

## CHAPTER VIII GREEN SWAMP

### 8.00.00 General.

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8.00.01 Purpose and Intent. Pursuant to Section 7, Article II of the Florida Constitution and F.S. § 380.05, it is the purpose of these regulations to conserve and protect the environmental and economic resources of the Green Swamp Area of Critical State Concern, and to protect such resources and to facilitate orderly and well-planned growth.

### 8.00.02 Special Definitions.

- A. For the purpose of this Chapter, "conserve" Shall imply uses such as parks, Agriculture, very low Density residential which will not overly damage natural conditions, as well as, "no Development" use.
- B. "Development" means the carrying out of any Building or mining activity or the making of any material change in the use or appearance of any Structure or appearance of any Structure or Land and the dividing of Land into parcels.
  - 1. The following activities uses Shall be taken for the purposes of this chapter to involve Development as defined in this Section:
    - a. A reconstruction, Alteration of the size, or material change in the external appearance, of a Structure on Land.
    - b. A change in the intensity of use of Land, such as an increase in the number of manufacturing establishments, offices, or Dwelling Units in a Structure or on Land.
    - c. Alteration of a shore or bank of a river, Stream, Lake, pond, or Canal, including any coastal Construction as defined in F.S. § 161.021.
    - d. Commencement of drilling (except to obtain soil samples), mining, or Excavation on a Parcel of Land.
    - e. Demolition of a Structure.
    - f. Clearing of Land as an adjunct of Construction.
    - g. Deposit of Refuse, solid or liquid waste, or fill on a Parcel of Land.

2. The following operations or uses Shall not be taken for the purposes of this chapter to involve Development as defined in this Section:
  - a. Work by a highway or Road agency or railroad company for the Maintenance or improvement of a Road or railroad track, if the work is carried out on Land within the boundaries of the Right-of-Way.
  - b. Work by any utility and other Persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established Rights-of-Way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
  - c. Work for the Maintenance, renewal, improvement, or Alteration of any Structure, if the work affects only the interior or the color of the Structure or the decoration of the exterior of the Structure.
  - d. The use of any Structure or Land devoted to Dwelling uses for any purpose customarily incidental to enjoyment of the Dwelling.
  - e. The use of any Land for the purpose of growing plants, crops, Trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
  - f. A change in use of Land or Structure from a use within a class specified in an ordinance or rule or another use in the same class.
  - g. A change in the Ownership or form of Ownership of any parcel or Structure.
  - h. The Creation or termination of rights of Access, riparian rights, Easements, covenants concerning Development of Land, or other rights in Land.
3. "Development" as designated in an ordinance, rule or Development Permit includes all other Development customarily associated with it unless otherwise specified. When appropriate to the context, Development refers to the act of developing or to the result of Development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities is not Development. Reference to particular operations is not intended to limit the generality of Subsection (1) above.

8.00.03 Green Swamp Boundary. The Green Swamp Area of Critical State Concern was designated in 1979 by the Florida Legislature pursuant to F.S. Ch. 380, § 380.0551. This legislation set forth the requirements of the designation which are also found within the Florida Administrative Code. The boundary of the Green Swamp Area of Critical State Concern is shown on Maps 1-1j and 1-1k within the Future Land Use Element Data Inventory and Analysis of the Comprehensive Plan and is legally described within Rule Chapter 28-28, Florida Administrative Code, and is also described as follows:

- A. Green Swamp Area of Critical State Concern Legal Description. The following area is hereby designated as the Green Swamp Area of Critical State Concern:

All that certain Lot, piece, or Parcel of Land situated, lying, and being in Lake County, in the State of Florida, being more particularly described as follows:

Beginning at a point in Section 34, Township 24 South, Range 24 East, which point is the southwest corner of said Section 34, and running thence:

