

**1.02.17 Mobile Homes - Chapter 7 (Wekiva)**

A mobile home may replace a legally existing mobile home ~~as of on~~ a lot between January 1, 1990 and March 12, 1990, if the replacement mobile home meets HUD certifications (built in compliance with the Federal Manufactured Housing Construction and Safety Standards). The replacement mobile home shall not be required to meet the existing setback requirements, unless there is a threat to health and safety, as determined by the County Manager or designee. A certificate of occupancy for the replacement mobile home must be obtained within two (2) years from the date that the legally existing mobile home is removed from the lot. The intent of this Subsection is to allow a building permit to be issued for a replacement mobile home without having to obtain a variance from the requirements in Chapter 3. Example One - a legally existing single wide mobile home may be replaced by a new single wide mobile home, but not by a double wide mobile home. Example Two - a legally existing double wide mobile home may be replaced by a new single or double wide mobile home.

**1.02.18 Mobile Homes - Except Chapter 7 (Wekiva)**

A mobile home may replace a legally existing mobile home ~~as of on~~ a lot between January 1, 1991 and July 15, 1991, if the replacement mobile home meets HUD certifications (built in compliance with the Federal Manufactured Housing Construction and Safety Standards). The replacement mobile home shall not be required to meet the existing setback requirements, unless there is a threat to health and safety, as determined by the County Manager or designee. A certificate of occupancy for the replacement mobile home must be obtained within two (2) years from the date that the legally existing mobile home is removed from the lot. The intent of this Subsection is to allow a building permit to be issued for a replacement mobile home without having to obtain a variance from the requirements in Chapter 3. Example One - a legally existing single wide mobile home may be replaced by a new single wide mobile home, but not by a double wide mobile home. Example Two - a legally existing double wide mobile home may be replaced by a new single or double wide mobile home.



1     **Access Road.**

2     A public road, one way or two way, which is auxiliary to and normally located parallel to a roadway  
3     for the purpose of maintaining local road continuity and controlling access to parcels adjacent to the  
4     fronting roadway. Abutting properties connect to the access road which connects with the roadway  
5     at specified intervals.

6     **Access-way.**

7     A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way  
8     to an off street parking area or loading area.

9     **Accident potential hazard area.**

10    An area within five thousand (5,000) feet of the approach or departure end of a runway or in  
11    proximity to an airport which air craft may maneuver after takeoff or before landing and are subject  
12    to the greatest potential to crash into a structure or the ground.

13    **Addition (to an existing building).**

14    Any walled and roofed expansion to the perimeter of a building in which the addition is connected  
15    by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is  
16    connected by a fire wall or is separated by independent perimeter load-bearing walls is new  
17    construction.

18    **ADT.**

19    Average Daily Traffic. The average number of vehicles passing a specified point in both directions  
20    during a twenty-four (24) hour period.

21    **Adult book store.**

22    An establishment having as a substantial or significant portion (over 25%) of its stock in trade,  
23    books, magazines, and other periodicals which are distinguished or characterized by their emphasis  
24    on matter depicting, describing or related to specified sexual activities or specified anatomical areas,  
25    or an establishment with a segment or section devoted to the sale or display of such material.

26    **Adult entertainment facility.**

27    Any adult bookstore, adult dancing establishment or adult motion picture theater or any  
28    "Commercial Physical Contact Establishment" as subsequently defined.

1     **Adult motel.**

2     A motel wherein materials presented which is distinguished or characterized by an emphasis on  
3     depicting or describing specified sexual activities or specified anatomical areas.

4     **Adult motion picture theater.**

5     An enclosed building or drive-in theater used for presenting material distinguished or characterized  
6     by an emphasis on matter depicting, describing or relating to specified sexual activities or specified  
7     anatomical areas, for observation by patrons therein.

8     **Agriculture.**

9     The use of the land and/or water for agricultural purposes, including farming, the keeping of ratites,  
10    dairying and pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, silviculture,  
11    animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the  
12    produce raised thereon. Agriculture includes normal agricultural operations such as, but not limited  
13    to, site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting,  
14    construction of access roads, placement of bridges and culverts, and extraction of stumps and  
15    submerged logs.

16    **Agricultural housing (labor camps).**

17    Cluster housing for farm workers where the occupants of such camps or housing perform work not  
18    on the premises where such camp is located.

19    **Air contaminants.**

20    A particulate matter as defined herein, gas or odor, including but not limited to, smoke, charred  
21    paper, dust, soot, grime, carbon or any other particulate matter, or irritating, malodorous or noxious  
22    acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

23    **Air pollution.**

24    The presence in the outdoor atmosphere of one (1) or more air contaminants or combination thereof  
25    in such quantities and of such duration to be detrimental to the health of human, plant or animal life,  
26    or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or  
27    conduct of business.

28    **Airport.**

29    Any runway, landing area, airpark, seaplane base, or other facility designed, used or intended to be  
30    used either publicly or privately by any persons for the landing and taking off of aircraft, including

- 1     **Aquaculture.**
- 2     The cultivation of animal and plant life in a water environment. This shall include, but not be  
3     limited to, the cultivation of alligator, food fish, shellfish, tropical fish and aquatic plants.
- 4     **Aquatic.** See Surface waters.
- 5     **Aquatic dependent wildlife species.**
- 6     Any wildlife species whose life cycle depends in whole or in part on an aquatic environment.
- 7     **Aquifer.**
- 8     An underground formation, group of formations, or part of a formation that is permeable enough to  
9     transmit, store or yield quantities of water.
- 10    **Architect.**
- 11    A qualified person registered and currently licensed to practice architecture in the State of Florida.
- 12    **Area of shallow flooding.**
- 13    A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood  
14    depths for one (1) to three (3) feet where a clearly defined channel does not exist, where the path of  
15    flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- 16    **Area of special flood hazard.**
- 17    Land within a community in the flood plain which is subject to a one (1) percent or greater chance  
18    of flooding annually.
- 19    **Arterial Road.**
- 20    A route providing service which is relatively continuous and of relatively high traffic volume, long  
21    average trip length, high operating speed, and of high mobility importance.
- 22    **Artisan Aquifer.**
- 23    An aquifer in which water is confined so that its surface is not free to rise.

1     **Background.**

2     The condition of waters and air in the absence of the activity or discharge under consideration, based  
3     on the best scientific information available.

4     **Base density.**

5     The maximum number of dwelling units permitted by the zoning classification of property in a  
6     receiving area computed on the net acreage of the property without the use of transferred  
7     development rights.

8     **Base flood.**

9     The Flood having a one (1) percent chance of being equaled or exceeded in any given year. For  
10    purposes of the application of this article, the base flood (100-year flood) shall be determined from  
11    the Flood Insurance Rate Maps if the elevation for the area has been established by the Federal  
12    Emergency Management Agency or the best data available from a federal, state or other source shall  
13    be utilized until such a time as the Federal Emergency Management Agency establishes an elevation  
14    for the Flood Insurance Rate Maps.

15    **Base site area.**

16    The gross site area minus the land devoted to waters of the state and other natural water bodies.

17    **Basement.**

18    That portion of a building having its floor subgrade (below ground level) on all sides.

19    **Bed and Breakfast Homes.**

20    Establishments, containing two (2) or fewer guest rooms, primarily engaged in providing  
21    accommodations or renting rooms on a temporary basis to visitors to the area in the primary  
22    residence of the host, with or without board, on a fee basis. Provisions within the primary residence  
23    of the host are intended to accommodate the needs of the guests in order to maintain a level of guest  
24    activity that does not have any appreciable effect on the day-to-day activities of the residential area.

25    **Bed and Breakfast Inns.**

26    Establishments, containing five (5) or fewer guest rooms, primarily engaged in providing lodging  
27    for visitors to the area and meals for the guests, not the general public, via an interior kitchen and  
28    dining facility, on a fee basis. Host accommodations are generally located within the primary  
29    structure, which may be their primary residence, for the purpose of preparing and serving meals to

1 the guests, as well as personally interacting with the guests by helping them become better  
2 acquainted with the area, and providing such hospitality as would be afforded to any houseguest.

3 **Benefication.**

4 The process whereby earthen materials are washed to separate the mineral with which it is naturally  
5 combined and specifically to separate the waste, sand and clay soils in which a natural mineral exists  
6 in a natural state.

7 **Best management practices.**

8 Techniques utilized to minimize impacts as established by the various regulatory agencies in charge  
9 of that particular area.

10 **Block.**

11 A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries,  
12 railroad right-of-ways, shore lines of waterways, other definite barrier or boundary of a city, town,  
13 or village.

14 **Board.**

15 The Board of County Commissioners of Lake County, Florida unless otherwise specified in this  
16 Land Development Regulations.

17 **Boat trailer.**

18 A trailer used for, or designed for, carrying boats.

19 **Breakaway Walls.**

20 Any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood,  
21 metal, plastic or any other suitable building materials, which are not part of the structural support  
22 of the building and which are so designed as to collapse under specific lateral loading forces without  
23 causing damage to the elevated portion of the building or the supporting foundation system.

24 **Buffer.**

25 The land area used to separate one area from another or to protect the quality and habitat of an  
26 adjacent area or to maintain the benefits and functions of an adjacent area as applicable to the various  
27 chapters of the Code.

1       **Building.**

2       Anything constructed or erected for the support, shelter, or enclosure of persons, animals, chattels  
3       or moveable property of any kind, and having a fixed location on the ground, or attached to  
4       something having a fixed location on the ground.

5       **Building front.**

6       That area of the building which faces the public or private road by which the building was numbered.

7       **Building, height of.**

8       The distance from grade to the highest finished roof surface in the case of flat roofs or to a point at  
9       the average height of the highest roof having a pitch.

10      **Building line.**

11      An imaginary line on a building site specifying the closest point from a right-of-way line or a  
12      property line where a structure may be located.

13      **Building setback line.**

14      A line within a lot or other parcel of land so designated on the preliminary plat, or site plan between  
15      which line and the adjacent boundary of the street upon which the lot abuts, the erection of a building  
16      is prohibited as prescribed by the Land Development Regulations.

17      **Building site.**

18      A parcel, or contiguous parcels, of land in single or joint ownership meeting the size , access and  
19      zoning requirements for the structure to be placed thereon.

20      **Bus.**

21      ~~See Section 316.003, Florida Statutes.~~ Any motor vehicle designed for carrying more than 10  
22      passengers and used for the transportation of persons and any motor vehicle, other than a taxi-cab,  
23      designed and used for the transportation of persons for compensation.

24      **Cabaret.**

25      A night club, theater, or other establishment which features live performances by topless and/or  
26      bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or



1 similar entertainers, where such performances are distinguished or characterized by an emphasis on  
2 specified sexual conduct or specified anatomical areas.

3 **Campgrounds and (See also recreational vehicle parks).**

4 A parcel of land under unified ownership and management which has been planned, designed and  
5 constructed for the placement of recreational vehicles and/or tents for short term occupancy of spaces  
6 rented from the owner for recreational purposes.

7 **Recreational vehicles shall include:**

- 8 (a) ~~Travel trailer: Including a "fifth-wheel travel trailer", which is a vehicular, portable~~  
9 ~~unit mounted on wheels, of such a size or weight as not to require special highway~~  
10 ~~movement permits when drawn by a motorized vehicle. It is primarily designed and~~  
11 ~~constructed to provide temporary living quarters for recreational camping, or travel~~  
12 ~~use. It has a body width of no more than 8½ feet and an overall body length of no~~  
13 ~~more than 40 feet when factory-equipped for the road.~~
- 14 (b) ~~Camping trailer: A vehicular portable unit mounted on wheels and constructed with~~  
15 ~~collapsible partial sidewalls which fold for towing by another vehicle and unfold at~~  
16 ~~the campsite to provide temporary living quarters for recreational, camping, or travel~~  
17 ~~use.~~
- 18 (c) ~~Truck camper: A truck equipped with a portable unit designed to be loaded onto, or~~  
19 ~~affixed to, the bed or chassis of the truck and constructed to provide temporary living~~  
20 ~~quarters for recreational, camping, or travel use.~~
- 21 (d) ~~Motor home: A vehicular unit which does not exceed 40 feet in length and the height~~  
22 ~~and the width limitations provided in s. 316.515, is designed to provide temporary~~  
23 ~~living quarters for recreational, camping, or travel use.~~
- 24 (e) ~~Private motor coach: A vehicular unit which does not exceed the length, width, and~~  
25 ~~height limitations provided in s. 316.515(9), is built on a self-propelled bus type~~  
26 ~~chassis having no fewer than three load-bearing axles, and is primarily designed to~~  
27 ~~provide temporary living quarters for recreational, camping, or travel use.~~
- 28 (f) ~~Van conversion: A vehicular unit which does not exceed the length and width~~  
29 ~~limitations provided in s. 316.515, is built on a self-propelled motor vehicle chassis,~~  
30 ~~and is designed for recreation, camping, and travel use.~~
- 31 (g) ~~Park trailer: A transportable unit which has a body width not exceeding 14 feet and~~  
32 ~~which is built on a single chassis and is designed to provide seasonal or temporary~~  
33 ~~living quarters when connected to utilities necessary for operation of installed~~  
34 ~~fixtures and appliances. The total area of the unit in a setup mode, when measured~~  
35 ~~from the exterior surface of the exterior stud walls at the level of maximum~~

1 ~~dimensions not including any bay window, does not exceed 400 square feet when~~  
2 ~~constructed to ANSI A-119.5 standards, and 500 square feet when constructed to~~  
3 ~~United States Department of Housing and Urban Development Standards. The~~  
4 ~~length of a park trailer means the distance from the exterior of the front of the body~~  
5 ~~(nearest to the drawbar and coupling mechanism) to the exterior of the rear of the~~  
6 ~~body (at the opposite end of the body) including any protrusions.~~

7 **Canal.**

8 An artificial waterway for transportation, irrigation, or storm water conveyance.

9 **Capital Improvement.**

10 This includes traffic engineering studies, transportation planning, right-of-way acquisition,  
11 engineering, and construction, but shall not include routine or periodic maintenance as defined in  
12 Chapter 334, Florida Statutes, Section 334.03(15) or (20).

13 **Carport.**

14 A private garage not completely enclosed by walls and doors.

15 **Car wash.**

16 A building or structure, or portion thereof, containing facilities for washing more than two (2)  
17 automobiles.

18 **Cattery.**

19 See kennel.

20 **Church.**

21 A building used for nonprofit purposes by a recognized and legally established sect solely for the  
22 purpose of worship.

23 **Clean debris.**

24 Any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface  
25 waters and is not a fire hazard and which is likely to retain its physical and chemical structure under  
26 expected conditions of disposal or use. The term includes uncontaminated concrete, including  
27 embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Florida  
28 Department of Environmental Regulation (Environmental Control, Part IV, Recovery and  
29 Management, Section 403.703(35), Florida Statutes).

1     **Clearing.**

2     The removal of trees, shrubs, ground cover, rocks, earth, or other vegetation by digging, plowing,  
3     disking, pushing or cutting, or the effective removal through damage.

4     **Clerk.**

5     The Clerk of the Board of County Commissioners of Lake County and the Clerk of the Circuit Court  
6     of Lake County.

7     **Cluster housing.**

8     A group of two (2) or more separate buildings for dwelling purposes, located on the same lot, parcel  
9     of tract and sharing the same open spaces; the land being under one (1) ownership or in joint  
10    ownership, such as for a condominium. This shall not be interpreted as a mobile home park or  
11    subdivision, or as a travel trailer park and campground. The density of the proposed cluster housing  
12    shall be in conformance with the zoning district in which the property is located.

13    **Clustering or clustering development.**

14    A development design technique that concentrates buildings in specific areas of a site to allow the  
15    remaining land to be used for recreation, common open space and preservation of environmentally  
16    sensitive natural features.

17    **Code.**

18    The Lake County Code.

19    **Collector road.**

20    A route providing service which is of relatively moderate average traffic volume, moderately average  
21    trip length, and moderately average operating speed. Such a route also collects and distributes traffic  
22    between local roads or arterial roads and serves as a linkage between land access and mobility needs.

23    **Commercial development.**

24    C1, C2, C3 or CP zoning as defined in the Lake County Code as amended from time to time.

25    **Commercial physical contact establishment.**

26    An adult entertainment facility which provides as a service the manipulation of the superficial tissue  
27    of the body, using the hand, foot, arm or elbow. This term does not include licensed health care  
28    facilities; state licensed therapists, physicians or nurses engaged in the practice of their professions;

1 educational athletic facilities, if the massage is a normal and usual practice in such facilities; or  
2 licensed massage establishments exempted under Chapter 480.034 F.S.

3 **Commission (See County Manager or designee)**

4 **Commission.**

5 The Florida Environmental Regulation Commission.

6 **Community facility.**

7 Any facility that is an allowable use pursuant to Subsection 3.01.02(E).

8 **Compensating storage.**

9 Equivalent floodplain storage provided to counterbalance floodplain filling.

10 **Compliance tests.**

11 As used in Chapter 6, Resource Protection Standards tests made to determine compliance with the  
12 provisions of these Rules and Regulations promulgated hereunder. For the purpose of determining  
13 effluent quality, said tests shall be performed with an effluent discharge device; and for stream and  
14 lake standards, said test performed outside prescribing mixing zone.

15 **Comprehensive Transitional Educational Facility.**

16 A facility which contains a Comprehensive Transitional Educational Program as defined by Section  
17 393.063, Florida Statutes.

18 **Conditional use.**

19 A specific use, as listed in Chapter III, which is more intense or different than the permitted uses on  
20 a specific piece of property, under specific circumstances, in the zoning district but which may be  
21 permissible under appropriate conditions subject to approval by the Board of County  
22 Commissioners, after review by the Planning and Zoning Board. Conditional uses would not be  
23 appropriate if permitted throughout the zoning district, but when subject to appropriate limitations,  
24 conditions and safeguards, would promote the public health, safety, welfare, convenience and  
25 comfort.

26 **Condominium.**

27 A system of separate ownership of individual units in a multiple unit building.

1     **County Attorney.**

2     The County Attorney of Lake County.

3     **County Engineer.**

4     The County Engineer or designee.

5     **County Manager.**

6     The County Manager of Lake County, Florida.

7     **County road system.**

8     ~~This has the same meaning as set forth in Chapter 334, Florida Statutes, Section 334.03(7).~~ "County  
9     road system" means all collector roads in the unincorporated areas of a county and all extensions of  
10    such collector roads into and through any incorporated areas, all local roads in the unincorporated  
11    areas, and all urban minor arterial roads not in the State Highway System.

12    **Cover, Utilities.**

13    As used in Section 9.08, Utilities, any device, equipment, container, close fitting tarpaulin, chain,  
14    rope, wire or line used on vehicles to prevent any part of a vehicle load from sifting, blowing,  
15    leaking, falling or escaping in any manner from the vehicle.

16    **Creation.**

17    A human activity which brings a wetland into existence at a site where it did not presently exist.

18    **Critical habitat.**

19    The viable areas of habitation including feeding, breeding, and nesting areas for species of Special  
20    Concern as well as Endangered and Threatened species as confirmed by appropriate jurisdictional  
21    agency documentation, or by reports which may be submitted by an applicant requesting a  
22    development order on a site containing an area of such habitation by the above noted species. The  
23    extent of these areas shall have a definitive boundary which may vary in extent based on the  
24    individual species.

25    **Cross access corridor.**

26    A means of providing unified access which provides circulation between adjacent sites.

1     **Cul-de-sac.**

2     A road having only one (1) open end providing access to another road; the closed end provides a  
3     turnaround circle for vehicles, no other road intersects between the two (2) ends, and property fronts  
4     on both sides of the road.

5     **Curb line distance.**

6     Curb line distance is defined as the most direct distance possible utilizing rights-of-way, easements  
7     or other dedicated routes.

8     **Dead end road.**

9     A road similar to a cul-de-sac except that it provides no turnaround circle at its closed end.

10    **Density.**

11    A ratio of dwelling units per base site area.

12    **Density of residential development.**

13    The maximum number of residential units which may be constructed on a given amount of land  
14    under the existing zoning classification of that land, without consideration of the provisions of this  
15    article.

16    **Designated species.**

17    The endangered or threatened species of special concern listed in Chapter 581, Sections 581.185-  
18    187, Florida Statutes, for flora, Chapter 39, Sections 39-27.003-005, Florida Administrative Code,  
19    for fauna, and 50 CFR 17.11-12 for both flora and fauna.

20    **Designated Use, or designated use of a water body.**

21    As used in Sections 6.09, 6.10, ~~6.11~~ and 13.01, the present and future most beneficial use of a body  
22    of water as designated by the Environmental Protection ~~Pollution Control~~ Board by means of the  
23    classifications system contained in those sections.

24    **Detention or to detain.**

25    The collection and temporary storage of storm water so as to provide for its treatment through  
26    physical, chemical, or biological processes and/or attenuation.

1     **Diameter breast height (DBH)**

2     The diameter, in inches of a tree measured at four and one-half (4-1/2) feet above the existing grade.

3     **Directional median opening.**

4     An opening in a restrictive median which provides for U-turn only, or left-turn in movements.  
5     Directional median openings for two opposing left or "U-turn" movements along one segment of  
6     road are considered one directional median opening.

7     **Discharge.**

8     The outflow of water from a site, aquifer, pipe, well, waterbody or drainage basin.

9     **Discouraged Obnoxious use**

10    Any use which is detrimental to the existing uses, residents or occupants of the surrounding area.  
11    A use which is not appropriate at a location or in a zoning district due to its nature, intensity, level  
12    of traffic generation or impact upon surrounding uses.

13    **Disposal area.**

14    Any site, location, landfill, tract of land, area, building structure, transfer box, transfer station, or  
15    premises to be used for refuse disposal or accumulation.

16    **Disturbed lands.**

17    The surface area of the land that has been disturbed as a result of or incidental to development  
18    activity, as applicable to the various chapters of this Land Development Regulations.

19    **Dominance.**

20    The presence of species or communities in greater numbers, biomass, or areal extent than competing  
21    species or communities, or a scientifically accepted tendency of species or communities to achieve  
22    such a status under existing or reasonably anticipated conditions.

23    **Dormitory.**

24    A building or part of a building operated by an institution for living and sleeping, but not for cooking  
25    or eating purposes.

1     **Double frontage lot.**

2     A lot adjacent to two (2) or more roads, private roads, or private easements which are parallel to each  
3     other.

4     **Drainage basin.**

5     A drainage system consisting of water courses of impounded waterbodies together with all tributary  
6     surface streams.

7     **Drainage Facilities.**

8     Any canal, ditch, culvert, dike or other facility which lowers the surface or ground water table, acts  
9     as a conduit, diverts or directs the flow of water or otherwise affects the natural flow regime.

10    **Drainage system.**

11    All facilities used for the movement of water through and from a drainage area including, but not  
12    limited to, any and all of the following conduits and appurtenant features: canals, channels, ditches,  
13    flumes, culverts, streets, as well as all watercourses, water bodies and wetlands.

14    **Dredging.**

15    An excavation of soil or other substrate, including organic matter by any means in water bodies or  
16    wetlands. It also means the excavation or creation of a water body which is, or is proposed to be,  
17    connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

18    **DRI (Development of Regional Impact)**

19    ~~Development of Regional Impact as defined in Chapter 380, Florida Statutes, Section 380.06. The~~  
20    term "development of regional impact" as defined in Chapter 380.06, Florida Statutes, means any  
21    development which, because of its character, magnitude, or location, would have a substantial effect  
22    upon the health, safety, or welfare of citizens of more than one county. The standards for DRI's are  
23    found in the Florida Administrative Code, Chapter 9J-2, Rules of Procedure and Practice Pertaining  
24    to Developments of Regional Impact as amended 3/24/94.

25    **Drip line.**

26    An imaginary line on the ground defined by vertical lines which extend from the outermost tips of  
27    the tree branches to the ground.



1     **Driveway.**

2     An access constructed within the public right-of-way, connecting the public roadway with adjacent  
3     property and intended to be used in such a way that the access into the adjacent property will be  
4     complete.

5     **Dwelling or Dwelling unit.**

6     A single unit providing complete, independent living facilities for one or more persons including  
7     permanent provisions for living, sleeping, eating, cooking and sanitation.

8             **Two-family or duplex dwelling unit.**

9             A two-family or duplex dwelling is one (1) building containing only two (2) dwelling units.

10    **Easement.**

11    Any strip or parcel of land created by a subdivider for public or private utilities, access, drainage,  
12    sanitation or other specified uses having limitations, the title to which shall remain in the name of  
13    the property owner subject to the right of use designated in the reservation of the servitude.

14    **ECFRPC**

15    East Central Florida Regional Planning Council

16    **Effective precipitation.**

17    That part of the precipitation (rainfall) which contributes to direct surface runoff.

18    **Effluent.**

19    The liquid waste of sewage and industrial processing.

20    **Effluent limitation.**

21    Any restriction established by the Environmental Protection ~~Pollution Control~~ Board on quantities,  
22    rates or concentrations of chemical, physical, biological or other constituents which are discharged  
23    from sources into waters of the State.

1     **Exempt tree.**

2     Any tree that meets the exemption criteria set out in Section 9.01.02 of these regulations.

3     **Existing building.**

4     A building erected prior to the adoption of the ordinance or one for which a legal building permit  
5     has been issued and activated in the time period specified thereon.

6     **Existing Development**

7     A Plat which ~~was recorded prior to July 16, 1991; A Plat which has been granted vested rights~~  
8     ~~pursuant to a Vested Rights Certificate; contains at least one (1) Lot of Record prior to or on June~~  
9     ~~1, 1992; An unrecorded plat which Lake County has recognized; An Agricultural Lot Split, a Large~~  
10    ~~Lot Split or Minor Lot Split approved by Lake County prior to July 16, 1991 June 1, 1992, for which~~  
11    ~~a building permit for a principal structure has been issued prior to June 1, 1992; or a Minor Lot Split~~  
12    ~~approved by Lake County prior to June 1, 1992, for which a building permit for a principal structure~~  
13    ~~has been issued prior to June 1, 1992.~~

14    **Existing storm water and surface drainage facilities.**

15    Those stationary installations which discharge, or will discharge their storm-generated effluent into  
16    waters of the state, whose final design plans were approved by the County Manager or designee  
17    before the effective date of these rules.

18    **Expansion of Existing Mobile Home Parks or Manufactured Home Park or Subdivision.**

19    The construction of facilities, including concrete pads, if any, or if no such pads are to be provided,  
20    then the installation of utilities and final site grading, in a mobile home park, manufactured home  
21    park or subdivision.

22    **Expansion of the capacity of a road.**

23    Any widening, intersection improvement, signalization, or other capital improvement designed to  
24    increase the road's capacity.

25    **Facade.**

26    The wall of a building which corresponds to a lot frontage.

1 necessarily increase the one-hundred-year flood elevation be more than one (1) foot, no such  
2 development can be countenanced.

3 **Floor.**

4 The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete  
5 slab construction or top of wood flooring in wood frame construction. The term does not include  
6 the floor of a garage used solely for parking vehicles.

7 **Florida Department of Transportation or (FDOT).**

8 The State of Florida Department of Transportation.

9 **Floridan aquifer.**

10 The thick requence of limestone formations of the Eocene, Oligocene and Miocene ages which act  
11 more or less as a single hydrologic unit, including the permeable parts of the Hawthorne formation,  
12 which are in direct hydrologic contact with the rest of the aquifer.

13 **Florida Quality Development (FQD).**

14 ~~A development designated as a Florida Quality Development pursuant to Chapter 380, Florida~~  
15 ~~Statutes, Section 380.061. Developments that may be designated as Florida Quality Developments~~  
16 ~~are those developments located in jurisdictions in which the development-of-regional-impact~~  
17 ~~program has not been terminated pursuant to Florida Statute which are above 80 percent of any~~  
18 ~~numerical thresholds in the guidelines and standards for development-of-regional-impact review~~  
19 ~~pursuant to Chapter 380, Florida Statutes.~~

20 **FLUCFCS**

21 Florida Land Use, Cover and Forms Classification System developed by Florida Department of  
22 Transportation, September 1985.

23 **FNAI**

24 The Florida Natural Areas Inventory

25 **FNAI (S2) ranked natural communities**

26 Natural communities occurring within Lake County, which have been ranked by FNAI as imperiled  
27 with extinction (S2). These natural communities include the following upland communities: scrub;  
28 xeric hammock; sinkhole.

1     **Landscape architect.**

2     A qualified person registered and currently licensed to practice landscape architecture in the State  
3     of Florida.

4     **Landscape buffer strips.**

5     Landscape development used to partition parking areas, or between adjacent developments.

6     **Landscape development.**

7     Any combination of living plants such as grass, ground cover, shrubs, vines, hedges or trees, and  
8     nonliving landscape materials such as rocks, pebbles, sand, mulch, walls, fences or decorative paving  
9     materials.

10    **Land surveyor.**

11    A qualified person duly registered in the State of Florida, pursuant to chapter 4, Florida Statutes.

12    **Land Use.**

13    The development that has occurred on land.

14    **Laundromats.**

15    A self-service laundry business, which provides wash and fold services, home type washing, drying  
16    and/or ironing machines for hire to be used by customers on the premises. Similar type machines  
17    for dry cleaning may be included as accessories to the operation.

18    **Lawful mine.**

19    A mining operation that has been authorized by Lake County through issuance of an approved mine  
20    site plan (6.06.02), a conditional use permit, zoning approval and/or vested under the provisions of  
21    the Lake County Mining Ordinance, Section F, "Vesting Rights for Existing Mines".

22    **Legally Created Lot.**

23    A lot created pursuant to the Lake County Code, as amended.

24    **Limited service permit.**

25    A permit granted by the Board of County Commissioners for a period of three (3) years, subject to  
26    a fee as established by resolutions of the Board which is payable annually, to mobile home park

1 owners or others in a similar instance whereby the limited service permit provides service to tenants  
2 on the owner's private property.

3 **Livestock**

4 "Livestock" shall include, but not be limited to, all animals of the equine, ratite, bovine or swine  
5 class, including goats, sheep, mules, horses, hogs, cattle, ostriches and other grazing animals.

6 **Livestock Building.**

7 A structure used for milking, feeding, or sheltering of farm animals.

8 **Living area.**

9 That portion of a residential structure equipped for year-round living by a full enclosure of a  
10 substantial nature, exclusive of carports, garages, and swimming pools.

11 **Loading space.**

12 An off street space or berth on the same lot with a building or contiguous to a group of building, for  
13 the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

14 **Local road.**

15 A road providing service which is of relatively low traffic volume, short average trip length or  
16 minimal through traffic movements, and numerous connections with relative ease of access for  
17 abutting property.

18 **Local street.**

19 A road which functions to serve the adjacent property for access with minimal through traffic. Local  
20 streets provide a connection between abutting properties and higher volume roads. Local streets  
21 should be generally designed to carry between 100 to 500 vehicles per day.

22 **Longleaf pine-xeric oak Community**

23 Upland with deep fine sand substrate; xeric; temperate; frequent fire (2-5 years); typified by longleaf  
24 pine and/or turkey oak with wiregrass understory. (FLUCFCS CODE 412) also referred to as  
25 Sandhill by FNAI.

- 1     **Lot width.**
- 2     The average horizontal distance, between the two (2) side-property lines of a lot.
- 3     **Maintenance.**
- 4     The action taken to restore or preserve the as-built functional design of any facility or system.
- 5     **Major collector road.**
- 6     A road classified as major collector, based upon criteria established by the Florida Department of  
7     Transportation utilizing their most recent adopted functional classification system using the road.
- 8     **Major Public Facility.**
- 9     Any publicly owned facility of more than local significance.
- 10    **Management.**
- 11    A series of techniques applied to maintain the viability of species in a location. These techniques  
12    include, but are not limited to: controlled burning, planting or removal of vegetation, exotic species  
13    control, maintaining hydrologic regimes, and monitoring.
- 14    **Management plan.**
- 15    A plan prepared to address continuing conservation and management of designated species and their  
16    habitat, which is approved by the County Manager or designee, following recommendations from  
17    the Florida Game and Freshwater Fish Commission.
- 18    **Manufactured Building.**
- 19    See Section 553.36, Florida Statutes. "Manufactured building" means a closed structure, building  
20    assembly, or system of sub-assemblies, which may include structural, electrical, plumbing, heating,  
21    ventilating, or other service systems manufactured in manufacturing facilities for installation or  
22    erection, with or without other specified components, as a finished building or as part of a finished  
23    building, which shall include, but not be limited to, residential, commercial, institutional, storage  
24    and industrial structures. This part does not apply to mobile homes. Manufactured building may  
25    also mean, at the option of the manufacturer, any building of open construction made or assembled  
26    in manufacturing facilities away from the building site for installation, or assembly and installation,  
27    on the building site. This includes DCA approved modular structures.

1     **Muck farming.**

2     Agricultural activity on lands that were formerly submerged or seasonal submerged and drained to  
3     allow for agricultural activity and which have muck soils as identified in the U.S.D.A., Soil  
4     Conservation Service, Soil Survey of Lake County Area, Florida, 1976.

5     **National Geodetic Vertical Datum (NGVD).**

6     ~~As corrected in 1983, is a vertical control used as a reference for establishing varying elevations.~~  
7     The NGVD is a vertical reference by which elevations or depths are established. The datum is based  
8     on general adjustment of level networks made up of 26 mean sea level tide stations in the United  
9     states and Canada. Formerly called the Sea Level Datum of 1929, the year refers to the last general  
10    adjustment of the net. The elevations used in topographic mapping, geodetic surveys, engineering  
11    studies and engineering construction studies are referred to the NGVD.

12    **Native vegetation.**

13    Plants that are indigenous to the State of Florida.

14    **Natural background.**

15    The condition of the waters in the absence of man-induced alteration based on the best scientific  
16    information available to the County. The establishment of natural background for an altered  
17    waterbody may be based upon a similar unaltered waterbody or on historical pre-alteration data.

18    **Natural flow regime.**

19    The velocity, volume and direction of the surface or ground water flow occurring at any given point  
20    in the current hydro-period for any given portion of the area.

21    **Natural reservations.**

22    Areas designated for conservation purposes, and operated by contractual agreement with or managed  
23    by a federal, state, regional or non-profit agency such as: national parks forests, reserves or  
24    preserves; state parks, forests, lands purchased under Conservation and Recreational Lands or Save  
25    Our Rivers programs; sanctuaries; monuments; archaeological sites; historic sites; wildlife or fish  
26    management areas; and Outstanding Florida waters.

27    **Natural Upland Communities.**

28    Those natural upland habitat communities identified in the Conservation Element and by FLUCFCS  
29    code as follows: palmetto prairie (321); temperate hardwood(425); pine, oak and hickory (423); pine  
30    flatwood (411); sand pine scrub (413); longleaf pine/xeric oak (412); and xeric hammock (427).

1     **Normal range of water level fluctuation.**

2     The fluctuating water surface changes between the normal low water and the normal highwater of  
3     the wetland system so as to prevent the desiccation or over-impoundment.

4     **Nuisance species.**

5     Species of flora and fauna whose noxious characteristics or presence in sufficient number, biomass,  
6     or areal extent may reasonably be expected to prevent, or unreasonably interfere with, a designated  
7     use of land.

8     **Nursery area of indigenous aquatic life.**

9     Any bed of the following aquatic plants, either in monoculture or mixed: Halodule spp., Halophila  
10    Engelmannii Potamogeton spp. (pondweed), Ruppia maritima (widgeon-grass), Sagittaria spp.  
11    (arrowhead), Syringodium filiform (manatee-grass), Thalassia testudinum (turtle grass), or  
12    Vallisneria spp. (eel-grass), or any area used by the early-life stages, larvae or post-larvae, of aquatic  
13    life during the period of rapid growth and development into the juvenile stages.

14    **Nursery school.**

15    A nursery school is a place, home, building or location where six (6) or more children under the age  
16    of six (6) years, not related to the operator, are cared for within a twenty-four-hour period or less,  
17    for either a direct money consideration or for indirect benefit to the owner in connection with a  
18    related business. Such term specifically includes nurseries, kindergartens or any other facility caring  
19    for children during either the day or night; but shall not include such facilities operated by the State  
20    of Florida or any agency or unit of the state government or the Lake County School Board.

21    **Obnoxious use. (See discouraged use)**

22    ~~Any use which is detrimental to the existing uses, residents, or occupants of the surrounding area.~~

23    **Occupant.**

24    As used in Section 9.05, Uniform Street Transportation Systems, any person, association,  
25    partnership, trust, organization or corporation, other than the owner, who is occupying or leasing the  
26    property for a period exceeding thirty (30) days.

27    **Off-site.**

28    A project site or parcel which is different than that of the subject project site or parcel.



1 and non-activity-based, non-man-made lakes wholly within the property. Open space does not  
2 include rights-of-way, above-ground utilities, parking areas, side or rear lots, street surfaces, activity-  
3 based recreation facilities (except golf courses), and fenced in stormwater retention areas.

4 **Open Water Body.**

5 Natural or artificial watercourses, lakes, or ponds. Open water bodies do not include wetlands.

6 **Operating permit.**

7 A permit to operate in accordance with general conditions established in the various chapters of this  
8 Land Development Regulations, and specific conditions established by the Technical Review  
9 Committee, the County Manager or designee and the Board of County Commissioners.

10 **Operator.**

11 A person who engages in authorized development activities in accordance with the requirements of  
12 the various chapters of this Land Development Regulations, which activities include sinking or  
13 operation of test wells and similar activities.

14 **Ordinary high water; ordinary low water; ordinary low waterline.**

15 A water mark on the banks of a surface water body where the presence and action are so common  
16 and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character  
17 distinct from that of the banks, in respect to vegetation, as well as respects of the nature of the soil  
18 itself.

19 **Ore.**

20 Sand, clay, topsoil, peat, phosphate minerals and other natural resources that may be extracted from  
21 the earth.

22 **Original Parcel**

23 An original parcel shall be a lot legally created, on or before June 1, 1992, pursuant to the Lake  
24 County Code.

25 **Outdoor advertising or sign.**

26 Any writing, printing, picture, painting, display, emblem, drawing, sign or device intended to invite  
27 or to draw the attention of the public to any goods, merchandise, real property, personal property,  
28 business, business services, entertainment, amusement, attraction, person, group, organization  
29 institution, movement, activity, promotion, event, object, place, appeal, solicitation, announcement,

1 property development and use regulations of the conventional zoning districts, but which permits  
2 flexibility in building siting, mixtures of housing types and land uses, and encourages the utilization  
3 of usable open space and the maintenance of significant natural features.

4 **Planting area.**

5 Any area designed for landscape planting or other vegetation.

6 **Plat.**

7 A map or drawing depicting the division or subdivision of lands into lots, blocks, parcels, tracts,  
8 sites, or other portions thereof, however the same may be designated, and into roads, avenues,  
9 boulevards, and streets, or other means of access.

10 **Pole trailer.**

11 ~~See Section 316.003, Florida Statutes.~~ Any vehicle without motive power designed to be drawn by  
12 another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed  
13 or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly  
14 shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves  
15 between the supporting connections.

16 **Positive outlet.**

17 A discharge from a basin via overland flow, artificial waterway, natural waterway, or pipe.

18 **Post-development.**

19 The average condition of stormwater retention, as of the completion of the development for which  
20 a permit has been applied.

21 **Potentiometric Surface.**

22 The imaginary surface coinciding with levels of artisan pressure.

23 **Pre-development activity.**

24 Any action taken prior to the modification of site conditions. Pre development activity shall not  
25 include building, clearing, filling, excavation, grading or planting of vegetation or the material  
26 change in the size or use of any structure not requiring the issuance of a development order or  
27 permit.

1       **Pre-Development conditions.**

2       The average condition of stormwater retention prior to the commencement of development.

3       **Preliminary plat.**

4       The material which comprises the first "official" submission of a subdivision scheme to the  
5       commission, and which consists of an application, a draft copy of any restrictive covenants, and the  
6       subdivision design drawings.

7       **Premining activity.**

8       Construction of all structures equipment and facilities required for the extraction, processing and  
9       transportation of ore mineral, including construction of access roads, pipelines, recirculating water  
10      systems, beneficiation facilities, power lines, dredges, drag lines, tailing storage areas and site  
11      preparation, such as clearing of vegetation and grading.

12      **Principal arterial road.**

13      A road classified as a principal arterial based upon criteria established by the Florida Department of  
14      Transportation utilizing their most recent, adopted functional classification system.

15      **Principal building.**

16      ~~Any permanent structure designed or built for the support, enclosure, shelter or protection of persons,~~  
17      ~~animals, or chattel on property of any kind including residential, commercial and industrial accessory~~  
18      ~~buildings.~~

19      **Principal Use or Structure.**

20      The primary or predominant use of or structure on any lot, as distinguished from accessory uses and  
21      structures. The primary structure or use permitted in the zoning district. In the case of a residential  
22      zoning district, the principal structure shall be considered to be the dwelling unit. In the case of an  
23      agricultural zoning district, the principal structure shall be considered to be either a dwelling unit or  
24      structure designed for agricultural uses.

25      **Private clubs.**

26      An association of persons for the promotion of some common objective other than financial profit,  
27      jointly supported and meeting periodically.

1 two (2) times in a newspaper of general circulation in the county or in the area of the county  
2 involved, which notice shall state the time and place of the hearing, the nature of the matter to be  
3 discussed, and that written comments filed with the administrative official will be heard, and said  
4 notice may state that hearings will be continued from time to time as may be found necessary.

5 **Public road.**

6 The area of the public right-of-way either paved or unpaved, which is intended for vehicular traffic,  
7 excluding service entrances or driveways, and constructed to County Standards.

8 **Public utilities.**

9 Private or public facilities engaged in providing a public service such as water, wastewater,  
10 electricity, telephones, etc.

11 **Rainfall Intensity.**

12 The depth of accumulated rainfall per unit of time.

13 **Ratites**

14 The term "Ratites" includes emus, rheas and ostriches etc. See also Livestock.

15 **Qualified ecologist.**

16 A practitioner with sufficient experience and academic background in the field of environmental  
17 sciences.

18 **Rate.**

19 As used for the purposes of stormwater management, volume per unit of time.

20 **Receiving area.**

21 The areas designed on Exhibit A, attached hereto and incorporated herein on the Wekiva River  
22 Protection Area Transferable Development Rights Sending and Receiving Area Map, on file in the  
23 Lake County Planning Department and Building Department, described in Policy 4, F, in the Land  
24 Use Element of the Lake County Comprehensive Plan, and Section 699.32, Lake County Code, as  
25 appropriate for development beyond its base density through the transfer of development rights or  
26 the Development Point Rating System set forth in Section 698 or both, as appropriate. The Mount  
27 Plymouth-Sorrento Urban Compact Node Receiving Area is limited to a maximum density of five  
28 and one-half (5.5) dwelling units per net acre.

1     **Receiving waters or waterbodies.**

2     Any waterbodies, watercourses, and wetlands into which surface waters flow.

3     **Recharge.**

4     The downward percolation of surface water into any underground formation.

5     **Reclamation.**

6     The restructuring, reshaping and revegetation of disturbed lands to a form in which the lands may  
7     be beneficially used.

8     **Recovered materials.**

9     ~~See Section 403.703, Florida Statutes.~~ "Recovered materials" means metal, paper, glass, plastic,  
10 textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have  
11 been diverted and source separated or have been removed from the solid waste stream for sale, use  
12 or reuse as raw materials, whether or not the materials require subsequent processing or separation  
13 from each other, but does not include materials destined for any use that constitutes disposal.  
14 Recovered materials as described above are not solid waste.

15    **Recreational vehicle (or RV)**

16    Any travel trailer, motor home, camping trailer or other similar vehicle which is occupied or  
17 intended for occupancy on a temporary, transient basis for travel, recreation or vacation purposes,  
18 including any "park model" travel trailer.

19    Recreational vehicles shall include:

20    A.    Travel trailer: Including a "fifth-wheel travel trailer", which is a vehicular, portable unit  
21 mounted on wheels, of such a size or weight as not to require special highway movement  
22 permits when drawn by a motorized vehicle. It is primarily designed and constructed to  
23 provide temporary living quarters for recreational camping, or travel use. It has a body width  
24 of no more than 8½ feet and an overall body length of no more than 40 feet when factory-  
25 equipped for the road.

26    B.    Camping trailer: A vehicular portable unit mounted on wheels and constructed with  
27 collapsible partial sidewalls which fold for towing by another vehicle and unfold at the  
28 campsite to provide temporary living quarters for recreational, camping, or travel use.

29    C.    Truck camper: A truck equipped with a portable unit designed to be loaded onto, or affixed  
30 to, the bed or chassis of the truck and constructed to provide temporary living quarters for  
31 recreational, camping, or travel use.

1 D. Motor home: A vehicular unit which does not exceed 40 feet in length and the height and  
2 the width limitations provided in s. 316.515, is designed to provide temporary living quarters  
3 for recreational, camping, or travel use.

4 E. Private motor coach: A vehicular unit which does not exceed the length, width, and height  
5 limitations provided in s. 316.515(9), is built on a self-propelled bus type chassis having no  
6 fewer than three load-bearing axles, and is primarily designed to provide temporary living  
7 quarters for recreational, camping, or travel use.

8 F. Van conversion: A vehicular unit which does not exceed the length and width limitations  
9 provided in s. 316.515, is built on a self-propelled motor vehicle chassis, and is designed for  
10 recreation, camping, and travel use.

11 G. Park trailer: A transportable unit which has a body width not exceeding 14 feet and which  
12 is built on a single chassis and is designed to provide seasonal or temporary living quarters  
13 when connected to utilities necessary for operation of installed fixtures and appliances. The  
14 total area of the unit in a setup mode, when measured from the exterior surface of the  
15 exterior stud walls at the level of maximum dimensions not including any bay window, does  
16 not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet  
17 when constructed to United States Department of Housing and Urban Development  
18 Standards. The length of a park trailer means the distance from the exterior of the front of  
19 the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the  
20 body (at the opposite end of the body) including any protrusions.

21 ~~**Recreational vehicle or vehicle park. (See campgrounds and recreational vehicle parks.)**~~

22 **Recreational vehicle park (or RV park)**

23 A development designed for recreational vehicle usage, including a parcel of land under single  
24 ownership, where sites are offered for rent for the temporary placement of recreational vehicles being  
25 used for travel, recreational or vacation purposes.

26 **Recreational vehicle space**

27 A designated area of land within a recreational vehicle park which is intended to be occupied by not  
28 more than one recreational vehicle.

29 **Recyclable material.**

30 Those materials which are capable of being recycled and which would otherwise be processed or  
31 disposed of as solid waste.

1     **Sanitary waste.**

2     That wastewater discharging from the sanitary conveniences of dwellings, commercial structures,  
3     industrial plants and institutions which contains fecal material.

4     **Screening landscape.**

5     Landscape development located between paved parking areas and sidewalks, streets, other public  
6     rights-of-way and/or adjacent properties.

7     **Section.**

8     Any major portion of this Land Development Regulations which ends with a number of .00. For  
9     example, 9.02.00, entitled "Landscaping Standards".

10    **Sediment.**

11    Solid material, whether mineral or organic, that is in suspension, is being transported, or has been  
12    moved from its site of origin by water.

13    **Semitrailer.**

14    ~~See Sections 316.003 and 320.01 Florida Statutes.~~ Any vehicle with or without motive power, other  
15    than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle  
16    and so constructed that some part or its weight and that of its load rests upon, or is carried by,  
17    another vehicle and/or any vehicle without motive power designed to be coupled to or drawn by a  
18    motor vehicle and constructed so that some part of its weight and that of its load rests upon or is  
19    carried by another vehicle.

20    **Sending area.**

21    The area designated A-1-40 and A-1-20 Wekiva River Protection Area Overlay Districts on exhibit  
22    A and described in Policy 4, F, the Land Use Element of the Comprehensive Plan, Section 699.31,  
23    Lake County Code, and designated on the Wekiva River Protection Area Transferable Development  
24    Rights Sending and Receiving Map on file in the Lake County Planning Department and Building  
25    Department.

26    **Septage.**

27    Any solid or semisolid or liquid generated from any septic tank, grease trap, portable toilets and  
28    related operations or any other such waste having similar characteristics.

1     **Site plan approval.**

2     A process for the review and approval of a development plan prior to the issuance of a development  
3     permit.

4     **Site-related improvements.**

5     Capital improvements to roads necessary to provide safe and adequate access within and adjacent  
6     to the proposed development and made necessary by the specific traffic to be generated by the  
7     proposed development.

8     **Solid waste.**

9     ~~See Section 403.703, Florida Statutes.~~

10    "Solid waste" means garbage, rubbish, refuse, special waste, or other discarded material, including  
11    solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial,  
12    commercial, mining, agricultural, or governmental operations and sludge unregulated under the  
13    federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply  
14    treatment plant, or air pollution control facility. Recovered materials as defined elsewhere in this  
15    document and by Florida Statute are not solid waste.

