicles.
- 1006 **STREET FRONTAGE.** The distance along the property line at the right-of-way or easement of the street
1007 providing primary access and exposure to the existing or proposed development.
- 1008 **STRUCTURE.** Anything constructed or built which is located on or under land. **STUB STREET.** A portion of a
1009 street for which an extension has been proposed and approved. May be permitted when development is phased
1010 over a period of time, but only if the street in its entirety has been approved in the preliminary plan.
- 1011 **SUBDIVISION.** The division of land into three or more lots, tracts, parcels, tiers, blocks, sites, units or any
1012 other division of land; and may include establishment of new streets and alleys, additions, and re-subdivisions or
1013 replats; and, when appropriate to the context, relates to the process of subdividing or to the lands or area
1014 subdivided.
- 1015 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the
1016 structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure
1017 before the damage occurred.
- 1018 **SUBSTANTIAL DEVELOPMENT.** As it relates to vested rights, shall mean that required permits for
1019 commencement of construction have been obtained; and permitted clearing and grading has commenced on any
1020 significant portion of the development subject to a single final local development order; and the actual
1021 construction of water and sewer lines, or streets, or the stormwater management system, on said portion of the
1022 development is substantially complete or is progressing in a manner that significantly moves the entire
1023 development toward completion.
- 1024 **SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure,
1025 the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of
1026 construction" of the improvement. This term includes structures that have incurred "substantial damage"
1027 regardless of the actual repair work performed. This term does not, however, include either: [Also defined in FBC,
1028 B, Section 202.]
- 1029 (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code
1030 violations identified by the building official and that are the minimum necessary to assure safe living
1031 conditions.
- 1032 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued
1033 designation as a historic structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VEHICLE SIGN. Any sign affixed to a vehicle.

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

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

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

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

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

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

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

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

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

WATERCOURSE. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

WATER DETENTION AREA (WDA). A manmade or natural facility which collects surface or subsurface water and which impedes its flow and releases the same gradually at a rate not greater than that prior to the development of the property, into natural or manmade outlets.

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WATER FRONTAGE OR WATER FRONT. That side of a lot, parcel or tract abutting on a water body and which may be considered as the front for setback requirements.

WATER METER. That device, with all appurtenances, which registers water flow to a customer.

WATER RETENTION AREA (WRA). A manmade or natural facility which collects and retains surface water and allows gradual ground infiltration.

WATER SERVICE CONNECTION. The point of connection to the public potable water system (metered or non-metered) where the Utility loses jurisdiction and sanitary control over the potable water delivered to that point. Included within this definition are connections for fire hydrants and other temporary or emergency water service. For metered connections, the point of connection is the downstream end of the water meter.

WATER SERVICE LATERAL. The pipe from the water main to the point of connection.

WATER SURFACE ELEVATION. The height, in relation to an accepted vertical datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATER SYSTEM. A water supply distribution system consisting of all water mains, valves, service laterals, fire hydrants, meter boxes, etc. used to deliver water from the WTP to the consumer.

WATER TREATMENT PLANT (WTP). Includes all wells, pumps, tanks, valves, piping, treatment and disinfection facilities required to withdraw, treat, and disinfect water suitable for public consumption.

WETLANDS. Those land areas featuring unique environmental and/or hydrogeologic characteristics which qualifies as wetlands pursuant to § 373.019(25) FS and § 62-340.200 FAC as determined and delineated by the appropriate jurisdictional agency

WETTEST SEASON. As defined in § 64E-6.002 FAC, that period of time each year in which the ground water table elevation can normally be expected to be at its highest elevation.

WILDLAND URBAN INTERFACE/INTERMIX ZONES: Locations which the Marion County Fire Rescue (MCFR) determines that topographical features, vegetation fuel types, local weather conditions, and prevailing winds may result in the potential for ignition of the structures from flames and firebrands of a wildland fire. A wildfire hazard severity analysis shall be provided for review and approval by MCFR.