1. In Lake County, north along the west boundary line of Sections 34, 27 and 22 in Township 24 South, Range 24 East, a distance of three (3) miles; thence
2. Turning and running east along the north boundary line of Section 22 in Township 24 South, Range 24 East, to the point of intersection of the north boundary line of said Section 22 and the westerly Right-of-Way line of the Seaboard Coast Line Railroad; thence
3. Northwesterly along the westerly Right-of-Way line of the Seaboard Coast Line Railroad to a point in the north boundary line of Section 4, in Township 24 South, Range 24 East, a distance of 3.5 miles, more or less: thence
4. Turning and running west along the boundary between Townships 23 and 24 South, which boundary is the south boundary line of Sections 33 and 32 in Township 23 South, Range 24 East; thence
5. Turning and running north along the west boundary of Section 32 in Township 23 South, Range 24 East, a distance of one (1) mile; thence
6. Turning and running east along the north boundary line of Sections 32 and 33 in Township 23 South, Range 24 East to a point in the westerly Right-of-Way line of the Seaboard Coast Line Railroad; thence
7. Turning and running northwesterly along the westerly Right-of-Way line of Seaboard Coast Line Railroad to a point, which point is in the boundary between Ranges 23 East and 24 East, which point is also in the west boundary of Section 31 in Township 22 South, Range 24 East, a distance of six (6) miles, more or less; thence
8. Turning and running north along the boundary between Range 23 East and Range 24 East to a point in the southerly Right-of-Way line of the Seaboard Coast Line Railroad, a distance of 3.25 miles, more or less; thence
9. Turning and running east along the south Right-of-Way line of said Seaboard Coast Line Railroad to a point in the east boundary line of Section 16 in Township 22 South, Range 24 East; thence

10. Turning and running south along the east boundary line of Section 16, in Township 22 South, Range 24 East, a distance of one-half ( 1/2) mile; thence
11. Turning and running east along the north boundary line of Section 22 in Township 22 South, Range 24 East, a distance of one (1) mile; thence
12. Turning and running south along the east boundary line of Section 22 in Township 22 South, Range 24 East, a distance of one (1) mile; thence
13. Turning and running east along the north boundary line of Sections 26 and 25 Township 22 South, Range 24 East and Section 30 in Township 22 South, Range 25 East, a distance of three (3) miles; thence
14. Turning and running north along the west boundary of Section 20, Township 22 South, Range 25 East to a point in the south Right-of-Way line of State Road 50, a distance of one-half ( 1/2) mile, more or less; thence
15. Turning and running east along the south Right-of-Way line of State Road 50 to a point in Section 23, Township 22 South, Range 25 East, which point is the point of intersection of State Road 50 and the east boundary of the Canal which connects Lake Minnehaha and Lake Minneola; thence
16. Turning and running south along the eastern bank of said Canal and continuing south along the eastern shore of Lake Palatlahaha to a point in the westerly Right-of-Way line of State Road 561, and State Road 565B a distance of 3.5 miles, more or less; thence
17. Southerly along the westerly Right-of-Way line of State Road 561 to a point in Section 11, Township 23 South, Range 25 East, which point is the point of intersection of State Road 561, a distance of one-half ( 1/2) mile, more or less; thence
18. Turning and running west along the north Right-of-Way line of State Road 565B to a point on the west boundary line of Section 11 in Township 23 South, Range 25 East, a distance of one-quarter ( 1/4) mile, more or less; thence
19. South along the west boundary line of Sections 11 and 14, Township 23 South, Range 25 East, a distance of 1.5 miles, more or less; thence
20. East along the south boundary line of Sections 14 and 13 in Township 23 South, Range 25 East, a distance of two (2) miles; thence
21. North along the west boundary line of Section 18 and 7 in Township 23 South, Range 26 East, to a point in the north Right-of-Way line of Hull Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a Graded and drained Road skirting the south end of Lake Susan while

running approximately along the north boundary line of Section 12 in Township 23 South, Range 25 East; thence