16    **Solid waste disposal facility.**

17    Any solid waste management facility which is the final resting place for solid waste, including  
18    landfills and incineration facilities that produce ash from the process of incinerating municipal solid  
19    waste.

20    **Specified anatomical areas.**

21    A.    Less than complete opaquely covered:

- 22           (1)    Human genitals, pubic region;  
23           (2)    Buttocks; or  
24           (3)    Female breast below a point immediately above the top of the areola; and

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

26    **Specified sexual activities.**

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

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



1     **Storm event.**

2     The storm of a specific duration, intensity, and frequency.

3     **Storm water or runoff.**

4     The flow of water which results from, and which occurs during and immediately following, a rainfall  
5     event.

6     **Storm water management permit.**

7     The approved detailed analysis, design, and drawings of the storm water management system  
8     required for all construction.

9     **Storm water management system/facilities.**

10    The system or combination of systems designed to treat stormwater, or collect, hold, inhibit or divert  
11    the movement of stormwater, on through and from a site.

12    **Story.**

13    That portion of a building included between the upper surface of any floor and the upper surface of  
14    the next floor above it, or if there be no floor above it, then the space between such floor and the  
15    ceiling above it exclusive of mezzanines.

16    **Stream. (See watercourse)**

17    **Street. (See road)**

18    **Street line.**

19    That line limiting the right-of-way of the street and being identical with the property line of persons  
20    owning property fronting on the street.

21    **Structure.**

22    ~~See Section 380.031, Florida Statutes.~~ "Structure" means anything constructed, installed, or  
23    portable, the use of which requires a location on a parcel of land. It includes a movable structure  
24    while it is located on land which can be used for housing, business, commercial, agricultural, or  
25    office purposes either temporarily or permanently. "Structure" also includes fences, billboards,  
26    swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

1       **Temperate Hardwood and Oak-Pine-Hickory Communities**

2       Upland with sand/clay and /or calcareous substrate; mexist; temperate; rare or no fire; spruce pine,  
3       magnolia, beech, pignut hickory, white oak, and mixed hardwoods.  
4       (FLUCFCS CODE 425 and 423)

5       **Temporary sign.**

6       Any portable sign or sign to be erected on a temporary basis for a short period of time.

7       **Timber.**

8       Any wood for which any useful articles may be made or which may be used to the advantage in any  
9       class of manufacture or construction.

10      **Topsoil.**

11      The organic and/or inorganic matter, naturally present on the surface of the earth, which has been  
12      subject to and influenced by environmental factors of parent materials, climate, microorganisms,  
13      microorganisms and topography and that is sometimes necessary for the growth and regeneration  
14      of vegetation on the surface.

15      **Total site.**

16      Land which is under common ownership or is part of a common plan of development, rental,  
17      advertising or sale.

18      **Tourist homes, guest homes, or courts. (See hotels.)**

19      **Tract. See Lot.**

20      **Trailer.**

21      See Sections 316.003 and 320.01, Florida Statutes. Any vehicle with or without motive power, other  
22      than a pole trailer designed for carrying persons or property and for being drawn by a motor vehicle  
23      and/or any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and  
24      constructed so that no part of its weight or that of its load rests upon the towing vehicle.

25      **Trailer coach.**

26      Includes all types of mobile homes, self-propelled trucks, or buses, which have been converted or  
27      equipped with living and/or sleeping quarters, pick-up trucks sometimes referred to as pick-up  
28      campers, converted buses sometimes referred to as caravans, and similar type vehicles. Excluded

1 are suburbans and similar types of automobiles for private use which have been equipped with  
2 camping equipment and relocated materials.

3 **Transfer of development rights.**

4 The conveyance of development rights to an individual or legal entity from a sending area by deed,  
5 easement or other legal instrument as approved by the county attorney for Lake County, assignment  
6 to another parcel of land in a receiving area and recordation of the conveyance in the public records  
7 of Lake County, Florida.

8 **Traveled way.**

9 The portion of roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

10 **Travel trailer. (See Recreational Vehicle.)**

11 **Trees.**

12 Any living, woody, self-supporting perennial plant which normally grows to a minimum height of  
13 fifteen (15) feet. As used in this division, "tree" refers to approved trees unless an alternative usage  
14 is expressly defined.

15 **Tree protection zone.**

16 A circular zone around each protected tree defined as follows:

17 A. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area  
18 within a radius six (6) feet around the tree.

19 B. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20)  
20 feet, the zone shall be that area within a radius of the full drip line around the tree.

21 C. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that  
22 area within a radius of twenty (20) feet around the tree.

23 **Tributary.**

24 Moving body of water entering a stream, creek, or river.

25 **Truck.**

26 See Sections 316.003 and 320.01, Florida Statutes. Any motor vehicle designed, used, or maintained  
27 primarily for the transportation of property and/or any motor vehicle with a net vehicle weight of

1 5,000 pounds or less and which is designed or used principally for the carriage of goods and includes  
2 a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for  
3 the purpose of carrying goods other than the personal effects of the passengers.

4 **Truck tractor**

5 See Sections 316.003 and 320.01, Florida Statutes. Any motor vehicle designed and used primarily  
6 for drawing other vehicles and not so constructed as to carry a load other than a part of the weight  
7 of the vehicle and load so drawn and/or a motor vehicle which has four or more wheels and is  
8 designed and equipped with a fifth wheel for the primary purpose of drawing a semi-trailer that is  
9 attached or coupled thereto by means of such fifth wheel and which has no provision for carrying  
10 loads independently.

11 **Undeveloped.**

12 A plat for which no building permit for a principal structure has been issued.

13 **Uniform method.**

14 The uniform method for the levy, roll preparation, collection, and enforcement of non-ad valorem  
15 assessments set out in Section 68 of Chapter 88-130 and Section 7 of Chapter 88-216 of the Laws  
16 of Florida.

17 **Unincorporated areas.**

18 Any land in the county not lying within the boundaries of a duly incorporated village, town,  
19 municipality or other governmental unit.

20 **Uplands.**

21 Those non-wetland, non-aquatic areas not subject to regular flooding, including but not limited to  
22 the following natural upland communities: palmetto prairie, sand pine, longleaf pine/xeric oak, live  
23 oak, temperate hardwood, pine flatwood.

24 **Use Variance.**

25 A grant of relief which permits a use in a zoning district otherwise prohibited. Examples of use  
26 variances include, but are not limited to, variances on lot-size restrictions, variances on density  
27 limitations, permitting mobile homes in single family residential districts, and permitting multi-  
28 family housing in mobile home residential districts.

1       **Waterfront.**

2       Any lot or parcel bordering on a water body.

3       **Waters of the county.**

4       ~~For the purposes of this chapter, all waters located in Lake County, both ground and surface as~~  
5       ~~specified in Section 1-3.01 of the Rules of the Lake County Air and Water Pollution Control Board.~~  
6       Ground and surface waters within the political boundaries of Lake County.

7       **Waters of the state.**

8       Those waters identified in Section 403.031(12), Florida Statutes. Such waters include but are not  
9       limited to rivers, lakes, streams, springs, impoundments and all other waters or bodies of water,  
10       including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one  
11       (1) person other than the state are included only in regard to possible discharge on other property or  
12       water. Underground waters include but are not limited to all underground waters passing through  
13       pores of rock or soils or flowing through in channels whether manmade or natural.

14       **Water pollution.**

15       The introduction into any surface or ground water, or any matter or deleterious substance in such  
16       quantities, proportions or accumulations which reduces the water quality within the surface or  
17       ground waters below standards set forth in Chapter 6.00.00, and to the extent the water might be  
18       injurious to human, plant, animal, fish and other aquatic life, or property, or which unreasonably  
19       interfere with the comfortable enjoyment of life or property, or conduct of business.

20       **Water quality.**

21       The chemical and biological composition of water.

22       **Water recirculation facilities.**

23       Those structures used for storing, routing and treating of mine and process waters, including but not  
24       limited to reservoirs, clay settling areas, canals, ditches and their associated dams and dikes.

25       **Wekiva River Protection Area.**

26       The lands within: Township 18 South, Range 28 East; Township 18 South, Range 29 East;  
27       Township 19 South, Range 28 East, less those lands lying west of a line formed by County Road  
28       437, State Road 46, and County Road 435; Township 19 South, Range 29 East, Township 20 South,  
29       Range 28 East, less all those lands west of County Road 435; and Township 20 South, Range 29  
30       East, less those lands east of Markham Woods Road.

**Table 3.00.03  
Land Use - Zoning District Matrix**

Land Use Category	Zoning District
URBAN <del>(Max Density 7 du/gross ac)</del> Low Density Residential Medium Density Residential High Density Residential Commercial Industrial Special Districts	A, RA, R-1, R-2, R-3, R-4, R-6, R-7, R-8, R-10, RM, RMRP, RP, RV, PUD, CFD, MUQD, C-1, C-2, C-3, CP, LM, HM, MP
URBAN EXPANSION <del>(Max Density 4 &amp; 6 du/gross ac)</del> Low Density Residential Medium Density Residential High Density Residential Commercial Industrial Special Districts	A, RA, AR, R-1, R-2, R-3, R-4, R-6, RMRP, RP, RM, RV, PUD, CFD, MUQD, C-1, C-2, C-3, CP, LM, HM, MP
SUBURBAN <del>(Max Density 3 du/gross 1 ac)</del> <u>Base Density 1 du/5 gross ac</u> <u>Meeting Timeliness 1 du/gross ac</u> <u>PUD meeting Timeliness 3 du/gross ac</u> Low Density Residential Medium Density Residential High Density Residential Commercial Industrial Special Districts	A, RA, AR, R-1, R-2, R-3, R-4, PUD, MUQD, C-1, CP, CFD, LM, MP
<del>SEMI RURAL (FUTURE URBAN)</del> <del>(Max Density 1 du/2 gross ac)</del> <del>Low Density Residential</del> <del>Neighborhood Commercial</del> <del>Industrial</del> <del>Special Districts</del>	<del>A, RA, AR, R-1, R-2, PUD, MUQD, C-1, CP, PUD, MUQD, LM, MP, CFD</del>

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Land Use Category	Zoning District
RURAL (Max Density 1 du/5 gross ac) Low Density Residential Neighborhood Commercial Industrial Special Districts	A, RA, MUOD, CP, PUD, CFD, LM, MP
RURAL VILLAGE Max Density 2 du/gross ac Low Density Residential Medium Density Residential Neighborhood Commercial Special Districts Light Industrial	A, RA, AR, R-1, R-2, R-3, PUD, MUOD, CFD, C-1, C-2, CP, LM, MP
EMPLOYMENT CENTER Commercial Industrial Special Districts	PUD, MUOD, CFD, C-1, C-2, C-3, CP, LM, HM, MP
COMMERCIAL ACTIVITY Commercial Special Districts	C-1, C-2, C-3, CP, PUD
FUTURE EMPLOYMENT CENTER Commercial Industrial Special Districts	PUD, MUOD, CFD, C-1, C-2, C-3, CP, LM, HM, MP
<u>WEKIVA RIVER PROTECTION AREA</u> <u>Max Density</u> <u>Sending Area #1 "A - 1 - 40"</u> <u>Overlay District</u> <u>Sending Area #2 "A - 1 - 20"</u> <u>Overlay District</u> <u>Receiving Area #1 "A - 1 - 20"</u> <u>Overlay District</u> <u>Special Districts</u>	A - 1 - 20, A - 1 - 40 CFD <u>See Chapter VII, Wekiva for vesting and Transfer of Development Rights</u>

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Land Use Category	Zoning District
MT. PLYMOUTH/SORRENTO URBAN COMPACT NODE - WEKIVA <u>Receiving Area #2</u> <u>Max Density 5.5 du/net ac - Subject to</u> <u>Transfer of Development Rights's</u> Low Density Residential Medium Density Residential Neighborhood Commercial Special Districts	A, RA, AR, R-1, R-2, R-3, R-4, R-6, PUD, CFD, CP, RP
MT. PLYMOUTH/SORRENTO URBAN COMPACT NODE - NOT WEKIVA <u>Max Density 5.5 du/net ac</u> Low Density Residential Medium Density Residential Neighborhood Commercial Special Districts	A, RA, AR, R-1, R-2, R-3, R-4, R-6, PUD, CFD, MUOD, C-1, C-2, C-3, CP, LM, HM, MP, RP
<u>RIDGE</u> <u>Max Density 4 du/gross ac</u> <u>Low Density Residential</u> <u>Medium Density Residential</u> <u>Commercial</u> <u>Special Districts</u>	<u>A, RA, AR, R-1, R-2, R-3, R-4, CFD, PUD, C-1, C-2, CP</u>
<u>TRANSITIONAL</u> <u>Base Density 1 du/5 gross ac</u> <u>Meeting Timeliness 1 du/gross ac</u> <u>Low Density Residential</u> <u>Commercial</u> <u>Special Districts</u>	<u>A, RA, AR, R-1, CFD, PUD, C-1</u>
<u>RURAL/CONSERVATION</u> <u>Max Density 1 du/10 gross ac</u> <u>Low Density Residential</u> <u>Special Districts</u>	<u>RC-1-10, PUD, CFD</u>
<u>CORE/CONSERVATION</u> <u>(Max Density 1 du/20 gross ac)</u> <u>Low Density Residential</u> <u>Special Districts</u>	<u>RC-1-20, PUD, CFD</u>



Zoning Districts

Use classifications	Zoning Districts																				
	A R A	A R 1	R 1	R 2	R 3	R 4	R 6	R 8	R 10	R P 0	R M R P	R M	C 1	C 2	C 3	C P	L M	H M	M P	C F D	R V

RESIDENTIAL USES

Single Family	P	P	P	P	P	P	P	P	P	P	P		C	C			P	P					3
Bed & Breakfast Home	P	P	P	C	C	C	C			C													
Bed & Breakfast Inn	C	C	C	C						P			P	P	P								
Duplex								P	P	P													
Multi-Family									P	C			C	C	C								
Mobile Home	P	P						P		P													7

AGRICULTURAL USES

General Agriculture	P																						1
Non-Intensive Agricultural	P	P	P																				1
Agricultural Housing/Camps	C	C																					
Aviary	C	C	C																				
Chicken Farms	C																						1
Communication Tower	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	1 9
Egg Processing Facilities	C																						1

Use classifications	Zoning Districts																	COND							
	A	R A	A R	R 1	R 2	R 3	R 4	R 6	R 8	R 10	R P	R M R P	R M	C I	C 2	C 3	C P		L M	H M	M P	C F D	R V		
Greyhound Dog Farms	C																							20	
Hog Farms	C																							1	
Horse-Breeding Farms	P	P	P																					1	
Kennels	C														P		P	P	P	P	P			18	
Mills	C																				P				
Mining and Quarrying	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Plant Nurseries *5 acre requirement	P	C	C	C										P	P	P	P							16	
Obnoxious Uses	C														C	C	C	C	C	C	C	C			
Ratites	C																							1	
Roadside Farm Stands	P	P	C											P	P	P	P								
Slaughter Houses	C																								
Veterinary Clinics	P										C			C	C	C	P	C	P	P	P			12	
<b>COMMERCIAL USES</b>																									
Adult Use																									
Amusements, Commercial	C													C	C		P							2	
Automotive Repair															P	P	P	P	P	P	P				

Use classifications	Zoning Districts															C O N D								
	A	R A	A R	R 1	R 2	R 3	R 4	R 6	R 8	R 1 0	R P	R M R P	R M	C 1	C 2		C 3	C P	L M	H M	M P	C F D	R V	
Automotive Service Station														P	P	P	P	P			P			
Banking															P	P	P	P			P			
Bar or Tavern															P	P	P	P			P			
Carwash															P	P	P	P			P			
Consumer Services and Repair															P	P	P	P			P			
Hotel or Motel																P		P			P			C
Marina	C	C	C												P	P	P	P						
Medical Service																P	P	P			P			1 5
Personal Care Services											P				P	P	P	P			P			
Professional Office											P				P	P	P	P			P			
Recreation, Commercial															P	P	P	P						
Research Services																P	P	P						
Restaurant, Fast Food															P	P	P	P			P			
Restaurant, General															P	P	P	P			P			
Retail, Convenience															P	P	P	P			P			C
Retail, General															P	P	P	P			P			C

1 3.01.04 Key to Conditions in Table of Permitted and Conditional  
2 Uses

- 3 1. A. Keeping of Livestock (Excluding Ratites (emus, rheas and  
4 ostriches etc.)) for General Agriculture, and Non-  
5 Intensive Agriculture, and Horse Breeding Farms.

6 These uses shall only be permitted as shown in Table  
7 3.01.03 Schedule of Permitted and Conditional Uses in the  
8 A, AR, RA, and R-1 zoning districts and shall adhere to  
9 the following setbacks:

10 a. A Livestock Building should ~~shall~~ maintain a two  
11 hundred (200') foot setback from the property line.  
12 In the event that a livestock building cannot be  
13 constructed because of the two hundred (200') foot  
14 setback, then the Livestock Building shall be as  
15 closely centered as possible between the property  
16 lines AND shall maintain a fifty (50') foot setback  
17 from the property line. if the Livestock Building  
18 shelters four (4) or more horses OR any farm  
19 animals.

20 b. ~~If a Livestock Building shelters three (3) or less~~  
21 ~~horses and no other animals AND if the Lot width or~~  
22 ~~length is equal to or less than one hundred fifty~~  
23 ~~(150') feet, then the Livestock Building shall be~~  
24 ~~as closely centered as possible between the~~  
25 ~~property lines AND shall maintain a fifty (50')~~  
26 ~~foot setback from the property line. The County~~  
27 ~~Manager or designee shall determine whether the~~  
28 ~~Livestock Building is as closely centered as~~  
29 ~~possible in order to avoid obnoxious odors to~~  
30 ~~abutting Lots.~~

31 ~~e. If a Livestock Building shelters three (3) or less~~  
32 ~~horses and no other animals AND if the Lot width or~~  
33 ~~length is greater than one hundred fifty (150')~~  
34 ~~feet, then the Livestock Building shall maintain a~~  
35 ~~seventy five (75') foot setback from the property~~  
36 ~~line.~~

- 37 B. Keeping of Ratites (emus, rheas and ostriches etc.)

38 In the Agriculture "A" District a Conditional Use permit  
39 shall be required for the keeping of Ratites. The  
40 conditional use permit shall address the maximum number  
41 of birds to be permitted, the impact of animal noise and  
42 odor, the treatment and removal of animal waste, fencing,  
43 landscape buffering, security lighting and any other  
44 conditions, safeguards or restrictions as may be  
45 identified.

- 46 2. Adult Uses

If a Lot of Record is located in:

1. Zoning districts A or RA which permit both Conventionally Built Homes and Mobile Homes and the Lot of Record is less than five (5) acres, then the following shall apply.
  - a. If within a one half (1/2) mile radius of the Lot of Record, the number of Conventionally Built Homes is equal to or greater than the number of Mobile Homes, then only a Conventionally Built Home shall be constructed on the Lot of Record.
  - b. If within a one half (1/2) mile radius of the Lot of Record, the number of Conventionally Built Homes is less than the number of Mobile Homes, then either a Conventionally Built Home or a Mobile Home may be constructed or placed on the Lot of Record.
  - c. The one half (1/2) mile radius shall include unincorporated and incorporated areas of Lake County, but shall exclude areas located in other counties.
2. Zoning district R-8, then Subsection 3.02.01.C.1 shall not apply.
3. Zoning districts which only permit Conventionally Built Homes or only permit Mobile Homes, then only the type of home permitted in the zoning district shall be constructed or placed on the Lot of Record.

D. Road Requirement

A Lot of Record created by a recorded plat must have road frontage of at least forty (40') feet.

E. Aggregation of Lots

1. Except Wekiva

In addition to meeting Subsection 3.02.01.E.3, an applicant shall adhere to the Subsection which produces the least density of Subsections 3.02.01.E.1.a, 3.02.01.E.1.b, or 3.02.01.E.1.c.

- a. If abutting Lots of Record were under common ownership as of March 2, 1993, then as many of the abutting Lots of Record as necessary shall be aggregated so that the aggregated Lots of Record are consistent with the lot size requirements of the land use category on the future land use map in the March 2, 1993 Comprehensive Plan. If all of the aggregated Lots of Record do not meet the lot size requirements of the land use category on the future

- 1 1. Fences shall have a minimum setback of thirty three (33) feet  
2 from the centerline of a traveled roadway or eight (8) feet  
3 from the property line, whichever is greater.
- 4 2. Fences shall be prohibited from encroaching into a Right-of-  
5 Way or public easement, such as an easement for roads,  
6 utilities or drainage, unless specifically required as a  
7 condition of a government-issued permit.
- 8 3. Fences shall have an additional setbacks beyond the setback  
9 required in Subsection 3.02.05.E.1 when the County Manager or  
10 designee determines that the Public's health, safety, and  
11 welfare are threatened.

12 F. Wetlands

13 Setbacks from wetlands are subject to regulation under Chapter VI,  
14 Resource Protection Standards.

1 3. For Master Park Plans approved on or after June 1, 1992, all  
2 mobile homes shall maintain a minimum setback of ten (10) feet  
3 from the pavement edge of the interior roads.

4 4. For Master Park Plans approved prior to June 1, 1992, all  
5 mobile homes shall maintain a minimum setback of twenty (20)  
6 feet from the pavement edge of the interior roads.

7 **3.02.08 Bulk Regulations for the RV District**

8 A. Minimum Land Area: Campgrounds and recreational vehicle parks  
9 shall contain a minimum of ten (10) acres.

10 B. Setbacks

11 1. There shall be a setback of one hundred fifty (150) feet from  
12 any road or highway for any commercial building or accessory  
13 building.

14 2. Property adjacent to federal, state or county highways shall  
15 maintain a minimum setback of fifty (50) feet from the highway  
16 right-of-way for any structure or recreational vehicle space.

17 3. All recreational vehicles and additions must maintain a ten-  
18 foot setback from other additions and recreational vehicles  
19 open adjacent spaces.

20 C. Screening: The entire park shall be enclosed by a fence five  
21 (5) feet in height, with the exception of that portion fronting on  
22 the county or state highway; a landscaped buffer zone of five (5)  
23 feet in depth shall be maintained on all sides except road  
24 frontage.

25 D. Space size: Each space shall contain a minimum of two  
26 thousand four hundred (2,400) square feet in area. The gross  
27 density of existing and future recreational vehicle parks shall not  
28 exceed 8.71 spaces per acre of land.

29 E. Roadways: Each space shall abut at least twenty (20) feet on  
30 a roadway which shall have an unobstructed width of twenty (20)  
31 feet for two-way drives and twelve (12) feet for one-way drives.

32 F. Trash disposal: Adequate trash disposal facilities shall be  
33 provided within easy access of each site.

34 G. Space markers: Each campsite shall be identified by a marker  
35 clearly visible at a minimum distance of twenty (20) feet.

36 H. Additions: All additions on individual spaces must be  
37 constructed to Standard Building Codes. Additions are limited to  
38 screen rooms, awnings, vinyl windows, and storage sheds.

1 I. Building permits for additions shall only be issued to a  
2 licensed contractor who has written permission from the owner or  
3 manager of the recreational vehicle parking authorizing the  
4 construction or placement of the addition.

5 J. Electricity: Each site shall have a maximum electrical  
6 service of 110/115 volts alternating current at fifty (50) amperes.

7 K. Dwelling Units. A maximum of one (1) dwelling unit per two  
8 hundred fifty (250) RV spaces shall be permitted for use by the  
9 recreational vehicle park's owner, operator, or maintenance  
10 personnel.

11 **3.02.09 Minimum Lot Width and Structure Size Requirements for**  
12 **Existing Development.**

13 All Existing Development shall comply with the minimum lot width  
14 and structure size requirements specified in Table 3.02.09.



TABLE 3.02.09

Zoning District	Minimum Lot Width (Ft)	Minimum Struct. Size (Sq Ft)	Zoning District	Minimum Lot Width (Ft)	Minimum Struct. Size (Sq Ft)
A	150 FPL	850	R4	50 FPL and 75 BSL	1200
RA	150 FPL	850	R6	50 FPL and 75 BSL	1200
AR	150 FPL	1000	R8	50 FPL and 60 BSL	850 or Note 2
R1	150 FPL	900	R10	50 FPL and 60 BSL	850
R2	80 FPL and 150 BSL	1500	RM	50 FPL	800
R3	75 FPL	1500	RP	50 FPL and 60 BSL	1200 or Note 2

Note 1 - 300 square feet of the minimum structure size may include attached screened areas, garages, carports, or utility areas.

Note 2 - One (1) two-family or duplex dwelling unit with each unit in the two-family dwelling or duplex containing a minimum of six hundred (600) square feet exclusive of attached screened areas, garages, carports, or utility areas.

FPL - Measured at front property line  
 BSL - Measured at building setback line

**3.03.00 URBAN AREA RESIDENTIAL DENSITY POINT SYSTEM AND TIMELINESS**

**3.03.01 Applicability**

The Urban Area Residential Density Point System applies to all land within the Urban, Urban Expansion and Suburban land use districts as established on the Future Land Use Map of the Lake County Comprehensive Plan. The Timeliness Criteria applies to all land

1 within the Suburban and Transitional land use districts as  
2 established in the Lake County Comprehensive Plan.

3 **3.03.02 Determination of Maximum Allowable Density in the Urban,**  
4 **Urban Expansion, and Suburban and Transitional Areas**

5 A. Maximum Allowable Density

6 The maximum allowable density for sites located within the Urban,  
7 Urban Expansion, ~~or~~ Suburban and Transitional areas on the Lake  
8 County Future Land Use Map is determined as outlined below.

9 1. Urban and Urban Expansion:

10 By the zoning district regulations and the Urban Area  
11 Residential Density Chart.

12 2. Suburban:

13 By the zoning district regulations and the Urban Area  
14 Residential Density Chart; subject to Timeliness.

15 3. Transitional:

16 By the zoning district regulations; subject to Timeliness.

17 B. Determination of Maximum Allowable Density

18 The steps to determining the maximum allowable density are as  
19 follows:

20 1. Determine if the proposed project is subject to Timeliness.  
21 The relative timeliness for a proposal for residential  
22 development in the Suburban and Transitional Land Use  
23 Classifications shall be evaluated by the County. If the  
24 project is considered to be premature, it shall not be  
25 approved. The presence of any of the following factors  
26 indicate that a project is premature:

27 a. There is no functional and proximate relationship between  
28 the proposed development and any other development;

29 b. The proposed land use is incompatible with adjacent and  
30 adjoining land uses, such as agriculture;

31 c. There is a lack of urban services, including but not  
32 limited to police, fire and EMS;

33 d. The adequacy of the collector and arterial road network  
34 is deficient; or

- 1           e. The degree of existing development surrounding the  
2           proposed development is less than:
- 3           1. Forty (40%) percent developed within a one (1) mile  
4           radius for parcels containing up to 99.99 acres;  
5           and
- 6           2. Sixty (60%) percent developed within a two (2) mile  
7           radius for parcels containing 100.00 or more acres.
- 8           f. As used herein, "existing development" is the amount of  
9           area included within parcels which contain:
- 10           1. Residential structures at densities equal to or  
11           greater than 1 du/ac or subdivisions with one (1)  
12           acre or smaller lots which have been built out at  
13           least fifty (50%) percent; and
- 14           2. Non-residential structures, excluding agricultural  
15           related structures, including:  
16           (1) Roads,  
17           (2) Parks, and  
18           (3) Other similar improvements
- 19           g. The density of a development in an area designated as  
20           Suburban or Transitional which is unable to meet this  
21           criteria shall be limited to one (1) dwelling unit per  
22           five (5) acres.
- 23           CA. If appropriate, evaluate the proposed project by using the  
24           Urban Area Residential Density Chart (Table 3.03.03) to  
25           determine the number of points awarded to the proposed  
26           development.
- 27           DB. Use the Urban Area Residential Evaluation Table (Table  
28           3.03.04) to determine the maximum permitted density according  
29           to the density point system. This shall be known as the point  
30           system density.
- 31           EE. Determine the maximum density for the zoning district within  
32           which the proposed development is located (Table 3.02.06).  
33           This shall be known as the zoning district density.
- 34           FD. Compare the maximum density accorded by the point system to  
35           the maximum density allowed within the zoning district.
- 36           1. If the Zoning District Density is greater than the Point  
37           System Density, then the maximum allowable density shall  
38           comply with the Point System Density.
- 39           2. If the Zoning District Density is less than the Point  
40           System Density, then the maximum allowable density shall

1     **3.11.04    Termination of Nonconforming Uses and Development**

2     A.    Generally

3           Nonconforming Uses and Development shall be brought into full  
4           compliance with the other requirements of Chapters III, VI,  
5           VII, VIII, IX, X, and XI of these Regulations, in conjunction  
6           with the following activities:

- 7           1.    Any expansion, change, enlargement, or alteration  
8           of a use or Development in any way which increases  
9           its nonconformity. This shall not be construed to  
10          include normal maintenance and incidental repair  
11          (e.g., painting, providing for a new roof, re-  
12          screening an existing porch, etc.).
- 13          2.    Reconstruction of the Principal or Accessory  
14          Structure after the Structure has been  
15          substantially destroyed by fire or other natural  
16          disaster. A Structure is "substantially destroyed"  
17          if the cost of reconstruction is fifty (50) percent  
18          or more of the fair market value of the Structure  
19          before the fire or natural disaster. If there are  
20          multiple Principal Structures on a site, the cost  
21          of reconstruction shall be compared to the combined  
22          fair market value of all the Structures. A  
23          nonconforming use may continue if, within two (2)  
24          years from the date that the Principal Structure  
25          was substantially destroyed, a Certificate of  
26          Occupancy is issued for the rebuilt Principal  
27          Structure.
- 28          3.    Structural Alteration, as defined in Chapter II.
- 29          4.    Any change in the use of the property, whereby a  
30          change from one Use Classification identified in  
31          Subsection 3.01.03 to another Use Classification  
32          constitutes a change in the use of the property.  
33          This shall not be construed to include normal  
34          maintenance and incidental repair (e.g., painting,  
35          providing for a new roof, rescreening an existing  
36          porch, etc.).
- 37          5.    The discontinuance of any use (excluding the uses  
38          specified in Section 3.11.04.A.6) or Development  
39          for twelve (12) consecutive months or the  
40          reestablishment of an occupational license for  
41          which the expiration has exceeded one year.
- 42          6.    The discontinuance of any agricultural uses (not  
43          requiring a CUP) for fifteen (15) consecutive  
44          years.

45    B.    Special Provisions For Specific Nonconformities

1           1.    Nonconforming Signs

2           a.    Continuation of Nonconforming Signs

3                   A Nonconforming Sign may be continued and shall be  
4                   maintained in good condition as required by these  
5                   Regulations, but it shall not be:

6                   (1)   Structurally altered or repaired in excess of  
7                   fifty (50) percent of its depreciated value,  
8                   basing replacement cost on use of new  
9                   materials.

10                  (2)   Altered in any manner that increases the  
11                  degree of nonconformity.

12                  (3)   Moved.

13                  (4)   Re-established after damage or destruction if  
14                  the estimated cost of reconstruction exceeds  
15                  fifty (50) percent of the appraised  
16                  replacement cost as determined by the County  
17                  Manager or designee.

18           b.    Determination of allowable spacing for new signs

19                   Nonconforming Signs shall be counted in determining  
20                   the spacing allowable for new signs.

21    **3.12.00    BED AND BREAKFAST ESTABLISHMENTS**

22    **3.12.01    Purpose**

23    The purpose of this section is provide criteria for bed and  
24    breakfast establishments in specified zoning districts.

25    **3.12.02    Bed and Breakfast Inn Standards**

26    A site and development plan shall be required for the approval of  
27    all Bed and Breakfast Inns, and said site and development plan  
28    shall address and conform to the following standards.

29    A.    Parking

30    1.    Adequate off-street parking shall be provided for each guest  
31    room as well as the host accommodations.

32    2.    Parking areas may be lighted for security purposes; however,  
33    all lighting shall be directed away from adjacent properties.

34    3.    Guest parking areas shall be located to be screened from view  
35    of adjacent properties as well as view from the roadway  
36    providing access.

1     B.    Signage

2     1.    One (1) announcement sign may be attached to and parallel with  
3     the front of the building, or located as a monument sign in  
4     the front yard, no higher than four (4) feet.

5     2.    An announcement sign shall not exceed four (4) square feet and  
6     shall not be illuminated.

7     C.    Structure Design

8     1.    Guest rooms shall be part of the primary structure or the  
9     principal accessory structure with primary access from an  
10    interior hallway or room of the building, unless other access  
11    is required for emergency egress.

12    2.    When rehabilitation or expansion is sought, the exterior  
13    appearance of the primary structure shall maintain a character  
14    consistent with the character of the surrounding properties.

15    3.    An interior kitchen and dining facility shall be utilized, and  
16    cooking shall not be allowed in any of the guest rooms.

17    4.    Any room additions or primary structure expansions shall be  
18    compatible with the existing architectural style of the  
19    building.

20    D.    Site Design

21    1.    The site shall be designed with adequate ingress and egress to  
22    accommodate traffic generated by the guests and host.

23    2.    The site shall be designed to maintain appearance, character,  
24    and integrity of the property consistent with the surrounding  
25    property.

26    3.    Adequate screening and buffering shall be required to minimize  
27    any adverse effects to adjacent properties.

28    E.    Compliance with Other Laws

29    1.    Compliance with the Lake County Comprehensive Plan and Land  
30    Development Regulations shall be required.

31    2.    Compliance with all fire safety codes, building codes, state  
32    energy codes and state accessibility codes shall be required.

1 3. Compliance with the requirements of the State of Florida,  
2 Department of Health and Rehabilitative Services, shall be  
3 required.

4 4. The property owner shall obtain all required occupational  
5 licenses prior to commencing operation.

6 **3.12.04 Bed and Breakfast Home Standards**

7 A site and development plan shall be required for the approval of  
8 all Bed and Breakfast Homes, and said site and development plan  
9 shall address and conform to the following standards.

10 **A. Parking**

11 1. Adequate off-street parking shall be provided for each guest  
12 room as well as the host accommodations.

13 2. Parking areas may be lighted for security purposes; however,  
14 all lighting shall be directed away from adjacent properties.

15 3. Guest parking areas shall be located to be screened from view  
16 of adjacent properties as well as view from the roadway  
17 providing access.

18 **B. Signage**

19 1. One (1) announcement sign may be attached to and parallel with  
20 the front of the building, or located as a monument sign in  
21 the front yard, no higher than three (3) feet.

22 2. An announcement sign shall not exceed two (2) square feet and  
23 shall not be illuminated.

24 **C. Structure Design**

25 1. Guest rooms shall be part of the primary structure with  
26 primary access from an interior hallway or room of the  
27 building, unless other access is required for emergency  
28 egress.

29 2. When rehabilitation or expansion is sought, the exterior  
30 appearance of the primary structure shall maintain a  
31 residential character consistent with the character of the  
32 surrounding properties.

33 3. Kitchen and dining facilities used by the primary resident  
34 shall be utilized by the guests, and cooking shall not be  
35 allowed in any of the guest rooms.

- 1     4.   Any room additions or primary structure expansions shall be  
2       compatible with the existing architectural style of the  
3       building.
- 4     D.   Site Design
- 5     1.   The site shall be designed with adequate ingress and egress to  
6       accommodate traffic generated by the guests and host.
- 7     2.   The site shall be designed to maintain appearance, character,  
8       and integrity of the property consistent with the surrounding  
9       property.
- 10    3.   Adequate screening and buffering shall be required to minimize  
11       any adverse effects to adjacent properties.
- 12    E.   Compliance with Other Laws
- 13    1.   Compliance with the Lake County Comprehensive Plan and Land  
14       Development Regulations shall be required.
- 15    2.   Compliance with all fire safety codes, building codes, state  
16       energy codes and state accessibility codes shall be required.
- 17    3.   Compliance with the requirements of the State of Florida,  
18       Department of Health and Rehabilitative Services, shall be  
19       required.
- 20    4.   The property owner shall obtain all required occupational  
21       licenses prior to commencing operation.
- 22    ldr9\chap3.mrk



1 C. Location

2 New rural villages may be located in the following land use classifications as established in the  
3 Future Land Use Element of the Comprehensive Plan:

4 1. rural

5 2. semi-rural future urban

6 **4.03.00 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**

7 **4.03.01 Purpose And Intent**

8 A. Planned Unit Developments shall be allowed in all land use classifications. In the Suburban  
9 and Transitional areas PUD's shall be subject to the Timeliness Criteria as established under 3.03.02.  
10 It is the purpose and intent of this section to establish a planned unit development (PUD) zoning  
11 district in effort to:

- 12 1. Exercise greater ingenuity and imagination in the planning and development of tracts of land  
13 under unified control than generally is possible under these regulations;
- 14 2. Allow a diversification of uses, structures, and open space in a manner compatible with both  
15 the surrounding, existing and approved development of land surrounding and abutting the  
16 PUD site;
- 17 3. Provide a means for land to be used more effectively, and for utilization of smaller networks  
18 of utilities and roads;
- 19 4. Detail the natural amenities of land encouraging scenic and functional open space within the  
20 PUD;
- 21 5. Provide for the reasonable protection of designated species of plants and animals;
- 22 6. Ensure that development will occur according to limitation of use, design, density, and  
23 phasing stipulated on an approved Development Plan;
- 24 7. Provide reasonable assurance of approval of a PUD application before a developer expends  
25 complete design monies, while providing the county with assurances that the PUD will be  
26 developed according to approved specifications.

**CHAPTER V**  
**CONCURRENCY**

**5.00.00 — GENERALLY**

**5.00.01 — Purpose**

~~The following Chapter describes the application of the concurrency system to specific development, facilities, providers, and applicants.~~

**5.01.00 — GENERAL RULES**

**5.01.01 — Types of Public Facilities Subject to Concurrency Test**

~~The public facilities which are mandated to be subject to a concurrency test are those designated as Category "A" facilities under 5.01.03 below. Those facilities designated as Categories "B" and "C" are not subject to a concurrency test.~~

**5.01.02 — Concurrency Test — Applicability**

**A. — Generally**

~~The concurrency test shall apply to all development orders except for those exemptions given in section 5.02.03. Differences in the application of the concurrency test to preliminary and final development orders is given below.~~

**B. — Preliminary Development Orders**

~~An applicant for a preliminary development order may select either of two options related to the concurrency test:~~

- ~~1. — Voluntarily request a concurrency test, pursuant to section 5.03.03, and pay the associated fees pursuant to section 5.05.04; or,~~
- ~~2. — Defer the concurrency test until a final development order review, and sign an affidavit acknowledging that future rights to develop the property are subject to the future concurrency test and, without such a test, no vested development rights have been granted by the local government or acquired by the applicant.~~

**C. — Final Development Orders**

~~A concurrency test shall be performed as a condition of granting a final development order. The Certificate of Capacity resulting from this test shall be required prior to the issuance of any final development order.~~

### ~~5.01.03 Expiration of Certificate of Capacity~~

#### ~~A. Generally~~

~~Lake County has specific time limits for most types of development orders and the capacity certificate will be valid for a period from twelve (12) months to thirty six (36) as set forth in the development order. Subsection C (5.01.03) defines time limits for such development orders.~~

#### ~~B. Capacity Encumbrance For Development Orders~~

~~All applicants will have the ability to temporarily encumber capacity for a maximum of six (6) months for all development orders listed under Subsection C (5.01.03). At the end of this six (6) month period the capacity must be reserved or it will be reallocated to the capacity pool.~~

#### Contents of Capacity information Letter.

~~At a minimum, the Capacity Information Letter shall contain:~~

- ~~(a) Date of issuance;~~
- ~~(b) Applicant's name, address and telephone number;~~
- ~~(c) Parcel I.D. number and legal description~~
- ~~(d) Name and Location of nearest potable water facility and available capacity if supplied by Orange County;~~
- ~~(e) Name and Location of nearest wastewater facility and available capacity if supplied by Lake County;~~
- ~~(f) Available capacity of activity based and resource based parks;~~
- ~~(g) Available capacity of mass transit facilities;~~
- ~~(h) Available capacity of solid waste facilities; and~~
- ~~(i) Consistent with the transportation requirements of the Lake County Comprehensive Plan, the existing and projected Levels of Service for roadway facilities within the vicinity of the site and the identification of any backlogged or constrained facilities.~~

#### Capacity Encumbrance Letters

##### Introduction.

~~A Capacity Encumbrance Letter is a determination by the County that, for a particular parcel, given specific proposed development density or intensity and based on the timing of development by phase and year, the proposed development will be concurrent at the time the Capacity Encumbrance Letter is issued and that the County has encumbered a specified amount of public facility or service capacity as specified in the Letter. A Capacity Encumbrance Letter is a prerequisite to a Capacity Reservation Certificate. In no event shall an applicant encumber a greater amount of capacity than~~

~~that necessary to serve the maximum amount of development permitted on the site under its current land use designation on the Future Land Use Map.~~

~~Procedure for Capacity Encumbrance Letter Evaluation. Within forty five (45) days after receipt of an application for a Capacity Encumbrance Letter, the County shall process the application, conduct a concurrency evaluation in accordance with Division 3 of this Article, and issue a Capacity Encumbrance Letter or a Capacity Encumbrance Denial Letter according to the following procedure.~~

~~Extensions may be granted by the Board of County Commissioners for cause shown.~~

~~C. Capacity Reservation for Development Orders~~

~~Development orders will have capacity reserved for the following deadlines established below:~~

<del>PRELIMINARY *</del>	<del>D.O. EXPIRES</del>	<del>CAPACITY RESERVATION PERIOD</del>
<del>Preliminary Plat</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Plan Amendment</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Rezoning</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>    PUD rezoning</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>    Conditional Use</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>    Permit</del>		
<del>        Master Park Plans</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>        All other rezonings</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Variance</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Lot Split</del>	<del>No expiration</del>	<del>12 36 months</del>

~~FINAL \*\*~~

<del>Building Permit</del>	<del>6 months</del>	<del>12 36 months</del>
<del>DRI Development Order</del>	<del>Subject to D.O.</del>	<del>12 36 months</del>
<del>Final Subdivision Plat</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Site Plan (recorded)</del>	<del>No expiration</del>	<del>12 36 months</del>
<del>Improvement Plans</del>	<del>18 months</del>	<del>12 36 months</del>
<del>FQD Development Order</del>	<del>Subject to D.O.</del>	<del>12 36 months</del>
<del>Mobile Home Building Permit</del>	<del>6 months</del>	<del>12 36 months</del>

~~\* All capacity reservations made during a preliminary approval are at the option of the developer.~~

~~\*\* Capacity reservations are mandatory prior to issuance of a final development order.~~

~~D. Extension of Capacity Reservation~~

~~Certificates of Capacity can be extended under the same terms and conditions as the underlying development order as long as the development proceeds in good faith. If a development order is granted an extension, the accompanying Certificate of Capacity is also extended, reserving capacity according to that new expiration date. The capacity will be reserved for the time set forth in the development order, as long as development proceeds in good faith.~~

~~E. Expiration of Certificate of Capacity~~

~~The Certificate of Capacity will expire at any point in the process where the underlying development order expires or is revoked or denied by Lake County and the capacity has not been rolled forward from a preliminary to a final development order for the same parcel.~~

~~F. Resubmission of Concurrency Application~~

~~Applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted immediately if the applicant of the denied development order intends to provide all public facilities to comply with capacity requirements and resubmits revised final development plans that accommodate such facilities. If the applicant does not intend to provide those necessary public facilities to meet capacity requirements, then at the applicant's request the applicant will be placed on a waiting list for capacity.~~

~~G. Return of Reserved Capacity upon Expiration~~

~~If an applicant does not request an extension, or the requested extension is denied, and the development order expires, the Certificate of Capacity will also expire and the reserved capacity will be returned to the "available" capacity pool.~~

~~H. Forfeiture of Reserved Capacity~~

~~Capacity that is reserved is forfeited unless it is:~~

- ~~1. ultimately used by completion of construction pursuant to unexpired development orders;~~
- ~~2. extended with the extension of the development order; or~~
- ~~3. transferred to a subsequent development order for the same property.~~

~~I. Transfer of Reserved Capacity~~

~~Because the capacity test is site specific, it cannot be transferred to another piece of property. It can be transferred to~~

~~subsequent development orders for the same parcel, and to subsequent owners of the same parcel.~~

#### ~~5.02.00 EXEMPTIONS~~

##### ~~5.02.01 Generally~~

~~Several conditions may warrant the exemption of certain developments from the concurrency test. These are vested development rights and general exemptions. De minimis and redevelopment provisions are presented below.~~

##### ~~5.02.02 Development Causing No Impact on Public Facilities~~

~~Certain types of development will be exempt from the concurrency test because the development causes no additional impact on public facility capacity. These types of development include:~~

- ~~1. Home improvements not adding another sleeping quarters or bath such as room additions and screened enclosures;~~
- ~~2. Accessory structure to a residence;~~
- ~~3. Replacement structures which have no difference in impact on public facilities;~~
- ~~4. Amenities such as pools, fences, walls, and signs;~~
- ~~5. Temporary construction trailers;~~
- ~~6. Wells and septic tanks;~~
- ~~7. Remodeling, such as moving a wall, if no change in use, addition of units, or interior completion of a "shell only" structure is involved;~~
- ~~8. Driveway or parking lot paving;~~
- ~~9. Change of electrical service;~~
- ~~10. Electrical permit;~~
- ~~11. Right of way utilization permit;~~
- ~~12. Floodplain permit;~~
- ~~13. Plumbing permit;~~
- ~~14. Roofing or sheet metal permit;~~
- ~~15. Tree removal permit;~~

- ~~16. Underground utilities permit,~~
- ~~17. Mechanical permits (HVAC)~~
- ~~18. Re-roofing of existing structures,~~
- ~~19. Repair or replacement of mechanical systems, wiring, or plumbing,~~
- ~~20. Use permits/right of way permits that do not increase the needed capacity of public facilities,~~
- ~~21. Accessory facilities for agricultural uses that create no additional impact on public facilities,~~
- ~~22. Any sub permit to new construction,~~
- ~~23. Permits for historical documentation,~~
- ~~24. Sign permits, and,~~
- ~~25. Utilities such as telephone switching station, electrical power substations, radio towers that create no additional impact on public facilities.~~

~~5.02.03 Development Causing Minor or "De Minimis" Impacts on Public Facilities~~

~~Exceptions from the concurrency requirement may be granted for development causing minor or "de minimis" impact on public facilities. Example of "de minimis" impact would be similar to that of an addition to an existing development which causes a minor impact on public facilities such as one single family residence within an area which is developed with similar structures.~~

~~5.02.04 Expansion or Redevelopment of Existing Development~~

~~Applications for expansion or redevelopment that was disclosed by the applicant as part of an earlier application and which was tested for concurrency will not require additional testing (unless the development design has changed to increase demand on public facility capacity, or the earlier development order has expired.) All other expansions and redevelopments are subject to a concurrency test based on the size of the expansion or redevelopment.~~

~~Concurrency Review Process~~ **insert**



~~Demolition or Termination of Existing Use.~~ In the case of demolition of an existing structure or termination of an existing use in conjunction with plans for redevelopment, the concurrency evaluation for future development shall be based upon the new or proposed land use as compared to the land use existing at the time of such demolition or termination. Credit for prior use shall not be transferable to another parcel. Credit for prior use must be utilized in connection with a redevelopment of the site within two (2) years following the demolition of the existing structure or termination of the existing use, whichever first occurs. Credit for prior use shall be deemed extinguished in the event such credit is not utilized in connection with the issuance of a building permit or a Capacity Reservation Certificate within two (2) years following the date of issuance of the demolition permit for the subject property, or the termination of the existing use, whichever first occurs.

