

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

August 22, 2025

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

Via Email

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

Dear Messrs. Minter and Varadin and Ms. Straub:

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 As you know, we have had numerous meetings regarding an outdated portion of the sign code.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

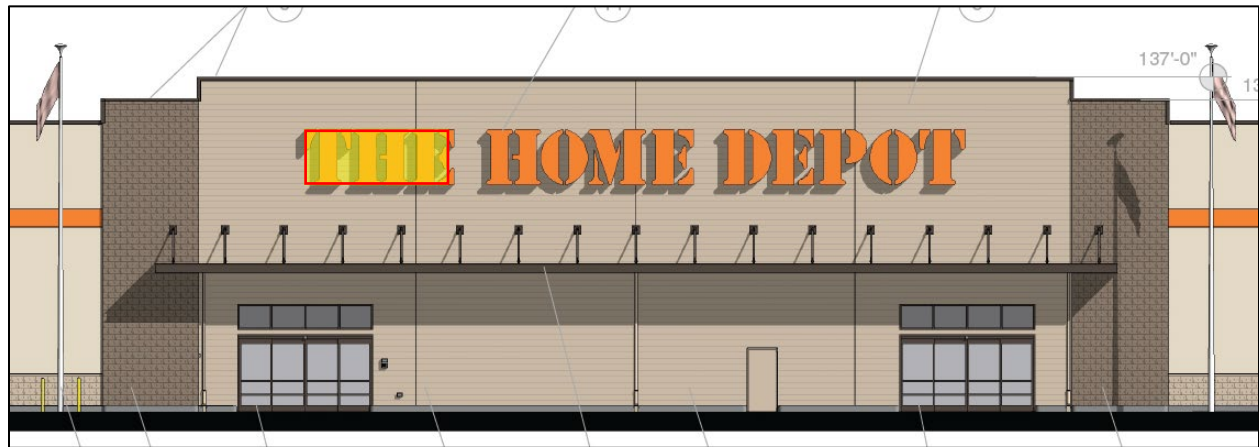
CURRENT SITUATION

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

(c) Wall Signage:

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

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



This architectural elevation drawing shows the exterior of a Home Depot store. The building features a prominent orange and white color scheme. The 'HOME DEPOT' logo is clearly visible on the central section. The drawing is annotated with numerous callout numbers (circled) pointing to various architectural elements such as windows, doors, rooflines, and structural details, intended for material takeoff purposes.

Architectural elevation rendering of a Target store facade. The rendering includes technical specifications for signage and materials, connected to the corresponding elements in the elevation by lines.

- Top Left Signage:**
 - 9'-0" H x 9' - 0" W (83.62 sf), Internal illuminated sign
 - 23 sq" H x 18" - 3 sq" W (36.62 sf), Internal illuminated sign
- Top Center Signage:**
 - 1'-7 sq" H x 10' - 11 sq" W (18.03 sf), Internal illuminated sign
- Top Right Signage:**
 - 2'-0" H x 2'-0" W, Internal illuminated sign, behind glass, not included in aggregate building signage
 - 11'-1 sq" H x 40' - 5 sq" W (360.79 sf), Internal illuminated sign (95.03 bayside sf + 265.76 "target" sf)
- Materials and Systems:**
 - Tilt-up/Precast with formline/ossalis, paint light gray
 - Tilt-up/Precast with texture paint, paint light gray
 - Alum. storefront system
 - Tilt-up/Precast with texture paint, paint brand color
 - Alum. storefront system, firm up @ 10ft
- Bottom Right Signage:**
 - 8'-1" H x 14'-6 sq" W (61.41 sf), Internal illuminated sign (19.64 logo sf + 41.77 "drive up" + arrow sf)

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

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

PROPOSED AMENDMENT

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

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

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

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

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

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

(c) Wall Signage:

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

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

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

CHANGES IN THE RETAIL INDUSTRY

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

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

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

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

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

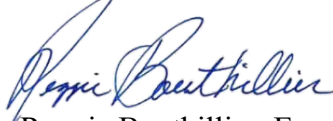
Additionally, big box retailers commonly use consistent branding across all of its stores, which is essential for wayfinding and brand continuity. The County should accommodate big box retailers through sensible signage codes because each new big box retailer creates hundreds of permanent jobs, demonstrating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

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

Cordially,



Reggie Bouthillier, Esq.

Jessica Icerman, Esq.

Ken Metcalf, AICP

Enclosures

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

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

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Tamara Fleischhaker

Ocala Metro Chamber & Economic Partnership (CEP)

Drew Jones

Vanessa Butwell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **DECENTRALIZED SYSTEM.** A water withdrawal, treatment, and distribution system (including fire hydrants) or
39 wastewater collection, treatment and dispersal system that is designed to serve the needs of a single residential
40 development project or non-residential development project. Decentralized systems are, further: (1) usually located
41 within the boundaries of the development project; (2) not typically owned, operated, and maintained by Marion

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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.

