

ARTICLE 1 - GENERAL PROVISIONS

CHAPTER 1-10

GENERAL PROVISIONS: INTENT

Sections:

- 1-10.1 Title and Purpose**
- 1-10.2 Organization**

Section 1-10.1 Title and Purpose. Article 1 of the Land Development Regulations is entitled General Provisions. The purpose of this article is to specify the title, purpose, basic structure, and applicability of the Land Development Regulations, and require conformity thereto.

Section 1-10.2 Organization. Article 1 consists of the following chapters:

- (a) 1-10 General Provisions: Intent
- (b) 1-20 General
- (c) 1-30 Definitions
- (d) 1-40 Interpretation of Boundaries

CHAPTER 1-20

GENERAL

Sections:

1-20.1	Purpose
1-20.2	Title
1-20.3	Purpose of Land Development Regulations
1-20.4	Applicability
1-20.5	Relationship to Comprehensive Plan
1-20.6	Regulatory Map
1-20.7	Interpretations
1-20.8	Moving Buildings
1-20.9	Visitor Access
1-20.10	Severability

Section 1-20.1 Purpose. The purpose of this chapter, Chapter 1-20, General, is to provide background, introductory, and general information on the Reedy Creek Improvement District Land Development Regulations. This chapter implements Section 163.3202 F.S.

Section 1-20.2 Title. The ordinance codified in Articles 1 through 7 shall be known and cited as the Reedy Creek Improvement District Land Development Regulations, the RCID Land Development Regulations, or the Land Development Regulations.

Section 1-20.3 Purpose of Land Development Regulations. The purpose of the RCID Land Development Regulations shall be to serve the public health, safety, and general welfare of the people who reside, work, or visit the District; implement the RCID Comprehensive Plan; and achieve the following objectives:

- (a) To encourage the most appropriate use of land and the harmonious relationship among land uses;
- (b) To facilitate appropriate and innovative tourist-related recreational development;
- (c) To encourage mixed-use development in order to produce exciting pedestrian-oriented, energy-efficient clusters of activity;
- (d) To promote a safe and efficient transportation system;
- (e) To ensure the provision of adequate infrastructure; and
- (f) To ensure the conservation and protection of natural resources.

Section 1-20.4 Applicability. The RCID Land Development Regulations shall apply to development within the jurisdiction of the Reedy Creek Improvement District, the City of Bay Lake, and the City of Lake Buena Vista. All development shall conform to the RCID Land Development Regulations. None of the provisions of the RCID Land Development Regulations (nor any developer agreements or permits executed or granted pursuant to such Land Development Regulations) are intended nor shall they be construed to add to, enlarge upon or diminish the rights and interests (if any) that third parties may have arising from existing written agreements binding upon or to which RCID is subject.

Section 1-20.5 Relationship to Comprehensive Plan. The intent of the RCID Land Development Regulations is to be consistent with the goals, objectives, and policies of the RCID Comprehensive Plan.

All development shall be consistent with the RCID Comprehensive Plan as well as with the RCID Land Development Regulations. In case of conflict between the RCID Comprehensive Plan and the RCID Land Development Regulations, the plan shall prevail.

Section 1-20.6 Regulatory Map. The map that shows the land use categories used for regulatory purposes in these Land Development Regulations shall be the Future Land Use Map in the Comprehensive Plan.

Section 1-20.7 Interpretations. Unless otherwise provided, any ambiguity concerning the content or application of the RCID Land Development Regulations shall be resolved by the District Administrator, subject to an appeal pursuant to Chapter 6-70, Review and Appeals.

Section 1-20.8 Moving Buildings. A building permit and a moving permit shall be required before any building or structure is moved within the District. All buildings and structures moved within the District shall comply with all applicable regulations for the land use designation in which the building or structure is to be located.

Section 1-20.9 Visitor Access. New development adjacent to Bay Lake, Seven Seas Lagoon, Little Lake Bryan, Reedy Lake, Lake Mable, South Lake, Village Lake, Lake Buena Vista, and Reedy Creek shall make provisions for visitor access to shoreline areas comparable to access that has been made at existing development on the shores of these water bodies.