### ~~5.03.00 CONCURRENT REVIEW PROCEDURE~~

#### ~~5.03.01 Generally~~

~~The procedure associated with the actual concurrency test including: responsible department, application of levels of service, reservation of capacity, time frames, and data requirements are presented in this section.~~

#### ~~5.03.02 Department Responsible for Administering Test~~

~~The County shall be responsible for administering the concurrency test.~~

#### ~~5.03.03 Pre Application Meeting~~

##### ~~A. Generally~~

~~A meeting shall be scheduled between the County and the applicant prior to the application for a concurrency test to clarify the procedure to the applicant and make a determination regarding several issues including: the type of development order, applicable exemptions, consistency of the application with the Comprehensive Plan, and completion of the application.~~

##### ~~B. Determination of Type of Development Order~~

~~The first determination shall identify the application as "preliminary" or "final" development order, as defined in Chapter II within the definition of development order. The concurrency test shall apply to the application as provided in section 5.01.02.~~

##### ~~C. Exemptions~~

~~The next determination to be made is the existence of any conditions which are considered exemptions, as given in section 5.02.00. A concurrency test is not required for exempt development that causes no impact on public facilities. Exempt vested development shall be tested pursuant to section 5.02.02.~~

~~D. Consistency of Proposed Land Use with Comprehensive Plan~~

~~A determination shall then be made by the County as to whether the proposed land use is consistent with the Comprehensive Plan.~~

~~E. Completion of Application~~

~~The final determination to be made is the completeness of the application for a concurrency test. At a minimum, the application shall contain the following:~~

- ~~1. All uses, densities and intensities of the development;~~
- ~~2. All timing/phasing of proposed development; and,~~
- ~~3. All base data, as given in F. below needed to determine the public facility demand.~~

~~F. Base Data~~

~~The County shall provide the base "demand" data (such as population forecasts, persons per household, current population, etc.) which will quantify the demand for public facility capacity. Base demand data and service level measures are as follows:~~

**BASE DEMAND DATA AND SERVICE LEVEL MEASURES**

<b>PUBLIC FACILITY CATEGORY</b>	<b>SPECIFIC FACILITY</b>	<b>CAPACITY MEASURE</b>	<b>DEMAND MEASURE</b>	<b>GEOGRAPHIC SCOPE</b>
Traffic	Roadway	Volume of cars accommodated over time	Trips/Day	Affected roadways
Sanitary Sewer	Treatment Plant	Treatment Design Capacity (GPD)	Generation Rate (GPD)	Service Area
Potable Water	Treatment Plant	Treatment Design Capacity (GPD)	Generation Rate (GPD)	Service Area
Solid Waste	Landfill Ash Monofil Incinerator	Volume in active cell Volume in active cell Design Capacity (TPD)	Generation Rate lbs./capita/day	Countywide
Recreation and Open Space	Parks and Facilities	Acres of park land and facility improvements	Acres of parks per 1000 residents	Countywide
Stormwater Management	Conveyance Facility	Volume of water	Volume of stormwater outfall for design storm	Basin/sub-basin

~~Applicants may submit alternate data, subject to payment of a special administrative fee as provided for in Section 5.05.04(A) to cover County costs for review of the alternate data, and subject to the requirement that the alternate data be substantiated by a competent professional. In the event that the applicant's alternate data is based on special circumstances regarding the presumed use of the development, the applicant will be required to execute a deed restriction to enforce such special circumstances.~~

~~C. Designation of Service Provider(s)~~

~~For each facility/service which is to be reviewed for concurrency, a determination shall be made of the provider of that facility/service. If more than one provider is available for a public facility, the County and the applicant will determine which provider to use.~~

~~5.03.04 Determination of Availability of Capacity of Public Facilities~~

~~A. Generally~~

~~No final development order shall be issued by the County on or after June 1, 1992, or such earlier date as may be adopted by the Board of County Commissioners, unless there shall be sufficient capacity of Category A public facilities to meet the standards for levels of service for the existing population and for proposed development according to the standards given under items B through D below.~~

~~B. Potable Water, Sanitary Sewer, Solid Waste and Stormwater Management~~

~~To satisfy concurrency requirements, capacities for water, sewer, solid waste and stormwater management must comply with adopted level of service standards according to one of the following timeframes established during the concurrency determination stage of the development review process:~~

- ~~1. Facilities and services are in place prior to the issuance of a building permit;~~
- ~~2. A development permit is issued subject to the condition that the necessary facilities and services will be in place at the time the impacts of the development occur. Such conditions shall be stipulated within an enforceable development agreement or a binding contract that guarantees the completion of construction prior to the issuance of a certificate of occupancy. A development shall place no impact on facility capacity until such a certification is issued;~~

- ~~3. The necessary facilities are under construction at the time a permit is issued. Such facilities shall be completed prior to the impacts of development. A certificate of occupancy shall not be issued until such facilities or services are able to perform in a manner consistent with adopted level of service standards;~~
- ~~4. Facilities and services are guaranteed in an enforceable development agreement that assures facilities and services are in place concurrent with the impacts of development.~~

~~C. Roads~~

~~For road facilities, the concurrency requirement shall be satisfied through one of the following actions approved by Lake County during the development review process:~~

- ~~1. Satisfy one of the four criteria stipulated in subsection 5.03.04 (B) (1-4), above; or~~
- ~~2. Necessary improvements are programmed within the first three years of the Five Year Schedule of Capital Improvements provided that each of the following conditions is met:~~
  - ~~a. The Five Year Capital Improvements Program and the Capital Improvements Element of the Lake County Comprehensive Plan are financially feasible. As permitted by Section 9J 5.0055(2)(c)1., F.A.C., concurrency determinations shall only include transportation projects scheduled in or before the first three years of the Five Year Schedule of Capital Improvements.~~
  - ~~b. The Five Year Capital Improvements Program includes improvements necessary to correct any identified road deficiencies and maintain adopted levels of service for existing and permitted development within the first three years of the Five Year Schedule of Capital Improvements and the provision of service will commence in or before that third year.~~
  - ~~c. The Five Year Capital Improvements Program is a realistic, financially feasible program based on currently available revenue sources and development orders will only be issued if the public facilities necessary to serve the development are available or included in or before the first three years of the Five Year Schedule of Capital Improvements.~~
  - ~~d. The Five Year Capital Improvements Program identifies whether funding is for design, engineering, consultant~~

~~fees, or construction and indicates, by fiscal year, how the dollars will be allocated.~~

~~D. Parks and Recreation~~

~~For park and recreation facilities and services, the concurrency requirement shall be satisfied through one of the following actions approved by Lake County during the development review process:~~

- ~~1. Satisfy one of the four requirements stipulated in subsection 5.03.04 (B) (1-4), or~~
- ~~2. Prior to the issuance of a building permit, recreation facilities and services are the subject of a binding executed contract or guaranteed in an enforceable development agreement which provides for the commencement of the actual construction of the required recreation facilities or provision of services within one year of the issuance of a building permit. Such a contract or agreement shall stipulate that facilities or services shall be available for active use within one year after construction commences.~~

~~5.03.05 Concurrency Test~~

~~A. Generally~~

~~Once an application has been determined to be complete and in need of a concurrency test, the application will be sent to the providers of the public facilities and the capacity analysis will occur. The concurrency test is made up of four sub parts: calculation of demand, calculation of capacity required for demand, comparison of capacity requirement to inventory and a determination of capacity availability.~~

~~B. Demand per Unit of Development~~

~~For each of the Category A Public Facilities, a calculation of projected demand for the project shall be calculated, using the demand measures given in section 5.03.03 (F) above.~~

~~1. Roads~~

~~The demand measure for roads shall be the number of trips generated by the proposed development during the P.M. peak hour, using the most recent edition of the ITE Trip Generation Report. This demand figure shall be compared to a low and high threshold.~~

- ~~(a) If the number of trips exceeds the high threshold, all roads demonstrated by the County's computer model to be affected will be analyzed.~~

~~(b) If the number of trips is less than the high threshold, but greater than the low threshold, the roads to be analyzed will be identified using the FSUTMS model, which lists the types of land uses and accompanying ranges of densities and intensities and lists the associated thresholds and impact radius for each land use.~~

~~(c) If the number of trips is less than the low threshold, the arterial and collector roads providing access to the proposed development will be analyzed.~~

## ~~2. Sanitary Sewer~~

~~The demand measure for sanitary sewer shall be the generation rate in gallons per day (GPD). The geographic scope to be examined shall be the applicable service area. The Lake County wastewater Equivalent Residential Unit (ERU) determination shall be used to develop the demand measure.~~

## ~~3. Potable Water~~

~~The demand measure for potable water shall be the generation rate in gallons per day (GPD). The geographic scope to be examined shall be the applicable service area. Lake County water Equivalent Residential Unit (ERU) determination shall be used to develop the demand measure.~~

## ~~4. Solid Waste~~

~~The demand measure for solid waste shall be the generation rate in pounds per capita per day (lbs/capita/day). The geographic scope to be examined shall be the entire county.~~

## ~~5. Recreation and Open Space~~

~~The demand measure for parks and recreation shall be acres of parks per 1000 residents. The geographic scope to be examined shall be the entire county.~~

## ~~6. Stormwater Management~~

~~The demand measure for stormwater management shall be the volume of stormwater runoff for the design storm. The geographic scope to be examined shall be the site.~~

## ~~C. Calculation of Capacity Required for Demand~~

~~For each of the Category A Public Facilities, a calculation of the corresponding capacity necessary to meet the demand shall be derived, based on the capacity measures given in section 5.03.03 (F) above.~~

~~D. Comparison of Capacity Requirement to Inventory~~

~~The capacity for each of the Category A Public Facilities, as determined by the County, or as given by the applicable service provider, if not the County, shall then be compared to the calculated capacity demand for the proposed development derived in subsection 5.03.05 C above.~~

~~E. Determination of Capacity Availability~~

~~1. Generally~~

~~For each Category A Public Facility, a determination of available capacity shall be made. If the inventory for that specific facility exceeds the projected demand of the proposed development, within the applicable geographic scope of that facility, a Certificate of Capacity shall be issued. If the inventory for that specific facility is less than the projected demand of the proposed development, a Certificate of Capacity cannot be issued for the application as submitted.~~

~~2. Upon Completion of Determination~~

~~If a Certificate of Capacity is not issued, the applicant may either withdraw the petition or be placed on a waiting list, or resubmit the application requesting that partial capacity be awarded pursuant to 5.03.05 F above and 5.05.03 below.~~

~~F. Applicant May Receive Partial Capacity Reservation~~

~~1. Option to Amend Request.~~

~~If there is insufficient capacity remaining to approve an application as submitted, the applicant will have the option of amending the request (within fifteen (15) days) for lower intensities/densities or withdrawing the application and resubmitting.~~

~~2. Option to Reserve Capacity.~~

~~If the County has the capacity available in only some of the types of public facilities (i.e. water, sewer, parks, but not for roads), the applicant will have the option of reserving the capacity of the available public facilities for 120 days during which time the applicant may develop alternatives for providing the facilities that are insufficient.~~

~~G. Development Agreements~~

~~Applicants for development orders may offer to provide public facilities at the applicant's own expense in order to insure sufficient capacity of Category A public facilities. Development~~



~~agreements may be entered into subject to the following requirements:~~

- ~~1. An enforceable development agreement shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to insure that the public facilities are completed concurrent with impacts of the development, or the development will not be allowed to proceed.~~
- ~~2. The public facilities are contained in the Schedule of Capital Improvements of the Comprehensive Plan; or a plan amendment occurs in accordance to Chapter 163.3187, Florida Statutes, to revise data and analysis and update the Five Year Schedule of Capital Improvements.~~
- ~~3. The development agreement is construed to be enforceable according to Sections 163.3220 - 163.3243, Florida Statutes.~~

#### ~~5.04.00 ADOPTED LEVELS OF SERVICE~~

##### ~~5.04.01 Adopted Levels of Service Incorporated by Reference~~

~~The adopted levels of service (LOS) standards for Category A public facilities and services as contained in the Lake County Comprehensive Plan are hereby adopted by reference.~~

##### ~~5.04.02 Application of Levels of Service Standards~~

~~The standards for levels of service of each type of public facility in Category A shall apply to development orders issued by the County after June 1, 1992, the County's annual budgets beginning with the 1991 1992 fiscal year, the County's Capital Improvement Programs beginning with the 1991 1992 fiscal year, and other elements of the Lake County Comprehensive Plan.~~

##### ~~5.04.03 No Phased Levels of Service~~

~~Lake County does not use phased levels of service for public facilities. In the event that the County amends the comprehensive plan and uses phased standards, the level of service will be calculated (for the purpose of concurrency tests) using the level of service which would be in effect at the time of the impacts of development (as opposed to the level of service in effect at the time the application is made). This method will insure that the development order will receive the appropriate level of service upon completion of the development.~~

#### ~~5.05.00 MONITORING~~

##### ~~5.05.01 Annual Report~~

~~A. — Generally~~

~~The County will prepare an annual report on the capacity and levels of service of public facilities compared to the standards for levels of service adopted in the Comprehensive Plan for Category A facilities.~~

~~B. — Contents~~

~~1. The report shall summarize the actual capacity of public facilities, and forecast the capacity of public facilities for each of the five succeeding fiscal years. The forecast shall be based on the most recently updated Schedule of Capital Improvements in the Capital Improvements Element.~~

~~2. The annual report shall also summarize the implementation status of projects established in the Five Year Schedule of Capital Improvements for Category B and C, but such portion of the annual report shall be for information purposes only, and shall not pertain to the issuance of development orders by the County.~~

~~C. — Purpose of the Annual Report~~

~~The annual report may demonstrate evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report, subject to adjustments described in section 5.05.03, for reservation of capacity for development orders approved during the year.~~

~~D. — Public Facility Capacity Review~~

~~The County shall use the procedures specified in Chapter V to enforce the requirements of Public Facility types, Category A Facilities (II 48) records shall be maintained during each fiscal year to indicate the cumulative impacts of all development orders approved during the fiscal year to date or the capacity of public facilities as set forth in the most recent annual report on capacity and levels of service of public facilities.~~

~~5.05.02 — Reservation of Capacity~~

~~A. — Certificate of Capacity~~

~~An applicant of a development order issued on or after June 1, 1992, which has met concurrency requirements documented in Public Facility types, Category A Facilities (II 48), shall receive a Certificate of Capacity declaring that all capacity requirements have been met consistent with level of service standards. The certificate shall declare an amount of capacity reserved for the applicant and the timeframe during which capacity will be reserved.~~

~~The Certificate of Capacity shall be issued to applicants of a development order which has satisfied a concurrency test to determine that sufficient capacity of Category A public facilities is available to comply with standards for levels of service. Applications approved prior to June 1, 1992, and requesting a certificate of capacity will be issued a certificate in accordance with vesting through January 1, 1994.~~

~~B. Paying for a Certificate of Capacity~~

~~The capacity of reservation fee for one (1) year will require prepayment for 100% of the transportation impact fees. A two (2) year reservation will require fifty percent (50%) each year. A three (3) year reservation will require thirty three and a third percent (33 1/3%) percent each year.~~

~~All other impact fees are due and payable at the time a building permit is issued.~~

~~In order to obtain a Certificate of Capacity, the applicant must provide one of the following forms of payment:~~

- ~~1. Direct payment of fees (impact or connection),~~
- ~~2. Letter of credit, and~~
- ~~3. Development agreement to establish lien against property.~~

~~5.05.03 Coordination with other Departments and Providers~~

~~A. County Generally.~~

~~Within the County's review process, each application will be reviewed on a first come, first served basis. As each complete application is reviewed, available capacity will be encumbered (temporarily reserved) until the final disposition of the application. If the application is approved, the reservation becomes permanent upon payment of the certificate of capacity fee. If the application is denied, the temporary reservation returns to the pool of capacity (unless appealed, in which case the temporary reservation continues until the appeal is resolved).~~

~~B. County Leapfrogging~~

~~If an application cannot be approved because of "temporary reservations" preceding it, it may remain in the system until the temporary reservations are converted to permanent, or released to the pool. An application that is ready for final disposition can supersede ("leapfrog") the temporary reservation by an application ahead of it, subject to all of the following criteria:~~

- ~~1. Applicants cannot "leapfrog" over applicants that have been in the system less than 180 days;~~
- ~~2. An applicant can be leapfrogged only after notice has been given to the applicant, and they have received 15 days to complete transactions necessary to move ahead with the project and protect encumbered capacity;~~
- ~~3. An applicant must pay the Certificate of Capacity fee upon notification by the County (prior to final approval of the Certificate of Capacity); and~~
- ~~4. Applicants for affordable housing and public facilities cannot be leapfrogged;~~

#### ~~C. Other Providers~~

~~The coordination of the awarding of capacity among the County, other governments and other providers of public facilities will be handled according to the terms of the agreements described in this code. "Outside" providers who contract to perform their own concurrency test will be required to use the procedures described above (first come, first served and "temporary reservations"). In all cases involving "outside providers", the development orders issued by the County will be conditioned on the actual completion of the public facility by the provider.~~

#### ~~5.05.04 Fees~~

~~Two fees will be charged for concurrency determinations:~~

##### ~~A. Concurrency Test Fees~~

###### ~~1. Generally~~

~~The first fee will be a non refundable capacity analysis fee to cover the costs of performing the concurrency tests. This concurrency test fee will also be charged for preliminary capacity analysis or other formal inquiries (as opposed to applications) regarding a particular parcel of property. Such inquiries determine if there is sufficient capacity available to warrant developing or purchasing a parcel of property for specific uses, densities and intensities.~~

###### ~~2. Preliminary Capacity Analysis Fee~~

~~The County will perform a preliminary capacity test which will be for information purposes only, and is not binding on the County. The analysis shall be clearly marked as advisory, and not a commitment of public facility capacity. The County shall charge the concurrency test fee for this "inquiry"~~

~~analysis because it requires substantially the same research as a regular concurrency test.~~

~~3. Encumbrance Fee~~

~~An applicant may encumber capacity for any project up to six (6) months. A fee to cover the cost of administration will be charged.~~

~~4. Routine Inquiries~~

~~Routine inquiries regarding capacity of individual public facilities which can be answered by access to existing tables, ledgers, reports, and computer printouts shall not be charged a fee.~~

~~5. Administrative Fees~~

~~The County shall also charge administrative fees for reviewing alternative demand data and special traffic studies submitted by the applicant.~~

~~6. Fees for Extensions of Certificates of Capacity~~

~~There shall be a nominal fee for processing extensions of certificates of capacity.~~

~~7. Refund of Concurrency Test~~

~~Fees assessed by the County to perform a concurrency test shall only be refunded if an applicant has paid a portion or all fees and a determination has been made after the payment of such fees and before the test occurs that no capacity is available in one or more Category A facilities.~~

~~B. Certificate of Capacity Fee~~

~~The second fee will be the Certificate of Capacity reservation fee, which will consist of prepaying the County's transportation impact fees and or providing comparable financial guarantees. The capacity reservation fee system will provide the County with a portion of the cost of new facilities. The fee is refundable if development does not proceed, as long as the provider of the facility has not expended or obligated the money. The refund is subject to a six (6) percent or up to \$1,000.00 processing charge. County development orders which involve cities that do not have a prepayment system will be conditioned on the actual provision of the facilities by the City.~~

1 **CHAPTER V**

2 **CONCURRENCY MANAGEMENT**

3 **5.00.00 GENERAL**

4 **5.00.01 Purpose and Intent**

5 A. The purpose of the Lake County Concurrency Management System is to ensure that public  
6 facilities and services needed to support development are available concurrent with the impacts of  
7 such development. For the purpose of the issuance of development orders, Concurrency  
8 Management shall be relevant to all development located within the area for which Lake County has  
9 authority to issue development orders and permits.

10 B. It is the intent of this Chapter to ensure that level of service (LOS) standards adopted in the  
11 Lake County Comprehensive Plan for public facilities and services, hereby incorporated by  
12 reference, are maintained via the Lake County development review process. For the purposes of  
13 concurrency management, public facilities and services, pursuant to Rule 9J-5, Part 9J-5.0055,  
14 Florida Administrative Code, include the following for which LOS standards must be adopted:

- 15 1. transportation facilities and services,  
16 2. sanitary sewer facilities and services,  
17 3. solid waste facilities and services,  
18 4. stormwater management facilities and services,  
19 5. potable water facilities and services,  
20 6. parks and recreation facilities and services, and  
21 7. mass transit facilities and services.

22 **5.00.02 Public Facilities and Services**

23 A. The following shall constitute public facilities and services for which Lake County has  
24 adopted LOS standards.

- 25 1. Transportation public facilities and services shall include all roadways maintained by Lake  
26 County, a municipality, an adjacent County and the Florida Department of Transportation.
- 27 2. Sanitary sewer public facilities and services shall include those facilities and services owned  
28 or operated by Lake County, a municipality or an adjacent County.
- 29 3. Solid waste public facilities and services shall include all solid waste facilities and services  
30 owned, operated or managed by Lake County or an entity under contractual obligation with  
31 Lake County.

1 4. Stormwater management public facilities and services shall include all stormwater  
2 management facilities and services owned, operated or managed by Lake County or an entity  
3 under contractual obligation with Lake County.

4 5. Potable water public facilities and services shall include those facilities and services owned  
5 or operated by Lake County, a municipality or an adjacent County providing water for  
6 human consumption, dermal contact, culinary purposes or dishwashing.

7 6. Parks and recreation public facilities and services shall include all recreational park lands  
8 owned, operated or managed by Lake County or an entity under contractual obligation with  
9 Lake County. Recreational park lands for which the County has contributed funding toward  
10 the purchase of such lands shall be construed to be owned by the County relative to the  
11 funding contribution as a portion of the purchase price.

12 7. Mass Transit public facilities and service shall include all mass transit facilities and services  
13 owned, operated or managed by Lake County.

14 **5.01.00 APPLICABILITY**

15 **5.01.01 General**

16 A. All development orders, as defined in Chapter II, issued by the County shall be subject to  
17 Concurrency Management. Exemptions from Concurrency Management shall be granted for  
18 developments determined by the County to have negligible impacts on public facilities and services  
19 in accordance the exemption criteria established in Section 5.01.02. Additionally, exemptions from  
20 the Concurrency Management Review, or portions thereof, may be granted for developments  
21 determined by the County to have "De Minimis" impacts on public facilities and services in  
22 accordance the exemption criteria established in Section 5.01.03.

23 B. Development associated with development orders that have been granted vested rights in  
24 accordance with the criteria established in Section 5.04.00 shall not be subject to the Concurrency  
25 Management Review.

26 **5.01.02 Exemptions for Development with Negligible Impacts**

27 A. Development causing negligible impacts on public facilities and services shall be exempt  
28 from Concurrency Management review, as the development shall be considered to cause no  
29 additional impacts on public facilities and services. Such development includes:

30 1. Interior renovations or alterations and exterior maintenance to existing structures which do  
31 not involve a change in use; including but not limited to, replacement of siding, paint,  
32 gutters, awnings, hurricane shutters, aluminum and wooden carports over existing concrete,  
33 roof repairs and reroofings within the same footprint;

- 1     2.     Demolitions, except in conjunction with the replacement of an existing structure;
- 2     3.     Replacement of a single family residence with a single family residence;
- 3     4.     Electrical, plumbing and mechanical activity;
- 4     5.     Signage, fences and pools;
- 5     6.     Screen patio and screen pool enclosures, and wooden (non-roofed) decks.
- 6     7.     Improvements to an existing single family residence such as room additions and screened  
7         enclosures;
- 8     8.     Accessory structures to a single family residence;
- 9     9.     Temporary construction trailer placements;
- 10    10.    Wells and septic tank placements;
- 11    11.    Utilities such as telephone switching stations, and electrical power substations;
- 12    12.    Radio and other communication towers; and
- 13    13.    Accessory facilities for agricultural uses.

14    **5.01.03       Exemptions for Development with "De Minimis" Impacts**

15    A.     General

16    Development orders associated with development causing "De Minimis" impacts on all public  
17    facilities and services shall be exempt from Concurrency Management review, as the impacts of such  
18    development shall be accounted for by the County on an annual basis, prior to approval of the  
19    development orders, using an aggregate impact procedure. Development orders associated with  
20    development causing "De Minimis" impacts on public facilities and services for which the County  
21    has adopted impact fees shall be exempt from the portion of the Concurrency Management review  
22    which requires payment for capacity reservation.

23    B.     "De Minimis" Impacts

24    1.     Transportation: A "De Minimis" impact is one that would not affect more than 0.1 percent  
25    of the maximum volume, at the adopted level of service standard, of the affected  
26    transportation facility as determined by Lake County, and that is caused by an increase in  
27    density or intensity that is less than or equal to twice the density of the existing land use or,



1 in the case of vacant land, is a density of less than one (1) dwelling unit per quarter acre or  
2 a floor area ratio of 0.1 for nonresidential uses. Cumulatively, de minimis transportation  
3 impacts shall not exceed a significant degradation threshold of three percent (3%) of the  
4 maximum volume at the adopted level of service standard of the affected transportation  
5 facility based on the adopted level of service standard.

6 2. Sanitary Sewer: There shall be no "De Minimis" impact associated with public sanitary  
7 sewer facilities and services.

8 3. Solid Waste: A "De Minimis" impact is one that would not generate more that fifty (50)  
9 pounds of solid waste per day before recycling, composting, reuse, and volume reduction.  
10 Cumulatively, annual de minimis solid waste impacts shall not exceed a significant  
11 degradation threshold of 1,500 pounds of solid waste per day before recycling, composting,  
12 reuse, and volume reduction.

13 4. Stormwater Management: A "De Minimis" impact is one that would require a stormwater  
14 management system that would be:

15 a. for silvicultural lands, provided that the system is constructed and operated in  
16 accordance with the provisions of Chapter 40C-43 Florida Administrative Code, and  
17 the Silviculture Best Management Practices Manual, as amended and published by  
18 the State of Florida, Department of Agriculture and Consumer Services;

19 b. designed to accommodate only one single family dwelling unit, duplex, triplex, or  
20 quadruplex, provided the single unit, duplex, triplex, or quadruplex is not part of a  
21 larger common plan of development; or

22 c. designed to serve single family residential projects, including duplexes, triplexes and  
23 quadruplexes, of less than 10 acres total land area and which have less than 2 acres  
24 impervious surface and would be a system that;

25 1. is not part of a larger common plan of development, and

26 2. would discharge into a stormwater management system exempted or  
27 permitted by the St. Johns River Water Management District which has  
28 sufficient capacity and treatment capability and is owned, maintained or  
29 operated by Lake County, a municipality within Lake County, an adjacent  
30 county, a special district with drainage responsibility, or a water management  
31 district; however, this exemption does not authorize discharge into a system  
32 without prior written consent from system owner, maintainer or operator.

33 5. Potable Water: There shall be no "De Minimis" impact associated with public potable water  
34 facilities and services.

1 6. Parks and Recreation: A "De Minimis" impact is one that would not increase the resident  
2 population of the unincorporated portion of Lake County by more than 0.05 percent.  
3 Cumulatively, annual de minimis recreation impacts shall not exceed a significant  
4 degradation threshold of one-and-one-half percent (1.5%) of the resident population of the  
5 unincorporated portion of Lake County.

6 C. "De Minimis" Development Orders

7 The following development orders shall be considered by the County to have "De Minimis" impacts  
8 on all public facilities and services:

9 1. Residential building permits for which the applicant proposes the use of a private well and  
10 a septic tank, and is not required to connect to a potable water or sanitary sewer system that  
11 may be associated with public facilities and services.

12 2. Mobile home placement permits for which the applicant proposes the use of a private well  
13 and a septic tank, and is not required to connect to a potable water or sanitary sewer system  
14 that may be associated with public facilities and services.

15 3. Non-residential building permits for which a development order is not required, pursuant to  
16 Section 14.01.00 of these Land Development Regulations, and is not required to connect to  
17 a potable water or sanitary sewer system that may be associated with public facilities and  
18 services.

19 4. Administrative lot splits (including minor lot splits, large lot splits and agricultural lots  
20 splits), located along a local roadway, that create no more than six (6) lots per original parcel,  
21 for which each lot contains at least one (1) acre of uplands, and for which the applicant does  
22 not propose improving the easement to a semi-impervious or an impervious surface, or  
23 making major alteration to the land for an easement when an easement is utilized, and  
24 provided the applicant is not required to connect to a potable water or sanitary sewer system  
25 that may be associated with public facilities and services.

26 5. Conditional use permits that do not require site plan approval, for which the applicant meets  
27 the stormwater management design, and improvement standards identified in Chapter IX of  
28 these Land Development Regulations, and provided the applicant is not required to connect  
29 to a potable water or sanitary sewer system that may be associated with public facilities and  
30 services.

31 6. Variances that are not associated with another development order issued by the County and  
32 variances that are associated with another development order that is determined by the  
33 County to have "De Minimis" impacts on public facilities and services, provided the  
34 applicant meets the stormwater management design and improvement standards identified  
35 in Chapter IX of these Land Development Regulations, and provided the applicant is not

1 required to connect to a potable water or sanitary sewer system that may be associated with  
2 public facilities and services.

3 **5.01.04 Special Exemptions**

4 **A. Previously Disclosed Development**

5 Development that was disclosed as part of an earlier concurrency management review, for which  
6 capacity has been encumbered or reserved, shall not be subject to concurrency management,  
7 provided the development design has not changed to increase demand on public facilities and  
8 services, or the development order associated with the earlier development has not expired.

9 **B. Redevelopment After Demolition or Termination of Existing Use**

10 In the case of demolition of an existing structure or termination of an existing use in conjunction  
11 with plans for redevelopment, the concurrency management evaluation for future development shall  
12 be based upon the new or proposed land use as compared to the land use existing at the time of such  
13 demolition or termination. Credit shall only be given for the density/intensity of the site proposed  
14 for demolition/termination. Proposed redevelopment that increases the density/intensity of the site  
15 shall be reviewed based upon the net increase in density/intensity. Credit for the prior use shall not  
16 be transferable to another parcel. Credit for the prior use must be used in connection with a  
17 redevelopment of the site within two (2) years following the demolition of the existing structure or  
18 termination of the existing use, whichever occurs first. Credit for the prior use shall be deemed  
19 extinguished in the event such credit is not used in connection with the issuance of a building permit  
20 or the reservation of capacity within two (2) years following the date of issuance of the demolition  
21 permit for the subject property, or the termination of the existing use, whichever occurs first.

22 **5.01.05 Applicability to Development Orders**

23 **A. Preliminary Development Orders (Excluding Preliminary Plats)**

24 Preliminary development orders, including Comprehensive Plan Amendments, rezonings, Mixed  
25 Use Quality Developments, Planned Unit Developments, preliminary site plans, preliminary master  
26 park plans, Conditional Use Permits and variances shall have the option:

- 27 1. to voluntarily request a concurrency management review for the purpose of reserving  
28 capacity of public facilities and services; or
- 29 2. to voluntarily request a concurrency management review for inquiry purposes only and defer  
30 concurrency management review for the purpose of reserving capacity of public facilities and  
31 services via the applicant for the preliminary development order SIGNING AN AFFIDAVIT  
32 OF DEFERRAL acknowledging that future rights to develop the property are subject to a

1 future concurrency management review and, without such a review, no vested development  
2 rights shall have been granted by the County or acquired by the applicant; or

3 3. to defer concurrency management review for the purpose of reserving capacity of public  
4 facilities and services via the applicant for the preliminary development order SIGNING AN  
5 AFFIDAVIT OF DEFERRAL acknowledging that future rights to develop the property are  
6 subject to a future concurrency management review and, without such a review, no vested  
7 development rights shall have been granted by the County or acquired by the applicant.

8 In order to voluntarily request a concurrency management review for the purpose of reserving  
9 capacity of public facilities and services, a preliminary development order, as defined in Chapter II,  
10 must be submitted to the County with the request for concurrency management review.

11 Concurrency management review shall not be applicable to preliminary development orders  
12 approved prior to June 1, 1992.

13 B. Preliminary Plats

14 Preliminary plats shall be required to undergo the concurrency management review procedure in  
15 accordance with the criteria established in Section 5.03.00 as a condition of granting approval of the  
16 preliminary plat.

17 C. Final Development Orders

18 Final development orders, including Florida Quality Development (FOD) development orders,  
19 Development of Regional Impact (DRI) development orders, final subdivision plats, final site plans,  
20 final master park plans, construction plans, administrative lot splits and building permits shall be  
21 required to undergo concurrency management review in accordance with Section 5.03.00 as a  
22 condition of granting the final development order.

23 **5.02.00 CONCURRENCY MANAGEMENT SYSTEM**

24 No development order shall be issued by the County unless there is sufficient capacity of public  
25 facilities and services, at the adopted level of service standards, needed to support the development,  
26 concurrent with the impacts of such development, in accordance with the following criteria.

27 A. Potable Water, Sanitary Sewer, Solid Waste and Stormwater Management

28 For potable water, sanitary sewer, solid waste and stormwater management facilities and services,  
29 the concurrency management review procedure shall be satisfied through one of the following  
30 actions approved by Lake County during the development review process:

31 1. Facilities and services are in place prior to the issuance of a building permit;

1 2. A development permit is issued subject to the condition that the necessary facilities and  
2 services will be in place at the time the impacts of the development occur. Such conditions  
3 shall be stipulated within an enforceable development agreement or a binding contract that  
4 guarantees the completion of construction prior to the issuance of a certificate of occupancy.  
5 A development shall place no impact on facility capacity until such a certification is issued;

6 3. The necessary facilities are under construction at the time a permit is issued. Such facilities  
7 shall be completed prior to the impacts of development. A certificate of occupancy shall not  
8 be issued until such facilities or services are able to perform in a manner consistent with  
9 adopted level of service standards; or

10 4. Facilities and services are guaranteed in an enforceable development agreement that assures  
11 facilities and services are in place concurrent with the impacts of development.

12 B. Parks and Recreation

13 For parks and recreation facilities and services, the concurrency management review procedure shall  
14 be satisfied through one of the following actions approved by Lake County during the development  
15 review process:

16 1. Satisfy one of the four requirements stipulated above for potable water, sanitary sewer, solid  
17 waste and stormwater management facilities and services; or

18 2. Prior to the issuance of a building permit, recreation facilities and services are the subject of  
19 a binding executed contract or guaranteed in an enforceable development agreement which  
20 provides for the commencement of the actual construction of the required recreation facilities  
21 or provision of services within one year of the issuance of a building permit. Such a contract  
22 or agreement shall stipulate that facilities or services shall be available for active use within  
23 one year after construction commences.

24 C. Transportation (Roads)

25 For transportation facilities and services, the concurrency management review procedure shall be  
26 satisfied through one of the following actions approved by Lake County during the development  
27 review process:

28 1. Satisfy one of the four (4) criteria stipulated above for potable water, sanitary sewer, solid  
29 waste and stormwater management facilities and services; or

30 2. Necessary improvements are programmed within the first three years of the Five-Year  
31 Schedule of Capital Improvements provided that each of the following conditions is met:

1           a.     The Five-Year Capital Improvements Program and the Capital Improvements  
2                    Element of the Lake County Comprehensive Plan are financially feasible. As  
3                    permitted by Section 9J-5.0055(2)(c)1., F.A.C., concurrency determinations shall  
4                    only include transportation projects scheduled in or before the first three years of the  
5                    Five-Year Schedule of Capital Improvements.

6           b.     The Five-Year Capital Improvements Program includes improvements necessary to  
7                    correct any identified road deficiencies and maintain adopted levels of service for  
8                    existing and permitted development within the first three years of the Five-Year  
9                    Schedule of Capital Improvements and the provision of service will commence in or  
10                   before that third year.

11          c.     The Five-Year Capital Improvements Program is a realistic, financially feasible  
12                    program based on currently available revenue sources and development orders will  
13                    only be issued if the public facilities necessary to serve the development are available  
14                    or included in or before the first three years of the Five Year Schedule of Capital  
15                    Improvements.

16          d.     The Five-Year Capital Improvements Program identifies whether funding is for  
17                    design, engineering, consultant fees, or construction and indicates, by fiscal year,  
18                    how the dollars will be allocated.

19     **5.03.00           CONCURRENCY MANAGEMENT REVIEW**

20     **5.03.01           General**

21     The Lake County Concurrency Management Review Procedure is designed to provide an  
22     expeditious review of development orders while ensuring that public facilities and services needed  
23     to support the development associated with the development orders are available concurrent with  
24     the impacts of such development. In order to ensure an expeditious review of development orders,  
25     it is essential that the applicant and the County comply with Concurrency Management  
26     Administrative Review Procedures adopted by the County. Where applicable, it is essential that the  
27     applicant SIGN AN AFFIDAVIT OF DEFERRAL acknowledging that future rights to develop the  
28     property are subject to a future concurrency management review and, without such a review, no  
29     vested development rights have been granted by the County or acquired by the applicant.

30     **5.03.02           Public Facility/Service Capacity Review Criteria**

31     Capacity analysis for public facilities and services shall be completed in accordance with the  
32     following criteria:

1     **A.     Roads**

2     **1.     The demand on transportation facilities and services shall be based on the number of trips**  
3     **generated by the proposed development using the most recent edition of the ITE Trip**  
4     **Generation Manual, a trip distribution which is mutually agreed upon by the applicant and**  
5     **the County using the best trip attraction/generation data available to the County, and a**  
6     **development impact area established using the following impact area guidelines:**

7     **a.     There shall not be an impact area established, nor shall there be a transportation**  
8     **impact associated with, developments that have no impact on transportation facilities**  
9     **and services. No impact is one that would not affect more than 0.1 percent of the**  
10    **maximum volume, at the adopted level of service standard, of the transportation**  
11    **facility providing direct access to the proposed development, and that is caused by**  
12    **an increase in density or intensity that is less than or equal to twice the density of the**  
13    **existing land use or, in the case of vacant land, is a density of less than one (1)**  
14    **dwelling unit per quarter acre or a floor area ratio of 0.1 for nonresidential uses.**

15    **b.     The impact area for developments that generate less than 100 peak hour/peak**  
16    **direction trips (approximately 1,500 trips per day) on a weekday shall include, at a**  
17    **minimum, the roadways which provide access to the proposed development and**  
18    **roadways within one-half mile of the proposed access to the development. This**  
19    **minimum impact area shall be increased, at the discretion of the County Manager or**  
20    **his designee, if it can be demonstrated that the proposed development has substantial**  
21    **impact on additional roadways because of the location of the development in relation**  
22    **to arterial and collector roadways (e.g., a development located along a local roadway**  
23    **for which access to a collector or an arterial roadway would require traversing a**  
24    **distance in excess of one-half mile and for which the nearest collector or arterial**  
25    **roadway is the only roadway providing for trip distribution).**

26    **c.     For developments that generate 100 peak hour/peak direction trips or more on a**  
27    **weekday, the impact area shall include, at a minimum, the roadways which provide**  
28    **access to the proposed development and roadways within one-half mile of the**  
29    **proposed access to the development, as well as the area of significant impact which**  
30    **shall include an area to: 1) a point where traffic generated by the development is less**  
31    **than ten percent (10%) of the maximum volume, at the adopted level of service**  
32    **standard, of the transportation facilities; and 2) a point where traffic generated by the**  
33    **development is less than ten percent (10%) of the intersection design capacity as**  
34    **defined in the 1985 Highway Capacity Manual, as amended.**

35    **2.     Once the demand on transportation facilities has been calculated, it shall be compared to the**  
36    **available capacity of the transportation facilities. Available capacity shall be determined by**  
37    **subtracting the existing traffic volume on the transportation facilities, the traffic generated**  
38    **by developments that have previously reserved capacity on the transportation facilities and**

1 the traffic generated by developments that have previously encumbered capacity on the  
2 transportation facilities from the maximum volume of the transportation facilities, at the  
3 adopted level of service standards. If the demand on transportation facilities and services  
4 exceeds the available capacity of the transportation facilities and services, the development  
5 order associated with the concurrency management review shall not be approved.

6 3. In the event that the impact area for the proposed development includes transportation  
7 facilities and services within a municipality or within an adjacent County, the affected  
8 municipality or adjacent County shall be notified of the proposed development and its  
9 associated transportation facilities and services demand, and shall be requested to provide  
10 a letter of response indicating whether the transportation facilities and services within the  
11 municipality or adjacent County have capacity available to serve the proposed development.  
12 The affected municipality or adjacent County shall be given thirty (30) days from the date  
13 of the request to provide a response.

14 B. Sanitary Sewer

15 The demand on sanitary sewer public facilities and services shall be based on an Equivalent  
16 Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby one (1) ERU  
17 equates to a flow of three hundred (300) gallons per day (GPD) of effluent. Developments that  
18 propose to connect to, or are required to connect to sanitary sewer public facilities and services shall  
19 be required to obtain a letter from the provider of such sanitary sewer facilities and services  
20 indicating that the provider has the capacity available, or will have the capacity available to serve  
21 the proposed development concurrent with the impacts of such development, in accordance with  
22 Rule 9J-5, Part 9J-5.0055(2)(a), Florida Administrative Code. If the demand on sanitary sewer  
23 facilities and services exceeds the available capacity of the sanitary sewer facilities and services, the  
24 development order associated with the concurrency management review shall not be approved.

25 C. Solid Waste

26 The demand on solid waste public facilities and services for a proposed development shall be based  
27 on an Equivalent Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby  
28 one (1) ERU equates to the number of pounds per capita per day generated at the adopted level of  
29 service standard for solid waste. Once the demand has been calculated, it shall be compared to the  
30 available capacity of the solid waste facilities and services. One year of disposal capacity shall be  
31 required when determining available capacity. Available capacity shall be determined by subtracting  
32 the existing solid waste flow, the solid waste flow from municipalities within Lake County and other  
33 solid waste generators for which the County is contractually obligated to receive their solid waste,  
34 the solid waste flow generated by developments that have previously reserved capacity and the solid  
35 waste flow generated by developments that have previously encumbered capacity from the  
36 maximum flow capacity of the solid waste facilities and services of the County. If the demand on  
37 solid waste facilities and services exceeds the available capacity of the solid waste facilities and



1 services, the development order associated with the concurrency management review shall not be  
2 approved.

3 D. Stormwater Management

4 The demand for stormwater management shall be based on the volume of stormwater runoff for the  
5 design storm. The geographic scope to be examined shall be the project development site. If the  
6 applicant is unable to demonstrate that the proposed development will be able to meet the  
7 stormwater management design and improvement standards adopted in these land development  
8 regulations, the development order associated with the concurrency management review shall not  
9 be approved.

10 E. Potable Water

11 The demand on potable water public facilities and services shall be based on an Equivalent  
12 Residential Unit (ERU) Design Flow Schedule adopted by the County, whereby one (1) ERU  
13 equates to a flow of three hundred (300) gallons per day (GPD) of potable water at a minimum  
14 pressure of 20 pounds per square inch. Developments that propose to connect to, or are required to  
15 connect to potable water public facilities and services shall be required to obtain a letter from the  
16 provider of such potable water facilities and services indicating that the provider has the capacity  
17 available, or will have the capacity available to serve the proposed development concurrent with the  
18 impacts of such development, in accordance with Rule 9J-5, Part 9J-5.0055(2)(a), Florida  
19 Administrative Code. If the demand on potable water facilities and services exceeds the available  
20 capacity of the potable water facilities and services, the development order associated with the  
21 concurrency management review shall not be approved.

22 F. Recreation and Open Space

23 The demand for parks and recreation shall be determined for a proposed development based on the  
24 number acres of parks and recreation facilities required per 1000 residents. Demand shall only be  
25 calculated for residential development and shall incorporate a persons per household figure  
26 established in the most recent decennial census. Once the demand on parks and recreation facilities  
27 has been calculated, it shall be compared to the available capacity of the parks and recreation  
28 facilities. Available capacity shall be determined by subtracting the existing demand on parks and  
29 recreation facilities, the demand on parks and recreation facilities created by developments that have  
30 previously reserved capacity and the demand on parks and recreation facilities created by  
31 developments that have previously encumbered capacity from the total acreage of parks and  
32 recreation facilities, at the adopted level of service standards. If the demand on parks and recreation  
33 facilities and services exceeds the available capacity, the development order associated with the  
34 concurrency management review shall not be approved.

1     **5.03.03           Encumbrance of Capacity**

2     **A.       General**

3     1.     All applicants of development orders shall have the ability to temporarily encumber capacity  
4     in accordance with the capacity encumbrance criteria established for each type of  
5     development order. All final development orders, as well as preliminary plats, shall expire  
6     in accordance with the time frames established for capacity encumbrance in the event that  
7     capacity is not reserved prior to the expiration of the capacity encumbrance.  
8     Notwithstanding the criteria established below, once capacity is encumbered by the County,  
9     in accordance with the criteria established below, the applicant shall have ninety (90) days  
10    to reserve such capacity in the event another proposed development order is to be denied  
11    strictly because of a lack of capacity. The County shall be responsible for notifying the  
12    applicant via certified mail in the event another development is in need of such encumbered  
13    capacity. However, the County shall not be responsible for notifying the applicant if the  
14    encumbered capacity expires in accordance with the criteria established below.

15    2.     Capacity shall be encumbered by the County at the time the development order is reviewed  
16    by the appropriate Department within the County. All final development orders, as well as  
17    preliminary plats, shall be required to encumber capacity prior to receiving final approval.

18    **B.       Capacity Encumbrance for Development Orders**

19    1.     Administrative Lot Split

20    Capacity shall be encumbered by the County for an administrative lot split, prior to  
21    scheduling the administrative lot split for review by the Technical Review Committee, for  
22    a time period not to exceed six (6) months from the date the applicant submits the  
23    administrative lot split and the administrative lot split is reviewed for concurrency  
24    management. In the event that capacity is not available to be encumbered by the County for  
25    public facilities and services, the administrative lot split shall not be scheduled for review  
26    by the Technical Review Committee.

27    2.     Building Permits

28    Capacity shall be encumbered by the County for building permits for a time period not to  
29    exceed six (6) months from the date the building permit is issued. In the event that capacity  
30    is not available to be encumbered by the County for public facilities and services, the  
31    building permit shall not be approved. In the event that capacity is not reserved by the  
32    applicant within the encumbrance time frame, the building permit shall no longer be valid.

1        3.        Comprehensive Plan Amendments

2        Capacity shall be encumbered by the County for a Comprehensive Plan Amendment (CPA)  
3        for a time period not to exceed one (1) year from the date the CPA is found in compliance  
4        with Chapter 163, Florida Statutes, by the State of Florida, Department of Community  
5        Affairs. In the event that capacity is not available to be encumbered by the County for public  
6        facilities and services, the CPA shall not be approved by the County. In the event that  
7        capacity is not reserved by the applicant within the encumbrance time frame, the CPA shall  
8        remain valid; however, all future rights to develop the property are subject to a future  
9        concurrency management review and, without such a review, no vested development rights,  
10       for concurrency purposes only, shall have been granted by the County or acquired by the  
11       applicant.

12       4.        Conditional Use Permits

13       Capacity shall be encumbered by the County for a Conditional Use Permit (CUP) for a time  
14       period not to exceed six (6) months from the date the CUP is reviewed and approved. In the  
15       event that capacity is not available to be encumbered by the County for public facilities and  
16       services, the CUP shall not be approved. In the event that capacity is not reserved by the  
17       applicant within the encumbrance time frame, the CUP shall remain valid; however, all  
18       future rights to develop the property are subject to a future concurrency management review  
19       and, without such a review, no vested development rights, for concurrency purposes only,  
20       shall have been granted by the County or acquired by the applicant.

21       5.        Construction Plans (Non-Residential)

22       Capacity shall be encumbered by the County for non-residential construction plans for a time  
23       period not to exceed three (3) months from the date the construction plans receive final  
24       approval by the County. In the event that capacity is not available to be encumbered by the  
25       County for public facilities and services, the construction plans shall not be approved;  
26       however, implementation shall be subject to the development meeting concurrency  
27       management standards. In the event that capacity is not reserved by the applicant within the  
28       encumbrance time frame, the construction plans shall no longer be valid for concurrency  
29       purposes only.

30       6.        Construction Plans (Residential Subdivision)

31       Capacity shall be encumbered by the County for residential construction plans for a time  
32       period not to exceed eighteen (18) months from the date the construction plans receive final  
33       approval by the County. In the event that capacity is not available to be encumbered by the  
34       County for public facilities and services, the construction plans shall not be approved;  
35       however, implementation shall be subject to the development meeting concurrency  
36       management standards. In the event that capacity is not reserved by the applicant within the

1 encumbrance time frame, the construction plans shall no longer be valid for concurrency  
2 purposes only.

3 7. Developments of Regional Impact and Florida Quality Developments

4 Capacity shall be encumbered by the County for a Development of Regional Impact (DRI)  
5 or a Florida Quality Development for a time period not to exceed three (3) years from the  
6 date the DRI or FOD is approved. In the event that capacity is not available to be  
7 encumbered by the County for public facilities and services, the DRI or FOD shall not be  
8 approved. In the event that capacity is not reserved by the applicant within the encumbrance  
9 time frame, the PUD associated with the DRI or FOD shall remain valid; however, all future  
10 rights to develop the property are subject to a future concurrency management review and,  
11 without such a review, no vested development rights, for concurrency purposes only, shall  
12 have been granted by the County or acquired by the applicant.

13 8. Final Master Park Plans

14 Capacity shall be encumbered by the County for a final master park plan for a time period  
15 not to exceed three (3) months from the date the final master park plan receives approval by  
16 the Technical Review Committee. In the event that capacity is not available to be  
17 encumbered by the County for public facilities and services, the final master park plan shall  
18 not be approved; however, implementation shall be subject to the development meeting  
19 concurrency management standards. In the event that capacity is not reserved by the  
20 applicant within the encumbrance time frame, the final master park plan shall no longer be  
21 valid for concurrency purposes only. In the event that capacity is reserved for the primary  
22 use established via the final master park plan, capacity will be encumbered by the County  
23 for the ancillary uses until such time that building permits are issued for the ancillary uses.  
24 For the purpose of encumbering capacity for final master park plans, ancillary uses shall  
25 mean those uses established via the final site plan that constitute less than fifteen percent  
26 (15%) of the demand for public facilities and services for all uses established via the final  
27 master park plan.