(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. 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), 5-21-2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023)

LDC CODE UPDATE	
DATE:	February 21,2025
LDC SECTION:	Article 1, Division 2 Definitions Article 5, Division 3 Floodplain Management
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>During recent talks with Florida Division of Emergency Management it was brought to our attention we needed to make changes to our Land Development Code to stay in compliance with our 7 rating for the CRS/NFIP program which allows our citizens of Marion County to obtain a 15% discount off their Flood Insurance Premiums.</p> <p><u>Changes to the LDC Article 1, Division 2 Definitions</u></p> <ol style="list-style-type: none"> 1. Changes to the text on some definitions will state the following sentence: <u>This definition is not for the purposes of floodplain management under Article 5, Division 3.</u> 2. Remove the following definitions, they are not required for NFIP compliance; <ul style="list-style-type: none"> • Floodplain Management • Floodplain Management Regulations • Program Deficiency 3. Changes need to be made for Structure and Market Value Definitions. 4. Two other minor edits for two other definitions. <p><u>Article 5, Division 3 Floodplain Management</u></p> <ol style="list-style-type: none"> 1. Changing the word section to <u>Division</u> throughout Article 5, along with changing the word ordinance to division for Sec.5.3.1, General (A). 2. 5.3.2 Applicability (E), adding in ordinance or regulation in..... 3. 5.3.11 (E) changing last sentence from Section 5.3.5 to “5.13.5 of the Land Development Code has been met”. 4. Sec.5.3.12 (E), changing <u>Elevation</u> as agreed by the LDRC panel to the following; “All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot.” 5. Removing 5.3.12 (F) and (G) 	

DIVISION 3. FLOODPLAIN MANAGEMENT¹

Sec. 5.3.1. General.

- A. Title. These regulations shall be known as the Floodplain Management Ordinance of Marion County, hereinafter referred to as "this ~~ordinance~~ division."
- B. Scope. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. Intent. The purposes of this ~~section~~ division and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (5) Minimize damage to public and private facilities and utilities;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. Coordination with the *Florida Building Code*. This ~~section~~ division is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- E. Warning. The degree of flood protection required by this ~~section~~ division and the *Florida Building Code*, as amended by Marion County, is considered the minimum reasonable for regulatory purposes and is based on

¹Editor's note(s)—Ord. No. 17-08, § 2(Exh. A, § 1), adopted April 11, 2017, amended Art. 5, Div. 3, in its entirety to read as herein set out. Former Art. 5, Div. 3, §§ 5.3.1—5.3.7, pertained to flood plain overlay zone (FPOZ), and derived from Ord. No. 13-20, § 2, adopted July 11, 2013.

scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ~~section~~-division does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ~~division~~section.

- F. Disclaimer of Liability. This ~~section~~-division shall not create liability on the part of the Board of County Commissioners of Marion County or by any officer or employee thereof for any flood damage that results from reliance on this ~~section~~-division or any administrative decision lawfully made thereunder.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.2. Applicability.

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this ~~section~~-division applies. This ~~section~~-division shall apply to all flood hazard areas within the unincorporated areas of Marion County, as established in Section 5.3.2(C) of this ~~division~~section.
- C. Basis for establishing flood hazard areas. The Flood Insurance Study for Marion County, Florida and Incorporated Areas dated April 19, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ~~division~~section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Marion County Growth Services Department.
- D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 5.3.5 of this ~~division~~section the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ~~division~~section and, as applicable, the requirements of the *Florida Building Code*.
 - (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- D. Other laws. The provisions of this ~~division~~section shall not be deemed to nullify any provisions of local, state or federal law.
- E. Abrogation and greater restrictions. This ~~division~~section supersedes any ~~section~~-ordinance or regulation in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing sections including but not limited to land development regulations, zoning regulations, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ~~division~~section and any other regulations, the more restrictive shall govern. This ~~division~~section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ~~division~~section.
- F. Interpretation. In the interpretation and application of this ~~division~~section, all provisions shall be:

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- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.3 Duties and powers of the floodplain administrator.

- A. Designation. The Growth Services Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this division~~section~~. The Floodplain Administrator shall have the authority to render interpretations of this division~~section~~ consistent with the intent and purpose of this division~~section~~ and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this division~~section~~ without the granting of a variance pursuant to Section 5.3.7 of this division~~section~~.
- C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 - (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this division~~section~~;
 - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this division~~section~~ is demonstrated, or disapprove the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this division~~section~~.
- D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the

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- proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this [divisionsection](#) is required.
- E. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 5.3.7 of this [divisionsection](#).
- F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this [divisionsection](#).
- G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 5.3.6 of this [divisionsection](#) for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:
- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 5.3.3(D) of this [divisionsection](#);
 - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - (4) Review required design certifications and documentation of elevations specified by this [divisionsection](#) and the *Florida Building Code* to determine that such certifications and documentations are complete; and
 - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Marion County are modified.
- I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this [divisionsection](#) and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work

constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ~~division~~section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ~~division~~section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Marion County Growth Services Department.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.4. Permits.