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

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

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

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

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

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

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

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

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

18 (2) That is both:

19 a. Licensed, at all times, as a "medical marijuana treatment center" pursuant to Section 381.986, FS
20 (2017); and

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

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

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

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

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

31 **DUE PUBLIC NOTICE.** Publication of notice of the date, time, and place of a required public hearing; the title
32 or titles of proposed ordinances, and the place within the County where such proposed ordinances may be inspected
33 by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with
34 respect to the proposed ordinance. Publication of notice shall be given at least ten days prior to said public hearing
35 in a newspaper of general circulation in the County. Due public notice for public hearings of the Planning and Zoning
36 Commission and the Board for land use permits shall include mailed written notice to all owners of property, within
37 300 feet of the boundaries of the property subject to the land use change, whose address is known by reference to
38 the latest ad valorem tax records and to all parties of interest who timely request such notice in writing to the Growth
39 Services Director or designee. The mailed notice shall include a brief explanation of the land use permit request and
40 a location map identifying the property under consideration and shall notify the person of the time, date and location

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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 pouring of concrete pads) is completed before January 19, 1983.

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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).

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.]

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

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

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

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

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

13 **FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL.** An official document, certificate or development order
14 issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific
15 development activities that are located in flood hazard areas and that are determined to be compliant with Article
16 5, Division 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 **HEIGHT OF BUILDING.** The vertical distance from the established grade at the center of the front of the building
2 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
3 for gable, hip, and gambrel roofs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) **LETTER OF MAP AMENDMENT (LOMA):** An amendment based on technical data showing that a property
25 was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective
26 Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is
27 not located in a special flood hazard area.

28 (2) **LETTER OF MAP REVISION (LOMR):** A revision based on technical data that may show changes to flood
29 zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other
30 planimetric features.

31 (3) **LETTER OF MAP REVISION BASED ON FILL (LOMR-F):** A determination that a structure or parcel of land
32 has been elevated by fill above the base flood elevation and is, therefore, no longer located within the
33 special flood hazard area. In order to qualify for this determination, the fill must have been permitted
34 and placed in accordance with the community's floodplain management regulations.

35 (4) **CONDITIONAL LETTER OF MAP REVISION (CLOMR):** A formal review and comment as to whether a
36 proposed flood protection project or other project complies with the minimum NFIP requirements for
37 such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the
38 effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified
39 as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

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

9 (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

10 (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

11 (3) Available with special features enabling off-street or off-highway operation and use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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:

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

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1 a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of
2 concrete pads) is completed on or after January 19, 1983.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 **PARCEL OF RECORD.** A designated parcel, tract, or area of land established by plat, metes and bounds
39 description, or otherwise permitted by law, to be used, developed or built upon as a unit, which complies with the

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1 applicable building codes and zoning regulations, and which existed on or before January 1, 1992, and under one
2 ownership as of August 11, 1993.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **RECEIVING AREA.** Lands designated by one or more of Marion County's Transfer of Rights Programs (TRPs) as
4 eligible to receive Transferrable Credits (TDCs) for use in adding residential dwelling units in conjunction with or in
5 addition to other permitted development activity on the designated lands wherein the lands are depicted on Marion
6 County Comprehensive Plan Future Land Use map Series Map 1, *Marion County 2035 Future Land Use Map*, or Map
7 13, *Transfer of Rights*.

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

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

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

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

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

19 (1) Built on a single chassis;

20 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

21 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

22 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational,
23 camping, travel, or seasonal use.

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

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

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

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

36 **REMEDY A DEFICIENCY OR VIOLATION.** As it relates to the flood plain overlay zone, to bring the regulation,
37 procedure, structure or other development into compliance with State of Florida, Federal or local flood plain
38 management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts
39 may be reduced include protecting the structure or other affected development from flood damages, implementing

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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.

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

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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.

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

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.

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

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

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

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

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

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

20 A. Less than completely and opaquely covered:

21 (1) Human genitals;

22 (2) Pubic region;

23 (3) Buttock; or

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

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

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

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

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

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

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

33 **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements, provided
34 the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit issuance. The
35 actual start means the first placement of permanent construction of a building (including a manufactured home) on
36 a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the
37 stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not
38 include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or
39 walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary

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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.

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.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **VARIANCE.** As it relates to the zoning requirements of this Code, a grant of relief to a particular property owner
11 because of the practical difficulties or unnecessary hardship that would be imposed by the strict application of that
12 zoning provision of the Code. For floodplain management purposes, a grant of relief from the requirements of Article
13 5, Division 3, or the flood resistant construction requirements of the Florida Building Code, which permits
14 construction in a manner that would not otherwise be permitted by Article 5, Division 3 or the Florida Building Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (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.
30 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-
31 2018; Ord. No. 23-09, § 1(Att. 1), 4-13-2023)