28 9. Final Plat

29 Capacity shall be encumbered by the County for a final plat, prior to scheduling the final plat  
30 for approval by the Board of County Commissioners, for a time period not to exceed 120  
31 days from the date the applicant receives final plat approval. In the event that capacity is not  
32 available to be encumbered by the County for public facilities and services, the final plat  
33 shall not be scheduled for approval by the Board of County Commissioners. In the event that  
34 capacity is not reserved by the applicant within the encumbrance time frame, the final plat  
35 shall no longer be valid for concurrency purposes only.

1     10.    Final Site Plans

2           Capacity shall be encumbered by the County for a final site plan for a time period not to  
3           exceed three (3) months from the date the final site plan receives approval by the Technical  
4           Review Committee. In the event that capacity is not available to be encumbered by the  
5           County for public facilities and services, the final site plan shall not be approved; however,  
6           implementation shall be subject to the development meeting concurrency management  
7           standards. In the event that capacity is not reserved by the applicant within the encumbrance  
8           time frame, the final site plan shall no longer be valid for concurrency purposes only. In the  
9           event that capacity is reserved for the primary use established via the final site plan, capacity  
10          will be encumbered by the County for the ancillary uses until such time that building permits  
11          are issued for the ancillary uses. For the purpose of encumbering capacity for final site  
12          plans, ancillary uses shall mean those uses established via the final site plan that constitute  
13          less than fifteen percent (15%) of the demand for public facilities and services for all uses  
14          established via the final site plan.

15    11.    Mining Site Plans

16          Capacity shall be encumbered by the County for a Mining Site Plan (MSP) for a time period  
17          not to exceed one (1) year from the date the MSP is reviewed and approved. In the event that  
18          capacity is not available to be encumbered by the County for public facilities and services,  
19          the MSP shall not be approved. In the event that capacity is not reserved by the applicant  
20          within the encumbrance time frame, the MSP shall remain valid; however, all future rights  
21          to develop the property are subject to a future concurrency management review and, without  
22          such a review, no vested development rights, for concurrency purposes only, shall have been  
23          granted by the County or acquired by the applicant.

24    12.    Planned Unit Developments

25          Capacity shall be encumbered by the County for a Planned Unit Development (PUD) for a  
26          time period not to exceed two (2) years from the date the applicant requests PUD approval  
27          and the PUD is reviewed for concurrency management. A Planned Unit Development  
28          (PUD) associated with a Development of Regional Impact (DRI) or a Florida Quality  
29          Development (FQD) shall be subject to the encumbrance criteria established for a DRI or  
30          FQD, respectively. In the event that capacity is not available to be encumbered by the  
31          County for public facilities and services, the PUD shall not be approved. In the event that  
32          capacity is not reserved by the applicant within the encumbrance time frame, the PUD shall  
33          remain valid; however, all future rights to develop the property are subject to a future  
34          concurrency management review and, without such a review, no vested development rights,  
35          for concurrency purposes only, shall have been granted by the County or acquired by the  
36          applicant. In the event a portion of the capacity is reserved for the PUD, the remaining  
37          portion of the PUD shall remain valid; however, all future rights to develop the property are  
38          subject to a future concurrency management review and, without such a review, no vested

1 development rights, for concurrency purposes only, shall have been granted by the County  
2 or acquired by the applicant.

3 13 Preliminary Master Park Plans

4 Capacity shall be encumbered by the County for a preliminary master park plan for a time  
5 period not to exceed six (6) months from the date the applicant requests preliminary master  
6 park plan approval and the preliminary master park plan is reviewed for concurrency  
7 management. In the event that capacity is not available to be encumbered by the County for  
8 public facilities and services, the preliminary master park plan shall not be approved. In the  
9 event that capacity is not reserved by the applicant within the encumbrance time frame, the  
10 preliminary master park plan shall no longer be valid.

11 14. Preliminary Plat

12 Capacity shall be encumbered by the County for a preliminary plat for a time period not to  
13 exceed two (2) years from the date the preliminary plat receives final approval by the Lake  
14 County Technical Review Committee. In the event that capacity is not available to be  
15 encumbered by the County for public facilities and services, the preliminary plat shall not  
16 be approved. In the event that capacity is not reserved by the applicant within the  
17 encumbrance time frame, the preliminary plat shall no longer be valid for concurrency  
18 purposes only. In the event that capacity is reserved for a portion of a preliminary plat  
19 containing more than fifty (50) units and the development is determined by the County to be  
20 "continuing in good faith", a two (2) year capacity encumbrance extension may be granted  
21 by the County. Additional two (2) year capacity encumbrance extensions may be granted  
22 by the County for a preliminary plat containing more than one hundred (100) units, provided  
23 that the development is determined by the County to be "continuing in good faith." For the  
24 purpose of evaluating a preliminary plat for capacity encumbrance extension, "continuing  
25 in good faith" shall mean that construction plans have been approved by the County,  
26 addressing at least 50 units, every two (2) years from the date the preliminary plat receives  
27 final approval by the Lake County Technical Review Committee.

28 15 Preliminary Site Plans

29 Capacity shall be encumbered by the County for a preliminary site plan for a time period not  
30 to exceed six (6) months from the date the applicant requests preliminary site plan approval  
31 and the preliminary site plan is reviewed for concurrency management. In the event that  
32 capacity is not available to be encumbered by the County for public facilities and services,  
33 the preliminary site plan shall not be approved. In the event that capacity is not reserved by  
34 the applicant within the encumbrance time frame, the preliminary site plan shall no longer  
35 be valid.

1     16.    Rezoning

2           Capacity shall be encumbered by the County for a rezoning for a time period not to exceed  
3           six (6) months from the date the rezoning is reviewed and approved. In the event that  
4           capacity is not available to be encumbered by the County for public facilities and services,  
5           the rezoning shall not be approved. In the event that capacity is not reserved by the applicant  
6           within the encumbrance time frame, the rezoning shall remain valid; however, all future  
7           rights to develop the property are subject to a future concurrency management review and,  
8           without such a review, no vested development rights, for concurrency purposes only, shall  
9           have been granted by the County or acquired by the applicant.

10    17.    Variances

11           Capacity shall be encumbered by the County for variances for a time period not to exceed  
12           six (6) months from the date the variance is reviewed and approved. In the event that  
13           capacity is not available to be encumbered by the County for public facilities and services,  
14           the variance shall not be approved. In the event that capacity is not reserved by the applicant  
15           within the encumbrance time frame, the variance shall remain valid; however, all future  
16           rights to develop the property are subject to a future concurrency management review and,  
17           without such a review, no vested development rights, for concurrency purposes only, shall  
18           have been granted by the County or acquired by the applicant.

19    C.     Development Agreements

20           Applicants for development orders may offer to provide public facilities and services at the expense  
21           of the applicant in order to ensure the availability of capacity concurrent with the impact of the  
22           associated development. Applicants that elect to provide public facilities and services may do so  
23           through the use of an enforceable development agreement, thereby, eliminating the need to encumber  
24           and subsequently, reserve capacity of public facilities and services. Development agreements may  
25           be entered into subject to the following requirements:

- 26           1.     An enforceable development agreement shall provide, at a minimum, a schedule for  
27           construction of the public facilities and services and mechanisms for monitoring to insure  
28           that the public facilities and services are completed concurrent with impacts of the  
29           development, or the development will not be allowed to proceed.
- 30           2.     The development agreement is construed to be enforceable according to Sections 163.3220 -  
31           163.3243, Florida Statutes.

32    5.03.04         Alternate Data for Capacity Analysis

33           In the event the County is unable to encumber capacity for a proposed development because the data  
34           used by the County exhibits that there is no available capacity, the applicant may submit alternate

1 data subject to the requirement that the alternate data be substantiated by a competent professional  
2 and approved by the County. In the event that the alternate data is based on special circumstances  
3 regarding the presumed use or development of the property, the applicant will be required to execute  
4 a deed restriction to enforce such special circumstances.

5 **5.03.05 Notice of Capacity Determination**

6 A. The Department of Planning and Development shall issue a Notice of Capacity  
7 Determination once the results of the capacity analysis have been provided by all Department's  
8 responsible for completing such analysis. The Notice of Capacity Determination shall state that:

9 1. public facilities and services have capacity available to support the proposed development  
10 and that the County has encumbered such capacity, in accordance with the criteria  
11 established for the associated development order, for the purpose of reserving such capacity;  
12 or

13 2. public facilities and services do not have capacity available to support the proposed  
14 development and provide the information concerning which public facilities and services do  
15 not have available capacity.

16 B. In the event that certain public facilities and services do not have capacity available to meet  
17 the needs of the proposed development, all available capacity shall be encumbered by the County  
18 for those public facilities and services that have available capacity for a time period not to exceed  
19 six (6) months, thereby, providing the applicant time to address the capacity problem.

20 **5.03.06 Reservation of Capacity**

21 A. All development that has undergone the concurrency management review procedure and has  
22 had capacity encumbered for the associated development order will have the ability to reserve  
23 capacity in accordance with the capacity reservation criteria established below. Development orders  
24 for which the capacity encumbrance has expired may not reserve capacity.

25 B. Residential developments proposed at a density in excess of one (1) dwelling unit per five  
26 (5) acres shall be required to pay a fee established by the Board of County Commissioners for each  
27 proposed dwelling unit for the reservation of capacity. The fee established by the Board of County  
28 Commissioners shall be greater than fifty percent (50%) of the transportation impact fee for a three  
29 (3) bedroom house, but shall not exceed the transportation impact fee for a house with less than three  
30 bedrooms. Residential developments proposed at a density of one (1) dwelling unit per five (5)  
31 acres, or less, shall not be required to pay a fee for the reservation of capacity since they have  
32 inconsequential demand on public facilities and services.



1 C. Capacity reservation may be achieved for each development order according to the following  
2 criteria:

3 1. Administrative Lot Split

4 Capacity shall be reserved for an administrative lot split through the payment of a capacity  
5 reservation fee associated with the administrative lot split, in accordance with the payment  
6 schedule identified below, prior to final approval of the administrative lot split. The capacity  
7 reservation fee for the administrative lot split shall be determined by associating a fee  
8 established by the Board of County Commissioners with each residential lot established via  
9 the administrative lot split which contains less than five (5) acres of uplands. Payment of  
10 one hundred percent (100%) of the capacity reservation fee shall provide for the reservation  
11 of capacity for the administrative lot split. No alternate payment schedule shall be allowed  
12 for an administrative lot split.

13 2. Building Permits

14 Capacity shall be reserved for a building permit through the payment of a capacity  
15 reservation fee associated with the building permit prior to issuance of the building permit.  
16 The capacity reservation fee for the building permit shall be determined by estimating the  
17 transportation impact fee for the development associated with the building permit.

18 3. Comprehensive Plan Amendments

19 Capacity may be reserved for a Comprehensive Plan (Future Land Use Map) Amendment  
20 (CPA) through the payment of a capacity reservation fee associated with the CPA, in  
21 accordance with the payment schedule identified below, provided capacity has been  
22 encumbered for the CPA. The capacity reservation fee for the CPA shall be determined by  
23 estimating the transportation impact fees for the development, at maximum density and  
24 intensity, associated with the CPA. Payment of one hundred percent (100%) of the capacity  
25 reservation fee shall provide for the reservation of capacity for three (3) years from the date  
26 the payment is made. Payment of fifty percent (50%) of the capacity reservation fee shall  
27 provide for the reservation of capacity for two (2) years from the date the payment is made.  
28 Payment of thirty three and one third percent (33.33%) of the capacity reservation fee shall  
29 provide for the reservation of capacity for one (1) year from the date the payment is made.

30 4. Conditional Use Permits

31 Capacity may be reserved for a Conditional Use Permit (CUP) through the payment of a  
32 capacity reservation fee associated with the CUP, in accordance with the payment schedule  
33 identified below, provided capacity has been encumbered for the CUP. The capacity  
34 reservation fee for the CUP shall be determined by estimating the transportation impact fees  
35 for the development, at maximum density and intensity, associated with the CUP. Payment

1 of one hundred percent (100%) of the capacity reservation fee shall provide for the  
2 reservation of capacity for three (3) years from the date the payment is made. Payment of  
3 fifty percent (50%) of the capacity reservation fee shall provide for the reservation of  
4 capacity for two (2) years from the date the payment is made. Payment of thirty three and  
5 one third percent (33.33%) of the capacity reservation fee shall provide for the reservation  
6 of capacity for one (1) year from the date the payment is made.

7 5. Construction Plans (Non-Residential)

8 Capacity shall be reserved for construction plans associated with a non-residential  
9 development through the payment of a capacity reservation fee associated with the non-  
10 residential development, in accordance with the payment schedule identified below, prior to  
11 the final approval of the construction plans associated with the non-residential development.  
12 The capacity reservation fee for the construction plans associated with a non-residential  
13 development shall be determined by estimating the transportation impact fees associated with  
14 the non-residential development. Payment of one hundred percent (100%) of the capacity  
15 reservation fee shall provide for the reservation of capacity for thirty-six (36) months from  
16 the date the construction plans receive final approval. Payment of fifty percent (50%) of the  
17 capacity reservation fee shall provide for the reservation of capacity for eighteen (18) months  
18 from the date the construction plans receive final approval. Payment of thirty three and one  
19 third percent (33.33%) of the capacity reservation fee shall provide for the reservation of  
20 capacity for nine (9) months from the date the construction plans receive final approval.

21 6. Construction Plans (Residential Subdivision)

22 Capacity shall be reserved for construction plans associated with a residential subdivision  
23 plat through the payment of a capacity reservation fee associated with the residential  
24 subdivision plat, in accordance with the payment schedule identified below, prior to the final  
25 approval of the construction plans associated with the residential subdivision plat. The  
26 capacity reservation fee for the construction plans associated with a residential subdivision  
27 plat shall be determined by associating a fee established by the Board of County  
28 Commissioners with each residential lot established via the residential subdivision plat which  
29 contains less than five (5) upland acres. In the event that the residential subdivision plat  
30 associated with the construction plans contains variable lot sizes, the capacity reservation fee  
31 shall be determined by associating a fee established by the Board of County Commissioners  
32 with each residential lot established via the residential subdivision plat when the average lot  
33 size of the residential subdivision plat contains less than five (5) upland acres. Payment of  
34 one hundred percent (100%) of the capacity reservation fee shall provide for the reservation  
35 of capacity for thirty-six (36) months from the date the construction plans receive final  
36 approval. Payment of fifty percent (50%) of the capacity reservation fee shall provide for  
37 the reservation of capacity for eighteen (18) months from the date the construction plans  
38 receive final approval. Payment of thirty three and one third percent (33.33%) of the

1 capacity reservation fee shall provide for the reservation of capacity for nine (9) months from  
2 the date the construction plans receive final approval.

3 7. Developments of Regional Impact and Florida Quality Developments

4 Capacity shall be reserved for a Development of Regional Impact (DRI) or a Florida Quality  
5 Development (FOD) through the payment of a capacity reservation fee associated with the  
6 DRI or FOD, in accordance with a payment schedule approved as part of the conditions  
7 placed on the PUD associated with the DRI or FOD. The capacity reservation fee for the  
8 DRI or FOD shall be determined by estimating the transportation impact fees for the  
9 development, at maximum density and intensity, associated with the DRI or FOD.

10 8. Final Master Park Plans

11 Capacity shall be reserved for a final master park plan through the payment of a capacity  
12 reservation fee associated with the final master park plan, in accordance with the payment  
13 schedule identified below, prior to approval of the final master park plan. The capacity  
14 reservation fee for the final master park plan shall be determined by estimating the  
15 transportation impact fees for the development associated with the final master park plan.  
16 Payment of one hundred percent (100%) of the capacity reservation fee shall provide for the  
17 reservation of capacity for thirty-six (36) months from the date the final master park plan  
18 receives approval. Payment of fifty percent (50%) of the capacity reservation fee shall  
19 provide for the reservation of capacity for eighteen (18) months from the date the final  
20 master park plan receives final approval. Payment of thirty three and one third percent  
21 (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for nine  
22 (9) months from the date the final master park plan receives final approval.

23 9. Final Plat

24 Capacity shall be reserved for a final plat through the payment of a capacity reservation fee  
25 associated with the final plat, in accordance with the payment schedule identified below,  
26 prior to scheduling the final plat for approval. The capacity reservation fee for the final plat  
27 shall be determined by associating a fee established by the Board of County Commissioners  
28 with each residential lot established via the final plat which contains less than five (5) upland  
29 acres. In the event that the final plat contains variable lot sizes, the capacity reservation fee  
30 for the final plat shall be determined by associating a fee established by the Board of County  
31 Commissioners with each residential lot established via the final plat when the average lot  
32 size of the final plat contains less than five (5) upland acres. Payment of one hundred  
33 percent (100%) of the capacity reservation fee shall provide for the reservation of capacity  
34 for the final plat. No alternate payment schedule shall be allowed for a final plat.

1     10. Final Site Plans

2     Capacity shall be reserved for a final site plan through the payment of a capacity reservation  
3     fee associated with the final site plan, in accordance with the payment schedule identified  
4     below, prior to approval of the final site plan. The capacity reservation fee for the final site  
5     plan shall be determined by estimating the transportation impact fees for the development  
6     associated with the final site plan. Payment of one hundred percent (100%) of the capacity  
7     reservation fee shall provide for the reservation of capacity for thirty-six (36) months from  
8     the date the final site plan receives approval. Payment of fifty percent (50%) of the capacity  
9     reservation fee shall provide for the reservation of capacity for eighteen (18) months from  
10    the date the final site plan receives final approval. Payment of thirty three and one third  
11    percent (33.33%) of the capacity reservation fee shall provide for the reservation of capacity  
12    for nine (9) months from the date the final site plan receives final approval.

13    11. Mining Site Plans

14    Capacity may be reserved for a Mining Site Plan (MSP) through the payment of a capacity  
15    reservation fee associated with the MSP, in accordance with the payment schedule identified  
16    below, provided capacity has been encumbered for the MSP. The capacity reservation fee  
17    for the MSP shall be determined by estimating the transportation impact fees for the  
18    development, at maximum density and intensity, associated with the MSP. Payment of one  
19    hundred percent (100%) of the capacity reservation fee shall provide for the reservation of  
20    capacity for three (3) years from the date the payment is made. Payment of fifty percent  
21    (50%) of the capacity reservation fee shall provide for the reservation of capacity for two (2)  
22    years from the date the payment is made. Payment of thirty three and one third percent  
23    (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for one  
24    (1) year from the date the payment is made.

25    12. Planned Unit Developments

26    Capacity may be reserved for a Planned Unit Development (PUD) through the payment of  
27    a capacity reservation fee associated with the PUD, in accordance with a payment schedule  
28    approved as part of the conditions placed on the PUD, or the payment schedule identified  
29    below, provided capacity has been encumbered for the PUD. The capacity reservation fee  
30    for the PUD shall be determined by estimating the transportation impact fees for the  
31    development, at maximum density and intensity, associated with the PUD. Payment of one  
32    hundred percent (100%) of the capacity reservation fee shall provide for the reservation of  
33    capacity for three (3) years from the date the payment is made. Payment of fifty percent  
34    (50%) of the capacity reservation fee shall provide for the reservation of capacity for two (2)  
35    years from the date the payment is made. Payment of thirty three and one third percent  
36    (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for one  
37    (1) year from the date the payment is made.

1        13.    Preliminary Master Park Plans

2            Capacity may be reserved for a preliminary master park plan through the payment of a  
3            capacity reservation fee associated with the preliminary master park plan, in accordance with  
4            the payment schedule identified below, provided capacity has been encumbered for the  
5            preliminary master park plan. The capacity reservation fee for the preliminary master park  
6            plan shall be determined by estimating the transportation impact fees for the development  
7            associated with the preliminary master park plan. Payment of one hundred percent (100%)  
8            of the capacity reservation fee shall provide for the reservation of capacity for three (3) years  
9            from the date the payment is made. Payment of fifty percent (50%) of the capacity  
10           reservation fee shall provide for the reservation of capacity for two (2) years from the date  
11           the payment is made. Payment of thirty three and one third percent (33.33%) of the capacity  
12           reservation fee shall provide for the reservation of capacity for one (1) year from the date the  
13           payment is made.

14        14.    Preliminary Plat

15           Capacity may be reserved for a preliminary plat through the payment of a capacity  
16           reservation fee associated with the preliminary plat, in accordance with the payment schedule  
17           identified below, provided capacity has been encumbered for the preliminary plat. The  
18           capacity reservation fee for the preliminary plat shall be determined by associating a fee  
19           established by the Board of County Commissioners with each residential lot established via  
20           the preliminary plat which contains less than five (5) acres of uplands. In the event that the  
21           preliminary plat contains variable lot sizes, the capacity reservation fee for the preliminary  
22           plat shall be determined by associating a fee established by the Board of County  
23           Commissioners with each residential lot established via the preliminary plat when the  
24           average lot size of the preliminary plat contains less than five (5) upland acres. Payment of  
25           one hundred percent (100%) of the capacity reservation fee shall provide for the reservation  
26           of capacity for three (3) years from the date the payment is made. Payment of fifty percent  
27           (50%) of the capacity reservation fee shall provide for the reservation of capacity for two (2)  
28           years from the date the payment is made. Payment of thirty three and one third percent  
29           (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for one  
30           (1) year from the date the payment is made.

31        15.    Preliminary Site Plans

32           Capacity may be reserved for a preliminary site plan through the payment of a capacity  
33           reservation fee associated with the preliminary site plan, in accordance with the payment  
34           schedule identified below, provided capacity has been encumbered for the preliminary site  
35           plan. The capacity reservation fee for the preliminary site plan shall be determined by  
36           estimating the transportation impact fees for the development associated with the preliminary  
37           site plan. Payment of one hundred percent (100%) of the capacity reservation fee shall  
38           provide for the reservation of capacity for three (3) years from the date the payment is made.

1 Payment of fifty percent (50%) of the capacity reservation fee shall provide for the  
2 reservation of capacity for two (2) years from the date the payment is made. Payment of  
3 thirty three and one third percent (33.33%) of the capacity reservation fee shall provide for  
4 the reservation of capacity for one (1) year from the date the payment is made.

5 16. Rezoning

6 Capacity may be reserved for a rezoning through the payment of a capacity reservation fee  
7 associated with the rezoning, in accordance with the payment schedule identified below,  
8 provided capacity has been encumbered for the rezoning. The capacity reservation fee for  
9 the rezoning shall be determined by estimating the transportation impact fees for the  
10 development, at maximum density and intensity, associated with the rezoning. Payment of  
11 one hundred percent (100%) of the capacity reservation fee shall provide for the reservation  
12 of capacity for three (3) years from the date the payment is made. Payment of fifty percent  
13 (50%) of the capacity reservation fee shall provide for the reservation of capacity for two (2)  
14 years from the date the payment is made. Payment of thirty three and one third percent  
15 (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for one  
16 (1) year from the date the payment is made.

17 17. Variances

18 Capacity may be reserved for a variance through the payment of a capacity reservation fee  
19 associated with the variance, in accordance with the payment schedule identified below,  
20 provided capacity has been encumbered for the variance. The capacity reservation fee for  
21 the variance shall be determined by estimating the transportation impact fees for the  
22 development, at maximum density and intensity, associated with the variance. Payment of  
23 one hundred percent (100%) of the capacity reservation fee shall provide for the reservation  
24 of capacity for three (3) years from the date the payment is made. Payment of fifty percent  
25 (50%) of the capacity reservation fee shall provide for the reservation of capacity for two (2)  
26 years from the date the payment is made. Payment of thirty three and one third percent  
27 (33.33%) of the capacity reservation fee shall provide for the reservation of capacity for one  
28 (1) year from the date the payment is made.

29 **5.03.07 Paying for Capacity Reservation**

30 A. In order to reserve capacity, the applicant must provide one of the following forms of  
31 payment:

32 1. Direct payment of fees;

33 2. Letter of credit;

34 3. Development agreement to establish a first priority lien against the property; or

1     4.     County approved cash escrow agreement.

2     B.     Actual impact fees are due and payable in accordance with the criteria established in Chapter  
3 XV of these Land Development Regulations in association with the building permit issued by the  
4 County since the capacity reservation fee is only represents an estimate of County impact fees. All  
5 funds collected for the purpose of reserving capacity shall be used as partial payment of the  
6 transportation impact fees associated with the development.

7     **5.03.08           Extension of Capacity Reservation**

8     A.     An extension to the reservation of capacity may be granted by the County provided the  
9 underlying development order complies with the most recent Land Development Regulations of the  
10 County and provided the development is deemed to be "continuing in good faith" by the County.  
11 If the underlying development order complies with the most recent Land Development Regulations  
12 of the County and the development is "continuing in good faith" an extension to the reservation of  
13 capacity shall be granted by the County in accordance with the following criteria:

14     1.     The extension to the reservation of capacity shall not exceed the time frame for which the  
15 initial reservation of capacity was valid; and

16     2.     The extension to the reservation of capacity shall not exceed a twelve (12) month period in  
17 the event that public facilities and services capacity reserved for the underlying development  
18 order has been requested for another development order or there is a deficiency in public  
19 facilities and services reserved for the underlying development order because of an action  
20 taken by a local government, other than Lake County.

21     **5.03.09           Expiration of Capacity Reservation and Underlying Development Order**

22     A.     A reservation of capacity shall expire at any point in time for which the underlying  
23 development order expires or is revoked or denied by Lake County, otherwise, a reservation of  
24 capacity shall expire at a point in time for which an extension to the reservation of capacity can no  
25 longer be granted by the County for the underlying development order. Upon expiration of the  
26 capacity reservation, the underlying development order shall no longer be valid, unless specifically  
27 provided for below.

28     B.     In the event capacity is reserved for a Planned Unit Development, rezoning, Conditional Use  
29 Permit, Comprehensive Plan Amendment, or variance, and the capacity reservation expires, the  
30 development order shall remain valid; however, all future rights to develop the property shall be  
31 subject to a future concurrency management review and, without such a review, no vested  
32 development rights, for concurrency purposes only, shall have been granted by the County or  
33 acquired by the applicant.

1       **5.03.10       Return of Reserved Capacity Upon Expiration**

2       If an applicant does not request an extension, or the requested extension is denied, and the  
3       development order expires, the capacity reservation will also expire and the reserved capacity will  
4       be accounted for by the County as "available" capacity.

5       **5.03.11       Forfeiture of Reserved Capacity**

6       Capacity that is reserved is forfeited unless it is:

- 7       1.     ultimately used by completion of construction pursuant to unexpired development orders;  
8       2.     extended with the extension of the development order; or  
9       3.     transferred to a subsequent development order for the same property.

10       **5.03.12       Transfer of Reserved Capacity**

11       Capacity reservation may not be transferred to another parcel of property, however, it can be  
12       transferred to subsequent development orders for the same parcel, and to subsequent owners of the  
13       same parcel.

14       **5.03.13       Refund of Capacity Reservation Fee**

15       A.     The capacity reservation fee is anticipated to provide the County with a portion of the cost  
16       of new public facilities and services. Hence, the County shall use the capacity reservation fee in a  
17       manner consistent with the use of transportation impact fees.

18       B.     The fee, plus accumulated interest, is refundable if development does not proceed and the  
19       associated development order is revoked, provided the County has not obligated the money for  
20       capital improvements, however, the refund is subject to a processing charge, adopted by Resolution  
21       of the Board of County Commissioners.

22       C.     In the event the money is obligated for capital improvements and the development does not  
23       proceed, the fee, plus accumulated interest, shall be refunded once new development reserves the  
24       capacity that was previously reserved for the development that is no longer proceeding. However,  
25       the refund is subject to a processing charge, adopted by Resolution of the Board of County  
26       Commissioners.

27       **5.03.14       Annual Report**

28       The County will prepare an annual report on the available capacity of public facilities and services  
29       as compared to the adopted level of service standards identified in the Comprehensive Plan. The



1 report should summarize the available capacity of public facilities and services, and forecast the  
2 available capacity of public facilities and services for each of the five (5) succeeding fiscal years.  
3 The forecast shall be based on the most recently adopted Five Year Schedule of Capital  
4 Improvements.

5 **5.04.00**      **RESERVED**

6 **5.05.00**      **RESERVED**

7 **5.06.00**      **VESTED RIGHTS FOR CONCURRENCY**

8 **5.06.01**      **Vested Rights Generally**

9 Pursuant to Section 163.3167(8), Florida Statutes, nothing in the Comprehensive Plan shall limit or  
10 modify the rights of any person to complete any Project that has been authorized as a Development  
11 of Regional Impact pursuant to Chapter 380, Florida Statutes, or who has been issued a final local  
12 development order and development has commenced and is continuing in good faith.

13 **5.06.02**      **Vested Rights Certificates**

14 Any person may request from Lake County a determination of whether the person's right to complete  
15 a Project is vested pursuant to subsection 5.06.01 of these Regulations and Section 163.3167(8),  
16 Florida Statutes, notwithstanding the imposition of concurrency requirements. Such request shall be  
17 made on application forms as Lake County may from time to time prescribe, and the request shall  
18 be made and shall be reviewed and approved or disapproved in accordance with the procedures  
19 described in section 14.17.00.

20 **5.06.03**      **Development of Regional Impact**

21 A. Notwithstanding the imposition of concurrency requirements, a Development of Regional  
22 Impact shall be entitled to a vested rights certificate if, on or before June 1, 1992, either:

23 1. The Development of Regional Impact was approved by the Board of County Commissioners  
24 pursuant to Section 380.06, Florida Statutes and the pertinent development order has not  
25 expired; or

26 2. There has been issued for the Development of Regional Impact a binding letter of vested  
27 rights, and such rights are still valid and have not expired.

28 **5.06.04**      **Florida Quality Development**

29 Notwithstanding the imposition of concurrency requirements, a Florida Quality Development shall  
30 be entitled to a vested rights certificate if, on or before June 1, 1992, the Florida Quality

1 Development was approved by the State Land Planning Agency pursuant to Section 380.061, Florida  
2 Statutes, and the pertinent development order has not expired.

3 **5.06.05 Other Development Orders**

4 A. Notwithstanding the imposition of concurrency requirements, a Project, which may be other  
5 than a Development of Regional Impact or Florida Quality Development, shall be deemed to have  
6 been issued a final local development order and to have commenced and to be continuing in good  
7 faith for purposes of subsection 5.06.01 of these Regulations and Section 163.3167(8), Florida  
8 Statutes, and therefore to be entitled to a vested rights certificate, if (1) the Project otherwise  
9 complies with and is allowed to proceed under all County ordinances and regulations and (2) the  
10 Project meets at least one of the following criteria:

11 1. Building Permit

12 Any structure for which a building permit has been issued prior to June 1, 1992 and the  
13 building permit has not expired.

14 2. Final Site Plan

15 A Final Site Plan approved by Lake County prior to September 1, 1992, for which a building  
16 permit for a principle structure has been issued prior to September 1, 1992.

17 3. Large Lot Waiver

18 A Large Lot Waiver approved by Lake County prior to June 1, 1992, for which a building  
19 permit for a principle structure has been issued prior to June 1, 1992.

20 4. Lot Approval

21 A Lot Approval approved by Lake County prior to June 1, 1992, for which a building permit  
22 for a principle structure has been issued prior to June 1, 1992.

23 5. Master Park Plan

24 A Master Park Plan approved by Lake County prior to June 1, 1992, for which a building  
25 permit for a principle structure has been issued prior to June 1, 1992.

26 6. Planned Unit Development

27 The phases of a Planned Unit Development for which Final Plats, Final Site Plans,  
28 Preliminary Plats, or Preliminary Site Plans have complied with Subsections 5.06.05(B), (G),  
29 (I) or (J), respectively.

- 1        7.     Plat
- 2            a.     Residential
- 3                    A Final Plat recorded on or after January 1, 1976 and prior to September 1, 1992, for  
4                    which a building permit for a principle structure has been issued prior to September  
5                    1, 1992.
- 6            b.     Non-Residential
- 7                    A Final Plat recorded on or after January 1, 1976 and prior to September 1, 1992.
- 8        8.     Preliminary Master Park Plan
- 9                    A Preliminary Master Park Plan approved by Lake County prior to June 1, 1992, which has  
10                    not expired.
- 11        9.     Preliminary Plat
- 12                    A Preliminary Plat approved by Lake County prior to June 1, 1992, which has not expired.
- 13        10.    Preliminary Site Plan
- 14                    A Preliminary Site Plan approved by Lake County prior to June 1, 1992, which has not  
15                    expired.
- 16        **5.06.06        Other Projects**
- 17        A.     Any other Project for which there is proof that as of June 1, 1992;
- 18            1.     A development order has been issued or Lake County has otherwise taken official action  
19            specifically with respect to development of the property; and
- 20            2.     Substantial expenditure of funds ~~Extensive obligations or expenses~~ (other than land purchase  
21            costs and payment of taxes) including, but not limited to, legal and professional expenses  
22            related directly to the development have been incurred or there has otherwise been a  
23            substantial change in position; and
- 24            3.     Such obligations, expenses, and change in position were undertaken by the property owner  
25            in good faith reliance on the actions taken by Lake County; and
- 26            4.     It would be unfair to deny the property owner the opportunity to complete the Project.

1 B. A Vested Rights Certificate issued pursuant to subsection 5.06.06(A) shall include criteria,  
2 standards, thresholds and/or guidelines, as may be specifically applicable to the particular Project,  
3 to assist in determining whether and when the Project is no longer "continuing in good faith."

4 **5.06.07 Subsequent Approval; Ability to Make Application**

5 A. Intent

6 It is the intent of Lake County to recognize that in those circumstances listed below, a Project which  
7 commenced before, but ultimately receives County approval after, June 1, 1992, may apply for  
8 Vested Rights Certificate.

9 B. Project Denials.

- 10 1. If a Project under normal circumstances would have been granted approval by June 1, 1992,  
11 except for a denial issued by Lake County; and
- 12 2. The denial of the Project is appealed; and
- 13 3. Ultimately the denial is reversed and the requested permit or process is approved after June  
14 1, 1992, then the Project shall be entitled to apply for a Vested Rights Certificate as if the  
15 approval had been granted before June 1, 1992.

16 C. Third Party Litigation.

- 17 1. If a Project under normal circumstances would have been approved by June 1, 1992, except  
18 that litigation is initiated by a third party before June 1, 1992; and
- 19 2. The litigation has the effect of either preventing Lake County from issuing any development  
20 permits and/or preventing the Project from proceeding under development permits already  
21 issued; and
- 22 3. The litigation is ultimately decided in favor of the Project, then the Project shall be entitled  
23 to apply for a Vested Rights Certificate notwithstanding that during the pendency of the  
24 litigation, the issuance of development permits by Lake County may have been delayed or  
25 issued after June 1, 1992 and/or the Project was prevented from proceeding towards  
26 completion under any development permits issued prior to the litigation.

27 **5.06.08 Multiple Theories permitted to obtain a Vested Rights Certificate**

28 The criteria for obtaining a Vested Rights Certificate set forth in Section 5.06.00 are not mutually  
29 exclusive. Therefore, a development may make application under more than one theory. For  
30 example, if a Project obtains a Vested Rights Certificate pursuant to Subsection 5.06.05 and the

1 Vested Rights Certificate expires pursuant to Section 5.07.00, then the Project may submit an  
2 application for a new vested rights certificate under Subsection 5.06.06.

3 **5.07.00 EXPIRATION OF VESTED RIGHTS CERTIFICATES**

4 **5.07.01 General**

5 The purpose of section 5.07.00 is only to specify the circumstances under which a person may  
6 undertake or continue the development of land despite the effect of the Project, in whole or in part,  
7 on the levels of service as adopted by the Comprehensive Plan and implemented through the Lake  
8 County Concurrency Management System. Nothing in section 5.07.00 shall act to create rights that  
9 otherwise do not exist. Consequently, other than as provided for in subsection 5.06.07, upon the  
10 expiration of any development order or permit or approval that serves as the predicate for the  
11 property owner's right under section 5.06.00 to develop, the rights granted under section 5.06.00  
12 shall likewise expire.

13 **5.07.02 Building Permits**

14 A Vested Rights Certificate issued pursuant to Subsection 5.06.05(A) shall expire upon the earlier  
15 of either the expiration of the building permit or June 1, 1993.

16 **5.07.03 Development of Regional Impacts**

17 A. A Vested Rights Certificate issued for a Development of Regional Impact pursuant to  
18 subsection 5.06.03(A) shall expire upon the termination or expiration of the Development Order.

19 B. A Vested Rights Certificate issued for a Development of Regional Impact pursuant to  
20 subsection 5.06.03(B) shall expire upon the expiration or invalidity of the Binding Letter of Vested  
21 Rights.

22 **5.07.04 Final Site Plan**

23 A Vested Rights Certificate issued pursuant to subsection 5.06.05(B) shall expire upon the earlier  
24 of either the expiration of the building permit for a principle structure or September 1, 1993, if a  
25 certificate of completion is not obtained prior to or on September 1, 1993.

26 **5.07.05 Florida Quality Developments**

27 A Vested Rights Certificate issued for a Florida Quality Development pursuant to subsection 5.06.04  
28 shall expire upon the termination or expiration of the Development Order.

1       **5.07.06        Large Lot Waivers**

2       A Vested Rights Certificate issued pursuant to subsection 5.06.05© shall expire upon the earlier of  
3       either the expiration of the building permit for a principle structure or on June 1, 1993, if a certificate  
4       of occupancy is not obtained prior to or on June 1, 1993.

5       **5.07.07        Lot Approvals**

6       A Vested Rights Certificate issued pursuant to subsection 5.06.05(D) shall expire upon the earlier  
7       of either the expiration of the building permit for a principle structure or on June 1, 1993, if a  
8       certificate of occupancy is not obtained prior to or on June 1, 1993.

9       **5.07.08        Master Park Plan**

10      A Vested Rights Certificate issued pursuant to subsection 5.06.05(E) shall expire upon the earlier  
11      of either the expiration of the building permit for a principle structure or on June 1, 1993, if a  
12      certificate of occupancy is not obtained prior to or on June 1, 1993.

13      **5.07.09        Other Projects**

14      A Vested Rights Certificate issued pursuant to subsection 5.06.06 shall expire if and when such  
15      Project ceases to be "continuing in good faith".

16      **5.07.10        Plats**

17      A.     Residential

18      A Vested Rights Certificate issued pursuant to subsection 5.06.05(G)(1) shall expire on September  
19      1, 1993, if a certificate of occupancy is not obtained prior to or on September 1, 1993.

20      B.     Non-Residential

21      A Vested Rights Certificate issued pursuant to Subsection 5.06.05(G)(2) shall expire if the Project  
22      does not commence construction on at least one principle structure prior to September 1, 1996 and  
23      thereafter the Project shall maintain a rate of construction equal, on the average as calculated  
24      prospectively from September 1, 1996, to commencement of and good faith efforts toward  
25      completion of at least one principal structure on a distinct parcel within the platted Subdivision, or  
26      phase thereof, every two years.  
27

1       **5.07.11       Preliminary Master Park Plans**

2       A Vested Rights Certificate issued pursuant to subsection 5.06.05(H) shall expire on June 1, 1993,  
3       unless the infrastructure has been completed and a certificate of occupancy for at least one principal  
4       structure has been issued by Lake County prior to or on June 1, 1993.

5       **5.07.12       Preliminary Plats**

6       A.     Residential

7       A Vested Rights Certificate issued pursuant to subsection 5.06.05(I) shall expire on June 1, 1993,  
8       unless the plat has been approved and recorded prior to or on June 1, 1993, and either:

- 9       1.     The infrastructure has been completed and a certificate of completion has been issued by  
10       Lake County prior to or on June 1, 1993; or
- 11       2.     A Security listed in subsection 14.12.00.C has been posted prior to or on June 1, 1993,  
12       guaranteeing completion of the infrastructure within one year from date of platting.

13       B.     Non-Residential

14       1.     A Vested Rights Certificate issued pursuant to section 5.06.05(I) shall expire on September  
15       1, 1994 unless the plat has been approved and recorded prior to or on September 1, 1994, and  
16       either:

- 17       a.     The infrastructure has been completed and a certificate of completion has been issued  
18       by Lake County prior to or on September 1, 1994; or
- 19       b.     A Security listed in subsection 14.12.C has been posted prior to or on September 1,  
20       1994 guaranteeing completion of the infrastructure within one year from date of  
21       platting.

22       2.     A Vested Rights Certificate for a plat recorded pursuant to Subsection 5.07.12(B)(1) shall  
23       expire if the Project does not maintain a rate of construction equal, on the average calculated  
24       prospectively from the date of recording of the plat in the Lake County Official Public  
25       Records, to commencement of and good faith efforts toward completion of at least one  
26       principle structure on a distinct parcel within the Platted subdivision, or phase thereof, every  
27       two years.

1       **5.07.13       Preliminary Site Plan**

2       A Vested Rights Certificate issued pursuant to subsection 5.06.05(J) shall expire on June 1, 1993,  
3       unless the infrastructure has been completed and a certificate of completion for at least one principal  
4       structure has been issued by Lake County prior to or on June 1, 1993.

5       **5.07.14       Required Compliance With Laws, Ordinances, etc.**

6       Any Project which is granted a Vested Rights Certificate from the concurrency requirements is not  
7       in any way exempt or vested from other regulations or conditions of approval as may be applicable  
8       to the Project. Any Project which is granted a Vested Rights Certificate shall continue to be subject  
9       in all respects to all other non-concurrency laws, ordinances, rules, and regulations and shall  
10      continue to be subject to all terms, conditions, requirements and restrictions contained in any  
11      development order or permit or approval or binding letter of vested rights pertaining to the particular  
12      project.

13      **5.07.15       Substantial Change or Deviation**

14      Notwithstanding subsections 5.06.01 through 5.06.07, additional impacts generated by any  
15      substantial change or substantial deviation from the terms of the development order upon which a  
16      Vested Rights Certificate was predicated shall be subject to concurrency.



1       **6.01.08        Preemption of Other Agency Requirements**

2       The requirements of this section shall in no case be interpreted to preempt the need for other state,  
3       federal, or local permits including but not limited to U.S. Army Corps of Engineers and Florida  
4       Department of Environmental Regulation dredge and fill permits and water management district  
5       surface water management permits, or Florida Department of Natural Resources submerged land  
6       leases. The County encourages concurrent applications to any state, federal or regional agency.

7       **6.02.00        SHORELINE PROTECTION**

8       **6.02.01        Purpose**

9       The shorelines within Lake County are valuable natural resources requiring protection from erosion,  
10       sedimentation, water pollution and other negative impacts which may be associated with land use  
11       activities. It is the intent of this section to minimize such negative impacts through shoreline  
12       protection standards for development of adjacent lands.

13       **6.02.02        Development Standards for Shorelines**

14       A.     Setbacks

15       1.     For new development only, residential dwellings shall be located no closer than ~~35~~ 50 feet  
16       from the Mean High Water Line or jurisdictional wetland boundary, ~~whichever is more~~  
17       landward.

18       2.     For existing development only, residential dwellings shall be located no closer than a  
19       minimum of 50 feet or as landward as possible from the Mean High Water Line or  
20       jurisdictional wetland boundary.

21       ~~23.~~   For new development only, septic tanks shall be located as far landward from the shoreline  
22       as possible based on the depth of the lot. In no case shall septic tanks be located closer than  
23       100 feet from the Mean High Water Line or jurisdictional wetlands boundary, whichever is  
24       more landward.

25       B.     Clearing Limitations of the Shoreline.

26       No more than a total of twenty-five (25) feet of the shoreline vegetation of any lot measured  
27       perpendicular to the shoreline, may be removed for creation of a beach, or for any other purpose,  
28       except where consistent with the requirements of the Florida Department of Natural Resources.

29       C.     Prohibition of waste disposal along shoreline.

30       Disposal of any wastes, including yard waste, is prohibited within the shoreline.

- c. No conflicts exist with other management objectives for the land; and
- d. The procedures are consistent with the Guidelines for Gopher Tortoise Relocations, FGFWFC, as amended; and
- e. All commensals are relocated with the tortoises; and,
- f. All appropriate permits are obtained.