- A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ~~division~~section, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ~~division~~section and all other applicable codes and regulations has been satisfied.
- B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ~~division~~section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ~~division~~section:
 - (1) Railroads and ancillary facilities associated with the railroad.
 - (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 - (3) Temporary buildings or sheds used exclusively for construction purposes.
 - (4) Mobile or modular structures used as temporary offices.
 - (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 - (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

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- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Marion County. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
 - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (3) Indicate the use and occupancy for which the proposed development is intended.
 - (4) Be accompanied by a site plan or construction documents as specified in Section 5.3.5 of this ~~division~~section.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ~~division~~section shall not be construed to be a permit for, or approval of, any violation of this ~~division~~section, the *Florida Building Codes*, or any other section of this Code. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ~~division~~section or any other section, regulation or requirement of Marion County.
- H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- (1) The St. Johns River Water Management District or Southwest Florida Water Management District, as applicable; section 373.036, F.S.
 - (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (5) Federal permits and approvals.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.5. Site plans and construction documents.

- A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this [divisionsection](#) shall be drawn to scale and shall include, as applicable to the proposed development:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 5.3.5(B)(2) or (3) of this [divisionsection](#).
 - (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 5.3.5(B)(1) of this [divisionsection](#).
 - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this [divisionsection](#) but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this [divisionsection](#).

- B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 - (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 - (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 - (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format

required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

- C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 5.3.5(D) of this ~~division~~section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 - (2) For development activities proposed to be located in a flood hazard area identified as Zone A, AE, AH or AO, including isolated flood hazard areas whether connected or not connected to a riverine flood hazard area, or in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation at any point within unincorporated Marion County outside of contiguously owned land by the applicant, and demonstrate compliance with Section 6.13.5.
 - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 5.3.5(D) of this ~~division~~section.
- D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.6. Inspections.

- A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ~~division~~section and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ~~division~~section and the conditions of issued floodplain development permits or approvals.

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- D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 5.3.5(B)(3)(b) of this ~~division~~section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 5.3.6(D) of this ~~division~~section.
- F. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~division~~section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.7. Variances and appeals.

- A. General. The Marion County Development Review Committee shall hear and decide on requests for appeals and requests for variances from the strict application of this ~~division~~section. Pursuant to section 553.73(5), F.S., the Development Review Committee shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.
- B. Appeals. The Development Review Committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ~~division~~section. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- C. Limitations on authority to grant variances. The Development Review Committee shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 5.3.7(G) of this ~~division~~section, the conditions of issuance set forth in Section 5.3.7(H) of this ~~division~~section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Development Review Committee has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ~~division~~section.
- D. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 5.3.5(C) of this ~~division~~section.
- E. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's

continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

- F. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this [divisionsection](#), provided the variance meets the requirements of Section 5.3.7(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. Considerations for issuance of variances. In reviewing requests for variances, the Development Review Committee shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this [divisionsection](#), and the following:
- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (4) The importance of the services provided by the proposed development to the community;
 - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (6) The compatibility of the proposed development with existing and anticipated development;
 - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances. Variances shall be issued only upon:
- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this [divisionsection](#) or the required elevation standards;
 - (2) Determination by the Development Review Committee that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and sections; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

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- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.8. Violations.

- A. Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ~~division~~section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ~~division~~section, shall be deemed a violation of this ~~division~~section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ~~division~~section or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- B. Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ~~division~~section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.9. Buildings and structures.

- A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 5.3.4(C) of this ~~division~~section, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 5.3.15 of this ~~division~~section.
- B. Furthering noncompliance. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of Division 5.3 Floodplain Management or the *Florida Building Code*, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.10. Subdivisions.

- A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones A, AE, AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 5.3.5(B)(1) of this ~~division~~section; and
 - (3) Compliance with the site improvement and utilities requirements of Section 5.3.11 of this ~~division~~section.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.11. Site improvements, utilities and limitations.