22. Turning and running west along the north Right-of-Way line of Hull Road a distance of one-half ( 1/2) mile, more or less, to a point in Section 12, Township 23 South, Range 25 East, which point is the intersection of the north Right-of-Way line of Hull Road with the east Right-of-Way line of Lake Shore Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a paved Road running west and then north of Lake Susan; thence
23. Turning and running north, then easterly, along the easterly, then southerly, Right-of-Way line of Lake Shore Road a distance of 1.5 miles, more or less, to a point in Section 6, Township 23 South, Range 26 East, which point is the intersection of the southerly Right-of-Way line of Lake Shore Road, with the west Right-of-Way line of Lake Louisa Road, which is depicted on the February 1969 edition of the Florida State Road Department General Highway Map of Lake County as a bituminous Road running in a north-south direction to the east of Lake Susan and skirting the northeast shoreline of Lake Louisa; thence
24. Turning and running south, then southeasterly, along the westerly Right-of-Way line of Lake Louisa Road to a point in Section 16, Township 23 South, Range 26 East, which point is the intersection of the westerly Right-of-Way line of Lake Louisa Road with the west Right-of-Way line of United States Route 27 (State Road 25), a distance of four (4) miles, more or less; thence
25. South along the west Right-of-Way line of United States Route 27 to a point of intersection of the south boundary of Lake County and the north boundary of Polk County; thence
26. Turning and running west, then north, then west, then south, then west along the south boundary of Lake County, to the point of beginning. Specifically excluding and exempting Lake Louisa State Park.

8.00.04 Development Guidelines. Conformance with the Principles for Guiding Development for the Green Swamp Area of Critical State Concern. All Development in the Green Swamp Area of Critical State Concern Shall conform to the regulatory guidelines and objectives outlined in the Principles for Guiding Development for the Green Swamp Area of Critical State Concern in Section 8.00.05(A).

A. Master Land Use Plan.

1. Any Development as defined in F.S. § 380.04, undertaken in the Lake County portion of the Green Swamp Area of Critical State Concern Shall require a Development Permit. Development Permits for any change in zoning, Plat approval, Variances to these regulations, and conditional use Shall be issued in the form of Development Order as defined in F.S. § 380.031.

2. The Applicant for a Development Permit Shall submit, at least ten (10) working days prior to issuance of said Permit, a Master Land Use Plan as defined herein. The Applicant for a Development Permit Shall have the affirmative burden of establishing that the proposed project and supporting data Shall meet the requirements and objectives of this Chapter.
3. Master Land Use Plan Requirements. For all Applicants for Permits, except those exempted herein, a Master Land Use Plan Shall be required. The Master Land Use Plan Shall include, but not be limited to, the following:
  - a. A description of the scope of the proposed Development which Shall include:
    - (1) The planning and Engineering considerations to be used in achieving the objectives of this Code.
    - (2) The number of Dwelling Units, commercial acreage and square footage, the total Lot coverage, and the percentage of Open Space to be preserved.
    - (3) An implementation and phasing schedule.
    - (4) A concept Site Plan.
    - (5) A Site restoration plan.
  - b. Certified maps of the Site from a registered Professional Engineer or geologist, or soil Conservation survey which Shall include:
    - (1) A soil analysis prepared by a Professional Engineer or geologist registered in the State of Florida or the U.S. Soil Conservation Service which is sufficient in detail to meet the requirements of this Chapter.
    - (2) The topography in not more than one (1) foot contours in the Wetlands and flatwoods and two (2) foot contours in the Uplands.
    - (3) The Flood prone areas of the particular Site.
  - c. A statement by a registered Professional Engineer or geologists indicating expected changes in the quality and quantity of ground water Discharge and artisan Aquifer Recharge of the Site before, during, and after Development and specifying any measure necessary to approximate existing quality and quantity in surface and ground waters.
  - d. A statement or Assessment by a registered Professional Engineer that Drainage Facilities Shall release water in a manner approximating the natural local surface

flow regime, through a spreader pond of performance equivalent Structure or system, either on-site or to a natural Retention or natural filtration and flow area.

4. Exemptions. A Master Land Use Plan Shall not be required in the following two (2) instances, unless specifically requested by the County Manager or designee or other County agency:
  - a. The modification of an existing single-family residential Structure.
  - b. Construction of a single-family Dwelling that is not part of a common plan of Development.