**6.05.00 FLOOD DAMAGE PREVENTION**

**6.05.01 Generally**

~~A. This section shall apply to all unincorporated areas of the county. The regulations herein established shall be construed to be minimum requirements; these regulations may also apply to any municipality in the county that elects to use them.~~

~~B. This section is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this section and another ordinance conflict or overlap, which ever imposes the more stringent restriction shall prevail.~~

~~C. In the interpretation and application of this section, all provisions shall be:~~

- ~~1. Considered as minimum requirements.~~
- ~~2. Liberally construed in favor of the board of county commissioners.~~
- ~~3. Deemed neither to limit nor repeal any other powers granted under state law.~~

~~D. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that lands outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on that part of the board of county commissioners or the county, or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.~~

~~E. Purpose and Intent~~

~~It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:~~

- 1           1.     ~~Restrict or prohibit uses which are dangerous to health, safety and property due to~~  
2           ~~water or erosion hazards, or which result in damaging increases in erosion or in flood~~  
3           ~~heights or velocities.~~
- 4           2.     ~~Require that uses vulnerable to floods, including facilities which serve such uses, be~~  
5           ~~protected against flood damage at the time of initial construction.~~
- 6           3.     ~~Control the alteration of natural floodplains, stream channels, and natural protective~~  
7           ~~barriers which are involved in the accommodation of flood waters.~~
- 8           4.     ~~Control filling, grading, dredging and other development which may increase erosion~~  
9           ~~or flood damage.~~
- 10          5.     ~~Prevent or regulate the construction of flood barriers which will unnaturally divert~~  
11          ~~flood waters or which may increase flood hazards to other lands.~~

12    F.    Objectives

13    The objectives of this section are:

- 14          1.     ~~To protect human life and health;~~
- 15          2.     ~~To minimize expenditure of public money for costly flood projects;~~
- 16          3.     ~~To minimize the need for rescue and relief efforts associated with flooding and~~  
17          ~~generally undertaken at the expense of the general public;~~
- 18          4.     ~~To minimize damage to public facilities and utilities such as water and gas mains,~~  
19          ~~electric, telephone and sewer lines, roads and bridges located in floodplains;~~
- 20          5.     ~~To help maintain a stable tax base by providing for the sound use and development~~  
21          ~~of flood-prone areas in such a manner as to minimize flood blight areas; and~~
- 22          6.     ~~To ensure that potential home buyers are notified that property is in a flood area.~~
- 23          7.     ~~To qualify property owners for the insurance and subsidies provided by the National~~  
24          ~~Flood Insurance Program.~~
- 25          8.     ~~To minimize prolonged business interruptions;~~

26    G.    Lands to Which section Applies

27    This section shall apply to all areas of special flood hazard within the jurisdiction of Lake County.

1 H: Basis for Establishing Areas of Special Flood Hazard

2 ~~The areas of special flood hazard identified by the Federal Emergency Management Agency~~  
3 ~~(FEMA) in its Flood Insurance Rate Map (FIRM) #1204210025-0425, with accompanying maps and~~  
4 ~~other supporting data and any revision thereto by FEMA the county or the best available data,~~  
5 ~~including privately funded studies required by and accepted by the County, are adopted by reference~~  
6 ~~and declared to be part of this section.~~

7 **6.05.02 Administration and Enforcement**

8 A: Generally

- 9 1. ~~The County Manager or designee is the person responsible for the administration of~~  
10 ~~this section.~~
- 11 2. ~~The duties of the County Manager or designee shall include, but not be limited to the~~  
12 ~~following:~~
- 13 a. ~~Review all development permits to assure that the permit requirements of this~~  
14 ~~section have been satisfied.~~
- 15 b. ~~Advise permittee that additional federal or state permits may be required, and~~  
16 ~~if specific federal or state permit requirements are known, require that copies~~  
17 ~~of such permits be provided and maintained on file with the development~~  
18 ~~permit.~~
- 19 c. ~~Notify adjacent communities and the state coordinating agency prior to any~~  
20 ~~alteration or relocation of a watercourse, and submit evidence of such~~  
21 ~~notification to the Federal Emergency Management Agency.~~
- 22 d. ~~Assure that maintenance is provided within the altered or relocated portion~~  
23 ~~of said watercourse so that the flood carrying capacity is not diminished.~~
- 24 e. ~~Verify and record the actual elevation (in relation to the NGVD mean sea~~  
25 ~~level) of the lowest floor (including basement) of all new or substantially~~  
26 ~~improved structures.~~
- 27 f. ~~Verify and record the actual elevation (in relation to the NGVD mean sea~~  
28 ~~level) to which the new or substantially improved structures have been~~  
29 ~~floodproofed.~~

1 g. ~~When flood proofing is utilized for a particular structure the County Manager~~  
2 ~~or designee shall obtain certification from a registered professional engineer~~  
3 ~~or architect.~~

4 h. ~~Where interpretation is needed as to the exact location of boundaries of the~~  
5 ~~areas of special flood hazard (for example, where there appears to be a~~  
6 ~~conflict between a mapped boundary and actual field conditions) make the~~  
7 ~~necessary interpretation. The person contesting the location of the boundary~~  
8 ~~shall be given a reasonable opportunity to appeal the interpretation as~~  
9 ~~provided in this section.~~

10 i. ~~When base flood elevation data or floodway data have not been provided;~~  
11 ~~obtain, review and reasonably utilize any base flood elevation and floodway~~  
12 ~~data available from a federal, state, or other source, such as engineer's~~  
13 ~~certification, in order to administer the provisions of this section.~~

14 3. ~~All records pertaining to the provisions of this section shall be maintained in the~~  
15 ~~office of the County Manager or designee and shall be open for public inspection.~~

16 B. ~~Construction and Use to be as Provided in Applications, Plans and Permits~~

17 ~~Development permits or variances issued on the basis of approved plans and applications authorize~~  
18 ~~only the use, arrangement, and construction set forth in such approved plans and applications, and~~  
19 ~~no other use, arrangement or construction. Any use, arrangement or construction at variance with~~  
20 ~~that authorized shall be deemed a violation of the section, and enjoined or punishable as provided~~  
21 ~~herein.~~

22 **6.05.03 Provisions for Flood Hazard Reduction**

23 A. ~~General Requirements~~

24 1. ~~Development shall not encroach upon the 100 year floodplain with the exception of:~~

25 a. ~~Passive recreation or conservation activities as follows:~~

26 (1) ~~Passive Recreation Facilities:~~

27 (a) ~~boardwalks~~

28 (b) ~~hiking/horseback trails~~

29 (c) ~~primitive camp sites in designated recreation areas~~

30 (d) ~~picnic areas~~

31 (e) ~~recreation facilities that do not require cleared open areas~~  
32 ~~greater than 10,000 square feet and that do not contain a~~  
33 ~~permanent structure exceeding 1,000 square feet that impedes~~  
34 ~~the movement of air or light.~~

- 1                                   (2)    ~~Conservation Facilities:~~
- 2                                   (a)    ~~stormwater management facilities designed to protect the~~
- 3   ~~natural surface water flow regime and hydroperiod and~~
- 4   ~~groundwater quality or quantity~~
- 5                                   (b)    ~~fire lanes and fire towers~~
- 6                                   (c)    ~~facilities designed to protect nesting, feeding, or habitat areas~~
- 7   ~~for designated species, or to support the propagation of other~~
- 8   ~~game and non-game species~~
- 9                                   (d)    ~~facilities designed to protect an archaeological or historical site~~
- 10                                   (e)    ~~facilities designed to retard or eliminate soil erosion problems~~
- 11                                   (f)    ~~facilities designed to eradicate exotic vegetation~~
- 12                                   (g)    ~~wildlife monitoring stations~~
- 13                               b.    ~~Septic tanks and drainfields, where necessary to allow development on a~~
- 14   ~~recorded lot of record. All other provisions of the Lake County Land~~
- 15   ~~Development regulations shall apply.~~
- 16                               e.    ~~Roads, bridges, water and sewer distribution lines (does not include water~~
- 17   ~~and wastewater treatment facilities), and other similar public facilities, where~~
- 18   ~~necessary to protect and maintain public health, safety, and welfare; and~~
- 19                               d.    ~~Compensating storage through dredge and fill activities, where such an~~
- 20   ~~activity is required to maintain the flood storage capacity of the 100 year~~
- 21   ~~floodplain and which shall only be considered when no other alternative is~~
- 22   ~~available.~~
- 23                               e.    ~~Stormwater management facilities, where consistent with section 9.06.00~~
- 24                               f.    ~~Other construction as set out in section (B) (19) below.~~

25    B.    ~~Construction Standards:~~

26    ~~In all areas of special flood hazard the following provisions are required:~~

- 27                               1.    ~~New construction and substantial improvements shall be anchored to prevent~~
- 28   ~~floatation, collapse or lateral movement of the structure.~~
- 29                               2.    ~~Manufactured homes shall be anchored to prevent floatation, collapse or lateral~~
- 30   ~~movement by providing over the top and frame ties to ground anchors. Specific~~
- 31   ~~requirements shall be:~~

- 1 a. ~~Over the top ties be provided at each of the four (4) corners of the~~  
2 ~~manufactured home, with two (2) additional ties per side at intermediate~~  
3 ~~locations and manufactured homes less than fifty (50) feet long requiring one~~  
4 ~~(1) additional tie per side.~~
- 5 b. ~~Frame ties provided at each corner of the home with five (5) additional ties~~  
6 ~~per side at intermediate points and manufactured homes less than fifty (50)~~  
7 ~~feet long requiring four (4) additional ties per side.~~
- 8 e. ~~All components of the anchoring system shall be capable of carrying a force~~  
9 ~~of forty-eight hundred (4,800) pounds.~~
- 10 d. ~~Any additions to the manufactured home shall be similarly anchored.~~
- 11 3. ~~Development shall not result in an increase in the 100-year flood elevation. No fill~~  
12 ~~shall be allowed to be placed in the 100-year floodplain without equivalent~~  
13 ~~compensation for the loss of flood storage. Compensating storage is to be~~  
14 ~~determined by the volume of material removed above the seasonal water table and~~  
15 ~~below the 100-year flood elevation established for that area.~~
- 16 4. ~~New construction and substantial improvements shall be constructed with materials~~  
17 ~~and utility equipment resistant to flood damage.~~
- 18 5. ~~New construction or substantial improvements shall be constructed by methods and~~  
19 ~~practices that minimize flood damage.~~
- 20 6. ~~New and replacement water supply and sanitary sewer systems located within an area~~  
21 ~~of special flood hazard must be floodproofed as specified in this division, unless a~~  
22 ~~determination is made by the county health department that flood proofing a septic~~  
23 ~~tank is not necessary.~~
- 24 7. ~~Reference points (grade datum elevation) should be, along with regulatory flood~~  
25 ~~datum, incised in a concrete monument at one (1) corner of the building site.~~
- 26 8. ~~All primary and secondary transformers along with power line disconnects shall be~~  
27 ~~weather protected and mounted on raised reinforced concrete slabs with top surfaces~~  
28 ~~well above base flood and water surge level of enclosed with flood walls depending~~  
29 ~~in height upon known flood levels. Such slabs shall be supported on reinforced~~  
30 ~~footers at least two (2) feet below grade.~~
- 31 9. ~~All secondary power and light disconnect switches necessary on buildings shall be~~  
32 ~~weather protected and mounted at least two (2) feet above base flood and surge~~  
33 ~~levels.~~

- 1           10:   ~~Electrical, heating, ventilation, plumbing, air conditioning equipment and other~~  
2           ~~service facilities shall be designed and/or located so as to prevent water from entering~~  
3           ~~or accumulating within the components during conditions of flooding.~~
- 4           11:   ~~Back flow valves shall be elevated three (3) feet above base flood in order to prevent~~  
5           ~~water inflow or infiltration.~~
- 6           12:   ~~Well casings shall be elevated three (3) feet above base flood in order to prevent~~  
7           ~~water inflow or infiltration.~~
- 8           13:   ~~All fuel oil, propane or other fuel storage tanks shall be anchored to prevent flotation.~~
- 9           14:   ~~Any alteration, repair, reconstruction, or improvements to a structure which is in~~  
10          ~~compliance with the provisions of this section.~~
- 11          15:   ~~New construction or substantial improvement of any residential structure shall have~~  
12          ~~the lowest floor, including basement, elevated no lower than eighteen (18) inches~~  
13          ~~above base flood elevation. Should solid foundation perimeter walls be used to~~  
14          ~~elevate a structure, openings sufficient to facilitate the unimpeded movements of~~  
15          ~~flood waters shall be provided.~~
- 16          16:   ~~New construction or substantial improvement of any commercial, industrial or other~~  
17          ~~nonresidential structure shall have the lowest floor, including basement, elevated no~~  
18          ~~lower than eighteen (18) inches above the base flood level. New construction or~~  
19          ~~substantial improvement of any commercial, industrial or other nonresidential~~  
20          ~~structure may be floodproofed in lieu of being elevated provided the requirements of~~  
21          ~~section 6.05.03 © are met.~~
- 22          17:   ~~New construction or substantial improvements of elevated buildings that include~~  
23          ~~fully enclosed areas formed by foundation and other exterior walls below the base~~  
24          ~~flood elevation shall be designed to preclude finished living space and designed to~~  
25          ~~allow for the entry and exit of flood waters to automatically equalize hydrostatic~~  
26          ~~flood forces on exterior walls. In addition:~~
- 27           a:     ~~Designs for complying with this requirement must either be certified by a~~  
28           ~~professional engineer or architect or meet the following minimum criteria:~~
- 29                 (1)    ~~Provide a minimum of two (2) openings having a total net area of not~~  
30                 ~~less than one (1) square inch for every square foot of enclosed area~~  
31                 ~~subject to flooding;~~
- 32                 (2)    ~~The bottom of all openings shall be no higher than one (1) foot above~~  
33                 ~~grade; and;~~



- 1                   (3)    ~~Openings may be equipped with screens, louvers, valves or other~~
- 2                   ~~coverings or devices provided they permit the automatic flow of~~
- 3                   ~~floodwaters in both directions.~~
- 4                   (4)    ~~Electrical, plumbing, and other utility connections are prohibited~~
- 5                   ~~below the base flood elevation;~~
- 6                   (5)    ~~Access to the enclosed area shall be the minimum necessary to allow~~
- 7                   ~~for parking of vehicles (garage door) or limited storage of~~
- 8                   ~~maintenance equipment used in connection with the premises~~
- 9                   ~~(standard exterior door) or entry to the living area (stairway or~~
- 10                   ~~elevator); and~~
- 11                   (6)    ~~The interior portion of such enclosed area shall not be partitioned or~~
- 12                   ~~finished into separate rooms.~~

13  
14        18.    ~~Limiting structures within the 25-year floodplain~~

15           a.    ~~New construction within the 25-year floodplain shall be limited to docks,~~

16           ~~catwalks, piers and other structures required to provide access to~~

17           ~~water-dependent facilities; or water-related conservation or recreation~~

18           ~~facilities not affected by periodic flooding. Residential, commercial, and~~

19           ~~industrial building, accessory structures and parking lots shall be prohibited.~~

20  
21           b.    ~~Existing lots of record are exempt from the requirements of 18.(a), above, so~~

22           ~~long as all other requirements of this ordinance, including compensatory~~

23           ~~storage and floor elevation, are met.~~

24  
25           c.    ~~New roads, causeways, or bridges shall be prohibited, except where:~~

26                   (1)    ~~The project is necessary to provide the only means of access to~~

27                   ~~otherwise developable upland properties not within areas defined as~~

28                   ~~wetlands and buffer in section 6.01.00. Such access must be the~~

29                   ~~minimum necessary to provide access to the site, occur at a narrow~~

30                   ~~point of the riverine system, be elevated and designed to allow~~

31                   ~~unimpeded movement of all wildlife, and shall be designed and~~

32                   ~~constructed in compliance with the stormwater management and~~

33                   ~~wetlands ordinances, and standards for road construction.~~

34                   (2)    ~~Public road construction meets an overriding public interest and no~~

35                   ~~suitable alternative route exists.~~

36        19.    ~~Protection of 100-year floodplain. As part of the design of the project, new~~

37           ~~development proposals shall use the 100 year floodplain for storage of floodwaters~~

38           ~~and passive recreation and conservation facilities as set out in section (A) above. In~~

1 the event that it is necessary to use the 100-year floodplain for development, at a  
2 minimum, the following shall apply:

- 3 a. ~~compensating storage shall be required;~~
- 4 b. ~~the natural hydrological character of surface waters (flow regimes,~~  
5 ~~particularly sheet flows) shall be maintained, natural water systems shall be~~  
6 ~~promoted in lieu of structural alternatives, and modified systems restored;~~
- 7 c. ~~surface waters shall be allowed to fluctuate on a seasonal basis; and~~
- 8 d. ~~in order to protect the quality and quantity of surface waters and provide~~  
9 ~~habitat for semi-aquatic or water-dependent terrestrial species or wildlife,~~  
10 ~~buffer zones of at least 25 feet and not more than 50 feet shall be established~~  
11 ~~by appropriate Federal, State and local agencies for vegetation within the~~  
12 ~~100-year floodplain associated with riverine systems.~~

13 20: ~~Protection of riverine wildlife corridors~~

14 In order to provide viable wildlife corridors, the 100-year floodplain shall be protected from  
15 development impacts where the 100-year floodplain is identified by federal or state agencies  
16 as connecting significant isolated wetlands and environmentally sensitive areas.

17 C. ~~Flood proofing~~

18 1. ~~The provisions of this section contain minimum standards and only apply to~~  
19 ~~commercial, industrial, or nonresidential structures. Where other laws, ordinances,~~  
20 ~~or rules require more stringent standards, the more restrictive requirements shall~~  
21 ~~prevail. Where new materials or methods can provide an equivalent or greater level~~  
22 ~~of protection, they will be allowed, if certified by the design architect or engineer~~  
23 ~~meeting the requirements of paragraph eight (8) below and if the result is not a~~  
24 ~~circumvention of this section. Wherever any of the provisions of this section require~~  
25 ~~that a building be floodproofed or specify that flood proofing may be used as an~~  
26 ~~alternative to elevating a structure above the regulatory flood level, flood proofing~~  
27 ~~shall be deemed to include all of the following:~~

28 a. ~~Wherever possible the location, construction and installation of all electrical~~  
29 ~~and gas utility systems in such manner as to assure the continuing functioning~~  
30 ~~of those systems in the event of a regulatory flood.~~

31 b. ~~The location, construction and installations of all potable water supply~~  
32 ~~systems in such a manner as to prevent contamination from flood waters~~  
33 ~~during the regulatory flood. No water supply well shall be located within the~~

1 ~~foundation walls of a building or structure used for human habitation,~~  
2 ~~medical or educational services, food processing or public services.~~

3 e. ~~All areas of the structure below the required elevation shall be watertight with~~  
4 ~~walls substantially impermeable to the passage of water, and shall use~~  
5 ~~structural components having the capability of resisting hydrostatic and~~  
6 ~~hydrodynamic loads and the effect of buoyancy.~~

7 d. ~~Approved backflow preventers or devices shall be installed on main water~~  
8 ~~service lines, at water wells and at all building entry locations to protect the~~  
9 ~~system from backflow or back siphonage of flood waters or other~~  
10 ~~contaminants.~~

11 e. ~~Sanitary sewer and storm drainage systems that have openings below the~~  
12 ~~regulatory flood elevation shall be equipped with regulatory flood elevation~~  
13 ~~automatic back water valves or other automatic backflow devices that are~~  
14 ~~installed in each discharge line passing through a building exterior wall.~~

15 f. ~~Sanitary sewer systems, including septic tank systems, that are required to~~  
16 ~~remain in operation during a flood shall be provided with a sealed holding~~  
17 ~~tank and the necessary isolation and diversion piping, pumps, ejectors and~~  
18 ~~appurtenances required to prevent sewage discharge during a flood. The~~  
19 ~~holding tank shall be sized for storage of at least two (2) days demand.~~

20 g. ~~All sewer system vents shall extend to an elevation of at least two (2) feet~~  
21 ~~above the regulatory flood elevation.~~

22 h. ~~A registered professional engineer or architect shall certify that any new~~  
23 ~~construction or substantial improvement has been designed to withstand the~~  
24 ~~flood depths, pressure, velocities, impact and uplift forces associated with the~~  
25 ~~regulatory flood at the location of the building.~~

26 i. ~~Vapor barrier, consisting of sheet polyethylene not less than six (6) mil in~~  
27 ~~thickness, often referred to as visqueen, should cover entire slab area before~~  
28 ~~slab is poured. Joints should be lapped not less than six (6) inches and where~~  
29 ~~slab is in contact with vertical surfaces the sheet shall be turned up the~~  
30 ~~thickness of the slab. Puncturing of vapor barriers with mesh reinforcing~~  
31 ~~shall be kept to a minimum.~~

32 j. ~~Reinforcing steel (bars) in column and wall footings should be lapped at~~  
33 ~~breaks not less than fifteen (15) bar diameters. Horizontal steel in grade~~  
34 ~~beams or slabs should be kept at least two (2) and not more than two and~~

one-fourth (2 1/4) inches above earth. Bars should preferably be supported on chairs.

~~k. Exterior walls both of block and poured concrete shall be reinforced with steel. Vertical steel in concrete will depend in size upon the structural height of wall and shall be tied with horizontal steel possible three-eighths-inch diameter every eighteen (18) inches of vertical height. In addition:~~

~~(1) Vertical steel in low rise (one (1) or two (2) stories) where exterior walls are formed of masonry block shall be placed every eight (8) feet in core of block and embedded with concrete mortar. Steel shall extend for the full height of the wall. If footing dowels are used, steel shall be double tied and lapped to same not less than fifteen (15) bars diameter. All ties shall be made with soft iron wire.~~

~~(2) Spandrel reinforcing, if other than continuous, at top of walls often required by code will depend greatly upon width of openings, and should be supported on chairs and lapped for fifteen (15) diameters minimum at splices.~~

~~l. All steel mesh in horizontal slabs shall be overlapped at least one (1) section of mesh when being laid.~~

~~m. All below grade exterior walls on basement type structures shall be waterproofed in an approved manner as specified by the design architect or engineer meeting the requirements of paragraph C.1.h above. In addition:~~

~~(1) All concrete walls shall be "keyed" to footings by 2 x 2 key slots, molded in wall footing at time of pouring.~~

~~(2) Concrete shall be not less than three thousand (3,000) psi concrete (28th day strength). All structural concrete for girders, spandrels, and columns shall be three thousand (3000) psi concrete as required for size and strength.~~

~~(3) All concrete shall be poured (if ready mix) within forth-five (45) minutes of arrival at site.~~

~~n. The outside face of all backup masonry work shall be thoroughly water proofed as specified by design architect or engineer meeting the requirements of paragraph C.1.h above. On all walls, metal ties shall be used. These should be applied in face brick mortar joints and be thoroughly coated with asphalt where exposed. In addition:~~

~~(1) All primary and secondary transformers along with power line disconnects shall be weather protected and mounted on raised~~

1 reinforced concrete slabs with top surfaces well above the flood water  
2 surge level or enclosed with flood walls depending in height upon  
3 known flood levels. Such slabs shall be supported or reinforced  
4 footers at least two (2) feet below grade.

5 (2) All secondary power and light disconnect switches necessary on  
6 building shall be weather protected and mounted at least two (2) feet  
7 above flood and surge levels.

8 o. All commercial and nonresidential buildings shall be equipped with sump  
9 pumps and pits of sufficient size to provided for any water leakage through  
10 window and door flood protection.

11 p. All sump pits shall be equipped with easily accessible sediment pits which  
12 shall be periodically checked in order the sump pumps remain undamaged.

13 q. All electrical connections shall be kept to a minimum and made waterproof.

14 r. Back flow valves shall be installed on all septic and road sewer mains.

15 s. Well casings shall be elevated three (3) feet above base flood water to prevent  
16 inflow or infiltration.

17 t. All fuel oil, propane or other fuel storage tanks shall be anchored to prevent  
18 flotation.

19 2. Prior to construction, plans for any structure that is required to be floodproofed must  
20 be submitted to the County Manager or designee for approval. The County Manager  
21 or designee will review the plans for compliance with the provisions of this section,  
22 for general compliance with the techniques specified in the United States Army  
23 Corps of Engineers publication entitled "Flood proofing Regulations", June, 1972,  
24 (GPO: 19720-505-026) and for compliance with Sections 17-761 and 17-762, FAC,  
25 rules of the DER, and other applicable codes or regulations.

26 D. Floodways

27 Located within areas of special flood hazard are areas designated as floodways. Since the floodway  
28 is an extremely hazardous area due to the velocity of flood waters which carry debris, potential  
29 projectiles and has erosion potential, the following provisions shall apply:

30 1. Prohibit encroachments, including fill, new construction, substantial improvements  
31 and other developments unless certification (with supporting technical data) by a  
32 registered professional engineer is provided demonstrating that encroachments shall

1 ~~not result in any increase in flood levels during occurrence of the base flood~~  
2 ~~discharge.~~

3 2: ~~If paragraph (1) above is satisfied, all new construction and substantial improvements~~  
4 ~~shall comply with all applicable flood hazard reduction provisions of this section.~~

5 3: ~~Prohibit the placement of manufactured homes except in an existing manufactured~~  
6 ~~homes park or subdivision. A replacement manufactured home may be placed on a~~  
7 ~~lot in an existing manufactured home park or subdivision provided the anchoring~~  
8 ~~standards and the elevation standards of this section are met.~~

9 E. ~~Standards for Streams Without Established Base Flood Elevations and/or Floodways~~

10 ~~Located within the areas of special flood hazard where small streams exist but where no base flood~~  
11 ~~data has been provided or where no floodways have been provided, the following provisions apply~~  
12 ~~if they are more stringent than other provisions of this section:~~

13 1: ~~No encroachments, including fill material or structures shall be located within a~~  
14 ~~distance of the stream bank equal to two (2) times the width of the stream at the top~~  
15 ~~of bank or twenty (20) feet each side from top of bank, whichever is greater, unless~~  
16 ~~certification by a registered professional engineer is provided demonstrating that such~~  
17 ~~encroachments shall not result in any increase in flood levels during the occurrence~~  
18 ~~of the base flood discharge.~~

19 2: ~~New construction or substantial improvements of buildings shall be elevated or~~  
20 ~~floodproofed to elevations established in accordance with this section.~~

21 F. ~~Areas of Shallow Flooding (AO Zones)~~

22 ~~Located within the areas of special flood hazard are areas designated as shallow flooding areas.~~  
23 ~~These areas have special flood hazard associated with base flood depths of one (1) to three (3) feet~~  
24 ~~where a clearly defined channel does not exist and where the path of flooding is unpredictable and~~  
25 ~~indeterminate; therefore, the following provisions apply:~~

26 1: ~~All new construction and substantial improvements of residential buildings shall~~  
27 ~~have the lowest floor, including basement, elevated to the depth number specified on~~  
28 ~~the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth~~  
29 ~~number is specified, the lowest floor, including basement, shall be elevated, at least~~  
30 ~~two (2) feet above the highest adjacent grade.~~

31 2: ~~All new construction and substantial improvements of nonresidential structures shall:~~

- 1 a. ~~Have the lowest floor, including basement, elevated to the depth number~~  
2 ~~specified on the Flood Insurance Rate Map, in feet, above the highest~~  
3 ~~adjacent grade. If no depth number is specified, the lowest floor, including~~  
4 ~~basement shall be elevated at least two (2) feet above the highest adjacent~~  
5 ~~grade; or~~
- 6 b. ~~Together with attendant utility and sanitary facilities be completely~~  
7 ~~floodproofed to or above that level so that any space below that level is~~  
8 ~~watertight with walls substantially impermeable to the passage of water and~~  
9 ~~with structural components having the capability of resisting hydrostatic and~~  
10 ~~hydrodynamic loads and effects of buoyancy.~~

11 **6.05.04 Subdivisions**

12 ~~The provisions of this subsection shall apply to all subdivisions platted which encompass any land~~  
13 ~~which is designated as having special flood hazards and is shown on the Flood Insurance Rate Map~~  
14 ~~(FIRM) #1204210025-0425 and amendments for the County, or by the best available data including~~  
15 ~~privately funded studies required by and accepted by the County.~~

16 A. ~~Subdivisions Within Special Flood Hazard Areas~~

- 17 1. ~~If any portion of a proposed subdivision lies within a special flood hazard area, the~~  
18 ~~portion of land so located shall be developed in accordance with subsection 6.05.03~~  
19 ~~of this section, wherever applicable.~~
- 20 2. ~~The County Manager or designee may require the developer of a residential~~  
21 ~~subdivision to dedicate areas within a special flood hazard area to open space uses~~  
22 ~~such as:~~
- 23 a. ~~Agricultural uses, including general farming, pasture, grazing, outdoor plant~~  
24 ~~nurseries, horticulture, viticulture, truck farming, forestry, sod farming and~~  
25 ~~wild-crop harvesting.~~
- 26 b. ~~Nonstructural industrial-commercial uses, including loading areas, parking~~  
27 ~~areas, private airport landing strips.~~
- 28 c. ~~Private and public recreational uses, including golf courses, tennis courts~~  
29 ~~driving ranges, archery ranges, picnic grounds, boat launching ramps,~~  
30 ~~swimming areas, parks, wildlife and nature preserves, mitigation areas, game~~  
31 ~~farms, fish hatcheries for native species, shooting preserves, target ranges,~~  
32 ~~trap and skeet ranges, hunting and fishing areas, hiking and horseback riding~~  
33 ~~trails.~~

- 1                   d.     ~~Residential uses such as: lawns, gardens, parking areas, and play areas.~~
- 2                   3.     ~~Such uses shall be in conformance with the requirements of the zoning district in~~  
3                   ~~which the proposed development lies.~~
- 4                   4.     ~~In return for such dedication, the residential subdivision shall be given density credits~~  
5                   ~~equal in value to the density of the residential development that would have occurred~~  
6                   ~~in the special flood hazard area had it not been dedicated to open space use. These~~  
7                   ~~density credits shall be transferable only to portions of the same proposed residential~~  
8                   ~~subdivision which lie outside special flood hazard areas, thereby maintaining the~~  
9                   ~~same total density within the subdivision as if the special flood hazard area had been~~  
10                  ~~developed. This provision of this section shall operate only if the County Manager~~  
11                  ~~or designee finds:~~
- 12                  a.     ~~That the construction of the proposed residential subdivision without density~~  
13                  ~~credit transfer will have adverse effects on existing structures and uses in the~~  
14                  ~~event that flooding occurs; and~~
- 15                  b.     ~~That the density credit transfer will not increase the density of residential~~  
16                  ~~development on the land to which the transfer occurs by more than~~  
17                  ~~twenty five (25) percent (1.25 times the density of residential development~~  
18                  ~~permissible prior to the transfer). If this paragraph can be satisfied by density~~  
19                  ~~credit transfer from only a portion of the land lying within a special flood~~  
20                  ~~hazard area, then this section shall apply to said area.~~
- 21                  e.     ~~Density credit transfer or any development on the property shall not result in~~  
22                  ~~lots of less than five thousand (5,000) square feet in size.~~
- 23                  5.     ~~No development shall be allowed in the floodway, other than public roads~~  
24                  ~~construction which meets an overriding public interest and where no suitable~~  
25                  ~~alternative route exists or as otherwise provided in this section.~~
- 26                  6.     ~~All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- 27                  7.     ~~All subdivision proposals shall have public utilities and facilities such as sewer, gas,~~  
28                  ~~electrical and water systems located and constructed to minimize flood damage.~~
- 29                  8.     ~~All subdivision proposals shall have adequate drainage provided to reduce exposure~~  
30                  ~~to flood hazards.~~

31     6.05.00     **RESERVED**



1 1. Construed to limit, abridge or alter any duties, authority and responsibilities of any agency  
2 of the United States, the State of Florida or any other governmental agency having  
3 jurisdiction.

4 2. Deemed to preempt other Lake County ordinances or provisions of the Lake County Code  
5 that impose stricter reclamation and restoration standards.

6 D. Scope of Application

7 The regulations set forth herein shall apply to the extraction, mining, harvesting or removal of muck,  
8 peat, sand, rock, clay, shell, soil, phosphate minerals or other extractable materials within all  
9 unincorporated areas of Lake County. No person shall operate a mine or conduct mining activities  
10 within a mining site plan approved by the Board of County Commissioners and an operating  
11 permit unless otherwise exempted by the provisions of subsection (F) herein.

12 E. Vested Rights for Existing Mines

13 The regulations herein set forth shall apply to existing mines in Lake County with the following  
14 exceptions:

15 1. Vested rights. Any mine which is a lawful mine as of May 8, 1990 and the operator or  
16 owner of the mine complies with the registration provisions set forth in subsection E(3)  
17 below shall be permitted to continue to mine pursuant to the Lake County authorization  
18 granted for that particular mine subject to the conditions set out herein.

19 The applicant shall submit all information required under E(3), below. Upon receipt of such  
20 information, the county shall review all data, including all existing governmental permits that  
21 have been submitted as part of the registration process, and any existing Lake County  
22 conditional use permit(s), zoning approvals or other applicable county ordinances,  
23 regulations or rules in place at the time the operation of the mine was approved.

24 If, after reviewing all existing permits for a lawful mine, the county staff determines there  
25 is no hazard or threat to the public health, safety and general welfare of the residents of Lake  
26 County due to the continued operation of the mine under the existing applicable conditions,  
27 the mine shall be permitted to continue to operate pursuant to the then existing permits,  
28 authorizations and conditions applicable to that mine.

29 However, if the professional staff of the county conducting the review determines that there  
30 is a hazard or threat to the health, safety and general welfare of the public by the operation  
31 of the mine, the reclamation operation or reclamation plan based upon the existing  
32 authorizations, the staff shall request the owner or operator of the mine to make changes  
33 deemed necessary to eliminate any hazard or threat to the public health, safety or general

- 1 3. Zoning. All mining activities shall be consistent with Chapter III and other provisions of the  
2 Lake County Code. In the event the proposed mining activity is not consistent with the  
3 zoning district classification, an application for rezoning may be processed concurrently with  
4 the mining site plan application. The rezoning application shall be considered prior to the  
5 mining site plan application.
- 6 4. Compliance with other law. All mining activities shall be conducted in accordance with all  
7 applicable federal, state, regional and local laws, ordinances, rules and regulations.
- 8 B. Environmental Protection Standards.
- 9 1. Water quality and quantity.
- 10 a. Point-source discharges. Point-source discharges of water or liquid waste into waters  
11 of the county or state are prohibited unless a variance has been granted by the Lake  
12 County Environmental Protection Board. This shall not prevent discharges into  
13 recirculating plant water systems, retention ponds and surface water storage ponds  
14 which are self-contained on the mine property or the undertaking of aquifer recharge  
15 programs approved by the Environmental Protection ~~pollution control~~ Board or  
16 discharges of stormwater runoff from reclaimed lands; provided, however, that in no  
17 event may any discharges of water or liquid waste have an adverse effect on water  
18 quality, riverine, terrestrial or aquatic biota or preexisting lawful uses of water  
19 bodies.
- 20 b. Nonpoint-source discharges. Nonpoint-source discharges of water or liquid waste  
21 into waters of the county or state shall not have an adverse effect on water quality,  
22 riverine, terrestrial or aquatic biota or preexisting lawful uses of water bodies. All  
23 surface drainage from site runoff shall be directed away from sinkholes or open  
24 excavations unless such excavations are part of the approved stormwater  
25 management system.
- 26 c. Groundwater.
- 27 (1) Floridan aquifer withdrawals. Groundwater withdrawals shall not adversely  
28 impact, due to lowering of potentiometric levels, the Florida aquifer beyond  
29 the boundaries of the mine.
- 30 (2) Surficial aquifer withdrawals. Mining activities shall not adversely impact  
31 the level of the surficial aquifer beyond the boundaries of the mine.
- 32 (3) Monitoring. In order to establish baseline conditions and to evaluate  
33 potential impacts, the monitoring of groundwater systems, surficial and  
34 Floridan, will be evaluated on a case-by-case basis; and the need for on-site  
35 sampling or observation wells shall be specified by the county. Wells  
36 established for a potable water supply or as part of the mining operation shall

1 J. Reclamation plans shall adhere to all other conditions imposed in permits by the Florida  
2 Department of Environmental Regulation, Water Management Districts, Lake County, and other  
3 agencies.

4 **6.06.03** ~~14.14.03~~ **Mining Site Plans and Operating Permits**

5 **A. Applicability**

6 ~~No person shall operate a mine or conduct mining activities within the unincorporated area of Lake~~  
7 ~~County, Florida, without a mining development plan approved by the Board of County~~  
8 ~~Commissioners and an operating permit unless otherwise exempted by the provisions of these~~  
9 ~~regulations.~~

10 **AB. Mining Site Plan Approval and Operating Permit Requirements**

11 Prior to beginning a new mine or expanding an existing mine into new acreage not included within  
12 an existing Lake County authorization to operate, the applicant shall apply for and obtain:

- 13 1. Approval of a mining site plan for the new mining activity or non-authorized expanded  
14 mining activity, whichever is applicable.
- 15 2. An operating permit for the new mining operation or the non-authorized expanded mining  
16 activity, whichever is applicable.

17 **BC. Mining Site Plan Application**

18 Application for approval or amendment of a mining site plan shall be by submission of a mining site  
19 plan prepared in accordance with an application form provided by the county and sealed by a  
20 professional engineer or professional geologist, as applicable, registered in the State of Florida. Said  
21 application shall contain at a minimum the following information:

- 22 1. The name, address and telephone number of the owner of the land on which mining  
23 activities are to be conducted. Evidence of ownership shall be provided as well as the written  
24 consent of all landowners. Copies of said consent shall be attached to the application.
- 25 2. The name, address and telephone number of the mine operator and the applicant if the  
26 applicant is not the landowner, or person that will physically alter the land.
- 27 3. The proposed date that mining activities will commence and the projected date of  
28 completion.
- 29 4. The legal description and street address, if any, of the specific parcel(s) on which mining  
30 activities are to be conducted.

- 1        5.    Ownership of all property contiguous to and within three hundred (300) feet of the property  
2        on which mining activities are to be conducted, which information shall be based upon the  
3        real property tax roll. Notice shall be posted on the public access roads and county road(s)  
4        closest to the site.
- 5        6.    Dimensions and location of all existing and proposed buildings, signs, driveways, off-street  
6        parking areas, loading and unloading areas and exterior walls and fences. Specifications for  
7        the paving of streets, parking areas and walks, provision for parallel service roads and  
8        exterior walls and fences.
- 9        7.    Plans or reports describing the method of handling any traffic condition created by the  
10       proposed use.
- 11       8.    Plans or reports showing the proposed treatment and disposal of sewage and waste; treatment  
12       of glare; and handling of hazardous gases, liquids and other materials.
- 13       9.    Copies of approved permits or permit applications submitted to or required to be submitted  
14       to all state, federal, regional and local permitting agencies.
- 15       10.   Wetlands alteration and mitigation plans to include the location and type of wetlands to be  
16       altered, location and type of wetland mitigation areas, mitigation ratios and methods to be  
17       utilized for mitigation.
- 18       11.   Uplands alteration and mitigation plans to include the location and type of uplands to be  
19       altered, location and type of upland mitigation areas, mitigation ratios and methods to be  
20       utilized for mitigation.
- 21       12.   A map or series of maps prepared at a scale of 1" = 200' or 1" = 400' which depicts the  
22       following information (such maps shall be at a scale that is consistent with the scale of the  
23       aerial photographs required in item d. below):
- 24           a.    Date, north arrow and scale.
- 25           b.    Size, shape and geographic location of the proposed mining operation and location  
26           of nearest major highways.
- 27           c.    Existing topography of the proposed mining site and its relationship to the existing  
28           watershed; contour lines shall be drawn at five-foot intervals of actual ground  
29           contours.
- 30           d.    Aerial photograph(s) of the proposed mining site and surrounding property at a scale  
31           of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available  
32           through the county engineer's office, DOT, SCS or other agency will be accepted).

1 Aerial photographs shall be at same scale as all other maps submitted with the  
2 application.

3 e. Existing on-site natural and manmade features, and on property within three hundred  
4 (300) feet of the proposed mine if said information is available for the off-site  
5 property, including but not limited to:

- 6 (1) Watercourses.
- 7 (2) Soils.
- 8 (3) Wetlands.
- 9 (4) Designated vegetative and wildlife species.
- 10 (5) Roads.
- 11 (6) Railroads.
- 12 (7) Utility lines (above and below ground on site only and aboveground off site).
- 13 (8) Right-of-way lines and easement lines (on site only).
- 14 (9) Existing buildings and structures.
- 15 (10) Wells.
- 16 (11) Chemical and fuel storage tanks (surface and subsurface on site and surface  
17 only off site).
- 18 (12) Hazardous materials storage (on site only).
- 19 (13) Dikes, canals, pumps and other water-handling devices and systems.
- 20 (14) Flood-prone areas and flood elevations (based on 100-year frequency flood  
21 conditions).

22 f. Proposed features include but are not limited to: Permanent and semipermanent  
23 facilities and structures (such as washers, scales, offices, lakes, wells, dikes, canals,  
24 ponds, pumps, waste storage areas and other water-handling and stormwater  
25 management devices and systems (include conceptual design demonstrating  
26 stormwater management systems capability to meet county stormwater regulations);  
27 mining pit(s)); permanent internal access roads; ingress/egress roads; railroads; utility  
28 lines; right-of-way and easement lines; septic tanks and drain fields; chemical and  
29 fuel storage tanks; hazardous materials storage; wetland mitigation areas; setbacks  
30 from right-of-way, easement and property lines; fences, walls or vegetative buffers  
31 (identify materials); air emission sources; sewage treatment facilities; potable water  
32 facilities and other similar features.

33 g. A map depicting the proposed major access routes in Lake County, including  
34 impacted intersections closest to the mining operation and the proposed daily  
35 volume of vehicles hauling the excavated material during the first year of operation.

36 13. Estimates or computations of the total acreage within the proposed mine, acreage required  
37 for waste storage, acreage of actual mining pits, acreage in existing and/or anticipated  
38 waterbodies.

- 1     14. A schedule showing the proposed sequence of mining activities is required that shall be  
2     reviewed and may be revised on a yearly basis.
- 3     15. A cross-sectional drawing referring to the NGVD showing the proposed depth of the  
4     excavation area and the slope of the site and depth of the water, if any, in the mining area at  
5     the time of completion of the mining activity.
- 6     16. A hydrogeologic report on surface and groundwater conditions and the hydrogeologic impact  
7     of the proposed activity. The report shall be prepared by a person licensed by the State of  
8     Florida as a professional geologist. The report shall include at a minimum but not be limited  
9     to:
- 10     a. Identification of the type of ore and overburden on site and the proposed maximum  
11     depth of mining.
- 12     b. Groundwater contours, including direction of flow for the surficial and Floridan  
13     Aquifers determined from site specific data. Contours for the Floridan Aquifer may  
14     be determined by literary research in the case of clay and peat mines.
- 15     c. Site-specific geologic information presented on at least one (1) geologic  
16     cross-sectional drawing referenced to NGVD. This cross section shall show the  
17     subsurface from the existing land surface to the top of the Floridan aquifer and shall  
18     identify the major lithologic and hydrologic groups and the bottom elevation(s) of  
19     the proposed mine.
- 20     d. Information on both the surficial aquifer and confining units necessary to identify the  
21     hydrological environment of the site. This information shall, unless specifically  
22     exempted by the county, include porosity, specific yield, hydraulic conductivity and  
23     other hydrologic characteristics derived from field tests (i.e., slug test, permeability  
24     testing or other county-approved aquifer tests).
- 25     e. Background surficial aquifer water quality measurements of pH, specific  
26     conductance, temperature, chlorides and total dissolved and suspended solids. Peat  
27     and muck mines shall be required to provide surface water quality measurements of  
28     pH, specific conductance, temperature, chlorides, TDS, TSS, BOD, COD, nutrients,  
29     organic compounds and heavy metals.
- 30     f. Proposed water withdrawal volumes, water discharge volumes and water budget for  
31     the proposed mining operation.
- 32     g. Hydrologic and hydrogeologic impacts of mining activities, water withdrawal and  
33     water discharge on surrounding properties and resources. The impacts addressed  
34     shall, unless specifically exempted by the county, include but not be limited to the

1 following: Groundwater levels, recharge to and discharge from aquifers, lake levels,  
2 flood storage, stormwater, surface water flow patterns, base flow of streams, erosion,  
3 sediment load, stream velocity and evapotranspiration.

4 h. Sufficient borings shall be made to provide data necessary to meet the above  
5 requirements. Borings shall be sufficiently deep to determine depth to the first  
6 Florida aquifer confining unit. Consideration shall be given to placing one (1)  
7 upgradient boring to the top of the weathered limestone of the Floridan aquifer as  
8 needed to ascertain the lithology of the site. Borings shall be conducted according  
9 to either ASTM Standard D-1586 (Standard Penetration Test), augured or  
10 continuously cored. Boring logs in the report shall as a minimum include the  
11 following:

12 (1) The reference point for all depth measurements both to existing land surface  
13 and to the NGVD.

14 (2) The identification and description of the material of which each stratum is  
15 composed.

16 (3) The depth and height of any cavities, intervals of falling rod and lost  
17 circulation of drilling fluids.

18 (4) Depth at which the water in the surficial aquifer was encountered.

19 i. In the case of peat mines, unless specific adverse conditions are identified, the  
20 following shall generally be considered sufficient to supply site specific data required  
21 to comply with subsections c., d. and h. above. A muck probe survey with probes  
22 done on one-hundred(100) foot centers to determine the depth of the peat deposit  
23 shall be performed. Probing shall be performed to the bottom of the deposit. In  
24 addition, one (1) boring to a depth of twenty (20) feet below the proposed mine depth  
25 to characterize the hydrogeologic setting of the site shall be required. The location  
26 of this boring shall be adjacent to the area to be mined and selected in consultation  
27 with county staff. (Under h., boring logs, requirements (1) through (4) would still  
28 apply). This data will be incorporated into the required report(s). Where the data  
29 indicate a possible and/or potential connection to the Floridan aquifer, additional  
30 probes and/or borings shall be performed.

31 j. Other information which may be beneficial to the review of the hydrogeological  
32 condition of the site and vicinity, including but not limited to any other geologic,  
33 hydrogeologic and geotechnical reports prepared on the mining site.

34 17. An environmental report that identifies the location and extent of designated species as  
35 identified in Chapter 39, Sections 39-27.003, 39-27.004 and 39-27.005, Florida

1 Administrative Code, and Chapter 581, Florida Statutes, Sections 581.185(5)(a) and (b). The  
2 environmental report shall address at a minimum the impact of the proposed activity on such  
3 species and the methods to be utilized to mitigate adverse impacts.

4 18. Conceptual plans which shall include provisions for the stabilization of soils disturbed during  
5 construction to prevent soil losses by water or wind. When the mine operation is in public  
6 view, conceptual plans shall include provisions for landscaping and buffering.

7 19. A workable, environmentally sound reclamation plan which demonstrates the requirements  
8 of this chapter, fully described by illustration and documentation, including plan view with  
9 cross sections. The reclamation plan shall show all areas to be reclaimed by depicting and  
10 describing what manmade and natural features will exist when the reclamation plan is  
11 completed and shall depict at least two (2) typical cross sections generally oriented at a  
12 ninety-degree angle to each other and a plan view with contours showing areas to be filled,  
13 backfilled, reconstructed and reshaped. The reclamation plan shall identify size, type,  
14 location and planting schedule for all vegetation to be planted or seeded in accordance with  
15 the reclamation plan. Water elevation shall be shown when a lake creation is proposed.

16 20. Site-specific information requirements may be modified, or additional information may be  
17 requested by the technical review committee. Additional aquifer testing and/or water-quality  
18 testing, including sampling of wells in the Floridan aquifer, may be required in areas of  
19 known groundwater contamination or in prime recharge. The applicant shall bear all costs  
20 associated with testing.

21 21. In the event that the Department of Natural Resources shall issue a determination of  
22 confidentiality pursuant to Chapter 378, Florida Statutes, Section 378.406, the county shall  
23 honor said determination.

24 CØ. Mining Site Plan Review and Approval Process; Reapplication; Term; Amendment

25 The procedure for obtaining approval of a mining site plan shall be as follows:

26 1. Preapplication conference  
27

28 Prior to submitting a formal mining site plan application, the applicant shall schedule a  
29 preapplication conference with the technical review committee. At least ten (10) working  
30 days prior to the scheduled conference date, the applicant shall submit ten (10) copies of a  
31 concept plan for the proposed mine. The concept plan shall consist of, at a minimum, a  
32 generalized sketch with supporting information addressing the proposed project. The  
33 purpose of the preapplication conference is to acquaint county staff with the proposed  
34 project, provide the applicant with preliminary review comments, identify major areas of  
35 concern, discuss the need for additional support data and familiarize the applicant with the  
36 project review process.



1        2. Mining Site Plan Application Submission

2        After the preapplication conference, should the applicant desire to proceed with the proposed  
3        project, the following procedures shall be followed:

4        a.        The applicant shall submit ten (10) copies of the completed mining site plan  
5        application to the county.

6        b.        The applicant shall submit with the mining site plan application the appropriate non-  
7        refundable fees as established by the Board of County Commissioners.

8        3. Technical Review Committee Review

9        Upon submission of the mining site plan application and appropriate application fees, the  
10       project shall be scheduled for review by the county technical review committee within thirty  
11       (30) days after submittal of a complete application. The review shall be conducted in terms  
12       of the following considerations:

13       a.        Consistency with Lake County's comprehensive plan, and these Regulations.  
14       Consistency with the general purpose, goals, objectives and standards of the Lake  
15       County Comprehensive Plan, and these Regulations.

16       b.        Effects on adjacent properties. The potential impact upon adjacent property in  
17       general terms of neighborhood character, public nuisances and other matters affecting  
18       the public health, safety and welfare.

19       c.        Environmental impacts. The potential impact upon air quality, surface and  
20       groundwater quality and quantity, drainage, ambient sound levels, vegetation and  
21       wildlife resources.

22       d.        Transportation system plan. The potential impact on public roads.

23       e.        The adequacy of the reclamation plan in properly reclaiming the mining site relative  
24       to the environment.

25       Upon review of the mining site plan application by the Technical review Committee, the  
26       County Manager or designee shall issue a written recommendation. A copy of the  
27       recommendations of the members of the Technical Review Committee shall be sent to the  
28       Planning and Zoning Commission and the applicant within fourteen (14) days after the  
29       Technical Review Committee meeting.

1       4.       Planning and Zoning Commission and Board of County Commissioners Review

2           a.       The mining site plan application shall be processed and reviewed by the planning and  
3                   zoning commission in the same manner as a conditional use permit as provided in  
4                   Section 14.05.00 of these regulations.

5           b.       A public hearing shall be held by the Board of County Commissioners in the same  
6                   manner as that for a conditional use permit. The Board of County Commissioners  
7                   shall consider the recommendation of the planning and zoning commission.

8       5.       Reapplication

9       In the event of a denial of an application, reapplication for mining site plan approval for all or a  
10       portion of the property described in the original application shall not be allowed for a period of one  
11       (1) year from the date of the denial unless said time frame is waived by the Board of County  
12       Commissioners pursuant to the terms of this subsection. The board may waive the one-year period  
13       if it finds that the basis for denial of the original application no longer exists because of changed  
14       circumstances or the discovery of evidence not produced at the original public hearing.

15       If the applicant feels that the justification for a waiver is present, the applicant may submit a request  
16       to the board. In the request, the applicant shall state the basis for the proposed waiver. If a waiver  
17       is granted, the application shall be processed in the same manner as the initial application.

18       6.       Mining Site Plan Term

19           a.       If the mining activities commence within three (3) years of the date that the board  
20                   grants mining site plan approval, the mining site plan shall remain valid and in force  
21                   as long as the operator shall abide by the approved mining site plan, the operating  
22                   permit and the requirements of this chapter.

23           b.       Should mining activities not commence within the specified three-year period, the  
24                   mining site plan approval shall expire unless extended. Extension of approval of the  
25                   mining site plan shall be requested in writing by the applicant prior to the expiration  
26                   of the mining site plan approval and may be extended for a period of up to three (3)  
27                   years upon approval by the board.

28           c.       After commencement of mining activities, should mining activities cease for a period  
29                   of three (3) years, mining site plan approval shall expire unless extended. Extension  
30                   shall be requested in writing by the applicant prior to the expiration of the mining site  
31                   plan approval. Any request for extension shall be placed on a board agenda and shall  
32                   be heard by the board no later than forty-five (45) days after the date the request for  
33                   extension is submitted.

1        7.        Mining Site Plan Amendment

- 2            a.        The mining site plan may be amended as required for reasonable cause and as  
3            approved by the county. In order to amend the mining site plan, an application shall  
4            be submitted to the county for consideration by the technical review committee.
- 5            b.        The County Manager or designee, based upon the recommendations of the members  
6            of the TRC, shall determine whether the proposed amendment is substantial or non-  
7            substantial. The following general criteria will be used to identify a substantial  
8            amendment. These criteria are established for illustrative purposes and may be  
9            expanded upon where deemed necessary to protect the public health, safety or  
10           welfare:
- 11           1.        A change which would require an amendment of the conditions of approval  
12           for the mining site plan;
- 13           2.        A change in phasing of the mining operation which would propose mining  
14           in advance of infrastructure improvements necessary to support such  
15           operation.
- 16           c.        A non-substantial amendment is defined as any change to a previously approved  
17           mining site plan which does not increase the intensity of the land use or its impact  
18           on activities, utilities, circulation, surrounding land uses, community facilities,  
19           environment or other factors directly or indirectly affected.
- 20           d.        Amendments to the mining site plan which are determined to be substantial shall be  
21           submitted with plans and support data in the same manner as required for the  
22           submittal of the original mining site plan application for review by the technical  
23           review committee, planning and zoning commission and the Board of County  
24           Commissioners.
- 25           e.        All non-substantial amendments documented by plans and support data shall be  
26           approved by the County Manager or designee. The review of the application for  
27           amendment shall be conducted in substantial conformity with those procedures used  
28           to review the original mining site plan.