- A. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones A, AE, AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory

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floodway unless the floodway encroachment analysis required in Section 5.3.5(C)(1) of this ~~division~~section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

- E. Limitations on placement of fill. Subject to the limitations of this ~~division~~section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*. For all placement of fill, demonstration that the compensating storage or other hydraulic characteristics requirement of Section 6.13.5 of the Land Development Code has been met. ~~shall be submitted in accordance with Section 5.3.5(C)(4).~~

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.12. Manufactured homes.

- A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ~~division~~section.
- B. Limitations on installation in floodways. New installations of manufactured homes shall not be permitted in floodways.
- C. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ~~division~~section. Foundations for manufactured homes subject to Section 5.3.12(G) of this ~~division~~section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- D. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- E. Elevation. ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 5.3.12(F) or 5.3.12(G) of this section, as applicable.~~ All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot.
- F. ~~General elevation requirement. Unless subject to the requirements of Section 5.3.12(G) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).~~
- G. ~~Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 5.3.12(F) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential Section R322.2 (Zone A)*; or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.~~

~~H.F.~~ Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322.2* for such enclosed areas.

~~I.G.~~ Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.13. Recreational vehicles and park trailers.

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 5.3.13(A) of this ~~division~~~~section~~ for temporary placement shall meet the requirements of Section 5.3.12 for manufactured homes.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.14. Tanks.

A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 5.3.14(C) of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.15. Other development.

- A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ~~division~~section or the *Florida Building Code*, shall:
- (1) Be located and constructed to minimize flood damage;
 - (2) Meet the limitations of Section 5.3.11(D) of this ~~division~~section if located in a regulated floodway;
 - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (4) Be constructed of flood damage-resistant materials; and
 - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.3.11(D) of this ~~division~~section.
- C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.3.11(D) of this ~~division~~section.
- D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.3.11(D) of this ~~division~~section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5.3.5(C)(3) of this ~~division~~section.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

LDC CODE UPDATE	
DATE:	February 21,2025
LDC SECTION:	Article 1, Division 2 Definitions Article 5, Division 3 Floodplain Management
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
<p>Background</p> <p>During recent talks with Florida Division of Emergency Management it was brought to our attention we needed to make changes to our Land Development Code to stay in compliance with our 7 rating for the CRS/NFIP program which allows our citizens of Marion County to obtain a 15% discount off their Flood Insurance Premiums.</p> <p><u>Changes to the LDC Article 1, Division 2 Definitions</u></p> <ol style="list-style-type: none"> 1. Changes to the text on some definitions will state the following sentence: <u>This definition is not for the purposes of floodplain management under Article 5, Division 3.</u> 2. Remove the following definitions, they are not required for NFIP compliance; <ul style="list-style-type: none"> • Floodplain Management • Floodplain Management Regulations • Program Deficiency 3. Changes need to be made for Structure and Market Value Definitions. 4. Two other minor edits for two other definitions. <p><u>Article 5, Division 3 Floodplain Management</u></p> <ol style="list-style-type: none"> 1. Changing the word section to <u>Division</u> throughout Article 5, along with changing the word ordinance to division for Sec.5.3.1, General (A). 2. 5.3.2 Applicability (E), adding in ordinance or regulation in..... 3. 5.3.11 (E) changing last sentence from Section 5.3.5 to “5.13.5 of the Land Development Code has been met”. 4. Sec.5.3.12 (E), changing <u>Elevation</u> as agreed by the LDRC panel to the following; “All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot.” 5. Removing 5.3.12 (F) and (G) 	

DIVISION 3. FLOODPLAIN MANAGEMENT¹

Sec. 5.3.1. General.

- A. Title. These regulations shall be known as the Floodplain Management Ordinance of Marion County, hereinafter referred to as "this division."
- B. Scope. The provisions of this division shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. Intent. The purposes of this division and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (5) Minimize damage to public and private facilities and utilities;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. Coordination with the *Florida Building Code*. This division is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- E. Warning. The degree of flood protection required by this division and the *Florida Building Code*, as amended by Marion County, is considered the minimum reasonable for regulatory purposes and is based on scientific

¹Editor's note(s)—Ord. No. 17-08, § 2(Exh. A, § 1), adopted April 11, 2017, amended Art. 5, Div. 3, in its entirety to read as herein set out. Former Art. 5, Div. 3, §§ 5.3.1—5.3.7, pertained to flood plain overlay zone (FPOZ), and derived from Ord. No. 13-20, § 2, adopted July 11, 2013.

and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This division does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this division.