Section 1-20.10 Severability. If any chapter, section, subsection, sentence, clause, or phrase of the RCID Land Development Regulations is held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of the RCID Land Development Regulations.

CHAPTER 1-30

DEFINITIONS

Sections:

1-30.1	Purpose
1-30.2	Applicability
1-30.3	Rules of Construction
1-30.4	Use Classifications
1-30.5	Definition of Terms

Section 1-30.1 Purpose. The purpose of this chapter, Chapter 1-30, Definitions, is to promote consistency and precision in the interpretation of the RCID Land Development Regulations. This chapter implements Section 163.3202 F.S.

Section 1-30.2 Applicability. The meaning and construction of words and phrases as set forth herein shall apply throughout the Land Development Regulations except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the EPCOT Building Code shall be applicable except when in conflict with definitions contained in the Land Development Regulations, in which case the Land Development Regulations shall control. Additional definitions which apply only within one article or chapter may be contained within that article or chapter.

Section 1-30.3 Rules of Construction. The following general rules of construction shall apply to the textual provisions of the Land Development Regulations:

- (a) **Chapter and Section References.** "Chapter" means a chapter of the ordinance codified in these Land Development Regulations unless some other ordinance is specially mentioned. "Section" means a section of the ordinance codified in these regulations unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some section is specifically mentioned.
- (b) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of these regulations.
- (c) **Illustrations.** In case of any differences of meaning or implication between the text of any section or chapter and any illustration, the text shall control.
- (d) **Gender.** The masculine gender includes the feminine and neuter.
- (e) **Number.** The singular number includes the plural, and the plural the singular.
- (f) **Tense.** The present tense includes the past and future tenses, and the future tense includes the present tense.
- (g) **Shall and May.** "Shall" is mandatory, and "may" is permissive.
- (h) **Statutory References.** Whenever references are made to any portion of the ordinance codified in these regulations, any other ordinance of the RCID, or any law of this state or federal government, the reference applies to all applicable amendments and additions now or hereafter made.

Section 1-30.4 Use Classifications. Uses are described in the Use Classification System in Chapter 2-30.

Section 1-30.5 Definition of Terms. Unless otherwise specified, the following definitions shall be applicable throughout the Land Development Regulations:

- (a) AASHTO. AASHTO means the American Association of State Highway and Transportation Officials.
- (b) Accessory Building. See Epcot Building Code for definition.
- (c) Accessory Use. An accessory use is a use of land customarily incidental and subordinated to the principal use of the land on the same project site.
- (d) Acute Toxicity. Acute toxicity means the presence of one or more substances or characteristics or components of substances in amounts which:
 - (1) are greater than one-third ($\frac{1}{3}$) of the amount lethal to fifty (50) percent of the test organisms in 96 hours (96 hr LC50) where the 96 hr LC50 is the lowest value which has been determined for a species significant to the indigenous aquatic community; or
 - (2) may reasonably be expected, based upon evaluation by generally accepted scientific methods, to produce effects equal to those of the concentration of the substance specified in (1) above.
- (e) Adjusted Gross Income. Adjusted gross income means all wages, assets, regular cash, or noncash contributions from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code.
- (f) Adult Congregate Living Facility. See "Group Home."
- (g) Adverse Impact. Adverse impact means any direct or indirect action likely to cause or actually causing a measurable decline in the stability, function, or diversity of a natural resource system.
- (h) Affordable Housing. Affordable housing is housing which costs the household thirty (30) percent or less of the Metropolitan Orlando Area median income. Housing costs for owner-occupied housing include principal and interest, utilities, property taxes, house insurance, and mandatory association dues. Housing costs for rental housing include rent and utilities.
- (i) Aquifer. An aquifer means an underground, water-bearing layer of earth, porous rock, sand, or gravel through which water can seep or be held in natural storage. Aquifers generally hold water in quantities sufficient to be used as a water supply.
- (j) Area of Disturbance. Area of disturbance means the area within which soil or vegetation is disturbed or material deposited on land, in conjunction with a development. Area of disturbance is often also known as the "construction area" or "limits of construction."
- (k) Board of Supervisors. Board of Supervisors means the RCID Board of Supervisors. References to procedural actions to be taken by the Board of Supervisors also include actions by the City Council of Bay Lake and/or City Council of Lake Buena Vista, as appropriate.