1 DE. Operating Permit Review and Approval Process; Reapplication; Term; Amendment

2 The procedure for obtaining an operating permit shall be as follows:

3 1. Submission of Application and Fees

4 The applicant shall submit to the county ten (10) copies of the operating permit application  
5 and the appropriate fees charged by each of the reviewing departments or divisions. The  
6 application shall contain the engineering and construction plans for the project. Where  
7 required by state or county regulation, such plans shall be signed and sealed by a professional  
8 engineer, professional geologist or architect, where applicable, registered in the State of  
9 Florida and shall include but not necessarily be limited to architectural and engineering  
10 construction details, plans and specifications for:

- 11 a. All proposed buildings, signs, exterior walls and fences, driveways, roads, offstreet  
12 parking areas, loading and unloading areas, walks.
- 13 b. Conceptual excavation areas.
- 14 c. Solid waste management facilities.
- 15 d. Water supply and wastewater treatment facilities.
- 16 e. Stormwater management facilities (including calculations).
- 17 f. Other pollutant management devices or facilities.
- 18 g. Erosion and sedimentation control.
- 19 h. Hazardous material storage and management facilities.
- 20 I. Landscaping and beautification.
- 21 j. Fire-control devices, facilities.
- 22 k. Site reclamation.
- 23 l. Wetlands mitigation.
- 24 m. Other information which may be beneficial to the review and approval of the  
25 operating permit application.

1        2.        Operating Permit Application Review

2        The operating permit application review will be conducted by the Lake County Technical  
3        Review Committee within thirty (30) days of the receipt of a complete application in  
4        accordance with the technical review committee's standard procedures. The application shall  
5        be reviewed for compliance with all applicable state, federal, regional and local laws,  
6        ordinances, rules and regulations and the approved mining site plan. The County Manager  
7        or designee, based upon the comments of the technical review committee, shall either  
8        approve, approve with conditions or deny the application. If the application is approved or  
9        approved with conditions, the conditions being so stated in writing, the applicant shall be  
10       issued an operating permit. If the application is denied, the reasons for denial shall be stated  
11       in writing and forwarded to the applicant.

12       3.        Reapplication

13       The applicant may reapply for an operating permit after denial upon addressing the reasons  
14       for denial.

15       4.        Appeal

16       If, after reapplication, the permit is denied or the applicant and county staff are unable to  
17       resolve the issues in dispute, the applicant may appeal the denial to the Environmental  
18       Protection ~~Pollution Control~~ Board. Said appeal shall be considered at a public hearing after  
19       written notice of the date, time and place is mailed to the applicant. The Environmental  
20       Protection ~~Pollution Control~~ Board shall consider all applicable provisions of the Lake  
21       County Code in reviewing the denial.

22       5.        Operating Permit Term

23       Unless stated otherwise, the operating permit shall remain valid and in force throughout the  
24       life of the approved mining site plan as long as the operator shall comply with the mining site  
25       plan, the requirements of section 6.06.00 and the conditions of the operating permit.

26       6.        Operating Permit Amendment

27       The process followed for operating permit amendments shall be the same as the procedure  
28       required for the approval of the original operating permit.

29       EE. Inspections of all new and existing mining activities shall be conducted on a routine, periodic  
30       basis and as deemed appropriate by the County or as complaints arise concerning the mining  
31       activity. By seeking and obtaining a mining permit under the Land Development  
32       Regulations, the operator and owner shall be deemed to have consented to inspections by the  
33       County and other appropriate regulatory agencies or departments upon presentation of proper  
34       identification by the representative(s) of the agency(ies) conducting the inspections.

1 FG. Fees.

2 1. Payment of administrative, review, processing, permitting and inspection fees associated  
3 with the cost of implementing the requirements of the mining regulations shall be in  
4 accordance with a fee schedule established by resolution of the Board.

5 2. Annual Inspection Fee.

6 a. Submitted to the County within forty-five (45) days after the end of each fiscal year  
7 (September 30th) along with the annual progress report required pursuant to Section  
8 6.06.03; and

9 b. Pro-rated for the first year to cover the number of fiscal quarters remaining after  
10 approval of the operating permit.

11 The fee shall be in addition to the annual progress report review fee.

12 3. Annual Progress Report.

13 Submission of the annual progress report shall be accompanied by the appropriate fee as  
14 established by the Board.

15 **6.06.043 Annual Progress Reports**

16 A. Annual Progress Report.

17 The operator of every approved or registered mine shall file a written annual report with the County  
18 within forty-five (45) days after the end of each fiscal year (September 30th) to include the following  
19 if applicable:

20 1. Identification of lands mined during the preceding year and lands expected to be mined  
21 during the current year.

22 2. Discussion of the reclamation progress for each area where reclamation has been completed  
23 in the last year or where reclamation is in progress and a discussion of reclamation planned  
24 for the current year.

25 3. Aerial photographs at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most  
26 recently available through the county engineer's office, DOT, SCS or other agency will be  
27 accepted) showing the extent of land disturbance and reclamation during the last year.

28 4. A summary of results of the previous year's environmental monitoring program if required  
29 in the operating permit.

1 5. The operator shall also furnish copies of all related inspection reports not previously  
2 furnished which are required by state, federal, regional or local regulatory agencies.

3 6. An update on major access routes, impacted intersections closest to the site and daily volume  
4 of vehicles hauling mined materials.

5 B. Certification.

6 A licensed Florida registered professional engineer, professional geologist, mine operator or an  
7 authorized representative familiar with the operator's mining activities shall certify in a notarized  
8 document which shall be included with the annual progress report that the project is being developed  
9 and operated in strict accordance with the conditions set forth in the approved mining site plan,  
10 operating permit and any applicable development of regional impact development order.

11 C. Failure to File.

12 Failure to file the required annual progress report shall be grounds for suspension of the operating  
13 permit. An extension of time for filing may be granted by the County upon request and for good  
14 cause shown.

15 D. Reclamation Approval.

16 If necessary, approval of reclaimed areas shall be requested in the annual progress report by  
17 identifying the specific reclamation areas for which approval is sought. Reclamation of disturbed  
18 lands shall be deemed completed after showing that the reclamation areas have been reclaimed in  
19 accordance with the approved mining site plan and operating permit.

20 **6.06.054 Financial Responsibilities**

21 A. Before an operating permit is issued, the applicant or operator shall provide proof of financial  
22 responsibility and shall file with the Board of County Commissioners a compliance and  
23 reclamation guarantee to ensure that the mine is developed, operated and reclaimed in  
24 conformance with the Lake County Code, the approved mining site plan and the operating  
25 permit. Acceptable forms of the guarantee include cash, irrevocable letters of credit or  
26 surety bonds. In all cases, the form of the guarantee shall be subject to approval by the  
27 County Attorney.

28 B. The amount of the guarantee shall be set by the board, upon recommendation of the County  
29 Manager or designee in an amount not less than one hundred (100) percent of the estimated  
30 cost of reclamation based upon the phase that is being permitted.

31 C. As the reclamation progresses in accordance with the reclamation plan, the amount required  
32 to complete the reclamation may decrease. As time progresses, the amount required to

1 B. Water Quality Testing

2 1. Tests or analytical procedures to determine compliance or noncompliance with water quality  
3 criteria provided by this section shall be in accordance with methods given in the latest  
4 edition of standard methods, A.S.T.M., or E.P.A. methods shall be used. Approved methods  
5 for chemical analyses are summarized in the Federal Register, 40CFR136 October 26, 1984  
6 except that turbidity shall be measured using a Nephelometer or its equivalent.

7 2. Where other tests or analytical procedures are found to be more satisfactory, such tests or  
8 procedures will be used only upon the acceptance and approval by the appropriate regulatory  
9 agencies. Testing for research projects may deviate from standard methods when approved  
10 by competent authority.

11 3. Copies of approved standard methods and approved revised methods shall be available for  
12 public inspection at the office of the Environmental Protection ~~pollution control~~ Board.

13 C. Stormwater and Surface Drainage

14 Stormwater and surface drainage shall be in accordance with the requirements of Section 9.06.00,  
15 Stormwater Management; and Section 6.01.00, Wetlands Protection.

16 D. Operation of Pollution Control/Abatement Structures or Works

17 1. For the purposes of this section, a "pollution control/abatement structure or works" shall  
18 mean equipment, structures, transmission lines or land specifically designed and used for the  
19 treatment and beneficiation of any pollution material prior to its discharge from the owner  
20 owned, leased or otherwise legally held property.

21 2. The legal owner of any pollution control/abatement structure or works shall:

22 a. Insure the device is maintained and utilized in such a manner as to permit maximum  
23 operating efficiencies at all times.

24 b. Insure the device is operated by a qualified and certified (if required by Florida  
25 Statutes) operator and such operator controls the device to obtain maximum  
26 efficiency at all times.

27 c. Insure all required tests are properly performed and recorded correctly for submission  
28 to cognizant authorities in a timely manner.

29 d. Not knowingly or willingly permit the by-passing, overloading or circumvention of  
30 any device so as to allow a discharge of improperly treated effluent.



1 possible health threat to the general public. Waste sludges, in amounts greater than one (1)  
2 cubic yard (eight tenths (0.8) cubic meters) shall be disposed of only at approved sanitary  
3 landfills or at alternate sites which have been approved, in writing, by either the County or  
4 Lake County Public Health Unit.

5 F. Agricultural Waste

6 This waste shall include all discharges/runoff from agricultural operations which are primarily  
7 nonfecal in content. Those effluents from agricultural operations which are primarily composed of  
8 fecal material shall be treated by those methods described in Subsection 6.11.00.E.2. In no case will  
9 agricultural operations be allowed to discharge inorganic or organic waste into a receiving water  
10 whereas the classifications will not be attained or whereas the beneficial use of said waters will be  
11 impaired. All considerations will be given to said discharge whereas in such case of multi-releases  
12 into same body of water, the amount of treatment will be proportioned equally on a per pound  
13 (kilogram) of organic-inorganic waste per day. The required treatment to meet present best  
14 management practices and classification shall in no case be less than ninety (90) percent removal of  
15 both organic and inorganic waste load.

16 **6.12.00 CENTRAL WATER SYSTEM/CENTRAL SEWAGE SYSTEM**

17 **6.12.01 Connection Requirements**

18 A. Central Water System

19 All private potable water systems, unless exempted by the Board of County Commissioners via  
20 public hearing, shall be connected and utilized ~~joined and hooked~~ to a regional/subregional potable  
21 water system when the regional/subregional potable water system comes within three hundred (300)  
22 feet of the private potable water system or any of the central lines of the private potable water  
23 system, measured as a curb line distance within a right-of-way or the centerline distance within an  
24 easement. The private potable water system shall be required to be connected and utilized ~~joined~~  
25 ~~and hooked~~ within twelve (12) months of the availability of the regional/subregional potable water  
26 system. Notwithstanding the three hundred (300) feet mandatory connection requirement, existing  
27 development utilizing a private potable water system shall be required to connect to a  
28 regional/subregional potable water system when the Board of County Commissioners determine that  
29 there is endangerment to the environment, public health, safety, and welfare.

30 B. Central Sewage System

31 All private treatment systems, unless exempted by the Board of County Commissioners via public  
32 hearing, shall be connected and utilized ~~joined and hooked~~ to a regional/subregional wastewater  
33 system when the regional/subregional system comes within one thousand (1,000) feet of the private  
34 treatment system or any of the central lines of the private treatment system, measured as a curb line  
35 distance within a right-of-way or the centerline distance within an easement. The private treatment

1 system shall be required to be connected and utilized ~~joined and hooked~~ within twelve (12) months  
2 of the availability of the regional/subregional wastewater system. Notwithstanding the one thousand  
3 (1,000) feet mandatory connection requirement, existing development utilizing a private treatment  
4 system shall be required to connect to a regional/subregional wastewater system when the Board of  
5 County Commissioners determines that there is endangerment to the environment, public health,  
6 safety, and welfare.

7 **6.13.00 NONCONFORMING USES AND DEVELOPMENT**

8 **6.13.01 Defined**

9 The following provisions apply to Nonconforming Uses and Development as defined in Chapter II.

10 **6.13.02 Normal Maintenance**

11 Normal maintenance and incidental repair of a lawful nonconformity shall be permitted provided  
12 that such maintenance and repair does not violate any other Section of these Regulations and is in  
13 full compliance with all building and technical codes adopted by Lake County.

14 **6.13.03 Continuation of Nonconforming Uses and Development**

15 Subject to the provisions below for terminating Nonconforming Uses and Development, such uses  
16 and Development may, if otherwise lawful and in existence on June 1, 1992, remain in use in their  
17 nonconforming state.

18 **6.13.04 Termination of Nonconforming Uses and Development**

19 A. Generally

20 Nonconforming Uses and Development shall be brought into full compliance with the other  
21 requirements of Chapters III, VI, VII, VIII, IX, X, and XI of these Regulations, in  
22 conjunction with the following activities:

- 23 1. Any expansion, change, enlargement, or alteration of a use or Development  
24 in any way which increases its nonconformity. This shall not be construed  
25 to include normal maintenance and incidental repair (e.g., painting, providing  
26 for a new roof, re-screening an existing porch, etc.).
- 27 2. Reconstruction of the Principal or Accessory Structure after the Structure has  
28 been substantially destroyed by fire or other natural disaster. A Structure is  
29 "substantially destroyed" if the cost of reconstruction is fifty (50) percent or  
30 more of the fair market value of the Structure before the fire or natural  
31 disaster. If there are multiple Principal Structures on a site, the cost of

## CHAPTER VII

### WEKIVA RIVER REGULATIONS

#### 7.00.00 GENERAL

#### 7.00.01 Purpose and Intent

##### A. Purpose and Intent

The purpose and intent of this Chapter is the protection of the Wekiva River System, including water quantity, water quality, and hydrology; associated wetlands; aquatic and wetland-dependent wildlife species; habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; and native vegetation within the Wekiva River Protection Area.

##### B. General Requirements

All lots whether Lots of Records, Recorded Buildable Lots of Records, or simply metes and bound parcels, that are located within the Wekiva River Protection Area must go through either the Determination of Vested Rights or Non-Exempt Parcels of Land Application when applying for a building permit for a primary structure.

#### 7.00.02 "A-1-40" Wekiva River Protection Area Overlay District 1

##### A. Purpose and Intent.

The purpose and intent of the district is to provide an area where low-density rural development can occur while preserving environmentally sensitive areas. The continued use of the land for traditional agricultural purposes is maintained where consistent with best management practices and policies of the Lake County Comprehensive Plan. This overlay district will protect environmentally sensitive areas while encouraging rural uses which prevent further encroachment by urban uses. This district permits, with certain exceptions, as provided in section 7.00.09, a maximum residential density of one (1) dwelling unit per forty (40) net developable acres with a maximum density of one (1) dwelling unit per ten (10) net developable acres through the use of the development point rating system set forth in section 7.00.06 of this chapter.

##### B. Density and Lot Size Requirements.

1. The following density requirements shall apply to parcels of land within this District unless exempted due to a determination of vested rights or determined to be a non-exempt parcel under section 7.00.09:

- 1 7. Protect or improve existing ground and surface water quality.
- 2 8. Protect the water-retention capabilities of wetlands.
- 3 9. Protect the biological-filtering capabilities of wetlands.
- 4 10. Protect the natural flow regime of drainage basins.
- 5 11. Protect the design capacity of flood-detention areas and the water-management objectives  
6 of these areas through the maintenance of hydrologic characteristics of drainage basins.
- 7 B. Review Criteria.
- 8 1. All development in flood prone areas shall meet the following standards:
- 9 a. Structures that are built in a flood prone area shall have a minimum basement or first  
10 floor level of 18 inches above the regulatory flood level.
- 11 b. Development shall not adversely affect the natural flow regime or reduce the  
12 recharge capabilities of the area.
- 13 c. All development shall be consistent with sound flood plain management practices  
14 and comply with the Flood Disaster Act of 1973 (PL93-234) and Federal Insurance  
15 regulations applicable in flood prone areas.
- 16 d. Additional Standards of Chapter 6.05.00, Flood Damage Prevention, shall apply.
- 17 2. Development in the uplands shall not significantly reduce the on site percolation rate of rain  
18 water back into the ground from that which existed when the land was in its undisturbed  
19 state.
- 20 3. All drainage facilities shall include engineering design features to remove suspended solids  
21 and other contaminants and pollutants in storm water runoff to meet Lake County  
22 Environmental Protection Pollution Control Board Water Control Standards, and consistency  
23 with Chapter 9.06.00, Stormwater Management.
- 24 4. Sites shall be developed to maximize the amount of natural rainfall which is percolated into  
25 the soil and to minimize direct overland runoff into adjoining roads and water courses to the  
26 extent feasible. Storm water runoff from roofs and other nonpermeable surfaces shall be  
27 diverted into swales or terraces on the site. Whenever land lying within 200 feet of a lake  
28 and which slopes toward said lake is developed, the following methods shall be provided to  
29 minimize storm water runoff into the lake:

1 5. The applicant shall demonstrate that site alteration plans achieve the following objectives:

2 a. The natural surface flow regime or natural recharge capabilities of the site will not  
3 be adversely affected.

4 b. Siltation of wetlands or reduction in the natural retention of filtering capabilities of  
5 wetlands will not occur.

6 c. Activities shall provide for water retention and settling facilities, shall maintain an  
7 overall site runoff approximating the natural flow regime to such alterations and shall  
8 maintain a runoff rate that does not cause erosion to occur.

9 **8.00.06 Septic Tank Provisions.**

10 No building permit shall be issued for a development proposing the use of a septic tank within the  
11 Green Swamp Area of Critical State Concern without first obtaining a permit approved by the  
12 Department of Health and Rehabilitative Services. The Department of Health and Rehabilitative  
13 Services/Lake County Public Health Unit, Environmental Health Section, hereinafter referred to as  
14 the Department, may issue a septic tank permit provided the location of the septic tank and drainfield  
15 comply with the Lake County Comprehensive Plan.

16 In the event the proposed location of the septic tank and drainfield is within close proximity (within  
17 75 feet) of a potential wetland, the Department shall be authorized to request that the applicant  
18 identify the jurisdictional wetland boundary at the expense of the applicant. The Department shall  
19 be authorized to permit the use of a septic tank provided the septic tank and drainfield are, at a  
20 minimum, 75 feet from the furthest upland extent of any wetland, and, at a minimum, 75 feet from  
21 surface waters, as defined in s. 381.0065, Florida Statutes.

22 In the event the septic tank and drainfield are required to be located within 75 feet of any wetland,  
23 or within 75 feet of surface waters, in order to provide a reasonable beneficial use of a lot legally  
24 created on or before March 2, 1993, the County Manager or designee, in coordination with the  
25 Department, shall identify a location for the septic tank and drainfield that would least impact  
26 wetlands and surface waters. Once this location has been identified, and a variance has been granted  
27 pursuant to s. 381.0065, Florida Statutes, if necessary, the Department shall be authorized to permit  
28 the use of a septic tank at the subject location.

29 All septic tank permits issued by the Department in the Green Swamp Area of Critical State Concern  
30 shall be issued in conjunction with a Notification of Mandatory Maintenance which shall require that  
31 the property owner have the septic tank cleaned and inspected at least once every five (5) years, at  
32 the expense of the owner, in accordance with the requirements of the Department. The Notification  
33 of Mandatory Maintenance shall also require that the property owner provide the Department with  
34 proof that the septic tank has been cleaned and inspected, and shall be recorded in the public records  
35 of Lake County at the expense of the property owner. The Department shall be authorized to require

1 that the septic tank be cleaned, and that the mound, drainfield and septic tank system be in good  
2 working order and in compliance with the standards of Chapter 10D-6, Florida Administrative Code.  
3 Additionally, the Department shall be authorized to assess a fee to be paid by the lot owner to cover  
4 the costs of administering this program.

5 In the event that the Department does not receive proof that the septic tank has been cleaned and  
6 inspected within the appropriate time frame, the Department shall be authorized to request, via  
7 written notification, that the property owner provide proof within three (3) months from the date of  
8 the written notification. If proof is not received by the Department within three (3) months, the  
9 Department shall be authorized to notify the property owner, via certified mail, that the property  
10 owner is not in compliance with the Lake County Land Development Regulations, and that the  
11 property owner has thirty (30) days to provide proof that the septic tank has been cleaned and  
12 inspected; otherwise, Notice of Violation will be issued pursuant to Section 12.04.05.

13 **8.00.067 Agricultural Exemption.**

14 The use of any land for the purpose of growing plants, crops, trees, and other agricultural or  
15 silvicultural products; raising livestock; or for other purposes directly related to all such uses are  
16 exempt from these regulations, for example, but not limited to, wells, access roads, utility lines.  
17 Lands lying fallow are deemed to be used for agricultural purposes. However, whenever any person  
18 carries out any activity defined herein, as development or applies for a development permit, as  
19 defined herein, to develop exempted land, these regulations shall apply to such application and to  
20 such land.

21 **8.00.078 Vested Rights in Property.**

22 Where vested rights in property exist pursuant to Section 380.05(15), Florida Statutes, these  
23 regulations shall not abridge them. Any person whose rights may have vested pursuant to Section  
24 380.05(15), F.S., may seek a determination from County or from the Bureau of Land and Water  
25 Management, Department of Community Affairs. Request for vested rights determination from the  
26 Bureau shall be submitted as a petition for a declaratory statement pursuant to Section 120.56, F.S.,  
27 and upon a form as prescribed by the Bureau.

28 **8.00.089 Additional Requirements.**

29 A. Copy of Development Order to be Submitted to the Florida Department of Community  
30 Affairs

31 A copy of any Master Land Use Plan submitted in support of a request for zoning, plat approval, and  
32 conditional use permit, pursuant to the requirements of Chapter 28-28.007 of The Florida  
33 Administration Code, shall be sent to the Bureau of Land and Water Management, Department of  
34 Community Affairs, within three (3) working days of the issuance of the development order.

1       **9.01.02       Exemptions**

2       A.     The requirements of this section shall not apply to the removal of the trees listed in this  
3 subsection. Any person adversely affected by a decision of the County Manager or designee in the  
4 determination of an exemption may appeal such decision to the Environmental Protection Pollution  
5 Control Board as set out in Chapter XIV.

6       1.     Trees located within existing recorded or prescriptive public road or drainage rights-of-way  
7 and easements which are to be removed as part of a Board approved project. However, all  
8 protected trees that are removed under this exemption shall be relocated or replaced either  
9 within the project site or at a public offsite location (e.g., other rights-of-way, parks,  
10 governmental buildings, or tree farms). All replacement trees shall be at least one (1) inch  
11 diameter at breast height (DBH), Florida number 1 grade or better.

12     B.     For the purposes of this exemption, trees located within new rights-of-ways along existing  
13 roads which are to be removed as part of a Board approved project shall also be exempt from the  
14 permitting requirements of this subsection provided:

15     1.     The rights-of-way are necessary to meet minimum County width standards, up to a total  
16 rights-of-way width of eighty (80) feet;

17     2.     The existing number of roadway lanes will not be increased;

18     3.     A notice of all such activities is submitted to the County Manager or designee within ten (10)  
19 working days prior to the activity; and

20     4.     The trees removed are relocated or replaced as required above.

21     C.     Prohibited trees.

22     All types of trees set forth below.

23       1.     Australian Pine (Casuarina species).

24       2.     Cajeput or Punk Tree (Melaleuca quinquenervia).

25       3.     Chinaberry (Melia azedarch).

26       4.     Ear Tree (Enterlobium cyclocarpum).

27       5.     Eucalyptus species.

28       6.     Florida Holly or Brazilian Pepper (Schinus terebinthifolius).

1 3. For the purposes of this provision, open space shall include conservation open space, utility  
2 open space, and corridor open space as defined in the Lake County Land Development  
3 Regulations.

4 4. Such landscaped buffer required by this Subsection shall be designed to form a continuous,  
5 visual screen and attain heights of four (4) and six (6) feet within one (1) and two (2) years,  
6 respectively. The visual screen shall include shrubs or berm(s) with shrubs, or both. If  
7 shrubs alone are used, they shall be at least two and a half (2 ½) feet planted at the minimum  
8 centers provided in Table 2 above. If a berm is utilized shrubs at least one (1) foot in height  
9 shall be planted on top of the berm; the berm shall be at least two (2) feet in height and shall  
10 not have a slope exceeding a 3 to 1 horizontal to vertical ratio; and the type of shrubs and  
11 minimum centers shall be approved by the County Manager or designee. Such landscaped  
12 screen shall be located along the common lot line. A six-foot high masonry wall or wooden  
13 fence set in a ten-foot wide landscaped buffer area may be substituted for the required  
14 six-foot high planted buffer. Such fence shall be permanently maintained and kept in an  
15 acceptable state of repair. In addition, four trees (4) shall be provided for each one hundred  
16 (100) lineal feet of such landscaped barrier or fractional part thereof, however, the  
17 provisions in Sections 9.02.04 (A) (2) (b) and © above shall also apply to this subsection.  
18 Each such tree shall be planted in at least twenty-five (25) square feet of planting area, with  
19 a minimum dimension of at least five (5) feet, unless other dimensions are approved by the  
20 County Manager or designee. Each such planting area shall be landscaped with mulch,  
21 groundcover, or other landscape material, excluding paving, in addition to the required tree.

22 C. Internal landscaping

23 All ground surface areas used on commercial, institutional, community facility, industrial,  
24 condominium or multifamily sites shall have internal landscaping to provide visual and climatic  
25 relief from broad expanses of pavement and channelize and define logical areas for pedestrian and  
26 vehicular circulation.

27 1. Generally.

28 Interior portions of off-street parking facilities which are not specifically designed as parking  
29 spaces or maneuvering areas shall not be paved for vehicle use. Unless specifically  
30 designated as open space or green area, all designated, planted and permanently maintained  
31 landscaped areas ~~Said areas shall be planted and permanently maintained with trees and~~  
32 ~~shrubs, and finished with ground cover or other landscape material.~~ The landscaped area  
33 shall have at least one (1) tree with a one (1) inch DBH at time of planting for every two  
34 hundred (200) square feet.



1        2.        Maximum number of continuous parking spaces.

2                Landscaping areas with a minimum dimension of ten (10) feet and a minimum total area of  
3                two hundred (200) square feet shall be provided to break up excessively long, continuous  
4                runs of parking spaces. In no instance shall a parking bay contain more than fifteen (15)  
5                continuous parking spaces or extend more than one hundred sixty (160) feet, whichever is  
6                more restrictive, without being broken up by a landscaped area. These landscaped areas  
7                must have one (1) tree with a one (1) inch DBH at time of planting.

8        3.        Termination of parking rows.

9                Each row of interior parking spaces which contains more than 15 continuous parking spaces  
10                or extend more than 160 feet, which ever is more restrictive, shall be terminated at each end  
11                by a landscaping area which shall be a minimum of two hundred (200) square feet ~~with a~~  
12                ~~minimum dimension of ten (10) feet.~~ ~~These landscaped areas must have one (1) tree with~~  
13                ~~a one (1) inch DBH at time of planting.~~

14        4.        Curbing or wheel stops.

15                All interior landscaping area shall be curbed or provided with wheel stops to prevent  
16                vehicular encroachment, as appropriate.

17        5.        When not required.

18                Interior landscaping is not required when the paved portion of a lot is five thousand (5,000)  
19                square feet or less.

20        D.        Intersection visibility

21                Where an accessway intersects a public right-of-way on a commercial, industrial, multifamily,  
22                institutional, or community facility site, landscaping shall be used to define the intersection,  
23                provided, however, that all landscaping within the triangular areas described below shall provide  
24                unobstructed cross visibility at a level between two (2) and six (6) feet. Trees having limbs and  
25                foliage extending into cross visibility shall be allowed provided they are so located so as to not  
26                create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than  
27                three (3) feet from the edge of any accessway pavement. The triangular areas are: the areas of  
28                property on both sides of an accessway and the public right-of-way pavement line with two (2) sides  
29                of each triangle being ten (10) feet in length from the point of intersection and the third side being  
30                a line connecting the ends of the other sides.

31        E.        Natural vegetation preservation credit

32                Where the preservation and incorporation of the existing natural vegetation exceeds twenty-five (25)  
33                percent of the total land area of development and where preservation and incorporation of the

2500), not 2400 square feet (24 x 100 = 2400) AND the lot shall still be considered to have a length of 100', not 99'.

C. Obstructions

It shall be unlawful to cause to be created or constructed any building, structure, causeway or other obstruction (including but not limited to ditches) on the right-of-way of any public road or easement in Lake County, Florida, except permitted activities.

**9.04.04 Bicycle and Pedestrian Provisions**

**A. On-site**

1. Subdivisions within urban, urban expansion, urban node, rural village, and suburban land use areas, regardless of the number of dwelling units, shall provide sidewalks on all roads within the development with the exception of dead-end cul-de-sacs and short interconnecting roads less than three hundred feet (300) in length. Sidewalks shall be provided according to the following:

Density	Requirements
1 unit/acre or less	No sidewalks
Greater than 1 unit/acre but less than 5 units/acre	Sidewalks on 1 side of ROW
5 units/acre or greater	Sidewalks on both sides of ROW

2. Subdivisions located within the urban, urban expansion, urban node, rural village, and suburban land use areas and containing more than 200 dwelling units shall make provisions for bicycle and pedestrian traffic. Provisions may include sidewalks, mulched paths, bike paths, or other facilities.

3. Site plans shall consider the needs of bicycle and pedestrian traffic, and shall be designed, as necessary, to accommodate the traffic.

**B. Off-site**

Subdivisions and site plans which abut or encompass roads identified for improvement in an adopted Lake County Bicycle/Pedestrian Plan shall provide the required improvements to the road along the frontage of the property.

1           b.     The ownership of the property is retained by the permittee and is either leased to  
2                   third parties (such as in some shopping centers), or rented to third parties (such as in  
3                   some mobile home parks), for example.

4           C.     The storm water management system to be maintained by the legal entity shall have adequate  
5                   easements, in accordance with section 9.06.07, to permit the County to inspect, and if necessary, to  
6                   take corrective action should the legal entity fail to maintain the system properly.

7           D.     Maintenance of storm water facilities shall allow the storm water management system to  
8                   perform as originally designed and permitted by the County and other appropriate governmental  
9                   agencies and as set forth in the written plan.

10          E.     Maintenance shall include compliance with County building and construction codes, and all  
11                   other applicable County codes.

12          F.     Non-Profit Corporations shall annually report to the County the maintenance performed  
13                   during the year and demonstrate their financial capability to provide the required maintenance for  
14                   the coming year. This shall be done to reflect compliance with their written maintenance plan.

15          G.     The legal entity shall execute and record a document acceptable to the County Attorney  
16                   which defines its authority and responsibility for maintenance of the storm water management  
17                   system, defines how the maintenance is to be performed, defines the funding mechanisms for the  
18                   required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.

19        **9.07.00**        ~~6.05.00~~ **FLOOD DAMAGE PREVENTION**

20        **9.07.01**        ~~6.05.01~~ **Generally**

21  
22        A.     This section shall apply to all unincorporated areas of the county. The regulations herein  
23                   established shall be construed to be minimum requirements; these regulations may also apply  
24                   to any municipality in the county that elects to use them.

25        B.     This section is not intended to repeal, abrogate, or impair any existing easements, covenants  
26                   or deed restrictions. However, where this section and another ordinance conflict or overlap,  
27                   which ever imposes the more stringent restriction shall prevail.

28        C.     In the interpretation and application of this section, all provisions shall be:

29           1.     Considered as minimum requirements.

30           2.     Liberally construed in favor of the board of county commissioners.

31           3.     Deemed neither to limit nor repeal any other powers granted under state law.

1 D. The degree of flood protection required by this section is considered reasonable for  
2 regulatory purposes and is based on scientific and engineering considerations. Larger floods  
3 can and will occur on rare occasions. Flood heights may be increased by manmade or natural  
4 causes. This section does not imply that lands outside the special flood hazard areas or uses  
5 permitted within such areas will be free from flooding or flood damages. This section shall  
6 not create liability on that part of the board of county commissioners or the county, or by any  
7 officer or employee thereof for any flood damages that result from reliance on this section  
8 or any administrative decision lawfully made thereunder.

9 E. Purpose and Intent

10 It is the purpose of this section to promote the public health, safety and general welfare and to  
11 minimize public and private losses due to flood conditions in specific areas by provisions designed  
12 to:

- 13 1. Restrict or prohibit uses which are dangerous to health, safety and property due to  
14 water or erosion hazards, or which result in damaging increases in erosion or in flood  
15 heights or velocities.
- 16 2. Require that uses vulnerable to floods, including facilities which serve such uses, be  
17 protected against flood damage at the time of initial construction.
- 18 3. Control the alteration of natural floodplains, stream channels, and natural protective  
19 barriers which are involved in the accommodation of flood waters.
- 20 4. Control filling, grading, dredging and other development which may increase erosion  
21 or flood damage.
- 22 5. Prevent or regulate the construction of flood barriers which will unnaturally divert  
23 flood waters or which may increase flood hazards to other lands.

24 F. Objectives

25 The objectives of this section are:

- 26 1. To protect human life and health;
- 27 2. To minimize expenditure of public money for costly flood projects;
- 28 3. To minimize the need for rescue and relief efforts associated with flooding and  
29 generally undertaken at the expense of the general public;

- 1           4.    To minimize damage to public facilities and utilities such as water and gas mains,  
2                    electric, telephone and sewer lines, roads and bridges located in floodplains;
- 3           5.    To help maintain a stable tax base by providing for the sound use and development  
4                    of flood-prone areas in such a manner as to minimize flood blight areas; and
- 5           6.    To ensure that potential home buyers are notified that property is in a flood area.
- 6           7.    To qualify property owners for the insurance and subsidies provided by the National  
7                    Flood Insurance Program.
- 8           8.    To minimize prolonged business interruptions;

9    G.    Lands to Which section Applies

10   This section shall apply to all areas of special flood hazard within the jurisdiction of Lake County.

11   H.    Basis for Establishing Areas of Special Flood Hazard

12   The areas of special flood hazard identified by the Federal Emergency Management Agency  
13   (FEMA) in its Flood Insurance Rate Map (FIRM) #1204210025-0425, with accompanying maps and  
14   other supporting data and any revision thereto by FEMA the county or the best available data,  
15   including privately funded studies required by and accepted by the County, are adopted by reference  
16   and declared to be part of this section.

17    **9.07.02           6.05.02 Administration and Enforcement**

18    A.    Generally

- 19           1.    The County Manager or designee is the person responsible for the administration of  
20                    this section.
- 21           2.    The duties of the County Manager or designee shall include, but not be limited to the  
22                    following:
  - 23                    a.    Review all development permits to assure that the permit requirements of this  
24                            section have been satisfied.
  - 25                    b.    Advise permittee that additional federal or state permits may be required, and  
26                            if specific federal or state permit requirements are known, require that copies  
27                            of such permits be provided and maintained on file with the development  
28                            permit.

- 1           c.    Notify adjacent communities and the state coordinating agency prior to any  
2           alteration or relocation of a watercourse, and submit evidence of such  
3           notification to the Federal Emergency Management Agency.
- 4           d.    Assure that maintenance is provided within the altered or relocated portion  
5           of said watercourse so that the flood carrying capacity is not diminished.
- 6           e.    Verify and record the actual elevation (in relation to the NGVD mean-sea  
7           level) of the lowest floor (including basement) of all new or substantially  
8           improved structures.
- 9           f.    Verify and record the actual elevation (in relation to the NGVD mean-sea  
10           level) to which the new or substantially improved structures have been  
11           floodproofed.
- 12          g.    When flood proofing is utilized for a particular structure the County Manager  
13           or designee shall obtain certification from a registered professional engineer  
14           or architect.
- 15          h.    Where interpretation is needed as to the exact location of boundaries of the  
16           areas of special flood hazard (for example, where there appears to be a  
17           conflict between a mapped boundary and actual field conditions) make the  
18           necessary interpretation. The person contesting the location of the boundary  
19           shall be given a reasonable opportunity to appeal the interpretation as  
20           provided in this section.
- 21          I.    When base flood elevation data or floodway data have not been provided,  
22           obtain, review and reasonably utilize any base flood elevation and floodway  
23           data available from a federal, state, or other source, such as engineer's  
24           certification, in order to administer the provisions of this section.

- 25          3.    All records pertaining to the provisions of this section shall be maintained in the  
26           office of the County Manager or designee and shall be open for public inspection.

27          B.    Construction and Use to be as Provided in Applications, Plans and Permits

28          Development permits or variances issued on the basis of approved plans and applications authorize  
29          only the use, arrangement, and construction set forth in such approved plans and applications, and  
30          no other use, arrangement or construction. Any use, arrangement or construction at variance with  
31          that authorized shall be deemed a violation of the section, and enjoined or punishable as provided  
32          herein.

1 9.07.03

6.05.03 Provisions for Flood Hazard Reduction

2 A. General Requirements

3 1. Development shall not encroach upon the 100 year floodplain with the exception of:

4 a. Passive recreation or conservation activities as follows.

5 (1) Passive Recreation Facilities.

6 (a) boardwalks

7 (b) hiking/horseback trails

8 © primitive camp sites in designated recreation areas

9 (d) picnic areas

10 (e) recreation facilities that do not require cleared open areas  
11 greater than 10,000 square feet and that do not contain a  
12 permanent structure exceeding 1,000 square feet that impedes  
13 the movement of air or light.

14 (2) Conservation Facilities.

15 (a) stormwater management facilities designed to protect the  
16 natural surface water flow regime and hydroperiod and  
17 groundwater quality or quantity

18 (b) fire lanes and fire towers

19 © facilities designed to protect nesting, feeding, or habitat areas  
20 for designated species, or to support the propagation of other  
21 game and non-game species

22 (d) facilities designed to protect an archaeological or historical site

23 (e) facilities designed to retard or eliminate soil erosion problems

24 (f) facilities designed to eradicate exotic vegetation

25 (g) wildlife monitoring stations

26 b. Septic tanks and drainfields, where necessary to allow development on a  
27 recorded lot of record. All other provisions of the Lake County Land  
28 Development regulations shall apply.

29 c. Roads, bridges, water and sewer distribution lines (does not include water  
30 and wastewater treatment facilities), and other similar public facilities, where  
31 necessary to protect and maintain public health, safety, and welfare; and

32 d. Compensating storage through dredge and fill activities, where such an  
33 activity is required to maintain the flood storage capacity of the 100 year  
34 floodplain and which shall only be considered when no other alternative is  
35 available.

36 e. Stormwater management facilities, where consistent with section 9.06.00

1           f.     Other construction as set out in section (B) (19) below.

2     B.     Construction Standards.

3     In all areas of special flood hazard the following provisions are required:

4     1.     New construction and substantial improvements shall be anchored to prevent flotation,  
5           collapse or lateral movement of the structure.

6     2.     Manufactured homes shall be anchored to prevent floatation, collapse or lateral movement  
7           by providing over-the top and frame ties to ground anchors. Specific requirements shall be:

8           a.     Over-the-top ties be provided at each of the four (4) corners of the manufactured  
9           home, with two (2) additional ties per side at intermediate locations and  
10           manufactured homes less than fifty (50) feet long requiring one (1) additional tie per  
11           side.

12          b.     Frame ties provided at each corner of the home with five (5) additional ties per side  
13           at intermediate points and manufactured homes less than fifty (50) feet long requiring  
14           four (4) additional ties per side.

15          c.     All components of the anchoring system shall be capable of carrying a force of  
16           forty-eight hundred (4,800) pounds.

17          d.     Any additions to the manufactured home shall be similarly anchored.

18     3.     Development shall not result in an increase in the 100-year flood elevation. No fill shall be  
19           allowed to be placed in the 100-year floodplain without equivalent compensation for the loss  
20           of flood storage. Compensating storage is to be determined by the volume of material  
21           removed above the seasonal water table and below the 100-year flood elevation established  
22           for that area.

23     4.     New construction and substantial improvements shall be constructed with materials and  
24           utility equipment resistant to flood damage.

25     5.     New construction or substantial improvements shall be constructed by methods and practices  
26           that minimize flood damage.

27     6.     New and replacement water supply and sanitary sewer systems located within an area of  
28           special flood hazard must be floodproofed as specified in this division, unless a  
29           determination is made by the county health department that flood proofing a septic tank is  
30           not necessary.



- 1        7.     Reference points (grade datum elevation) should be, along with regulatory flood datum,  
2           incised in a concrete monument at one (1) corner of the building site.
- 3        8.     All primary and secondary transformers along with power line disconnects shall be weather  
4           protected and mounted on raised reinforced concrete slabs with top surfaces well above base  
5           flood and water surge level of enclosed with flood walls depending in height upon known  
6           flood levels. Such slabs shall be supported on reinforced footers at least two (2) feet below  
7           grade.
- 8        9.     All secondary power and light disconnect switches necessary on buildings shall be weather  
9           protected and mounted at least two (2) feet above base flood and surge levels.
- 10       10.    Electrical, heating, ventilation, plumbing, air conditioning equipment and other service  
11           facilities shall be designed and/or located so as to prevent water from entering or  
12           accumulating within the components during conditions of flooding.
- 13       11.    Back flow valves shall be elevated three (3) feet above base flood in order to prevent water  
14           inflow or infiltration.
- 15       12.    Well casings shall be elevated three (3) feet above base flood in order to prevent water inflow  
16           or infiltration.
- 17       13.    All fuel oil, propane or other fuel storage tanks shall be anchored to prevent flotation.
- 18       14.    Any alteration, repair, reconstruction, or improvements to a structure which is in compliance  
19           with the provisions of this section.
- 20       15.    New construction or substantial improvement of any residential structure shall have the  
21           lowest floor, including basement, elevated no lower than eighteen (18) inches above base  
22           flood elevation. Should solid foundation perimeter walls be used to elevate a structure,  
23           openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- 24       16.    New construction or substantial improvement of any commercial, industrial or other  
25           nonresidential structure shall have the lowest floor, including basement, elevated no lower  
26           than eighteen (18) inches above the base flood level. New construction or substantial  
27           improvement of any commercial, industrial or other nonresidential structure may be  
28           floodproofed in lieu of being elevated provided the requirements of section 6.05.03.C are  
29           met.
- 30       17.    New construction or substantial improvements of elevated buildings that include fully  
31           enclosed areas formed by foundation and other exterior walls below the base flood elevation  
32           shall be designed to preclude finished living space and designed to allow for the entry and

1 exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls. In  
2 addition:

3 a. Designs for complying with this requirement must either be certified by a  
4 professional engineer or architect or meet the following minimum criteria:

5 1. Provide a minimum of two (2) openings having a total net area of not less  
6 than one (1) square inch for every square foot of enclosed area subject to  
7 flooding;

8 2. The bottom of all openings shall be no higher than one (1) foot above grade;  
9 and,

10 3. Openings may be equipped with screens, louvers, valves or other coverings  
11 or devices provided they permit the automatic flow of floodwaters in both  
12 directions.

13 4. Electrical, plumbing, and other utility connections are prohibited below the  
14 base flood elevation;

15 5. Access to the enclosed area shall be the minimum necessary to allow for  
16 parking of vehicles (garage door) or limited storage of maintenance  
17 equipment used in connection with the premises (standard exterior door) or  
18 entry to the living area (stairway or elevator); and

19 6. The interior portion of such enclosed area shall not be partitioned or finished  
20 into separate rooms.

21 18. Limiting structures within the 25-year floodplain

22 a. New construction within the 25-year floodplain shall be limited to docks, catwalks,  
23 piers and other structures required to provide access to water-dependent facilities;  
24 or water-related conservation or recreation facilities not affected by periodic  
25 flooding. Residential, commercial, and industrial building, accessory structures and  
26 parking lots shall be prohibited.

27 b. Existing lots of record are exempt from the requirements of 18.(a), above, so long as  
28 all other requirements of this ordinance, including compensatory storage and floor  
29 elevation, are met.  
30  
31  
32

1 c. New roads, causeways, or bridges shall be prohibited, except where:

2 1. The project is necessary to provide the only means of access to otherwise  
3 developable upland properties not within areas defined as wetlands and buffer  
4 in section 6.01.00. Such access must be the minimum necessary to provide  
5 access to the site, occur at a narrow point of the riverine system, be elevated  
6 and designed to allow unimpeded movement of all wildlife, and shall be  
7 designed and constructed in compliance with the stormwater management  
8 and wetlands ordinances, and standards for road construction.

9 1. Public road construction meets an overriding public interest and no suitable  
10 alternative route exists.

11 19. Protection of 100-year floodplain. As part of the design of the project, new development  
12 proposals shall use the 100 year floodplain for storage of floodwaters and passive recreation  
13 and conservation facilities as set out in section (A) above. In the event that it is necessary  
14 to use the 100 year floodplain for development, at a minimum, the following shall apply:

15 a. compensating storage shall be required;

16 b. the natural hydrological character of surface waters (flow regimes, particularly sheet  
17 flows) shall be maintained, natural water systems shall be promoted in lieu of  
18 structural alternatives, and modified systems restored;

19 c. surface waters shall be allowed to fluctuate on a seasonal basis; and

20 d. in order to protect the quality and quantity of surface waters and provide habitat for  
21 semi-aquatic or water-dependent terrestrial species or wildlife, buffer zones of at  
22 least 25 feet and not more than 50 feet shall be established by appropriate Federal,  
23 State and local agencies for vegetation within the 100-year floodplain associated with  
24 riverine systems.

25 20. Protection of riverine wildlife corridors

26 In order to provide viable wildlife corridors, the 100-year floodplain shall be protected from  
27 development impacts where the 100-year floodplain is identified by federal or state agencies  
28 as connecting significant isolated wetlands and environmentally sensitive areas.

29 C. Flood proofing

30 1. The provisions of this section contain minimum standards and only apply to commercial,  
31 industrial, or nonresidential structures. Where other laws, ordinances, or rules require more  
32 stringent standards, the more restrictive requirements shall prevail. Where new materials or

1 methods can provide an equivalent or greater level of protection, they will be allowed, if  
2 certified by the design architect or engineer meeting the requirements of paragraph eight (8)  
3 below and if the result is not a circumvention of this section. Wherever any of the provisions  
4 of this section require that a building be floodproofed or specify that flood proofing may be  
5 used as an alternative to elevating a structure above the regulatory flood level, flood proofing  
6 shall be deemed to include all of the following:

- 7 a. Wherever possible the location, construction and installation of all electrical and gas  
8 utility systems in such manner as to assure the continuing functioning of those  
9 systems in the event of a regulatory flood.
- 10 b. The location, construction and installations of all potable water supply systems in  
11 such a manner as to prevent contamination from flood waters during the regulatory  
12 flood. No water supply well shall be located within the foundation walls of a  
13 building or structure used for human habitation, medical or educational services, food  
14 processing or public services.
- 15 c. All areas of the structure below the required elevation shall be watertight with walls  
16 substantially impermeable to the passage of water, and shall use structural  
17 components having the capability of resisting hydrostatic and hydrodynamic loads  
18 and the effect of buoyancy.
- 19 d. Approved backflow preventers or devices shall be installed on main water service  
20 lines, at water wells and at all building entry locations to protect the system from  
21 backflow or back siphonage of flood waters or other contaminants.
- 22 e. Sanitary sewer and storm drainage systems that have openings below the regulatory  
23 flood elevation shall be equipped with regulatory flood elevation automatic back  
24 water valves or other automatic backflow devices that are installed in each discharge  
25 line passing through a building exterior wall.
- 26 f. Sanitary sewer systems, including septic tank systems, that are required to remain in  
27 operation during a flood shall be provided with a sealed holding tank and the  
28 necessary isolation and diversion piping, pumps, ejectors and appurtenances required  
29 to prevent sewage discharge during a flood. The holding tank shall be sized for  
30 storage of at least two (2) days demand.
- 31 g. All sewer system vents shall extend to an elevation of at least two (2) feet above the  
32 regulatory flood elevation.
- 33 h. A registered professional engineer or architect shall certify that any new construction  
34 or substantial improvement has been designed to withstand the flood depths.

- 1 69. Violations of the terms or conditions of a Development Permit  
2 or Development Order granted by Lake County which concerns  
3 Chapters 3, 4, 7, 9 (excluding Sections 9.01, 9.02, and 9.06),  
4 10, 11, and 14, Land Development Regulations Appendix A of the  
5 Lake County Code, Chapter 18.
- 6 910. Other provisions of the Lake County Code and the Lake County  
7 Land Development Regulations as may be designated in such code  
8 provisions of regulations.

9 ldr9\ch13.mrk

1 Exceptions to the statutory limitation of not more than two (2)  
2 amendments per calendar year may be granted for the following:

3 A. Emergency amendments approved pursuant to Section 163.3187,  
4 Florida Statutes.

5 B. Amendments to approved developments of regional impact  
6 (DRIs), including Florida Quality Developments approved pursuant to  
7 Section 380.061, Florida Statutes.