#### 8.00.05 Development Review Criteria.

- A. Principles for Guiding Development within the Green Swamp Area of Critical State Concern. The following Shall apply to the Green Swamp Area of Critical State Concern, in order to effectively and equitably conserve and protect its environmental and economic resources, provide a Land and water Management system to protect such resources, and facilitate orderly and well planned growth:
  1. Minimize the adverse impacts of Development on resources of the Floridan Aquifer, Wetlands and Flood-Detention areas.
  2. Protect the normal quantity, quality and flow of ground water and Surface Water which are necessary for the protection of resources of state and regional concern.
  3. Protect the water available for Aquifer Recharge.
  4. Protect the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.
  5. Protect the normal supply of ground and Surface Water.
  6. Prevent further salt-water intrusion into the Floridan Aquifer.
  7. Protect or improve existing ground and Surface Water Quality.
  8. Protect the water-Retention capabilities of Wetlands.
  9. Protect the biological-filtering capabilities of Wetlands.
  10. Protect the Natural Flow Regime of Drainage Basins.
  11. Protect the design capacity of Flood-Detention areas and the water-Management objectives of these areas through the Maintenance of hydrologic characteristics of Drainage Basins.

B. Review Criteria.

1. All Development in Flood prone areas Shall meet the following standards:
  - a. Structures that are built in a Flood prone area Shall have a minimum Basement or first Floor level of eighteen (18) inches above the Regulatory Flood Level.
  - b. Development Shall not adversely affect the Natural Flow Regime or reduce the Recharge capabilities of the area.
  - c. All Development Shall be consistent with sound Floodplain Management practices and comply with the Flood Disaster Act of 1973 (PL93-234) and Federal Insurance regulations applicable in Flood prone areas.
  - d. Additional Standards of Chapter 6.05.00, Flood Damage Prevention, Shall apply.
2. Development in the Uplands Shall not significantly reduce the on-site percolation Rate of rain water back into the ground from that which existed when the Land was in its undisturbed state.
3. All Drainage Facilities Shall include Engineering design features to Remove suspended solids and other contaminants and pollutants in Stormwater runoff to meet Lake County Water Control Standards, and consistency with Chapter 9.06.00, Storm Water Management.
4. Sites Shall be Developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into adjoining Roads and water courses to the extent feasible. Stormwater runoff from roofs and other nonpermeable surfaces Shall be diverted into Swales or terraces on the Site. Whenever Land lying within two hundred (200) feet of a Lake and which slopes toward said Lake is Developed, the following methods Shall be provided to minimize Stormwater runoff into the Lake:
  - a. Construction of terraces which slope in the direction away from the Lake, and
  - b. Erection of a tree line or performance equivalent Structures to reduce or divert runoff.
5. Road drainage by grassed Swales Shall be utilized except where flow velocities in excess of two (2) feet per second are anticipated, in which case curbs and gutters or other Engineering techniques may be required. The overflow from these Swales and other Drainage Facilities Shall be diverted to natural percolation areas or artificial seepage basins of at least sufficient capacity to Retain the Stormwater runoff from each drainage area for a fifty (50) year storm. Natural Lakes Shall not be used as Retention areas for the increased runoff generated by Development. Drainage Facilities Shall be provided for all



percolation, seepage basins and Detention areas to handle the runoff from storms which exceed the fifty (50) year storm in duration and severity.