- (l) Berm. A berm is a mound or embankment of earth.
- (m) Borrow Pit. A borrow pit is an excavated area where material has been dug for use as fill at another location.
- (n) Buffer. A buffer is a specially designed protective boundary between a land use, development, or activity and another land use, development, or activity, where the boundary, according to appropriate data and analysis, is of sufficient size and composition to provide the stated level of protection to the protected use, development, or activity.
- (o) Building. See EPCOT Building Code for definition.
- (p) Building, Accessory. See "Accessory Building."
- (q) Building, Main. See "Main Building."
- (r) Community Park. A community park is a park located near major roadways, and designed to serve the needs of more than one neighborhood.
- (s) Community Residential Home. A community residential home is a dwelling unit licensed to serve clients of the Department of Health and Rehabilitation Services, which provides a living environment for unrelated residents who operate as the functional equivalent of a family, and includes such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.
- (t) Compensation Point for Photosynthetic Activity. Compensation point for photosynthetic activity means the depth at which one (1) percent of the light intensity at the surface remains unabsorbed. The light intensities at the surface and subsurface shall be measured simultaneously by irradiance meters such as the Kahlsico Underwater Irradiometer, Model No. 268 WA 310 or other devices having a comparable spectral response.
- (u) Comprehensive Plan. Comprehensive Plan is the Reedy Creek Improvement District Comprehensive Plan developed pursuant to the Local Government Comprehensive Planning and Development Regulation Act, as amended, unless otherwise clearly indicated.
- (v) Concurrency Management System. Concurrency management system means the procedures that the RCID will use to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.
- (w) Cone of Influence. Cone of influence is the area surrounding a well pumping water for human consumption that encompasses all area or features that supply groundwater recharge to the well.
- (x) DCA. DCA means the Florida Department of Community Affairs.
- (y) Day. A day is a calendar day, unless a working day is indicated.
- (aa) Detention. Detention is a delay of stormwater flow for a limited period of time to reduce flooding, improve water quality, and to prevent erosion.

- (ab) Development. Development is the carrying out of any building activity or mining operation or the making of any material change in the use of land. Development includes a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number or size of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal; commencement of drilling (except to obtain soil samples), mining, or excavation; clearing of land as an adjunct of construction; and deposit of refuse, solid or liquid waste, or fill on land.
- (ac) Development Parcel. A development parcel is an identified portion of the District that has been or will be developed as an integrated unit.
- (ad) District. District is the Reedy Creek Improvement District, unless otherwise clearly indicated.
- (ae) District Administrator. District Administrator is the RCID Administrator or his or her designee, unless otherwise indicated.
- (af) Drought Tolerant Species. Drought tolerant species are those plant species which do not require consistent water treatment greater than the average.
- (ag) EPA. EPA means the U.S. Environmental Protection Agency.
- (ah) Encroachment. Encroachment means the protrusion of a vehicle into a vehicular access way, pedestrian way, or landscaped area. Encroachment may also mean the protrusion of development into a protected area.
- (ai) Erosion. Erosion is the wearing away and transportation of earth material as a result of the movement of wind, water, or ice.
- (aj) FDEP. FDEP means the Florida Department of Environmental Protection.
- (ak) FDOT. FDOT means the Florida Department of Transportation.
- (al) F.A.C. F.A.C. means the Florida Administrative Code.
- (am) F.S. F.S. means the Florida Statutes.
- (an) Fence. A fence is a wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating units of land. The term "fence" does not include retaining walls, but does not include fence gates and gateposts.
- (ao) Floodplain. A floodplain is an area inundated during a 100-year 3-day storm event as defined by the RCID Master Drainage Plan.
- (ap) Foster Care Facility. A foster care facility is a facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents, and serves either children or adult foster residents.
- (aq) Functional Residents. Functional residents are permanent residents of, day visitors to, and overnight guests within the Reedy Creek Improvement District.
- (ar) Functions. Functions are the beneficial roles wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and

discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game, and non-game birds, mammals, and other living resources; protection of habitat for rare, threatened, and endangered species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

- (as) Group Home. Group home is a facility which provides a living environment for unrelated residents who operate as a functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. Adult congregate living facilities comparable in size to group homes are included in this definition. Group homes shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.
- (at) Guest. Guests are tourist residents who stay overnight within the District at least one day but less than six months and day visitors who visit but do not stay overnight within the District.
- (au) Hazardous Waste. Hazardous Waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under Chapter 470 F.S.
- (av) Hedge. A hedge is a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.
- (aw) Impervious Surface. Impervious surface is a surface through which water cannot penetrate, such as a roof, road, sidewalk, paved parking lot, or plaza.
- (ax) Infill Projects. Infill projects means projects which are an integral part of a larger development project and whose traffic, water, sanitary sewer, solid waste, drainage, and parks and recreation impacts were adequately addressed in the approved plans for the larger development project.
- (ay) In-kind. In-kind means the restoration or creation of a wetland with vegetation and other characteristics closely approximating those of a specified wetland.
- (az) LOS. See "Level of Service."
- (ba) Landscaped Buffer. A landscaped buffer is an area of landscaping separating two distinct land uses or public rights-of-way that acts to soften or mitigate the effects of one land use on the other.
- (bb) Landscaping. Landscaping means an area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, shrubs, flowers, vines, and trees. In addition, landscaping may include, but is not limited to, other complementary decorative features such as rocks, fountains, sculpture, decorative walls, and tree wells.
- (bc) Level of Service. Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility.

- (bd) Level of Service Standard. Level of service standards means the adopted minimum level of service that is allowable for the various infrastructure facilities.
- (be) MUTCD. MUTCD means the Manual of Uniform Traffic Control Devices.
- (bf) Man-induced Conditions which Cannot be Controlled or Abated. Man-induced conditions which cannot be controlled or abated means pollution conditions that have been influenced by human activities, and:
- (1) would remain after removal of all point sources;
 - (2) would remain after imposition of best management practices for non-point sources; and
 - (3) cannot be restored or abated by physical alteration of the water body, or there is no reasonable relationship between the economic, social, and environmental costs and the benefits of restoration or physical alteration.
- (bg) Main Building. A main building is the building or one of the buildings housing a principal use on the same project site.
- (bh) Maintenance Program. A maintenance program is a program for regular upkeep in order to assure that the goals of an approved plan or design will be met.
- (bi) Manufactured Home. A manufactured home is a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width; which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; and which was fabricated after June 15, 1976.
- (bj) Mixing Zone. See "Zone of Mixing."
- (bk) Mobile Home. A mobile home is a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, and which is built on a metal frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. Structures fabricated after June 15, 1976, shall be deemed to be and are referred to as "manufactured homes."
- (bl) NPDES Permit. A NPDES permit is a National Pollutant Discharge Elimination System Permit as defined by the Federal Clean Water Act.
- (bm) N/A. N/A means not applicable.
- (bn) Native Plants. Native plants are plants that grow naturally in Florida and have adapted to the climate, soil, location, and rainfall patterns of their area.
- (bo) Natural Background. Natural background means the condition of waters in the absence of man-induced alterations based on the best scientific information available to the District. The establishment of natural background for an altered water body may be based upon a similar unaltered water body or on historical pre-alteration data.