8 C. Small scale development activities if the proposed amendment  
9 is a residential land use of ten (10) acres or less with a density  
10 of ten (10) units per acre or less or is a nonresidential or mixed  
11 use development of ten (10) acres or less; and if the following  
12 conditions are met:

13 1. The cumulative effect of the above condition shall not exceed  
14 sixty (60) acres annually; and

15 2. The proposed amendment does not involve the same property more  
16 than once a year; and

17 3. The proposed amendment does not involve the same owner's  
18 property within 200 feet of property granted a change within  
19 a period of 12 months.

20 D. An Amendment submitted to the Department of Community  
21 Affairs (DCA) pursuant to a compliance agreement.

22 E. The amendment is directly related to an inter-governmental  
23 coordination element pursuant to Section 163.3177, Florida  
24 Statutes.

25 14.03.00 REZONING

26 14.03.01 Generally

27 Any person, board or agency may apply to the office of the County  
28 Manager or designee for a change in zoning if in compliance with  
29 procedures, not inconsistent with State law, prescribed by the  
30 office of the County Manager or designee.

1 The code Enforcement Board shall have the authority to enforce the  
2 terms and conditions set forth in any conditional use permit.

3 **14.05.10 Action by the Environmental Protection-Pollution Control**  
4 **Board**

5 The Environmental Protection-Pollution Control Board shall have the  
6 authority to enforce the terms and conditions set forth in any  
7 conditional use permit subject to the provision established in  
8 Section 13.03.01 of these regulations.

9 **14.05.11 Conditions**

10 The Board of County Commissioners shall attach such conditions,  
11 limitations, and requirements to a conditional use permit as are  
12 necessary to effectuate the purposes of Section 14.05.06; to carry  
13 out the spirit and purpose of these regulations and the Lake County  
14 Comprehensive Plan; and to prevent or minimize adverse effects upon  
15 natural resources other property in the neighborhood, including but  
16 not limited to limitations on size, intensity of use, bulk and  
17 location, landscaping, lighting, the provision of adequate ingress  
18 and egress, duration of the permit, and hours of operation. Such  
19 conditions shall be set forth expressly in the resolution granting  
20 the conditional use permit.

21 **A. Traffic Control Devices**

22 Whenever, as a result of traffic generated by a proposed  
23 conditional use, it is determined, based on the Manual of Uniform  
24 Traffic Control Devices, that there is a need to install traffic  
25 control devices, (including traffic signals, signing, and pavement  
26 markings), the conditional use permit shall not be granted except  
27 upon the condition that the applicant be responsible for installing  
28 all said devices and signs, or making and equitable contribution  
29 toward such installation.

30 **B. Access Improvements**

31 A conditional use permit shall not be granted except upon the  
32 condition that the applicant provides access (ingress and egress)  
33 improvements determined to be necessary as a result of the traffic  
34 generated by the development.

35 **C. Projects Requiring Other Regulatory Approval**

36 1. For proposed conditional uses requiring any permit from the  
37 United States Army Corps of Engineers, the Florida Department  
38 of Environmental Regulation, the Florida Department of Natural  
39 Resources, or any other state or federal regulatory authority,  
40 the Board of County Commissioners shall not grant  
41 unconditionally a conditional use permit until it has received  
42 from such agency notice of either issuance or intent to issue  
43 the required regulatory permit.

1 pressure, velocities, impact and uplift forces associated with the regulatory flood at  
2 the location of the building.

3 I. Vapor barrier, consisting of sheet polyethylene not less than six (6) mil in thickness,  
4 often referred to as visqueen, should cover entire slab area before slab is poured.  
5 Joints should be lapped not less than six (6) inches and where slab is in contact with  
6 vertical surfaces the sheet shall be turned up the thickness of the slab. Puncturing of  
7 vapor barriers with mesh reinforcing shall be kept to a minimum.

8 j. Reinforcing steel (bars) in column and wall footings should be lapped at breaks not  
9 less than fifteen (15) bar diameters. Horizontal steel in grade beams or slabs should  
10 be kept at least two (2) and not more than two and one-fourth (2 1/4) inches above  
11 earth. Bars should preferably be supported on chairs.

12 k. Exterior walls both of block and poured concrete shall be reinforced with steel.  
13 Vertical steel in concrete will depend in size upon the structural height of wall and  
14 shall be tied with horizontal steel possible three-eighths-inch diameter every eighteen  
15 (18) inches of vertical height. In addition:

16 1. Vertical steel in low rise (one (1) or two (2) stories) where exterior walls are  
17 formed of masonry block shall be placed every eight (8) feet in core of block  
18 and embedded with concrete mortar. Steel shall extend for the full height of  
19 the wall. If footing dowels are used, steel shall be double tied and lapped to  
20 same not less than fifteen (15) bars diameter. All ties shall be made with soft  
21 iron wire.

22 2. Spandrel reinforcing, if other than continuous, at top of walls often required  
23 by code will depend greatly upon width of openings, and should be supported  
24 on chairs and lapped for fifteen (15) diameters minimum at splices.

25 l. All steel mesh in horizontal slabs shall be overlapped at least one (1) section of mesh  
26 when being laid.

27 m. All below grade exterior walls on basement type structures shall be waterproofed in  
28 an approved manner as specified by the design architect or engineer meeting the  
29 requirements of paragraph C.1.h above. In addition:

30 1. All concrete walls shall be "keyed" to footings by 2 x 2 key slots, molded in  
31 wall footing at time of pouring.

32 2. Concrete shall be not less than three thousand (3,000) psi concrete (28th day  
33 strength). All structural concrete for girders, spandrels, and columns shall be  
34 three thousand (3000) psi concrete as required for size and strength.



1                   3.     All concrete shall be poured (if ready mix) within forth-five (45) minutes of  
2                         arrival at site.

3                   n.     The outside face of all backup masonry work shall be thoroughly water proofed as  
4                         specified by design architect or engineer meeting the requirements of paragraph C.1.h  
5                         above. On all walls, metal ties shall be used. These should be applied in face brick  
6                         mortar joints and be thoroughly coated with asphalt where exposed. In addition:

7                   1.     All primary and secondary transformers along with power line disconnects  
8                         shall be weather protected and mounted on raised reinforced concrete slabs  
9                         with top surfaces well above the flood water surge level or enclosed with  
10                        flood walls depending in height upon known flood levels. Such slabs shall  
11                        be supported or reinforces footers at least two (2) feet below grade.

12                   2.     All secondary power and light disconnect switches necessary on building  
13                         shall be weather protected and mounted at least two (2) feet above flood and  
14                         surge levels.

15                   o.     All commercial and nonresidential buildings shall be equipped with sump pumps and  
16                         pits of sufficient size to provided for any water leakage through window and door  
17                         flood protection.

18                   p.     All sump pits shall be equipped with easily accessible sediment pits which shall be  
19                         periodically checked in order the sump pumps remain undamaged.

20                   q.     All electrical connections shall be kept to a minimum and made waterproof.

21                   r.     Back flow valves shall be installed on all septic and road sewer mains.

22                   s.     Well casings shall be elevated three (3) feet above base flood water to prevent inflow  
23                         or infiltration.

24                   t.     All fuel oil, propane or other fuel storage tanks shall be anchored to prevent flotation.

25                   2.     Prior to construction, plans for any structure that is required to be floodproofed must be  
26                         submitted to the County Manager or designee for approval. The County Manager or  
27                         designee will review the plans for compliance with the provisions of this section, for general  
28                         compliance with the techniques specified in the United States Army Corps of Engineers  
29                         publication entitled "Flood proofing Regulations", June, 1972, (GPO: 19720-505-026) and  
30                         for compliance with Sections 17-761 and 17-762, FAC, rules of the DER, and other  
31                         applicable codes or regulations.

1 D. Floodways

2 Located within areas of special flood hazard are areas designated as floodways. Since the floodway  
3 is an extremely hazardous area due to the velocity of flood waters which carry debris, potential  
4 projectiles and has erosion potential, the following provisions shall apply:

- 5 1. Prohibit encroachments, including fill, new construction, substantial improvements and other  
6 developments unless certification (with supporting technical data) by a registered  
7 professional engineer is provided demonstrating that encroachments shall not result in any  
8 increase in flood levels during occurrence of the base flood discharge.
- 9 2. If paragraph (1) above is satisfied, all new construction and substantial improvements shall  
10 comply with all applicable flood hazard reduction provisions of this section.
- 11 3. Prohibit the placement of manufactured homes except in an existing manufactured homes  
12 park or subdivision. A replacement manufactured home may be placed on a lot in an  
13 existing manufactured home park or subdivision provided the anchoring standards and the  
14 elevation standards of this section are met.

15 E. Standards for Streams Without Established Base Flood Elevations and/or Floodways

16 Located within the areas of special flood hazard where small streams exist but where no base flood  
17 data has been provided or where no floodways have been provided, the following provisions apply  
18 if they are more stringent than other provisions of this section:

- 19 1. No encroachments, including fill material or structures shall be located within a distance of  
20 the stream bank equal to two (2) times the width of the stream at the top of bank or twenty  
21 (20) feet each side from top of bank, whichever is greater, unless certification by a registered  
22 professional engineer is provided demonstrating that such encroachments shall not result in  
23 any increase in flood levels during the occurrence of the base flood discharge.
- 24 2. New construction or substantial improvements of buildings shall be elevated or floodproofed  
25 to elevations established in accordance with this section.

26 F. Areas of Shallow Flooding (AO Zones)

27 Located within the areas of special flood hazard are areas designated as shallow flooding areas.  
28 These areas have special flood hazard associated with base flood depths of one (1) to three (3) feet  
29 where a clearly defined channel does not exist and where the path of flooding is unpredictable and  
30 indeterminate; therefore, the following provisions apply:

- 31 1. All new construction and substantial improvements of residential buildings shall have the  
32 lowest floor, including basement, elevated to the depth number specified on the Flood

1 Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is  
2 specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above  
3 the highest adjacent grade.

4 2. All new construction and substantial improvements of nonresidential structures shall:

5 a. Have the lowest floor, including basement, elevated to the depth number specified  
6 on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no  
7 depth number is specified, the lowest floor, including basement shall be elevated at  
8 least two (2) feet above the highest adjacent grade; or

9 b. Together with attendant utility and sanitary facilities be completely floodproofed to  
10 or above that level so that any space below that level is watertight with walls  
11 substantially impermeable to the passage of water and with structural components  
12 having the capability of resisting hydrostatic and hydrodynamic loads and effects of  
13 buoyancy.

14 **9.07.04**            **6.05.04 Subdivisions**

15 The provisions of this subsection shall apply to all subdivisions platted which encompass any land  
16 which is designated as having special flood hazards and is shown on the Flood Insurance Rate Map  
17 (FIRM) #1204210025-0425 and amendments for the County, or by the best available data including  
18 privately funded studies required by and accepted by the County.

19 A. Subdivisions Within Special Flood Hazard Areas

20 1. If any portion of a proposed subdivision lies within a special flood hazard area, the portion  
21 of land so located shall be developed in accordance with subsection 9.07.03 6.05.03 of this  
22 section, wherever applicable.

23 2. The County Manager or designee may require the developer of a residential subdivision to  
24 dedicate areas within a special flood hazard area to open space uses such as:

25 a. Agricultural uses, including general farming, pasture, grazing, outdoor plant  
26 nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop  
27 harvesting.

28 b. Nonstructural industrial-commercial uses, including loading areas, parking areas,  
29 private airport landing strips.

30 c. Private and public recreational uses, including golf courses, tennis courts driving  
31 ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas,  
32 parks, wildlife and nature preserves, mitigation areas, game farms, fish hatcheries for

1 native species, shooting preserves, target ranges, trap and skeet ranges, hunting and  
2 fishing areas, hiking and horseback riding trails.

3 d. Residential uses such as: lawns, gardens, parking areas, and play areas.

4 3. Such uses shall be in conformance with the requirements of the zoning district in which the  
5 proposed development lies.

6 4. In return for such dedication, the residential subdivision shall be given density credits equal  
7 in value to the density of the residential development that would have occurred in the special  
8 flood hazard area had it not been dedicated to open space use. These density credits shall be  
9 transferable only to portions of the same proposed residential subdivision which lie outside  
10 special flood hazard areas, thereby maintaining the same total density within the subdivision  
11 as if the special flood hazard area had been developed. This provision of this section shall  
12 operate only if the County Manager or designee finds:

13 a. That the construction of the proposed residential subdivision without density credit  
14 transfer will have adverse effects on existing structures and uses in the event that  
15 flooding occurs; and

16 b. That the density credit transfer will not increase the density of residential  
17 development on the land to which the transfer occurs by more than twenty-five (25)  
18 percent (1.25 times the density of residential development permissible prior to the  
19 transfer). If this paragraph can be satisfied by density credit transfer from only a  
20 portion of the land lying within a special flood hazard area, then this section shall  
21 apply to said area.

22 c. Density credit transfer or any development on the property shall not result in lots of  
23 less than five thousand (5,000) square feet in size.

24 5. No development shall be allowed in the floodway, other than public roads construction  
25 which meets an overriding public interest and where no suitable alternative route exists or  
26 as otherwise provided in this section.

27 6. All subdivision proposals shall be consistent with the need to minimize flood damage.

28 7. All subdivision proposals shall have public utilities and facilities such as sewer, gas,  
29 electrical and water systems located and constructed to minimize flood damage.

30 8. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood  
31 hazards.

1     **9.08.00**        ~~9.07.00~~ **FIRE PROTECTION STANDARDS**

2     **9.08.01**        ~~9.07.01~~ **Water Supply**

3     A.     Fire protection standards

4  
5     In all new subdivisions or expansion of existing subdivisions where nineteen (19) or more lots whose  
6     average lot size is thirty thousand (30,000) square feet or less are or may be created, or where a  
7     central water system will be used for drinking water, an adequate water supply system and an  
8     adequate water delivery system for fire protection as defined in this Section must be provided.

9     B.     Potable Water Systems

10     In all new subdivisions or expansion of existing subdivisions where fifty (50) or more lots  
11     whose average lot size is thirty thousand (30,000) square feet or less are created, a public  
12     water system for drinking and other household uses shall be provided which meets the  
13     requirements of the fire protection standards in "A" above, and all applicable state statutes  
14     and regulations governing public water systems. In such divisions, individual wells shall not  
15     be permitted except for irrigation.

16    C.     Ownership of and Access to Water Systems

17    1.     For any water system created pursuant to subsection "A", fire protection standards, or "B",  
18    potable water systems, after a pre-application conference between Lake County, applicant,  
19    and the municipality, should all parties agree, an agreement shall be entered into between  
20    Lake County, the subdivider and any involved homeowners association prior to platting. The  
21    agreement shall provide that at the time a public water system operated by a governmental  
22    agency (i.e. municipality, county or other public agency) is within 300 feet of the  
23    subdivision, that the water system in the subdivision shall be conveyed, without  
24    consideration to such governmental agency, which shall then operate such public water  
25    system. Prior to conveyance, system shall be of the same or greater standard than that being  
26    tied into. Said agreement shall additionally provide that should any adjacent land be  
27    subdivided by the same or another subdivider, and if it is agreeable between all parties  
28    involved, that the system may be enlarged solely at the cost of the subsequent subdivider,  
29    and that the system be operated jointly from that time on.

30    2.     For any water system created pursuant to subsection "A" fire protection standards, or "B",  
31    potable water systems, after preapplication conference with Lake County, the subdivider, and  
32    the municipality, should all parties agree, necessary easements, dedications, or rights-of-way  
33    shall be dedicated, conveyed or deeded to Lake County so that Lake County or its authorized  
34    agents shall have the right to access for maintenance and use for fire protection purposes all  
35    parts of the water system. Such dedications or easements shall also provide for unlimited  
36    use of water when necessary for fire fighting purposes.

A decision of the Board of Adjustment may only be appealed by filing a certiorari action in the Circuit Court in and for Lake County within thirty (30) days from the date that the written decision was rendered.

#### **12.04.00 ENVIRONMENTAL PROTECTION BOARD**

##### **12.04.01 Jurisdiction**

The Environmental Protection Board shall hear the following at an advertised Public Hearing:

A. Variances to Chapters VI and VIII, and Sections 9.01, 9.02, 9.06, and 9.07 ~~and 9.06~~.

B. Appeals of any order, requirement, decision or determination made by the Environmental Protection Officer or designee concerning Chapters VI and VIII, and Sections 9.01, 9.02, 9.06, and 9.07 ~~and 9.06-00~~.

C. Violations of Chapters VI and VIII, and Sections 9.01, 9.02, 9.06, and 9.07 ~~and 9.06~~.

D. Violations of the terms or conditions of a Development Permit granted by Lake County which concern Chapters 6, ~~7~~ and 8, and Sections 9.01, 9.02, 9.06, and 9.07 ~~and 9.06~~.

##### **12.04.02 Evidence and Witnesses**

###### **A. Evidence at Previous Hearing**

Evidence taken at any previous hearing before the Environmental Protection Board with respect to any issue at a subsequent hearing to which it is relevant and pertinent may be used at the discretion of the chairman or on stipulation of the parties. The use of such testimony, however, shall not preclude re-examination of the same witness on the same issues. Evidence taken at a previous hearing in the same cause may be considered as a part of the record in the proceeding.

###### **B. Cumulative Evidence**

Evidence offered by a party may be excluded whenever, in the opinion of the chairman, such evidence is so repetitious and cumulative as to unnecessarily burden the record without materially adding to its probative qualities. When a number of witnesses present themselves at any hearing to testify to the same effect so that the testimony of several witnesses would substantially be the same, the chairman, at his discretion may cause one (1) of such witnesses to be called and testify under oath and allow other witnesses (under oath) to adopt the testimony of the first witness.

### 12.05.03 Appeals of Determinations of Vested Rights or Concurrency

A. Any person aggrieved by a vested rights decision or concurrency administrative decision by the County Manager or designee may appeal to the Board of County Commissioners by filing, within thirty (30) days after the date of the decision complained of, an ~~an vested rights~~ appeal application.

B. Variances to the provisions of Chapter 5 shall be prohibited. Only appeals of the administrative decisions of the County Manager or designee concerning the implementation of Chapter 5 shall be permitted. Example One. If the County Manager or designee determines that  $\$2,000 + \$2,000 = \$5,000$ , then this administrative determination may be appealed. Example Two. If the County Manager or designee determines that  $\$2,000 + \$2,000 = \$4,000$  and an applicant wishes to obtain a variance or waiver of the requirement that  $\$4,000$  be paid, then this variance or waiver shall be prohibited.

CB. The ~~vested rights~~ appeal application shall clearly state the reasons why the applicant disagrees with the decision of the County Manager or designee.

DE. The County Manager or designee shall set the appeal for hearing and cause notice thereof to be mailed to the appellant.

ED. The Board of County Commissioners shall hear and consider all facts material to the appeal and render a verbal decision promptly. The Board of County Commissioners may affirm, reverse or modify the ~~vested rights~~ decision of the County Manager or designee.

FE. The County Manager or designee shall prepare a ~~vested rights~~ certificate or a written order denying the appeal ~~vested rights~~ application and the Chairman shall execute the appropriate document.

GF. Immediately upon execution by the Chairman, a copy of the appropriate document shall be mailed to the appellant.

### 12.05.04 Certiorari Appeal

A decision of the Board of County Commissioners may only be appealed by filing a certiorari action in the Circuit Court in and for Lake County within thirty (30) days from the date that the written decision was rendered.

### 12.05.05 Requirement of Exhaustion of Procedures.

Judicial review shall not be available under Subsection 12.05.04 unless and until the procedures set forth in Section 12.05 have been exhausted.

### 12.06.00 PROHIBITED VARIANCES

F. The County Court, after a hearing, shall determine whether the alleged violator has committed an infraction. If the commission of an infraction by the alleged violator has been proven by the greater weight of the evidence, the County Court may impose a civil penalty not to exceed \$500.00.

G. An alleged violator who fails, within ten (10) days from the date of receipt of the citation, to pay the reduced civil penalty appearing on the citation, or to request a hearing to contest the citation, or who requests a hearing but does not appear, shall be deemed to have waived the right to contest the citation, and the County Court may enter judgment against the alleged violator for an amount up to the maximum civil penalty of \$500.00.

#### **12.08.00 Vested Rights Hearing Officer**

##### **12.08.01 Hearing Officer Qualifications and Compensation.**

A. From time to time the Board may appoint and retain Hearing Officers to hear appeals of applications for Vested Rights Certificates and appeals of concurrency administrative decisions. Each of the Hearing Officers shall be a licensed attorney with The Florida Bar who has practiced law in Florida for at least five (5) years, and who has experience in land use law, real estate law, local governmental law, or administrative law.

B. Each Hearing Officer shall serve at the pleasure of the Board and shall be compensated at a rate or rates to be fixed by the Board.

##### **12.08.02 Quasi-Judicial Rules**

A. No County employee, elected official, or other person who is or may become a party to a ~~vested rights~~ proceeding before a Hearing Officer shall engage in an ex parte communication with the Hearing Officer. However, the foregoing does not prohibit discussions between the Hearing Officer and County staff that pertain solely to scheduling and other administrative matters unrelated to the merits of the appeal.

B. If a person engages in an ex parte communication with the Hearing Officer, the Hearing Officer shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum stating the substance of all oral communications received, and all oral responses made, and shall advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be entitled to do so, but only if such party requests the opportunity for rebuttal within ten (10) days after notice of such communication. If the party not engaging in the ex parte communication determines that he or she is prejudiced by the ex parte communication received by the Hearing Officer, the Hearing Officer shall be withdraw from the case.

##### **12.08.03 Appeals of Determinations of Vested Rights**



A. Upon assignment to a Hearing Officer of a timely notice of appeal, the County Manager or designee shall file with the Hearing Officer the application, any supporting or background information, and his written determination regarding the application.

B. Nothing in these Regulations prohibits the County Manager or designee from reconsidering and reversing a denial of an Vested Rights Certificate appeals application at any time prior to the start of the hearing before the Hearing Officer.

#### 12.08.04 Formal Hearing

A. The participants before the Hearing Officer shall be the applicant, the applicant's witnesses, if any, County staff, affected parties with standing, if any, and witnesses of the affected parties, if any. Any affected party with standing who participates at the hearing shall leave his mailing address with the Hearing Officer.

B. Testimony and evidence shall be limited to matters directly relating to the application and development. Irrelevant, immaterial or unduly repetitious testimony or evidence may be excluded.

C. All testimony shall be under oath. The order of presentation of testimony and evidence shall be as follows:

1. The County Manager or designee's summary of the application, and his or her written report.
2. The applicant and his or her witnesses, if any.
3. Any affected party with standing, if any, and his or her witnesses, if any.
4. Comments by the staff, if any.
5. Rebuttal and summation by applicant, if any.

D. To the maximum extent practicable, the hearings shall be informal. Reasonable cross examination of witnesses shall be permitted, but questioning shall be confined as closely as possible to the scope of direct testimony. The Hearing Officer may call and question witnesses or request additional evidence as he or she deems necessary and appropriate. To that end, if during the hearing, the Hearing Officer believes that any facts, claims, or allegations necessitate review and response by either the applicant, staff, or both, then the Hearing Officer may order the hearing continued until a date certain. The Hearing Officer shall decide all questions of procedure and standing.

E. The Hearing Officer shall render a written decision on the application within thirty (30) days after the hearing concludes.

F. Decisions shall be decided by the preponderance of the evidence standard. ~~The application for a Vested Rights Certificate~~

~~shall be granted, and a Vested Rights Certificate shall be issued, if the applicant demonstrates by a preponderance of the evidence that he or she is entitled to a Vested Rights Certificate.~~

G. The original of the Hearing Officer's written decision shall be filed with the County Manager or designee and the Clerk to the Board of County Commissioners, and copies shall be mailed to the applicant and to any affected party with standing who participated at the hearing.

#### **12.08.05 Judicial Review.**

A. Any person aggrieved by a decision of the Hearing Officer ~~on an application for a Vested Rights Certificate~~ may challenge the decision in the Circuit Court for the Fifth Judicial Circuit, but only if the person participated at the hearing. If the aggrieved person decides to challenge the decision, he or she shall file a petition for writ of certiorari with the Clerk to the Circuit Court not later than thirty (30) days after the written decision of the Hearing Officer is filed with the Clerk to the Board of County Commissioners.

B. The record before the Circuit Court shall consist of the complete record of the proceedings before the Hearing Officer.

#### **12.08.06 Requirement of Exhaustion of Procedures.**

Judicial review shall not be available under Section 12.08.05 unless and until the procedures set forth in Section 12.08 have been exhausted.



1 J. Any person aggrieved by any decision of the Board of County  
2 Commissioners may appeal by certiorari to the circuit court within  
3 thirty (30) days of the written decision.

4 **13.02.00 ENVIRONMENTAL PROTECTION BOARD**

5 **13.02.01 Powers and Duties**

6 The Environmental Protection Board shall have the following duties,  
7 powers and responsibilities.

8 A. At the first meeting in June and upon appointment of a new  
9 member, the members of the Environmental Protection Board shall  
10 elect a chairman and such other officers as may be deemed necessary  
11 or desirable, who shall serve at the will of the Environmental  
12 Protection Board. A majority vote of the entire membership of the  
13 Environmental Protection Board shall be necessary to take any  
14 action. Three (3) members of the Environmental Protection Board  
15 shall constitute a quorum necessary to hold a meeting and take any  
16 action. Members shall serve without compensation, but shall be  
17 reimbursed for necessary expenses incurred in the performance of  
18 their official duties. The chairman may call meetings of the  
19 Environmental Protection Board, and meetings may be called by  
20 written notice signed by the chairman, and the Environmental  
21 Protection Board at any meeting may fix and call a meeting on a  
22 future date, provided that the Environmental Protection Board shall  
23 meet at least once every month. Such chairman, or in his absence  
24 the vice-chairman, shall have authority to administer oaths.  
25 Minutes shall be kept of all meetings of the Environmental  
26 Protection Board. All meetings shall be public. The Board of  
27 County Commissioners shall provide adequate and competent clerical  
28 and administrative personnel and such technical or scientific  
29 personnel as may be reasonably required by the Environmental  
30 Protection Board for the proper performance of its duties.

31 B. To grant variances, in accordance with criteria enumerated in  
32 Chapter XII, Hardship Relief, of this Code, to Flood Damage  
33 Protection, Stormwater Management, Tree Protection and Landscaping  
34 Ordinances, and Chapter VI, ~~Natural~~-Resource Protection Standards.

35 C. To make continuing studies and research and periodic reports  
36 and recommendations for the improvement of air and water pollution  
37 controls in the county, and to work in cooperation with all other  
38 state and federal agencies and other appropriate agencies and  
39 groups interested in the field of air and water pollution.

40 D. To investigate air and water pollution control programs and  
41 activities in operation in other areas and to make recommendations  
42 for the improvement of the regulation, administration and  
43 enforcement of pollution controls in this county; to publicize and  
44 educate the public as to the importance of adequate pollution  
45 controls, to hold public hearings, discussions, forums and

1 for the term of two (2) years. Appointments to fill any vacancy on  
2 the Environmental Protection Board shall be for the remainder of  
3 the unexpired term of office. Any member who fails to attend  
4 meetings without cause for a period of sixty (60) days, shall  
5 automatically forfeit his office and the Board of County  
6 Commissioners shall promptly fill such vacancy.

7 C. A majority of the Board of County Commissioners may remove a  
8 member at any time.

9 **13.02.03 Environmental Protection Officer**

10 A. Powers and Duties

11 The duties, functions, powers and responsibilities of the  
12 environmental protection ~~pollution control~~ officer shall include  
13 the following:

- 14 1. The enforcement of the provisions of Chapter 67-1608, Laws of  
15 Florida, as amended, and the Lake County Code.
- 16 2. Investigation of complaints, study and observation of air and  
17 water pollution conditions, and recommendations as to  
18 institution of actions necessary to abate nuisances caused by  
19 air and water pollution, as to and to persecution of  
20 proceedings for violations of Chapter 67-1608, Laws of  
21 Florida, as amended, and the Lake County Code.
- 22 3. Preparation of an initial report to submit to the  
23 Environmental Protection Board with details on procedures of  
24 chemical, physical and biological, and all other  
25 determinations made by ~~pollution control~~ environmental control  
26 officer and his staff. Methods of performing field surveys  
27 and location of sampling points will be included. Any changes  
28 in procedure for determination both in laboratory or field  
29 will be included within annual report as required in Chapter  
30 67-1608, Laws of Florida, as amended, and the Lake County  
31 Code.
- 32 4. Making of appropriate surveys, tests and inspections in the  
33 best known engineering practices to determine whether the  
34 provisions of Chapter 67-1608, Laws of Florida, as amended,  
35 and the Lake County Code are being complied with, and whether  
36 air and water pollution is being effectively controlled  
37 throughout the county.
- 38 5. The right to enter upon and make inspections of property,  
39 facilities, equipment, and processes operating under the  
40 provisions of Chapter 67-1608, Laws of Florida, as amended,  
41 and the Lake County Code to determine whether the provisions  
42 of Chapter 67-1608, Laws of Florida, as amended, and the Lake  
43 County Code are being complied with, and making of

1 Commissioners, and may be removed by a majority vote of the Board  
2 of County Commissioners.

3 E. Members of the Code Enforcement Board shall serve without  
4 compensation, but may be reimbursed for such travel expenses,  
5 mileage expenses, and other per diem expenses as authorized by the  
6 Board of County Commissioners, or as otherwise provided by law.  
7 The County shall provide clerical and administrative personnel as  
8 may be reasonably required by the Code Enforcement Board for the  
9 proper performance of its duties.

10 F. The officers of the Code Enforcement Board shall be a  
11 Chairman, Vice Chairman, and such officers as the Board shall deem  
12 necessary. Officers shall be elected by a majority vote of the  
13 membership at the first meeting in November, and shall serve a one  
14 (1) year term. A member of the Code Enforcement Board may be  
15 elected to serve as an officer without restriction as to the number  
16 of terms served.

17 G. Four (4) members of the Code Enforcement Board shall  
18 constitute a quorum.

19 H. The County Attorney or designee shall represent and be counsel  
20 to the Board.

### 21 13.06.02 Powers and Duties

22 A. The Code Enforcement Board shall have jurisdiction to hear and  
23 decide cases involving alleged violations of:

24 1. ~~Chapters 3, 4, 7, 9 (excluding Sections 9.01, 9.02, 9.06, and~~  
25 ~~9.07), 10, 11, and 14, III of the Lake County Land Development~~  
26 ~~Regulations.~~

27 2. ~~Chapter IV of the Lake County Land Development Regulations.~~

28 3. ~~Chapters VI through XI, inclusive, of the Lake County Land~~  
29 ~~Development Regulations.~~

30 4. ~~Lake County Land Development Regulations pursuant to section~~  
31 ~~12.03.09.~~

32 5. ~~Lake County Land Development Regulations pursuant to~~  
33 ~~subsection 12.04.09(A).~~

34 36. Chapter 6 of the Lake County Code.

35 47. Chapter 13 of the Lake County Code.

36 58. Chapter 21 of the Lake County Code, Article II and Article  
37 III.

1 a. The plans and profiles of proposed water distribution  
2 systems and sanitary sewers, at a horizontal scale equal  
3 to the horizontal scale off the subdivision plan at a  
4 vertical scale of some ratio of the horizontal scale,  
5 with grades and sizes indicated. If piped systems of  
6 water supply and/or sewers are not proposed, then size  
7 and location of wells and drain fields shall meet the  
8 requirements of these regulations and the Lake County  
9 Public Health Unit. Easements, setbacks, and  
10 rights-of-way to provide future centralized services  
11 shall be shown.

12 b. Wastewater Treatment Plant

13 The applicant shall provide the following information  
14 should the development require central wastewater  
15 treatment.

16 (1) The applicant shall submit a signed and sealed copy  
17 of a complete Florida Department of Environmental  
18 ~~Protection-Regulation~~ (FDEPR) application for a  
19 wastewater treatment construction permit  
20 application to the Pollution Control Division for  
21 staff review and comments.

22 (2) The permit application shall be submitted with all  
23 construction plans, reports, details, and  
24 narratives as required by FDEPR, Section 14.02.00  
25 of these regulations (Environmental Protection  
26 ~~Pollution Control~~ Board Rules), and the wastewater  
27 design standards (~~Appendix C~~). An engineering  
28 report shall be submitted with applications for new  
29 reuse or land application projects. The engineering  
30 report shall include the following:

31 (a) Exact boundaries of the land application area  
32 with setback distances on a one (1) foot  
33 topographical survey map.

34 (b) Land uses within one mile of the property.

35 (c) Inventory of potable and nonpotable water  
36 supply wells and monitoring wells within 0.5  
37 mile radius of the land application site.

38 (d) If expansion of the site is anticipated, the  
39 proposed future expansion site location.

40 (e) Inventory of surface waters within 1 mile of  
41 the land application site with their  
42 classifications, their approximate distances,  
43 and their uses identified.  
44

**Notification of TRC Meeting**

TRC members file comments with County Manager or Designee. The County Manager or Designee transmits TRC comments to applicant and notifies applicant of TRC meeting.

**TRC Meeting**

TRC may approve, approve with conditions, or deny the site plan.

**If Site Plan is Denied by TRC**

If site plan is denied by TRC, the applicant may revise application and refile with the County Manager or Designee or file an appeal with either the Board of Adjustment or ~~Pollution Control~~ Environmental Protection Board pursuant to Subsections 12.03.03 and 12.04.03, respectively.

**Approval with Conditions**

Applicant must submit a revised site plan incorporating conditions of approval.

**If Site Plan is Approved by TRC**

Applicant may be issued a building permit if construction drawings have been approved by the County Manager or designee. No building permit shall be issued until site plan and all conditions of approval have been met. In addition, construction drawings must be approved prior to release of a building permit.



**TRC Meeting**

The TRC may approve, approve with conditions, or deny the master park plan.

**If Master Park Plan  
Is Denied by TRC**

If master park plan is denied by TRC, the applicant may revise application and refile with the County Manager or designee or file an appeal with either the Board of Adjustment or ~~Pollution Control~~ Environmental Protection Board pursuant to Subsections 12.03.03 and 12.04.03, respectively.

**If Master Park Plan  
is Approved by TRC**

Applicant may be issued a building permit if master park plan and construction plans have been approved.

1 The members of the TRC shall file comments with the County Manager  
2 or designee. Prior to notification, the County Manager or designee  
3 shall TRC comments to the applicant.

4 B. TRC Meeting

5 The TRC may approve, approve with conditions, or deny the master  
6 park plan. The TRC meets the first four (4) Thursdays of each  
7 month. No project reviews are scheduled before the TRC during the  
8 fifth Thursday of a month. Instead, the County staff convenes to  
9 critique the development review process.

10 C. TRC Approval

11 If the Master Park Plan is approve by the TRC, the applicant may be  
12 issued a building permit if master park plan and construction plans  
13 have been approved.

14 D. TRC Approval with Conditions

15 If the Master Park Plan is approved with conditions by the TRC, the  
16 applicant must submit a revised site plan incorporating conditions  
17 of approval.

18 E. TRC Denial

19 If the Master Park Plan is denied by the TRC, the applicant may  
20 revise the application and refile with the County Manager or  
21 designee.

22 **14.10.00 MINOR LOT SPLITS, ~~LARGE LOT SPLITS,~~ FAMILY DENSITY**  
23 **EXCEPTIONS, AND AGRICULTURAL LOT SPLITS**

24 **14.10.01 Minor Lot Splits**

25 A. Generally

26 The County may approve a minor lot split of a legally created lot  
27 that conforms to the requirements of this Subsection. A minor lot  
28 split shall not be approved within a platted subdivision when such  
29 lot split changes the character of the subdivision, or where the  
30 lot split increases the density, beyond the general nature of the  
31 subdivision. The creation of a flag lot is prohibited.

32 B. Submittals

33 The County shall consider a proposed minor lot split upon the  
34 submittal of the following materials:

- 35 1. An application form provided by the County;  
36 2. Three (3) paper copies of the proposed minor lot split;

3. A statement indicating whether water and/or sanitary sewer service is available to the property;
4. Minor lot split fee; and
5. Legal descriptions and acreage or square footage of the original and proposed lots and a boundary survey showing the intended division prepared by a professional land surveyor registered in the State of Florida. In the event the proposed lot split contains parcels greater than 40 acres in size, a sketch of description for the land area containing such parcels shall be accepted instead of a boundary survey. However, a boundary survey shall be required for the land area containing parcels 40 acres or less in size. (Example: a fifty (50) acre parcel being split into a 20 acre parcel and a 30 acre parcel would require a boundary survey of the fifty (50) acre parcel, but a fifty (50) acre parcel being split into a 45 acre parcel and a five (5) acre parcel would only require a boundary survey of the five (5) acre parcel. In the event a lot contains any principal or accessory structures, the survey, or sketch of description, shall show the structures on the lot.

C. Review Procedure

1. The County Manager or designee shall transmit a copy of the proposed minor lot split to any other appropriate departments of the County for review and comments.
2. If the proposed minor lot split meets the conditions of this Subsection and otherwise complies with all applicable laws and ordinances, the County Manager or designee shall approve the minor lot split by signing the application form.

D. Standards

All minor lot splits shall conform to the following standards:

1. Only ~~six (6)~~ two (2) lots may be created per original parcel. The total number of lots created shall include the original parcel.
2. Each proposed lot must conform to the requirements of these regulations.
3. Each lot shall either (1) front entirely on a publicly maintained paved road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are located OR (2) contain a minimum of twenty (20) acres AND front either on a publicly maintained clay road OR an easement meeting the requirements of Sections 14.10.02.D.6 and 14.10.02.D.7.

1 4. If any lot abuts a publicly maintained road that does not  
2 conform to the right-of-way specifications provided or adopted  
3 by reference in these regulations, the owner shall be required  
4 to dedicate the required right-of-way width necessary to meet  
5 the minimum design standards.

6 5. The Board of Adjustment may grant a variance to allow the  
7 minimum lot size permitted by Section 14.10.01.D.3 to be equal  
8 to or greater than eighteen (18) acres and less than twenty  
9 (20) acres. No other variance shall be granted from  
10 Subsection 14.10.01.

11 6. All other sections of the Lake County Land Development  
12 Regulations, and all requirements of the Lake County  
13 Comprehensive Plan shall apply.

14 E. Recordation

15 Upon approval of the minor lot split, the County shall record the  
16 minor lot split on the appropriate maps and documents, and shall,  
17 at the developer's expense, record the minor lot split in the  
18 Public Records of Lake County.

19 14.10.02 Large Lot Splits Family Density Exception

20 A. Generally

21 The County may approve a large lot split family density exception  
22 of a legally created lot that conforms to the requirements of this  
23 Subsection. A family density exception shall not be approved  
24 within a platted subdivision when such density exception changes  
25 the character of the subdivision, or where the density exception  
26 increases the density, beyond the general nature of the  
27 subdivision. The creation of a flag lot is prohibited.

28 B. Submittals

29 The County shall consider a proposed large lot split family density  
30 exception upon the submittal of the following materials:

- 31 1. An application form provided by the County;
- 32 33 2. Three (3) paper copies of the proposed large lot split;
- 34 35 3. A statement indicating whether water and/or sanitary sewer  
36 37 4. Family density exception fee; and
- 38 39 5. Legal descriptions and acreage or square footage of the  
original and proposed lots and a boundary survey showing the  
intended division prepared by a professional land surveyor

5/14/95

1 registered in the State of Florida. In the event the proposed  
2 lot split contains parcels greater than 40 acres in size, a  
3 sketch of description for the land area containing such  
4 parcels shall be accepted instead of a boundary survey.  
5 However, a boundary survey shall be required for the land area  
6 containing parcels 40 acres or less in size. (Example: a  
7 fifty (50) acre parcel being split into a 20 acre parcel and  
8 a 30 acre parcel would require a boundary survey of the fifty  
9 (50) acre parcel, but a fifty (50) acre parcel being split  
10 into a 45 acre parcel and a five (5) acre parcel would only  
11 require a boundary survey of the five (5) acre parcel. In the  
12 event a lot contains any principal or accessory structures,  
13 the survey, or sketch of description, shall show the  
14 structures on the lot.

15 C. Review Procedure

- 16 1. The County Manager or designee shall transmit a copy of the  
17 proposed ~~large lot split family density exception~~ to any other  
18 appropriate departments of the County for review and comments.
- 19 2. If the proposed ~~large lot split family density exception~~ meets  
20 the conditions of this Subsection and otherwise complies with  
21 all applicable laws and ordinances, the County Manager or  
22 designee shall approve the ~~large lot split family density~~  
23 ~~exception~~ by signing the application form.

24 D. Standards

25 ~~All large lot splits~~ The creation of parcels for family members, as  
26 provided for in the Lake County Comprehensive Plan, shall not  
27 require adherence to the minimum lot dimensions for the land use  
28 category or zoning district where the lots are located, but shall  
29 conform to the following standards:

- 30 1. Only as many lots may be created as are the number of  
31 descendants and ascendants plus one for the subdividing family  
32 member. Only six (6) lots may be created per original parcel.  
33 ~~The total number of lots created shall include the original~~  
34 ~~parcel.~~
- 35 2. Each proposed lot shall be a minimum of ~~five (5)~~ one (1) acres  
36 of uplands.
- 37 3. ~~Each proposed lot shall have "A" Agriculture, "RA" Ranchette,~~  
38 ~~"AI" Agriculture Industry, "AR" Agriculture Residential,~~  
39 ~~and/or "RR" Rural Residential zoning. Parcels created for~~  
40 ~~family members shall only be allowed in the Suburban,~~  
41 ~~Transitional, Rural, Rural/Conservation, and Core/Conservation~~  
42 ~~land use districts, as well as the A-1-20 and A-1-40 overlay~~  
43 ~~districts in the Wekiva River Protection Area.~~

- 1 4. If any lot abuts a publicly maintained road that does not  
2 conform to the right-of-way specifications provided or adopted  
3 by reference in these regulations, the owner shall be required  
4 to dedicate the required right-of-way width necessary to meet  
5 the minimum design standards.
- 6 5. Each proposed lot shall front on a paved private road, a  
7 publicly maintained road, or an easement.
- 8 6. If an easement is utilized in Subsection 14.10.02(D)(5), the  
9 easement shall:
- 10 a. Be non-exclusive;
- 11 b. Be dedicated to the public for road, utility, and  
12 drainage purposes, with Lake County as the grantee.  
13 However, a private easement may be permitted if it is  
14 determined that there is no need for a future road  
15 corridor. (The determination of need for a future road  
16 corridor shall be made by the County Manager or designee  
17 and shall be based upon the most current transportation  
18 plan of the County.);
- 19 c. Connect to a publicly maintained road;
- 20 d. Be no longer than one thousand three hundred twenty  
21 (1,320) lineal feet from a publicly maintained road;
- 22 e. Have a minimum width of fifty (50) feet, however, a  
23 greater easement width may be required if it is  
24 determined to be needed for a future road corridor (The  
25 easement width shall be based upon the adopted right-of-  
26 way standards for the functional classification of the  
27 future road. The determination of need for a future road  
28 corridor shall be made by the County Manager or designee  
29 and shall be based upon the most current transportation  
30 plan of the County.);
- 31 f. Not obligate the County to maintain the easement; and
- 32 g. Have road name signs installed.
- 33 7. If a paved private road or easement is utilized in Subsection  
34 14.10.02(D)(5), then deed restrictions, which require the  
35 property owners to maintain the paved private road or  
36 easement, shall be recorded prior to the recordation of the  
37 large lot split.
- 38 8. Parcels created for family members must be retained by the  
39 family members for three (3) years, pursuant to County  
40 approved deed restrictions recorded in the public records.  
41 This requirement shall not apply to institutional lenders who

1 obtain ownership as a result of foreclosure or deed in lieu of  
2 foreclosure.

3 9. Only one (1) lot shall be created for each family member,  
4 regardless of where the lot is located or the amount of time  
5 that has passed (i.e., a family with two (2) children and one  
6 (1) grandparent can only create five (5) parcels, via the  
7 family density exception process, over the lifetime of the  
8 children and grandparent).

9 10. Parcels created for family members shall be contingent upon  
10 the issuance of a building permit and certificate of  
11 occupancy, or being classified as agricultural lands by the  
12 property appraiser, pursuant to s. 193.461, Florida Statutes,  
13 for each parcel to be created. For example, if an applicant  
14 requests that a five (5) acre, vacant lot, in the Rural land  
15 use category, be subdivided into a three (3) acre lot and a  
16 two (2) acre lot, then the applicant would have to submit a  
17 family density exception application concurrent with two (2)  
18 building permit applications. The family density exception  
19 would not be finalized until certificates of occupancy were  
20 issued for both dwelling units. the applicant could  
21 substitute one (1) or two (2) agricultural classifications for  
22 one (1) or two (2) building permit applications, respectively.

23 E. Mobile Home Test

24 If a lot created pursuant to this family density exception process  
25 is less than five (5) acres, then the mobile home test specified in  
26 Section 3.02.01.C shall be adhered to in order to determine whether  
27 a mobile home shall be allowed to be placed on the lot.

28 8F. Variances

29 No variance shall be granted from Subsection 14.10.02 with the  
30 exceptions of ~~Subsections 14.10.02(D) (1), (2), (3) and (6) (b), (d)~~  
31 ~~and (e) the mobile home test and three (3) year retention period~~  
32 ~~for parcels created for family members. The Lake County Board of~~  
33 ~~Adjustment shall have the authority to grant a variance from the~~  
34 ~~three (3) year retention period provided both the following can be~~  
35 ~~demonstrated by the property owner:~~

36 a. circumstances beyond the control of the property owner  
37 have caused a need for the property owner to sell the  
38 property, including but not limited to, death, divorce,  
39 employment obtained elsewhere, military service, etc.;  
40 and

41 b. without granting such variance, substantial hardship  
42 would be placed on the property owner.

43 GE. Recordation

1 Upon approval of the ~~family density exception-large lot split~~, and  
2 the County shall record the ~~family density exception-large lot~~  
3 ~~split~~, and easements if necessary, on the appropriate maps and  
4 documents and shall, at the developer's expense, record the ~~family~~  
5 ~~density exception-large lot split~~, and easement if necessary, in  
6 the Public Records of Lake County.

#### 7 14.10.03 AGRICULTURAL LOT SPLITS

##### 8 A. Generally

9 The County may approve an agricultural lot split of a legally  
10 created lot, that conforms to the requirements of this subsection.

##### 11 B. Submittals

12 The County shall consider a proposed agricultural lot split upon  
13 the submittal of the following materials:

- 14 1. An application form provided by the County;
- 15 2. Three (3) paper copies of the proposed agricultural lot split;
- 16 3. A statement indicating whether water and/or sanitary sewer  
17 service is available to the property;
- 18 4. Agricultural lot split fee; and
- 19 5. Legal descriptions and acreage or square footage of the  
20 original and proposed lots and a survey sketch of description  
21 showing the intended division prepared by a professional land  
22 surveyor registered in the State of Florida. In the event a  
23 lot contains any principal or accessory structures, the survey  
24 sketch of description shall show the structures on the lot.

##### 25 C. Review Procedure

- 26 1. The County Manager or designee shall transmit a copy of the  
27 proposed agricultural lot split to any other appropriate  
28 departments of the County for review and comments.
- 29 2. If the proposed agricultural lot split meets the conditions of  
30 this subsection and otherwise complies with all applicable  
31 laws and ordinances, the County Manager or designee shall  
32 approve the agricultural lot split by signing the application  
33 form.

##### 34 D. Standards

35 All agricultural lot splits shall conform to the following  
36 standards:



- 1 1. There is no limit on the number of lots that may be created.
- 2 2. Each proposed lot shall be a minimum of forty (40) gross
- 3 acres.
- 4 3. Each proposed lot shall have "A" Agricultural zoning.
- 5 4. If any lot abuts a publicly maintained road that does not
- 6 conform to the right-of-way specifications provided or adopted
- 7 by reference in these regulations, the owner shall be required
- 8 to dedicate the required right-of-way width necessary to meet
- 9 the minimum design standards.
- 10 5. Each proposed lot shall front on a paved private road, a
- 11 publicly maintained road, or an easement.
- 12 6. If an easement is utilized in subsection 14.10.03(D)(5), the
- 13 easement shall:
- 14 a. Be non-exclusive;
- 15 b. Be dedicated to the public for road, utility, and
- 16 drainage purposes, with Lake County as the grantee;
- 17 c. Connect to a publicly maintained road;
- 18 d. Have a minimum width of forty (40) feet, however, a
- 19 greater easement width may be required if it is
- 20 determined to be needed for a future road corridor (The
- 21 easement width shall be based upon the adopted right-of-
- 22 way standards for the functional classification of the
- 23 future road. The determination of need for a future road
- 24 corridor shall be made by the County Manager or designee
- 25 and shall be based upon the most current transportation
- 26 plan of the County.); and
- 27 e. Not obligate the County to maintain the easement.
- 28 7. No variance shall be granted from Section 14.10.03.