6. Storm Drainage Facilities Shall be designed to convey the flow of Surface Waters without damage to Persons or property. Such systems Shall ensure drainage at all points along Roads and provide positive drainage away from Buildings and on-site waste disposal Sites. All stormwater Management and Drainage Facilities Shall be designed to conform to the standards contained in Chapter 9J-8, Florida Administrative Code.
  7. Fill Areas, Borrow Pits and Mines
    - a. Fill areas and related dredge and borrow pits Shall be aligned substantially in the direction of local Surface Water flows and Shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow pits Shall provide for the release of Stormwaters as sheet flow from their downStream end into unaltered areas of vegetation. Access Roads to and between fill areas Shall provide for the passage of water in a manner approximating the Natural Flow Regime and designed to accommodate the fifty (50) year storm. Fill areas and related ponds Shall not substantially Retain or divert the total flow.
    - b. Man-made Lakes, ponds or other containment Works Shall be constructed with maximum slope of thirty (30) degrees to a depth of six (6) feet of water.
    - c. Mining operations Shall be completely self-contained and Shall Retain any waste materials or water generated by the process of mining on the premises. The operation Shall not utilize any Surface Water from Lakes or ponds which are not entirely on the property.
    - d. Any unusable soil or other debris Shall be reasonably contoured as it is Removed from the Mine area, with the exception of the settling area and the dikes which Shall be contoured upon termination of their use.
    - e. All Mines, borrow pits, fill areas and related dredge operations Shall meet all the requirements of this Chapter, except that the requirements of (7) (a) above of this Chapter do not apply to Mines.
  8. Solid Waste. Solid Waste disposal Sites Shall meet all the requirements of this Chapter.
  9. Ground water withdrawal Shall comply with the standards and regulations of the Southwest Florida Water Management District, St. John's River Water Management District, or their successor agencies.
- C. Site Alteration criteria.
1. Site Alteration Shall be limited in accordance with the natural drainage capabilities of the

major soil associations. The amount of Site Alteration Shall be limited to the following percentages of the area of each association within any given Site:

Upland Association: 60%

Pine Flatwoods: 25%

Wetlands: 10%

The installation of nonpermeable surfaces Shall be limited to fifty (50) percent of any altered Site. However, a minimum of two thousand five hundred (2,500) square feet may be covered with nonpermeable surfaces on any Site approved for Development.

2. For the public and semi-public uses listed below, Site Alteration Shall be limited to sixty (60) percent of the Total Site provided the Site is located in either an upland or pine flatwood soil association. Except for recreational purposes, these uses Shall be excluded wetland Areas:
  - a. Public educational facilities
  - b. Governmental Structures which provide tax supported services
  - c. Public Utilities or municipal or other governmental agencies generation systems for gas, electricity, steam or water.
3. The Applicant Shall provide all required information which will allow satisfactory determination of whether such Lands lie within the upland associations, or any combination thereof. This determination Shall be made in compliance with Section 8.00.04 of this Code.
4. Any soils exposed during the Alteration of a Site Shall be stabilized and Retention ponds or performance equivalent Structures or systems maintained. Restoration of vegetation to Site Alteration areas Shall be substantially completed within one hundred eighty (180) days following the completion of any phase of Development.
5. The Applicant Shall demonstrate that Site Alteration plans achieve the following objectives:
  - a. The natural surface flow regime or natural Recharge capabilities of the Site will not be adversely affected.
  - b. Siltation of Wetlands or reduction in the natural Retention of filtering capabilities of Wetlands will not occur.
  - c. Activities Shall provide for water Retention and settling facilities, Shall maintain

an overall Site runoff approximating the Natural Flow Regime to such Alterations and Shall maintain a runoff Rate that does not cause Erosion to occur.

(Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1996-88, § 7, 11-26-96)

#### 8.00.06 Septic Tank Provisions.

No Building Permit Shall be issued for a Development proposing the use of a septic tank within the Green Swamp Area of Critical State Concern without first obtaining a Permit approved by the Department of Health and Rehabilitative Services. The Department of Health and Rehabilitative Services/Lake County Public Health Unit, Environmental Health Section, hereinafter referred to as the Department, may issue a septic tank Permit provided the location of the septic tank and drainfield comply with the Lake County Comprehensive Plan.

In the event the proposed location of the septic tank and drainfield is within close proximity (within seventy-five (75) feet) of a potential wetland, the Department Shall be authorized to request that the Applicant identify the jurisdictional wetland boundary at the expense of the Applicant. The Department Shall be authorized to Permit the use of a septic tank provided the septic tank and drainfield are, at a minimum, seventy-five (75) feet from the furthest upland extent of any wetland, and, at a minimum, seventy-five (75) feet from surface waters, as defined in § 381.0065, Florida Statutes.