- F. Disclaimer of Liability. This division shall not create liability on the part of the Board of County Commissioners of Marion County or by any officer or employee thereof for any flood damage that results from reliance on this division or any administrative decision lawfully made thereunder.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.2. Applicability.

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this division applies. This division shall apply to all flood hazard areas within the unincorporated areas of Marion County, as established in Section 5.3.2(C) of this division.
- C. Basis for establishing flood hazard areas. The Flood Insurance Study for Marion County, Florida and Incorporated Areas dated April 19, 2017, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this division and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Marion County Growth Services Department.
- D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 5.3.5 of this division the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this division and, as applicable, the requirements of the *Florida Building Code*.
 - (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- D. Other laws. The provisions of this division shall not be deemed to nullify any provisions of local, state or federal law.
- E. Abrogation and greater restrictions. This division supersedes any ordinance or regulation in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing sections including but not limited to land development regulations, zoning regulations, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this division and any other regulations, the more restrictive shall govern. This division shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this division.
- F. Interpretation. In the interpretation and application of this division, all provisions shall be:

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- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.3 Duties and powers of the floodplain administrator.

- A. Designation. The Growth Services Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this division. The Floodplain Administrator shall have the authority to render interpretations of this division consistent with the intent and purpose of this division and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this division without the granting of a variance pursuant to Section 5.3.7 of this division.
- C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 - (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this division;
 - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this division is demonstrated, or disapprove the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this division.
- D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the

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- proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this division is required.
- E. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 5.3.7 of this division.
- F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this division.
- G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 5.3.6 of this division for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:
- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 5.3.3(D) of this division;
 - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
 - (4) Review required design certifications and documentation of elevations specified by this division and the *Florida Building Code* to determine that such certifications and documentations are complete; and
 - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Marion County are modified.
- I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this division and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this division; notifications to adjacent

communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this division and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Marion County Growth Services Department.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.4. Permits.

- A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this division, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this division and all other applicable codes and regulations has been satisfied.
- B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this division for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this division:
 - (1) Railroads and ancillary facilities associated with the railroad.
 - (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 - (3) Temporary buildings or sheds used exclusively for construction purposes.
 - (4) Mobile or modular structures used as temporary offices.
 - (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 - (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

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- D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Marion County. The information provided shall:
- (1) Identify and describe the development to be covered by the permit or approval.
 - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (3) Indicate the use and occupancy for which the proposed development is intended.
 - (4) Be accompanied by a site plan or construction documents as specified in Section 5.3.5 of this division.
 - (5) State the valuation of the proposed work.
 - (6) Be signed by the applicant or the applicant's authorized agent.
 - (7) Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this division shall not be construed to be a permit for, or approval of, any violation of this division, the *Florida Building Codes*, or any other section of this Code. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this division or any other section, regulation or requirement of Marion County.
- H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- (1) The St. Johns River Water Management District or Southwest Florida Water Management District, as applicable; section 373.036, F.S.
 - (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - (4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (5) Federal permits and approvals.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.5. Site plans and construction documents.

- A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this division shall be drawn to scale and shall include, as applicable to the proposed development:
- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 5.3.5(B)(2) or (3) of this division.
 - (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 5.3.5(B)(1) of this division.
 - (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 - (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this division but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this division.

- B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 - (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 - (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 - (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format

required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

- C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 5.3.5(D) of this division and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 - (2) For development activities proposed to be located in a flood hazard area identified as Zone A, AE, AH or AO, including isolated flood hazard areas whether connected or not connected to a riverine flood hazard area, or in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation at any point within unincorporated Marion County outside of contiguously owned land by the applicant, and demonstrate compliance with Section 6.13.5.
 - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 5.3.5(D) of this division.
- D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.6. Inspections.

- A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this division and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this division and the conditions of issued floodplain development permits or approvals.

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- D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 5.3.5(B)(3)(b) of this division, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 5.3.6(D) of this division.
- F. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this division and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.7. Variances and appeals.