29 E. Recordation

30 Upon approval of the agricultural lot split, the County shall

31 record the agricultural lot split, and easements if necessary, on

32 the appropriate maps and documents and shall, at the developer's

33 expense, record the agricultural lot split, and easement if

34 necessary, in the Public Records of Lake County.

35 14.10.04 Lot Split Application

36 An applicant for a minor lot split or an agricultural lot split

37 shall have six (6) months from the date the application is

1 submitted to Lake County to finalize the lot split. An applicant  
2 for a family density exception shall have twelve (12) months from  
3 the date the application is submitted to Lake County to finalize  
4 the family density exception. No extension shall be granted to  
5 Subsection 14.10.04.

6 **14.10.05 Lot Split Applications Filed Prior to May 14, 1995.**

7 Lot Split Applications filed prior to May 14, 1995, pursuant to  
8 Section 14.10, Land Development Regulations, dated December 1,  
9 1993, shall have six (6) months from May 14, 1995, to finalize the  
10 lot split, including obtaining variances from the Board of  
11 Adjustment. These Lot Split Applications shall adhere to the Land  
12 Development Regulations, dated December 1, 1993, providing all  
13 policies of the Lake County Comprehensive Plan are met and  
14 enforced. No extension shall be granted to Subsection 14.10.05.

15 **14.11.01 State Law Controlling**

16 The procedures in this part shall be followed in amending the text  
17 of these regulations or in amending the zoning map. This part  
18 supplements the mandatory requirements of state law, which must be  
19 adhered to in all respects.

20 **14.11.02 Application**

21 **A. Generally**

22 Any person, board or agency may submit an application to the County  
23 to amend the text of these regulations or the zoning map in  
24 compliance with procedures, not inconsistent with State law,  
25 prescribed by the office of the County Manager or designee.

26 **B. Submittals**

27 The application shall include the following information:

- 28 1. The applicant's name and address;
- 29 2. The precise wording of any proposed amendments to the text of  
30 these regulations shall be provided;
- 31 3. A statement describing any changed conditions that would  
32 justify an amendment;
- 33 4. A statement describing why there is a need for the proposed  
34 amendment;
- 35 5. A statement describing whether and how the proposed amendment  
36 is consistent with the Lake County Comprehensive Plan;

1 of Concurrency, the time may be extended by the Building  
2 Official.

3 2. In order to continue construction once a Building Permit  
4 becomes null and void or expires, the permittee shall reapply  
5 and obtain a new Building Permit covering the proposed  
6 construction before proceeding with construction. The  
7 permittee shall comply with all regulations in existence at  
8 the time application is made for a new Building Permit.

9 3. Any Building Permit issued prior to the effective date of  
10 these regulations shall expire and become null and void  
11 eighteen (18) months from the date of issuance thereof unless  
12 construction is delayed for reasons enumerated in Section  
13 14.17.02 A., and the contractor so notifies the County Manager  
14 or designee in writing, provided, a schedule may be submitted  
15 for approval within thirty (30) day from the effective date of  
16 these regulations for any construction presently underway  
17 requiring in excess of eighteen (18) months to complete.

18 4. Signs must be placed within six (6) months of obtaining the  
19 permit or the permit is voided and a new permit must be issued  
20 unless the permit is extended by the County Manager or  
21 designee. Final inspection must be called for by the  
22 applicant within the six (6) month time period, or the permit  
23 is voided. Identification numbers issued with Sign Permits  
24 must be displayed on the sign itself. Sign permits need not  
25 be renewed as long as the sign exists in its approved form in  
26 the same location.

27 5. Licensed real estate brokers or contractors may obtain  
28 multiple permits for signs with each sign requiring a permit.

29 **14.14.03 (RESERVED) ~~Mining Site Plans and Operating Permits~~**

30 ~~A. Applicability~~

31 ~~No person shall operate a mine or conduct mining activities within~~  
32 ~~the unincorporated area of Lake County, Florida, without a mining~~  
33 ~~development plan approved by the Board of County Commissioners and~~  
34 ~~an operating permit unless otherwise exempted by the provisions of~~  
35 ~~these regulations.~~

36 ~~B. Mining Site Plan Approval and Operating Permit Requirements~~

37 ~~Prior to beginning a new mine or expanding an existing mine into~~  
38 ~~new acreage not included within an existing Lake County~~  
39 ~~authorization to operate, the applicant shall apply for and obtain:~~

40 ~~1. Approval of a mining site plan for the new mining activity or~~  
41 ~~nonauthorized expanded mining activity, whichever is~~  
42 ~~applicable.~~

1 ~~2. An operating permit for the new mining operation or the~~  
2 ~~nonauthorized expanded mining activity, whichever is~~  
3 ~~applicable.~~

4 ~~C. Mining Site Plan Application~~

5 ~~Application for approval or amendment of a mining site plan shall~~  
6 ~~be by submission of a mining site plan prepared in accordance with~~  
7 ~~an application form provided by the county and sealed by a~~  
8 ~~professional engineer or professional geologist, as applicable,~~  
9 ~~registered in the State of Florida. Said application shall contain~~  
10 ~~at a minimum the following information:~~

11 ~~1. The name, address and telephone number of the owner of the~~  
12 ~~land on which mining activities are to be conducted. Evidence~~  
13 ~~of ownership shall be provided as well as the written consent~~  
14 ~~of all landowners. Copies of said consent shall be attached to~~  
15 ~~the application.~~

16 ~~2. The name, address and telephone number of the mine operator~~  
17 ~~and the applicant if the applicant is not the landowner, or~~  
18 ~~person that will physically alter the land.~~

19 ~~3. The proposed date that mining activities will commence and the~~  
20 ~~projected date of completion.~~

21 ~~4. The legal description and street address, if any, of the~~  
22 ~~specific parcel(s) on which mining activities are to be~~  
23 ~~conducted.~~

24 ~~5. Ownership of all property contiguous to and within three~~  
25 ~~hundred (300) feet of the property on which mining activities~~  
26 ~~are to be conducted, which information shall be based upon the~~  
27 ~~real property tax roll. Notice shall be posted on the public~~  
28 ~~access roads and county road(s) closest to the site.~~

29 ~~6. Dimensions and location of all existing and proposed~~  
30 ~~buildings, signs, driveways, off street parking areas, loading~~  
31 ~~and unloading areas and exterior walls and fences.~~  
32 ~~Specifications for the paving of streets, parking areas and~~  
33 ~~walks, provision for parallel service roads and exterior walls~~  
34 ~~and fences.~~

35 ~~7. Plans or reports describing the method of handling any traffic~~  
36 ~~condition created by the proposed use.~~

37 ~~8. Plans or reports showing the proposed treatment and disposal~~  
38 ~~of sewage and waste, treatment of glare, and handling of~~  
39 ~~hazardous gases, liquids and other materials.~~

1 ~~9. Copies of approved permits or permit applications submitted to~~  
2 ~~or required to be submitted to all state, federal, regional~~  
3 ~~and local permitting agencies.~~

4 ~~10. Wetlands alteration and mitigation plans to include the~~  
5 ~~location and type of wetlands to be altered, location and type~~  
6 ~~of wetland mitigation areas, mitigation ratios and methods to~~  
7 ~~be utilized for mitigation.~~

8 ~~11. Uplands alteration and mitigation plans to include the~~  
9 ~~location and type of uplands to be altered, location and type~~  
10 ~~of upland mitigation areas, mitigation ratios and methods to~~  
11 ~~be utilized for mitigation.~~

12 ~~12. A map or series of maps prepared at a scale of 1" = 200' or 1"~~  
13 ~~= 400' which depicts the following information (such maps~~  
14 ~~shall be at a scale that is consistent with the scale of the~~  
15 ~~aerial photographs required in item d. below):~~

16 ~~a. Date, north arrow and scale.~~

17 ~~b. Size, shape and geographic location of the proposed~~  
18 ~~mining operation and location of nearest major highways.~~

19 ~~c. Existing topography of the proposed mining site and its~~  
20 ~~relationship to the existing watershed, contour lines~~  
21 ~~shall be drawn at five foot intervals of actual ground~~  
22 ~~contours.~~

23 ~~d. Aerial photograph(s) of the proposed mining site and~~  
24 ~~surrounding property at a scale of 1 inch = 200 feet or~~  
25 ~~1 inch = 400 feet (photos of flight most recently~~  
26 ~~available through the county engineer's office, DOT, SCS~~  
27 ~~or other agency will be accepted). Aerial photographs~~  
28 ~~shall be at same scale as all other maps submitted with~~  
29 ~~the application.~~

30 ~~e. Existing on site natural and manmade features, and on~~  
31 ~~property within three hundred (300) feet of the proposed~~  
32 ~~mine if said information is available for the off site~~  
33 ~~property, including but not limited to:~~

34 ~~(1) Watercourses.~~

35 ~~(2) Soils.~~

36 ~~(3) Wetlands.~~

37 ~~(4) Designated vegetative and wildlife species.~~

38 ~~(5) Roads.~~

39 ~~(6) Railroads.~~

40 ~~(7) Utility lines (above and below ground on site only~~  
41 ~~and aboveground off site).~~

42 ~~(8) Right of way lines and easement lines (on site~~  
43 ~~only).~~

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- ~~(9) Existing buildings and structures.~~
  - ~~(10) Wells.~~
  - ~~(11) Chemical and fuel storage tanks (surface and subsurface on site and surface only off site).~~
  - ~~(12) Hazardous materials storage (on site only).~~
  - ~~(13) Dikes, canals, pumps and other water handling devices and systems.~~
  - ~~(14) Flood prone areas and flood elevations (based on 100 year frequency flood conditions).~~

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f. ~~Proposed features include but are not limited to: Permanent and semipermanent facilities and structures (such as washers, scales, offices, lakes, wells, dikes, canals, ponds, pumps, waste storage areas and other water handling and stormwater management devices and systems (include conceptual design demonstrating stormwater management systems capability to meet county stormwater regulations); mining pit(s); permanent internal access roads; ingress/egress roads; railroads; utility lines; right of way and easement lines; septic tanks and drain fields; chemical and fuel storage tanks; hazardous materials storage; wetland mitigation areas; setbacks from right of way, easement and property lines; fences, walls or vegetative buffers (identify materials); air emission sources; sewage treatment facilities; potable water facilities and other similar features.~~

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g. ~~A map depicting the proposed major access routes in Lake County, including impacted intersections closest to the mining operation and the proposed daily volume of vehicles hauling the excavated material during the first year of operation.~~

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13. ~~Estimates or computations of the total acreage within the proposed mine, acreage required for waste storage, acreage of actual mining pits, acreage in existing and/or anticipated waterbodies.~~

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14. ~~A schedule showing the proposed sequence of mining activities is required that shall be reviewed and may be revised on a yearly basis.~~

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15. ~~A cross sectional drawing referring to the NGVD showing the proposed depth of the excavation area and the slope of the site and depth of the water, if any, in the mining area at the time of completion of the mining activity.~~

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16. ~~A hydrogeologic report on surface and groundwater conditions and the hydrogeologic impact of the proposed activity. The report shall be prepared by a person licensed by the State of Florida as a professional geologist. The report shall include at a minimum but not be limited to:~~

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- a. ~~Identification of the type of ore and overburden on site and the proposed maximum depth of mining.~~
  - b. ~~Groundwater contours, including direction of flow for the surficial and Floridan Aquifers determined from site specific data. Contours for the Floridan Aquifer may be determined by literary research in the case of clay and peat mines.~~
  - c. ~~Site specific geologic information presented on at least one (1) geologic cross sectional drawing refereneed to NCVD. This cross section shall show the subsurface from the existing land surface to the top of the Floridan aquifer and shall identify the major lithologic and hydrologic groups and the bottom elevation(s) of the proposed mine.~~
  - d. ~~Information on both the surficial aquifer and confining units necessary to identify the hydrological environment of the site. This information shall, unless specifically exempted by the county, include perosity, specific yield, hydraulic conductivity and other hydrologic characteristics derived from field tests (i.e., slug test, permeability testing or other county approved aquifer tests).~~
  - e. ~~Background surficial aquifer water quality measurements of pH, specific conductance, temperature, chlorides and total dissolved and suspended solids. Peat and muck mines shall be required to provide surface water quality measurements of Ph, specific conductance, temperature, chlorides, TDS, TSS, BOD, COD, nutrients, organic compounds and heavy metals.~~
  - f. ~~Proposed water withdrawal volumes, water discharge volumes and water budget for the proposed mining operation.~~
  - g. ~~Hydrologic and hydrogeologic impacts of mining activities, water withdrawal and water discharge on surrounding properties and resourees. The impacts addressed shall, unless specifically exempted by the county, include but not be limited to the following: Groundwater levels, recharge to and discharge from aquifers, lake levels, flood storage, stormwater, surface water flow patterns, base flow of streams, erosion, sediment load, stream velocity and evapotranspiration.~~
  - h. ~~Sufficient borings shall be made to provide data necessary to meet the above requirements. Borings shall be sufficiently deep to determine depth to the first Florida aquifer confining unit. Consideration shall be~~

1 given to placing one (1) upgradient boring to the top of  
2 the weathered limestone of the Floridan aquifer as needed  
3 to ascertain the lithology of the site. Borings shall be  
4 conducted according to either ASTM Standard D 1586  
5 (Standard Penetration Test), augured or continuously  
6 cored. Boring logs in the report shall as a minimum  
7 include the following:

8 ~~(1) The reference point for all depth measurements both~~  
9 ~~to existing land surface and to mean sea level.~~

10 ~~(2) The identification and description of the material~~  
11 ~~of which each stratum is composed.~~

12 ~~(3) The depth and height of any cavities, intervals of~~  
13 ~~falling rod and lost circulation of drilling~~  
14 ~~fluids.~~

15 ~~(4) Depth at which the water in the surficial aquifer~~  
16 ~~was encountered.~~

17 ~~i. In the case of peat mines, unless specific adverse~~  
18 ~~conditions are identified, the following shall generally~~  
19 ~~be considered sufficient to supply site specific data~~  
20 ~~required to comply with subsections c., d. and h. above.~~  
21 ~~A muck probe survey with probes done on one hundred (100)-~~  
22 ~~foot centers to determine the depth of the peat deposit~~  
23 ~~shall be performed. Probing shall be performed to the~~  
24 ~~bottom of the deposit. In addition, one (1) boring to a~~  
25 ~~depth of twenty (20) feet below the proposed mine depth~~  
26 ~~to characterize the hydrogeologic setting of the site~~  
27 ~~shall be required. The location of this boring shall be~~  
28 ~~adjacent to the area to be mined and selected in~~  
29 ~~consultation with county staff. (Under h., boring logs,~~  
30 ~~requirements (1) through (4) would still apply). This~~  
31 ~~data will be incorporated into the required report(s).~~  
32 ~~Where the data indicate a possible and/or potential~~  
33 ~~connection to the Floridan aquifer, additional probes~~  
34 ~~and/or borings shall be performed.~~

35 ~~j. Other information which may be beneficial to the review~~  
36 ~~of the hydrogeological condition of the site and~~  
37 ~~vicinity, including but not limited to any other~~  
38 ~~geologic, hydrogeologic and geotechnical reports prepared~~  
39 ~~on the mining site.~~

40 ~~17. An environmental report that identifies the location and~~  
41 ~~extent of designated species as identified in Chapter 39,~~  
42 ~~Sections 39 27.003, 39 27.004 and 39 27.005, Florida~~  
43 ~~Administrative Code, and Chapter 581, Florida Statutes,~~  
44 ~~Sections 581.185(5)(a) and (b). The environmental report shall~~  
45 ~~address at a minimum the impact of the proposed activity on~~



1 such species and the methods to be utilized to mitigate  
2 adverse impacts.

3 ~~18. Conceptual plans which shall include provisions for the~~  
4 ~~stabilization of soils disturbed during construction to~~  
5 ~~prevent soil losses by water or wind. When the mine operation~~  
6 ~~is in public view, conceptual plans shall include provisions~~  
7 ~~for landscaping and buffering.~~

8 ~~19. A workable, environmentally sound reclamation plan which~~  
9 ~~demonstrates the requirements of this chapter, fully described~~  
10 ~~by illustration and documentation, including plan view with~~  
11 ~~cross sections. The reclamation plan shall show all areas to~~  
12 ~~be reclaimed by depicting and describing what manmade and~~  
13 ~~natural features will exist when the reclamation plan is~~  
14 ~~completed and shall depict at least two (2) typical cross~~  
15 ~~sections generally oriented at a ninety degree angle to each~~  
16 ~~other and a plan view with contours showing areas to be~~  
17 ~~filled, backfilled, reconstructed and reshaped. The~~  
18 ~~reclamation plan shall identify size, type, location and~~  
19 ~~planting schedule for all vegetation to be planted or seeded~~  
20 ~~in accordance with the reclamation plan. Water elevation shall~~  
21 ~~be shown when a lake creation is proposed.~~

22 ~~20. Site specific information requirements may be modified, or~~  
23 ~~additional information may be requested by the technical~~  
24 ~~review committee. Additional aquifer testing and/or~~  
25 ~~water quality testing, including sampling of wells in the~~  
26 ~~Floridan aquifer, may be required in areas of known~~  
27 ~~groundwater contamination or in prime recharge. The applicant~~  
28 ~~shall bear all costs associated with testing.~~

29 ~~21. In the event that the Department of Natural Resources shall~~  
30 ~~issue a determination of confidentiality pursuant to Chapter~~  
31 ~~378, Florida Statutes, Section 378.406, the county shall honor~~  
32 ~~said determination.~~

33 ~~D. Mining Site Plan Review and Approval Process; Reapplication;~~  
34 ~~Term; Amendment~~

35 ~~The procedure for obtaining approval of a mining site plan shall be~~  
36 ~~as follows:~~

37 ~~1. Preapplication conference~~  
38 ~~-~~

39 ~~Prior to submitting a formal mining site plan application, the~~  
40 ~~applicant shall schedule a preapplication conference with the~~  
41 ~~technical review committee. At least ten (10) working days~~  
42 ~~prior to the scheduled conference date, the applicant shall~~  
43 ~~submit ten (10) copies of a concept plan for the proposed~~  
44 ~~mine. The concept plan shall consist of, at a minimum, a~~  
45 ~~generalized sketch with supporting information addressing the~~

1 proposed project. The purpose of the preapplication conference  
2 is to acquaint county staff with the proposed project, provide  
3 the applicant with preliminary review comments, identify major  
4 areas of concern, discuss the need for additional support data  
5 and familiarize the applicant with the project review process.

6 ~~2. Mining Site Plan Application Submission~~

7 After the preapplication conference, should the applicant  
8 desire to proceed with the proposed project, the following  
9 procedures shall be followed:

10 a. ~~The applicant shall submit ten (10) copies of the~~  
11 ~~completed mining site plan application to the county.~~

12 b. ~~The applicant shall submit with the mining site plan~~  
13 ~~application the appropriate nonrefundable fees as~~  
14 ~~established by the Board of County Commissioners.~~

15 ~~3. Technical Review Committee Review~~

16 Upon submission of the mining site plan application and  
17 appropriate application fees, the project shall be scheduled  
18 for review by the county technical review committee within  
19 thirty (30) days after submittal of a complete application.  
20 The review shall be conducted in terms of the following  
21 considerations:

22 a. ~~Consistency with Lake County's comprehensive plan, and~~  
23 ~~these Regulations. Consistency with the general purpose,~~  
24 ~~goals, objectives and standards of the Lake County~~  
25 ~~Comprehensive Plan, and these Regulations.~~

26 b. ~~Effects on adjacent properties. The potential impact~~  
27 ~~upon adjacent property in general terms of neighborhood~~  
28 ~~character, public nuisances and other matters affecting~~  
29 ~~the public health, safety and welfare.~~

30 c. ~~Environmental impacts. The potential impact upon air~~  
31 ~~quality, surface and groundwater quality and quantity,~~  
32 ~~drainage, ambient sound levels, vegetation and wildlife~~  
33 ~~resources.~~

34 d. ~~Transportation system plan. The potential impact on~~  
35 ~~public roads.~~

36 e. ~~The adequacy of the reclamation plan in properly~~  
37 ~~reclaiming the mining site relative to the environment.~~

38 Upon review of the mining site plan application by the  
39 Technical review Committee, the County Manager or designee  
40 shall issue a written recommendation. A copy of the

1  
2 recommendations of the members of the Technical Review  
3 Committee shall be sent to the Planning and Zoning Commission  
4 and the applicant within fourteen (14) days after the  
Technical Review Committee meeting.

5 ~~4. Planning and Zoning Commission and Board of County~~  
6 ~~Commissioners Review~~

7  
8 a. ~~The mining site plan application shall be processed and~~  
9 ~~reviewed by the planning and zoning commission in the~~  
10 ~~same manner as a conditional use permit as provided in~~  
11 ~~Section 14.05.00 of these regulations.~~

12 b. ~~A public hearing shall be held by the Board of County~~  
13 ~~Commissioners in the same manner as that for a~~  
14 ~~conditional use permit. The Board of County Commissioners~~  
15 ~~shall consider the recommendation of the planning and~~  
~~zoning commission.~~

16 ~~5. Reapplication~~

17 ~~In the event of a denial of an application, reapplication for~~  
18 ~~mining site plan approval for all or a portion of the property~~  
19 ~~described in the original application shall not be allowed for a~~  
20 ~~period of one (1) year from the date of the denial unless said time~~  
21 ~~frame is waived by the Board of County Commissioners pursuant to~~  
22 ~~the terms of this subsection. The board may waive the one year~~  
23 ~~period if it finds that the basis for denial of the original~~  
24 ~~application no longer exists because of changed circumstances or~~  
25 ~~the discovery of evidence not produced at the original public~~  
26 ~~hearing.~~

27 ~~If the applicant feels that the justification for a waiver is~~  
28 ~~present, the applicant may submit a request to the board. In the~~  
29 ~~request, the applicant shall state the basis for the proposed~~  
30 ~~waiver. If a waiver is granted, the application shall be processed~~  
31 ~~in the same manner as the initial application.~~

32 ~~6. Mining Site Plan Term~~

33 a. ~~If the mining activities commence within three (3) years~~  
34 ~~of the date that the board grants mining site plan~~  
35 ~~approval, the mining site plan shall remain valid and in~~  
36 ~~force as long as the operator shall abide by the approved~~  
37 ~~mining site plan, the operating permit and the~~  
38 ~~requirements of this chapter.~~

39 b. ~~Should mining activities not commence within the~~  
40 ~~specified three year period, the mining site plan~~  
41 ~~approval shall expire unless extended. Extension of~~  
42 ~~approval of the mining site plan shall be requested in~~  
43 ~~writing by the applicant prior to the expiration of the~~

1 mining site plan approval and may be extended for a  
2 period of up to three (3) years upon approval by the  
3 board.

4 ~~e. After commencement of mining activities, should mining~~  
5 ~~activities cease for a period of three (3) years, mining~~  
6 ~~site plan approval shall expire unless extended.~~  
7 ~~Extension shall be requested in writing by the applicant~~  
8 ~~prior to the expiration of the mining site plan approval.~~  
9 ~~Any request for extension shall be placed on a board~~  
10 ~~agenda and shall be heard by the board no later than~~  
11 ~~forty five (45) days after the date the request for~~  
12 ~~extension is submitted.~~

13 ~~7. Mining Site Plan Amendment~~

14 ~~a. The mining site plan may be amended as required for~~  
15 ~~reasonable cause and as approved by the county. In order~~  
16 ~~to amend the mining site plan, an application shall be~~  
17 ~~submitted to the county for consideration by the~~  
18 ~~technical review committee,~~

19 ~~b. The County Manager or designee, based upon the~~  
20 ~~recommendations of the members of the TRC, shall~~  
21 ~~determine whether the proposed amendment is substantial~~  
22 ~~or nonsubstantial. The following general criteria will be~~  
23 ~~used to identify a substantial amendment. These criteria~~  
24 ~~are established for illustrative purposes and may be~~  
25 ~~expanded upon where deemed necessary to protect the~~  
26 ~~public health, safety or welfare.~~

27 ~~1. A change which would require an amendment of the~~  
28 ~~conditions of approval for the mining site plan;~~

29 ~~2. A change in phasing of the mining operation which would~~  
30 ~~propose mining in advance of infrastructure improvements~~  
31 ~~necessary to support such operation.~~

32 ~~e. A nonsubstantial amendment is defined as any change to a~~  
33 ~~previously approved mining site plan which does not increase~~  
34 ~~the intensity of the land use or its impact on activities,~~  
35 ~~utilities, circulation, surrounding land uses, community~~  
36 ~~facilities, environment or other factors directly or~~  
37 ~~indirectly affected.~~

38 ~~d. Amendments to the mining site plan which are determined to be~~  
39 ~~substantial shall be submitted with plans and support data in~~  
40 ~~the same manner as required for the submittal of the original~~  
41 ~~mining site plan application for review by the technical~~  
42 ~~review committee, planning and zoning commission and the~~  
43 ~~Board of County Commissioners.~~

1 ~~e. All nonsubstantial amendments documented by plans and support~~  
2 ~~data shall be approved by the County Manager or designee. The~~  
3 ~~review of the application for amendment shall be conducted in~~  
4 ~~substantial conformity with those procedures used to review~~  
5 ~~the original mining site plan.~~

6 ~~F. Operating Permit Review and Approval Process, Reapplication,~~  
7 ~~Term, Amendment~~

8 ~~The procedure for obtaining an operating permit shall be as~~  
9 ~~follows:~~

10 ~~1. Submission of Application and Fees~~

11 ~~The applicant shall submit to the county ten (10) copies of~~  
12 ~~the operating permit application and the appropriate fees~~  
13 ~~charged by each of the reviewing departments or divisions. The~~  
14 ~~application shall contain the engineering and construction~~  
15 ~~plans for the project. Where required by state or county~~  
16 ~~regulation, such plans shall be signed and sealed by a~~  
17 ~~professional engineer, professional geologist or architect,~~  
18 ~~where applicable, registered in the State of Florida and shall~~  
19 ~~include but not necessarily be limited to architectural and~~  
20 ~~engineering construction details, plans and specifications~~  
21 ~~for:~~

22 ~~a. All proposed buildings, signs, exterior walls and fences,~~  
23 ~~driveways, roads, offstreet parking areas, loading and~~  
24 ~~unloading areas, walks.~~

25 ~~b. Conceptual excavation areas.~~

26 ~~c. Solid waste management facilities.~~

27 ~~d. Water supply and wastewater treatment facilities.~~

28 ~~e. Stormwater management facilities (including~~  
29 ~~calculations).~~

30 ~~f. Other pollutant management devices or facilities.~~

31 ~~g. Erosion and sedimentation control.~~

32 ~~h. Hazardous material storage and management facilities.~~

33 ~~i. Landscaping and beautification.~~

34 ~~j. Fire control devices, facilities.~~

35 ~~k. Site reclamation.~~

36 ~~l. Wetlands mitigation.~~

1 ~~m. Other information which may be beneficial to the review~~  
2 ~~and approval of the operating permit application.~~

3 ~~2. Operating Permit Application Review~~

4 ~~The operating permit application review will be conducted by~~  
5 ~~the Lake County Technical Review Committee within thirty (30)~~  
6 ~~days of the receipt of a complete application in accordance~~  
7 ~~with the technical review committee's standard procedures. The~~  
8 ~~application shall be reviewed for compliance with all~~  
9 ~~applicable state, federal, regional and local laws,~~  
10 ~~ordinances, rules and regulations and the approved mining site~~  
11 ~~plan. The County Manager or designee, based upon the comments~~  
12 ~~of the technical review committee, shall either approve,~~  
13 ~~approve with conditions or deny the application. If the~~  
14 ~~application is approved or approved with conditions, the~~  
15 ~~conditions being so stated in writing, the applicant shall be~~  
16 ~~issued an operating permit. If the application is denied, the~~  
17 ~~reasons for denial shall be stated in writing and forwarded to~~  
18 ~~the applicant.~~

19 ~~3. Reapplication~~

20 ~~The applicant may reapply for an operating permit after denial~~  
21 ~~upon addressing the reasons for denial.~~

22 ~~4. Appeal~~

23 ~~If, after reapplication, the permit is denied or the applicant~~  
24 ~~and county staff are unable to resolve the issues in dispute,~~  
25 ~~the applicant may appeal the denial to the Environmental~~  
26 ~~Protection Pollution Control Board. Said appeal shall be~~  
27 ~~considered at a public hearing after written notice of the~~  
28 ~~date, time and place is mailed to the applicant. The~~  
29 ~~Environmental Protection Pollution Control Board shall~~  
30 ~~consider all applicable provisions of the Lake County Code in~~  
31 ~~reviewing the denial.~~

32 ~~5. Operating Permit Term~~

33 ~~Unless stated otherwise, the operating permit shall remain~~  
34 ~~valid and in force throughout the life of the approved mining~~  
35 ~~site plan as long as the operator shall comply with the mining~~  
36 ~~site plan, the requirements of section 6.06.00 and the~~  
37 ~~conditions of the operating permit.~~

38 ~~6. Operating Permit Amendment~~

39 ~~The process followed for operating permit amendments shall be~~  
40 ~~the same as the procedure required for the approval of the~~  
41 ~~original operating permit.~~  
42

1 ~~F. Inspections of all new and existing mining activities shall be~~  
2 ~~conducted on a routine, periodic basis and as deemed~~  
3 ~~appropriate by the County or as complaints arise concerning~~  
4 ~~the mining activity. By seeking and obtaining a mining permit~~  
5 ~~under the Land Development Regulations, the operator and owner~~  
6 ~~shall be deemed to have consented to inspections by the County~~  
7 ~~and other appropriate regulatory agencies or departments upon~~  
8 ~~presentation of proper identification by the representative(s)~~  
9 ~~of the agency(ies) conducting the inspections.~~

10 ~~G. Fees.~~

11 ~~1. Payment of administrative, review, processing, permitting and~~  
12 ~~inspection fees associated with the cost of implementing the~~  
13 ~~requirements of the mining regulations shall be in accordance~~  
14 ~~with a fee schedule established by resolution of the Board.~~

15 ~~2. Annual Inspection Fee.~~

16 ~~a. Submitted to the County within forty five (45) days after~~  
17 ~~the end of each fiscal year (September 30th) along with~~  
18 ~~the annual progress report required pursuant to Section~~  
19 ~~6.06.03; and~~

20 ~~b. Pro rated for the first year to cover the number of~~  
21 ~~fiscal quarters remaining after approval of the operating~~  
22 ~~permit.~~

23 ~~The fee shall be in addition to the annual progress report~~  
24 ~~review fee.~~

25 ~~3. Annual Progress Report.~~

26 ~~Submission of the annual progress report shall be accompanied~~  
27 ~~by the appropriate fee as established by the Board.~~

#### 28 **14.14.04 Tree Removal Permits**

29 **A. Application for Permit**

30 An application for tree removal shall be filed on official forms  
31 provided by the County Manager or designee. Completed applications  
32 shall be returned to the department along with the following:

33 1. A tree inventory consisting of an aerial photograph or drawing  
34 at a scale of one (1) inch equal to two hundred (200) feet or  
35 four hundred (400) feet indicating:

36 a. Property boundaries;

37 b. The location, DBH, and common name of the following trees  
38 other than prohibited trees;

1 14.18.00 PLATTING PROCEDURES AND REQUIREMENTS FOR MINOR  
2 SUBDIVISIONS OF LAND

3 14.18.01 GENERALLY

4 The purpose of this section is to provide a review process for  
5 minor subdivisions of legally created lots, or a replat of land  
6 into twenty (20) or fewer residential lots.

7 14.18.02 Mandatory Platting

8 No application for a building permit for the construction of a  
9 single family dwelling unit or duplex on a parcel of land in the  
10 unincorporated area of Lake County shall be granted unless a plat  
11 including such parcel of land has been approved by the Board of  
12 County Commissioners, Lake County, Florida, and recorded in the  
13 official records of Lake County.

14 14.18.03 Exceptions

15 The only exceptions to mandatory platting are as follows:

16 A. Lots of Record

17 Pursuant to Section 3.02.01, Lake County Land Development  
18 Regulations, a building permit shall be issued for a single family  
19 dwelling unit or duplex on a lot of record.

20 B. Lots Created Via Administrative Lot Split

21 Pursuant to Section 14.10.00, Lake County Land Development  
22 Regulations, a building permit shall be issued for a single family  
23 dwelling unit or duplex on a lot created via the Minor Lot Split,  
24 Family Density Exception or Agricultural Lot Split process.

25 C. Developers Agreement

26 The Board of County Commissioners may by agreement allow building  
27 permits to be issued for a parcel of land for which plat approval  
28 has been given, although the plat has not yet been recorded. Such  
29 agreement shall be acceptable to the County Attorney and shall  
30 prohibit the issuance if a certificate of occupancy until the plat  
31 is recorded.

32 14.18.04 Application

33 Application forms pertaining to minor subdivision review shall be  
34 available at the office of the County Manager or designee. A  
35 completed application shall be signed by all owners, or their  
36 agent, of the property subject to the proposal, and notarized.  
37 Signatures by other parties will be accepted only with notarized  
38 proof of authorization by the owners. In a case of corporate



1 ownership, the authorized signature shall be accompanied by a  
2 notation of the signer's office in the corporation, and notarized.

### 3 14.18.05 Sketch of Plat Review

4 Upon submittal of an application form pertaining to a minor  
5 subdivision of land, a sketch of plat review meeting shall be held  
6 within eleven (11) working days. All applications filed with the  
7 County shall be reviewed by the members of the Lake County  
8 Technical Review Committee for sufficiency, and general consistency  
9 with the Lake County Comprehensive Plan and Land Development  
10 Regulations, prior to the sketch of plat review meeting. The  
11 applicant shall be notified of deficiencies at the meeting, and a  
12 date shall be established for the purpose of a formal review by the  
13 Technical Review Committee. The date established for a formal  
14 review shall not exceed forty-five (45) calendar days from the date  
15 of the sketch of plat review meeting.

### 16 14.18.06 Submittal Requirements

#### 17 A. Preliminary Plat

18 The application for preliminary plat approval shall be accompanied  
19 by a preliminary plat for development, the overall size of which  
20 shall be a minimum of eleven (11) inches by seventeen (17) inches,  
21 drawn to a minimum scale of 1"=200', and which shows the following:

- 22 1. Proposed subdivision name or identifying title. Such name  
23 shall not be the same or in any way so similar to any name  
24 appearing on any recorded plat in Lake County as would confuse  
25 the records or mislead the public as to the identity of the  
26 subdivision, except when an existing subdivision is subdivided  
27 as an additional unit or section by the same developer or  
28 successor in title.
- 29 2. A plat location sketch showing the plat in relation to a  
30 nearby intersection of two arterial, collector or other well-  
31 established existing roadways.
- 32 3. North arrow, scale, and date.
- 33 4. Name of the owner of the property or the owner's authorized  
34 agent.
- 35 5. Name of registered surveyor responsible for the plat.
- 36 6. Lots and blocks of adjacent recorded plats, giving plat book  
37 and page number along with names of such plats.
- 38 7. Clearly marked plat limits with angles and distances.

- 1 8. All existing streets on or adjacent to the tract, including  
2 name and right-of-way width.
- 3 9. A complete legal description of the property being platted.
- 4 10. All existing easements and rights-of-way within the plat  
5 limits with the purpose and the instrument of record labelled.
- 6 11. Location and width of all proposed ultimate rights-of-way,  
7 easements, proposed lot lines with dimensions, public areas,  
8 and parcels of land proposed or reserved for public use.
- 9 12. Access to a public right-of-way that will be utilized by the  
10 proposed development.
- 11 13. A preliminary grading and elevation plan identifying minimum  
12 floor elevations of buildings.
- 13 14. Location and availability of water supply for fire protection  
14 within a one mile travel distance of the entrance to the  
15 development. If a hydrant system is not available,  
16 alternative water supplies may be considered.
- 17 15. Location and availability of potable water facilities within  
18 300 feet, and wastewater facilities within 1,000 feet of the  
19 proposed site, including a description of any required  
20 improvements or extensions of existing off-site facilities,  
21 otherwise, a statement identifying that water and wastewater  
22 facilities are not available.
- 23 16. The layout of all streets with a preliminary stormwater  
24 management area identified (approximately 10 percent of the  
25 developable area). Streets and stormwater areas shall be  
26 located clear of wetlands and floodprone areas. In the event  
27 of a flood plain encroachment, an area of compensatory storage  
28 shall be designated.
- 29 17. Jurisdictional wetland boundaries.
- 30 18. The mean high water line.
- 31 19. Sufficient topographical information with elevations to verify  
32 the location of all ridges, streams, etc., including, at a  
33 minimum, contours on five (5) foot intervals.
- 34 20. General type of soils by sub-basin as defined by the U.S.D.A.,  
35 Soil Conservation Service Maps.
- 36 21. Indicate special flood hazard zone per Lake County Flood  
37 Insurance Rate Maps (FIRM). Where applicable, show location  
38 of the 100 year flood elevation, as determined by the Federal  
39 Emergency Management Agency (FEMA) or other documented source

1 if undetermined by FEMA for any areas in or within 100 feet of  
2 the property.

3 22. Designate existing land use.

4 14.18.07 Recommendation to Proceed

5 A. Within sixty (60) days from the acceptance of an application  
6 for preliminary plat review, the County Manager or designee, shall  
7 issue to the applicant a recommendation to proceed with an  
8 application for construction plan approval. The recommendation to  
9 proceed shall indicate those corrections and additions established  
10 by the Lake County Technical Review Committee as necessary to  
11 receive a recommendation to approve an application for construction  
12 plan approval.

13 B. A recommendation to proceed shall have full force and effect  
14 for a period of nine (9) months from the date of the Technical  
15 Review Committee meeting at which the preliminary plat was formally  
16 reviewed.

17 C. If the application for construction plan approval is filed,  
18 based on a preliminary plat subject to an effective recommendation  
19 to proceed, said application shall include a revised preliminary  
20 plat incorporating the additions and corrections required by the  
21 recommendation to proceed or be deemed an incomplete application.

22 D. An applicant may submit a written request for a two-month  
23 extension of the effective nine (9) month time period for the  
24 recommendation to proceed issued for the preliminary plat. If a  
25 written request for an extension is not submitted prior to the  
26 expiration of the effective period, the recommendation to proceed  
27 shall have no force and effect. A complete application for  
28 construction plan review shall be filed within the two (2) month  
29 extension period or the recommendation to proceed shall have no  
30 force and effect.

31 14.18.08 Submission of Construction Plans

32 A. An application for construction plan approval shall be  
33 consistent with the preliminary plat and shall include the  
34 following documents.

35 1. Master Subdivision Layout Plan

36 The Master Subdivision Layout Plan shall be a detailed overall  
37 project plan of roads, utilities, lots, and retention or  
38 detention facilities, and shall include, at a minimum, the  
39 following:

40 a. Typical pond, swale, ditch, or canal sections.

- 1        b.    Road plan and profile.
- 2        c.    Overall project grading plan.
- 3        d.    Typical cross sections and specifications of all proposed  
4            pavement.
- 5        e.    Construction phase lines.
- 6        f.    Additional information required by the County Manager or  
7            designee in order to ensure compliance with the Lake  
8            County Comprehensive Plan and the Lake County Land  
9            Development Regulations.

10    2.    Master Drainage Plan

11        The Master Drainage Plan shall include, but not limited to,  
12        the following:

- 13        a.    Type of facility, e.g., detention, retention, swales.
- 14        b.    Method of conveyance of stormwater runoff, e.g. swales,  
15            curb and gutter, sheet flow.
- 16        c.    Location of stormwater retention/detention facilities.
- 17        d     Pre-site and post-site drainage basin divides.
- 18        e.    Stormwater calculations, sealed by a Professional  
19            Engineer or Landscape Architect, for all stormwater  
20            works.
- 21        f.    100-year floodplain.
- 22        g.    Additional information required by the County Manager or  
23            designee in order to ensure compliance with the Lake  
24            County Comprehensive Plan and the Lake County Land  
25            Development Regulations.

26    3.    Master Utilities Plan

27        The Master Utilities Plan, if required, shall include, but not  
28        limited to, the following:

- 29        a.    Exact location and capacity availability of nearest  
30            potable water and wastewater facilities to serve the  
31            proposed site, including a description of required  
32            improvements or extensions of existing off-site  
33            facilities.
- 34        b.    Location of on site wells, and wells within four hundred  
35            (400) feet of any property line requiring a Consumptive

1 Use Permit from the St. John's River Water Management  
2 District or Southwest Florida Water Management District.

3 c. Additional information required by the County Manager or  
4 designee in order to ensure compliance with the Lake  
5 County Comprehensive Plan and the Lake County Land  
6 Development Regulations.

7 4. Master Tree, Wetland and Habitat Mitigation Plan

8 The Master Tree, Wetland and Habitat Mitigation Plan, if  
9 required, shall include information requested by the County  
10 Manager or designee in order to ensure compliance with the  
11 Lake County Comprehensive Plan and the Lake County Land  
12 Development Regulations.

13 **14.18.09 Construction Plan Approval**

14 A. An application for construction plan approval shall be  
15 submitted to the County Manager or designee, accompanied by a valid  
16 preliminary plat recommendation to proceed. Within thirty (30)  
17 calendar days from date the application for final plat is received  
18 in the Office of the County Manager or designee, the County Manager  
19 or designee shall:

20 1. issue a notice of incompleteness specifying the deficiencies  
21 of the application for construction plan approval, and allow  
22 the applicant to resubmit a revised application for  
23 construction plan approval within sixty (60) days following  
24 the procedures of this subsection, otherwise the application  
25 for construction plan approval shall be null and void; or

26 2. accept the application for construction plan approval and  
27 request approval by the County Manager or designee for the  
28 purpose starting construction.

29 **14.18.10 Submission of Final Plat**

30 A. An application for final plat approval shall be consistent  
31 with the preliminary plat and shall include the following  
32 documents. The final plat shall be an original drawing, prepared  
33 pursuant to Chapter 177, Florida Statutes, and containing original  
34 signatures. The overall size shall be twenty-two and one-half  
35 (22.5) inches by twenty-seven (27) inches with proper borders  
36 clear of all writing except for the space for plat book and page  
37 number, drawn to an appropriate scale, and showing the following  
38 additional information:

39 1. A metes and bounds description of lands to be subdivided, from  
40 which and without reference to the plat, the starting point  
41 and boundary can be determined.

1        2.    Survey markers

2            a.    All lot corners shall be marked with one (1) inch  
3            interior diameter iron pipes, five-eighths (5/8) inch iron  
4            rods, or concrete monuments with metal reinforcement  
5            sufficient to be detected with a magnetic locator, and  
6            shall be four (4) inches wide on each side if square, or  
7            four (4) inches in diameter if round. Lot corners shall  
8            have a minimum length of two (2) feet and be set at each  
9            lot corner, including curve points along road rights-of-  
10           way.

11           b.    Markers shall be installed prior to submission of and  
12           approval of the final plat and shall conform to locations  
13           indicated on the approved preliminary plat.

14        3.    Proposed subdivision name or identifying title. Such name  
15           shall not be the same or in any way so similar to any name  
16           appearing on any recorded plat in Lake County as would confuse  
17           the records or mislead the public as to the identity of the  
18           subdivision, except when an existing subdivision is subdivided  
19           as an additional unit or section by the same developer or  
20           successor in title.

21        4.    All lots shall be numbered consecutively, beginning with the  
22           lowest available number, except when arrayed within numbered  
23           or lettered blocks, which has the option of beginning each  
24           block with lot number one and consecutively numbering the lots  
25           throughout the block. Blocks shall be numbered or lettered  
26           consecutively, beginning with the lowest available number or  
27           letter, throughout the subdivision.

28           The lowest available number or letter shall be defined as  
29           follows: A subdivision either planned by itself or planned as  
30           a first phase of 2 or more phases shall have the lowest  
31           available number "one" and the lowest available letter "A".  
32           A subdivision which is a phase other than the first phase  
33           shall have as its lowest available number or letter, the next  
34           highest number or letter in sequence from the highest number  
35           or letter in the preceding phase. Tracts shall be numbered or  
36           lettered in a similar manner to lots.

37        5.    All interior excluded parcels shall be clearly indicated and  
38           labeled "Not part of this plat/site."

39        6.    All contiguous properties shall be identified by development  
40           title, plat book, and page, or if the land is unplatted, it  
41           shall be so designated. If a subdivision to be platted is a  
42           re-subdivision of a part or the whole of a previously recorded  
43           subdivision, sufficient ties shall be shown to controlling  
44           lines appearing on the earlier plat to permit an overlay to be  
45           made. All existing rights-of-way, easements and

1 administrative lot splits within the subdivision shall be  
2 vacated prior to recordation of the new plat. All abutting  
3 existing easements and rights-of-way must be indicated. The  
4 abutting existing rights-of-way must be indicated to the  
5 center line.

6 7. Restrictions pertaining to the type and use of existing or  
7 proposed improvements, waterways, open spaces, building lines,  
8 buffer strips and walls, and other restrictions of similar  
9 nature, shall require the establishment of restrictive  
10 covenants and such covenants shall be submitted with the final  
11 plat for recordation.

12 8. Where the site includes private streets, ownership and  
13 maintenance association documents shall be submitted with the  
14 final plat and the dedication contained on the site plan shall  
15 clearly indicate the roads and maintenance responsibility to  
16 the association without recourse to the city/county or any  
17 other public agency.

18 9. All man-made lakes, ponds, and other man-made water bodies  
19 excluding retention/detention areas shown on the final plat  
20 shall be made a part of adjacent private lot(s) as shown on  
21 the final plat. The ownership of these water bodies shall not  
22 be dedicated to the public unless approved by the County.

23 **14.18.11 Final Plat Approval**

24 After infrastructure improvements are completed, or guarantees and  
25 securities specified in Section 14.12.00 are provided by the  
26 applicant to ensure infrastructure improvements are completed  
27 within two (2) years, an application for final plat approval shall  
28 be submitted to the County Manager or designee, accompanied by a  
29 valid preliminary plat recommendation to proceed. Within thirty  
30 (30) calendar days from date the application for final plat is  
31 received in the Office of the County Manager or designee shall:

32 1. issue a notice of incompleteness specifying the deficiencies  
33 of the application for final plat, and allow the applicant to  
34 resubmit a revised application for final plat within sixty  
35 (60) days following the procedures of this subsection,  
36 otherwise the application for final plat shall be null and  
37 void; or

38 2. accept the application for final plat approval and request  
39 approval by the Board of County Commissioners for the purpose  
40 recording the final plat.

41 Upon approval of the final plat by the Board of County  
42 Commissioners, the County Manager or designee, shall have 180 days  
43 in order to record the final plat. No lots or building sites shall  
44 be sold prior to the recording of the final plat.

1     **14.18.12 TOLLING OF TIME**

2     Any deadline in Section 14.18 shall be extended by the number of  
3     days that an applicant is delayed waiting for a federal, state, or  
4     regional agency to issue a required permit.

5     **14.18.13 Variances**

6     No variance shall be granted from Section 14.18.00. However,  
7     appeals of county staff interpretations shall be heard by the Board  
8     of Adjustment, Environmental Protection Board, or Board of County  
9     Commissioners depending on their respective jurisdictions.

10    **14.19.00 CONCURRENCY ADMINISTRATIVE APPEALS**

11    **14.19.01 Generally**

12    An applicant who believes that he has been aggrieved by a  
13    concurrency administrative decision of the County Manager or  
14    designee may file an appeals application and pay the appropriate  
15    fee.

16    **14.19.02 Application**

17    **A. Application Requirements**

18    The appeals application shall contain information sufficient to  
19    enable a determination the accuracy of the concurrency  
20    administrative decision of the County Manager or designee. The  
21    applicant shall submit any relevant supporting information,  
22    including other development orders, development permits, contracts,  
23    letters, appraisals, reports, or any other documents upon which the  
24    application is based.

25    **14.19.03 Determination of Sufficient Application**

26    Within thirty (30) days after an appeals application is submitted,  
27    the County manager or designee shall determine whether the  
28    application is complete. If the application is determined to be  
29    incomplete, the applicant will be sent a written statement  
30    specifying the deficiencies by mail. If the application is  
31    determined to be complete, the applicant will be so informed by  
32    mail.

33    **14.19.04 Appeal of Decision of County Manager or Designee**

34    **A.** The notification and appeal fee shall be delivered to the  
35    Office of the County Manager or designee no later than thirty (30)  
36    days after the County Manager or designee renders his or her  
37    decision on the application; otherwise, the applicant shall be  
38    deemed to have waived all rights to challenge the decision.



1 B. At the discretion of the Board of County Commissioners, the  
2 appeal shall either be heard by the Board of County Commissioners  
3 pursuant to Subsection 12.05.03 or assigned to a Hearing Officer  
4 pursuant to Section 12.08.

5 LDR9\CH14.MRK

5/14/95

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