In the event the septic tank and drainfield are required to be located within seventy-five (75) feet of any wetland, or within seventy-five (75) feet of surface waters, in order to provide a reasonable beneficial use of a Lot legally created on or before March 2, 1993, the County Manager or designee, in coordination with the Department, Shall identify a location for the septic tank and drainfield that would least impact wetlands and surface waters. Once this location has been identified, and a Variance has been granted pursuant to § 381.0065, Florida Statutes, if necessary, the Department Shall be authorized to Permit the use of a septic tank at the subject location.

All septic tank Permits issued by the Department in the Green Swamp Area of Critical State Concern Shall be issued in conjunction with a Notification of Mandatory Maintenance which Shall require that the property Owner have the septic tank cleaned and inspected at least once every five (5) years, at the expense of the Owner, in accordance with the requirements of the Department. The Notification of Mandatory Maintenance Shall also require that the property Owner provide the Department with proof that the septic tank has been cleaned and inspected, and Shall be recorded in the public records of Lake County at the expense of the property Owner. The Department Shall be authorized to require that the septic tank be cleaned, and that the mound, drainfield and septic tank system be in good working order and in compliance with the standards of Chapter 10D-6, Florida Administrative Code. Additionally, the Department Shall be authorized to assess a fee to be paid by the Lot Owner to cover the costs of administering this program.

In the event that the Department does not receive proof that the septic tank has been cleaned and inspected within the appropriate time frame, the Department Shall be authorized to request, via written notification, that the property Owner provide proof within three (3) months from the date of the written notification. If proof is not received by the Department within three (3) months, the Department Shall be authorized to notify the property Owner, via certified mail, that the property Owner is not in compliance with the Lake County Land Development Regulations, and that the property Owner has thirty (30) days to provide

proof that the septic tank has been cleaned and inspected; otherwise, Notice of Violation will be issued pursuant to Section 12.04.05.

(Ord. No. 1995-9, § 1, 5-3-95)

8.00.07 Agricultural Exemption. The use of any Land for the purpose of growing plants, crops, Trees, and other agricultural or silvicultural products; raising livestock; or for other purposes directly related to all such uses are exempt from these regulations, for example, but not limited to, wells, Access Roads, utility lines. Lands lying fallow are deemed to be used for agricultural purposes. However, whenever any Person carries out any activity defined herein, as Development or applies for a Development Permit, as defined herein, to develop exempted Land, these regulations Shall apply to such application and to such Land.

(Ord. No. 1995-9, § 1, 5-3-95)

8.00.08 Vested Rights in Property. Where vested rights in property exist pursuant to F.S. § 380.05(15), these regulations Shall not abridge them. Any Person whose rights may have vested pursuant to F.S. § 380.05(15), may seek a determination from County or from the Bureau of Land and Water Management, Department of Community Affairs. Request for vested rights determination from the Bureau Shall be submitted as a petition for a declaratory statement pursuant to F.S. § 120.56, and upon a form as prescribed by the Bureau.

(Ord. No. 1995-9, § 1, 5-3-95)

#### 8.00.09 Additional Requirements.

- A. Copy of Development Order to be Submitted to the Florida Department of Community Affairs. A copy of any Master Land Use Plan submitted in support of a request for zoning, Plat approval, and conditional use Permit, pursuant to the requirements of Chapter 28-28.007 of The Florida Administration Code, Shall be sent to the Bureau of Land and Water Management, Department of Community Affairs, within three (3) working days of the issuance of the Development Order.
- B. Minimum Requirements. The Provisions of this Chapter Shall be considered to be minimum requirements for the protection and promotion of the public health, safety, and general welfare. Whenever the requirements of this Chapter are at Variance with the requirements of any other rules, regulations, or Codes, which are a proper exercise of authority of a governmental jurisdiction, the more restrictive standards Shall govern.

(Ord. No. 1995-9, § 1, 5-3-95)