- (bp) Natural Drainage Features. Natural drainage features are the naturally occurring features of an area which accommodate the flow of stormwater such as streams, rivers, lakes, wetlands, sloughs, and floodplains.
- (bq) Natural Drainage Flow. Natural drainage flow means the pattern of surface and stormwater drainage through or from a particular site before the construction or installation of improvements or prior to regrading.
- (br) Natural Groundwater Aquifer Recharge Areas. Natural groundwater aquifer recharge areas are areas receiving significant volumes of water which add to the storage of an aquifer through vertical flow.
- (bs) Natural Resources. Natural resources are the physical, biological, and chemical components of our environment supplied by nature.
- (bt) Neighborhood Park. A neighborhood park is a park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.
- (bu) Nonconforming Use. A nonconforming use is a use existing on November 15, 1991, that was allowed under the previous plan and regulations but is not allowed by the Future Land Use map of the current Comprehensive Plan.
- (bv) Nonpoint Source Pollution. Nonpoint source pollution is any pollution that is not point source pollution.
- (bw) Open Space. Open space means (1) all areas that are designated for “Resource Management/Recreation” (RM/R) uses on the Future Land Use Map of the Comprehensive Plan; (2) lakes and waterways; (3) golf course fairways; (4) all areas designated as such on Figure 7-1 of the Comprehensive Plan; and (5) all areas outside the Wildlife Management Conservation Area (WMCA) that are designated for Conservation uses on the Future Land Use Map. Open space does not include large landscaped areas – rapid infiltration basins, sports fields, turf areas, buffers – within development parcels used for hotels and attractions.
- (bx) Off-site. Off-site means a location on a project site other than that where a specific action is proposed.
- (by) On-site. On-site means a location on the same project site where a specific action is proposed.
- (bz) Organic Mulch. Organic mulch means a material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures, and slow erosion. Organic mulches typically include shredded or chipped melaleuca, eucalyptus, pine straw, various hardwoods, and oak leaves.
- (ca) Out-of-kind. Out-of-kind means the restoration or creation of a wetland with vegetation or other characteristics not resembling a specified wetland.
- (cb) Parking Area. Parking area means an open area, excluding a street or other public right-of-way, used for parking of vehicles available to the public, whether for free or for compensation.
- (cc) Plan. Plan means the RCID Comprehensive Plan, unless otherwise clearly indicated.

- (cd) Point Source Pollution. Point source pollution means any pollution resulting from a pollutant discharged from any source that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft. This term does not include return flows from irrigated agriculture.
- (ce) Pollution. Pollution means the presence in the outdoor atmosphere or waters of the District of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.
- (cf) Potable Water Facilities. Potable water facilities are a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.
- (cg) Prime Aquifer Recharge Areas. Prime aquifer recharge areas are those areas designated by the SFWMD as having high aquifer recharge potential.
- (ch) Principal Use. A principal use is the primary or predominant use of any project site, building, or structure.
- (ci) Project. See "Development."
- (cj) Project Site. Project site is that area within which anything is disturbed in preparation for or during construction of a development, except those areas which are disturbed only for the purpose of connecting the development to an underground utility line.
- (ck) Propagation. Propagation means reproduction sufficient to maintain a species' role in its respective ecological community.
- (cl) Public Access. Public access is a means by which a guest may physically reach, enter, or use recreation sites including beaches and shores.
- (cm) Public Road. Public Road is a road that is connected on both ends to a publicly owned facility or to another public road, and is defined by a right-of-way dedicated to public use.
- (cn) RCES. RCES means Reedy Creek Energy Services, Inc.
- (co) RCID. RCID means the Reedy Creek Improvement District.
- (cp) Restoration. Restoration means a human activity that returns a wetland or former wetland from a disturbed or altered condition to a previous condition with greater wetland acreage or functions.
- (cq) Retention. Retention means the prevention of storm runoff from direct discharge into receiving waters. Examples are systems which discharge through percolation, exfiltration, and evaporation systems.
- (cr) SFWMD. SFWMD means the South Florida Water Management District.
- (cs) Screening Device. A screening device is the combination or individual use of a fence, wall, or dense landscaping to physically and visually separate one area from another area.

- (ct) Shrubs. Shrubs are a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.
- (cu) Site Plan. A site plan is a plan for a project site, showing the existing and proposed conditions of the site.
- (cv) Solid Waste. Solid waste is sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (cw) Special Residential Use. A special residential use is a residential care facility such as a nursing home, convalescent home, adult congregate living facility, group home, foster care facility, or community residential home.
- (cx) State. State is the State of Florida.
- (cy) Structure. A structure is a combination of materials constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- (cz) Subdivision. A subdivision is the division of land into two (2) or more legal lots for the purpose of sale of the lots.
- (da) Surface Runoff. Surface runoff is water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.
- (db) Surface Water. Surface water means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.
- (dc) Theme Park. See description of "Recreation: Theme Park" in Chapter 2-30.
- (dd) Topography. Topography means the configuration of a surface, including its relief and the position of natural and man-made features.
- (de) Topsoil. Topsoil means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon."
- (df) Travel Trailer. Travel trailer means a vehicular portable unit that is mounted on wheels; of such a size or weight as not to require special highway movement permits; primarily designed to provide temporary living quarters for recreational, camping, or travel use; and not more than eight and one-half (8 1/2) feet in width and forty (40) feet in length.
- (dg) Use. Use is the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.
- (dh) Variance. A variance is an authorization to depart from the literal requirements of these Land Development Regulations in situations where strict enforcement would cause undue hardship.
- (di) WTRM. Water treatment management area.

- (dj) Waters. Waters are as defined in Section 403.03(3) Florida Statutes.
- (dk) Wellfield Protection Area. Wellfield protection area is an area designated by local government to protect the groundwater source for a well providing water intended for human consumption for a community water system and includes the surface and subsurface area surrounding a potable water wellfield where contaminants have historically degraded or are likely to degrade the quality of the water supply below groundwater standards established by the Florida Department of Environmental Regulation. The wellhead protection area may include all or part of the zone of contribution. Wellhead protection areas shall be delineated using such methods as reasonable or calculated fixed radius, simplified variable shapes, analytical methods, hydrogeological mapping, numerical flow or transport models or other professionally accepted methodologies.
- (dl) Wetland. A wetland is that area periodically inundated or saturated by surface or groundwater, that may be subject to the jurisdiction of the South Florida Water Management District.
- (dm) Wetland Buffer. Wetland buffer means an upland area landward of a wetland in which land clearing and water draw-down activities are limited in order to protect the water quality, water quantity, and wildlife habitat values of the wetland.
- (dn) Year. Year is a calendar year, unless otherwise indicated.
- (do) Zone of Mixing. Zone of mixing means a volume of surface water containing the point or area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters has been afforded. For construction related activities, this zone will be contained wholly within the construction site.

CHAPTER 1-40

INTERPRETATION OF BOUNDARIES

Sections:

1-40.1	Purpose
1-40.2	Rules of Interpretation
1-40.3	Final Determination

Section 1-40.1 Purpose. The purpose of this chapter, Chapter 1-40, Interpretation of Boundaries, is to provide guidance where the boundaries of the land use categories as shown in the Future Land Use Map of the Comprehensive Plan are not defined in sufficient detail. This chapter implements Section 163.3202 F.S.

Section 1-40.2 Rules of Interpretation. When uncertainty exists on the exact location of a land use category boundary, the following rules shall apply in the order listed:

- (a) Boundaries shown as following or approximately following any street shall be construed as following the right of way of the street or, if a right of way has not been established, the centerline of the street; and
- (b) Boundaries shown as following or approximately following natural features shall be construed as following such features.

Section 1-40.3 Final Determination. When the application of the rules in Section 1-40.2, Rules of Interpretation, do not resolve boundary interpretation issues, the District Administrator shall make the final determination based on the features of the Future Land Use Map of the Comprehensive Plan.