- A. General. The Marion County Development Review Committee shall hear and decide on requests for appeals and requests for variances from the strict application of this division. Pursuant to section 553.73(5), F.S., the Development Review Committee shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.
- B. Appeals. The Development Review Committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this division. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- C. Limitations on authority to grant variances. The Development Review Committee shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 5.3.7(G) of this division, the conditions of issuance set forth in Section 5.3.7(H) of this division, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Development Review Committee has the right to attach such conditions as it deems necessary to further the purposes and objectives of this division.
- D. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 5.3.5(C) of this division.
- E. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the

historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

- F. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this division, provided the variance meets the requirements of Section 5.3.7(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. Considerations for issuance of variances. In reviewing requests for variances, the Development Review Committee shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this division, and the following:
 - (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (4) The importance of the services provided by the proposed development to the community;
 - (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (6) The compatibility of the proposed development with existing and anticipated development;
 - (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances. Variances shall be issued only upon:
 - (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this division or the required elevation standards;
 - (2) Determination by the Development Review Committee that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and sections; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

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- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.8. Violations.

- A. Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this division that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this division, shall be deemed a violation of this division. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this division or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- B. Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this division and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.9. Buildings and structures.

- A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 5.3.4(C) of this division, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 5.3.15 of this division.
- B. Furthering noncompliance. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of Division 5.3 Floodplain Management or the *Florida Building Code*, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.10. Subdivisions.

- A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones A, AE, AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 5.3.5(B)(1) of this division; and
 - (3) Compliance with the site improvement and utilities requirements of Section 5.3.11 of this division.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.11. Site improvements, utilities and limitations.

- A. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones A, AE, AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 5.3.5(C)(1) of this division

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demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

- E. Limitations on placement of fill. Subject to the limitations of this division, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*. For all placement of fill, demonstration that the compensating storage or other hydraulic characteristics requirement of Section 6.13.5 of the Land Development Code has been met.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.12. Manufactured homes.

- A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this division.
- B. Limitations on installation in floodways. New installations of manufactured homes shall not be permitted in floodways.
- C. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this division. Foundations for manufactured homes subject to Section 5.3.12(G) of this division are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- D. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- E. Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one foot.
- F. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.
- G. Utility equipment. Elevation of the Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the required one foot above the base flood elevation.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.13. Recreational vehicles and park trailers.

- A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (1) Be on the site for fewer than 180 consecutive days; or
 - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

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- B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 5.3.13(A) of this division for temporary placement shall meet the requirements of Section 5.3.12 for manufactured homes.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.14. Tanks.

- A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 5.3.14(C) of this division shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)

Sec. 5.3.15. Other development.

- A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this division or the *Florida Building Code*, shall:
- (1) Be located and constructed to minimize flood damage;
 - (2) Meet the limitations of Section 5.3.11(D) of this division if located in a regulated floodway;
 - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (4) Be constructed of flood damage-resistant materials; and
 - (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.3.11(D) of this division.

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- C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.3.11(D) of this division.
 - D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.3.11(D) of this division. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5.3.5(C)(3) of this division.

(Ord. No. 17-08, § 2, (Exh. A, § 1), 4-11-2017)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, DIVISION 2, DEFINITIONS; AMENDING ARTICLE 5, DIVISION 3, FLOODPLAIN MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or

d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **20th day of June 2025**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, DIVISION 2, DEFINITIONS; AND ARTICLE 5, DIVISION 3, FLOODPLAIN MANAGEMENT TO ENSURE COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM NFIP TO BETTER SERVICE THE WELFARE OF THE COMMUNITY AND TO HELP PROVIDE DISCOUNTS TO CITIZENS WHO ARE INSURED THROUGH NFIP FLOOD INSURANCE PROGRAMS.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; **There are no new direct compliance costs that businesses may reasonably incur with the proposed changes.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; **There are no new fees imposed.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed language updates the floodplain management language within the Land Development Code (LDC) to remain in compliance with the National Flood Insurance Program for purposes of preserving Marion County's Community Ratings System (CRS) and potentially allow Marion County to improve the CRS score in the near future.**

ORDINANCE 25 – __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, DIVISION 2, DEFINITIONS; AMENDING ARTICLE 5, DIVISION 3, FLOODPLAIN MANAGEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on May 21, 2025; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on June 4, 2025, and July 1, 2025;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 1, Division 2, Definitions and Article 5, Division 3, Floodplain Management of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 1st day of July, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY