

CHAPTER VI RESOURCE PROTECTION STANDARDS

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6.00.00 General Provisions.

6.00.01 Purpose and Intent. The purpose of this Section is to establish those resources or areas of a Development Site that must be protected from harmful effects of Development. A Developer should apply the provisions of this Section to a proposed Development Site before any other Development design work is done. Application of the provisions of this Section will divide a proposed Development Site into areas that may be Developed and areas that must generally be free of Development Activity. The proposed Development should then be designed to fit within the areas that may be Developed.

6.01.00 Wetlands Protection.

6.01.01 Purpose and Intent. The Wetlands of Lake County are valuable natural resources which provide beneficial functions contributing to the quality of life of County residents and visitors. It is the purpose of this Section that Wetlands be conserved and protected to ensure that the natural Structure and functional values are maintained. The intent of this Section is no net loss of Wetlands whether by functional value or extent within Lake County.

6.01.02 Lands to Which This Section Applies. This Section Shall apply to all non-agricultural Lands containing Wetlands, Lands directly adjacent to Wetlands, and Wetlands Buffers.

6.01.03 Approval Requirements.

- A. Approval from Lake County. It is hereby unlawful for any Person to engage in any activity which will Remove, fill, drain, dredge, destroy or alter any wetland without obtaining approval from Lake County in accordance with the provisions of this Section. Said approval may be issued in conjunction with other Land Development Permits. The provisions set out in this Section Shall be applied as conditions to any approval by the County.

- B. Approval from Other Agencies. For activities that are regulated by other agencies, a copy of all applicable Permits from the agencies Shall be submitted to the County which Shall constitute compliance with this Section. Additionally, all conditions set out in this Section Shall also apply to the activity unless specifically set out as a condition of another agency's Permit.

6.01.04 Wetland.

A. Conservation Easement.

1. Non-phased Developments. When any wetland Alteration is approved by the County pursuant to Section 6.01.03(A) all remaining Wetlands within the project boundaries Shall be restricted from future wetland activities by a Conservation Easement. The County Shall be the grantee, and the Easement Shall be publicly recorded.
2. Multi-phased Developments. When any wetland Alteration is approved by the County pursuant to Section 6.01.03 (A) for a phase of a Development, all remaining Wetlands within the boundaries of the phase Shall be restricted from future wetland activities by a Conservation Easement. The County Shall be the grantee and the Easement Shall be publicly recorded.

B. Maximum Development Densities.

1. Development densities granted to Wetlands Shall be limited as follows:
 - a. One (1) Dwelling per five (5) acres, outside of the Wekiva River Protection Area; and
 - b. Consistent with the Wekiva Overlay District in the Wekiva River Protection Area.
2. Development densities Shall be transferred to the upland portions of the Site.
3. Dwelling Units Shall be clustered Landward of the Buffer established in Section 6.01.05 to avoid impacts to the Wetlands and Buffer.

C. Water Quality Protection. Wetlands Shall be protected from Sedimentation during and after the completion of Permitted Development activities.

D. Protection of Wetland Hydrology. Wetlands Shall not be drained by any practice that would destroy the natural vegetation or impair the natural function of water storage performed by Wetlands.

E. Wetland Buffers Required for Non-Agricultural Practices. To minimize Erosion, stabilize the shoreline, protect Water Quality, preserve fish and wildlife habitat, and also to preserve the aesthetic values of the natural Watercourse and Wetlands areas, a Wetlands Buffer Shall be

required for non-agricultural practices in accordance with Section 6.01.05.

- F. Compliance with Local, State and Federal Regulations. Activities in or adjacent to Wetlands must comply with all applicable local, state, and federal laws, including those related to Water Quality, Sediment control, stormwater Management, pollution control, Floodplain Management, and On-Site wastewater disposal.

6.01.05 Wetland Buffers for Non-Agricultural Practices.

- A. Standard Buffer. In order to protect the quality and quantity of Surface Waters and provide habitat for semi-aquatic or water-dependent terrestrial species of wildlife, natural Buffers Shall be provided adjacent to all Wetlands as outlined below:

Wetland System	Buffer (feet)
Isolated	15
Non-isolated	25
Rivers/Streams	50

- B. Variable Buffer. In situations where more extensive Buffering is necessary to protect Water Quality, the County will allow an alternative to be followed in providing for a natural Buffer adjacent to Wetlands (variable Buffer). The purpose of allowing this alternative is to provide Additional protection to areas that are considered more Environmentally Sensitive than others, as long as the aggregate Buffer is no less than that required under the average Buffer. The following criteria Shall apply to variable Buffers:

Wetland System	Minimum (feet)	Average (feet)
Isolated	10	25
Non-isolated	15	50
Rivers/Streams	35	100

- C. Location. Buffers Shall start at and extend Landward from the wetland jurisdictional line as determined in the field by the County or other agencies.
- D. Buffer Activities and Conditions. The following passive recreation and Conservation activities may be allowed in the Buffer:
1. Boardwalks;
 2. Fishing piers and boat docks;
 3. Nature trails;
 4. Stormwater Management facilities consistent with all applicable regulations which are used to enhance or maintain the functions of the wetland or Buffer;
 5. Activities that protect nesting, feeding, or habitat areas for Designated Species, or support

the Propagation of other native species, within the wetland or Buffer;

6. Activities that protect an archaeological or historical Site within the wetland or Buffer;
7. Activities that retard or eliminate soil Erosion problems within the wetland or Buffer;
8. Activities that are designed to manage exotic vegetation within the wetland or Buffer in accordance with a County approved Management Plan; and
9. Wildlife monitoring stations.

6.01.06 Standards for Agricultural and Silvicultural Practices. Agricultural and silvicultural operations Shall utilize Best Management Practices of the Florida Department of Agriculture and Consumer Services, Division of Forestry; and the requirements of F.S. §§ 373 and 403.

6.01.07 Methodology for Determining Wetland Boundaries. Wetland boundaries Shall be determined pursuant to the methodology in the Applicant's Handbook, Management and Storage of Surface Water, St. Johns River Water Management District.

6.01.08 Preemption of Other Agency Requirements. The requirements of this Section Shall in no case be interpreted to preempt the need for other state, federal, or local Permits including but not limited to U.S. Army Corps of Engineers and Florida Department of Environmental Regulation dredge and fill Permits and water Management district Surface Water Management Permits, or Florida Department of Natural Resources submerged Land leases. The County encourages concurrent applications to any state, federal or regional agency.

6.02.00 Shoreline Protection.*

* **Editors Note:** Ord. No. 1997-27, § 1, adopted April 15, 1997, amended the title of § 6.02.00 to read as herein set out. See the Code Comparative Table.

6.02.01 Purpose and Intent. The shorelines and wetlands within Lake County are valuable natural resources requiring protection from Erosion, Sedimentation, Water Pollution and other negative impacts which may be associated with Land Use activities. It is the intent of this Section to minimize such negative impacts through protection standards for Development of adjacent Lands.
(Ord. No. 1997-27, § 2, 4-15-97)

6.02.02 Development Standards for Shorelines.

A. Setbacks.

1. Principal Structures. Construction (unless vested under Chapter I) shall be located no closer than fifty (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line. On vacant lots in "Existing Development" if fifty (50) feet cannot be met (based on the dimensions of the lot), a setback based on an average

shoreline and wetland setback may be approved.

2. Accessory Structures, Additions, Paved Parking Areas, Pools, or Replacement Structures except for water dependent structures such as docks, boat ramps and seawalls Shall be placed no closer than fifty (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, or no closer than the setback established by the existing principal structure.
3. Septic Tanks. The County Shall require a one hundred-foot setback, or a setback as far landward as possible based on the depth of the Lot, from the ordinary high water line of Lakes and wetlands for the installation of septic tanks and drainfields in addition to the requirements of Chapter 10D-6, F.A.C.

- B. Average Shoreline and Wetland Setbacks. Existing principal structures may be used to establish an average shoreline and wetland setback in areas where Existing Structures do not conform to shoreline and wetland setbacks established elsewhere in this Section. Once established by the County Manager or designee, the average shoreline and wetland setback Shall be used as the minimum shoreline and wetland setback on the side of the wetland or water body from which Existing Structures were used to establish the average setback. The applicant Shall provide information concerning Existing Structures, within a relevant distance from a proposed Structure, as required by the County Manager or designee, and reviewed for an appropriate fee.
- C. Clearing Limitations of the Shoreline. Clearing of shoreline vegetation for creation of a beach or any other purpose is prohibited without a permit from the Florida Department of Environmental Protection. A tree removal permit from Lake County will also be required if ANY wetland trees are to be removed.
- D. Prohibition of waste disposal. Disposal of any wastes, including yard waste, is prohibited within wetlands, water bodies, and Upland Buffer zones.
- E. Upland Buffer Zones. Upland Buffer zones Shall be established in conformance with the non-isolated wetland standards set out in Section 6.01.05 for vegetation occurring within the 100 year Floodplain in aquatic systems.

(Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1997-27, § 3, 4-15-97)

6.03.00 Wellfield Protection.

6.03.01 Purpose and Intent. The purpose of this Section is to safeguard the health, safety and welfare of the citizens of Lake County, through ensuring the protection of the principal source of water for domestic, agricultural and industrial uses. The availability of adequate and dependable supplies of good quality water is of primary importance to the County; therefore, the intent of this Section is to provide adequate protection to all public supply water wells.

6.03.02 Restrictions on Siting Public Supply Wells.

- A. All public supply wells, as a minimum, shall have their casing grouted into the Avon Park geologic formation, or, as a minimum, provide the same protection as a well cased into the Avon Park formation (i.e., isolating the Ocala formation from the cone of influence).
- B. Well head protection areas shall be a two hundred (200) foot radius around the well.
- C. The siting of all new wells supplying water to a Public Water System shall be approved through the Site Plan approval process. Permits shall be required from the appropriate regulatory agency.
- D. Construction and abandonment of all water wells shall be in accordance with the rules of the Florida Department of Environmental Protection, the St. Johns River Water Management District and/or the Lake County Health Department as applicable.
- E. Land uses within the well field protection area shall meet all requirements as specified in Rules 62-521, 62-524, 62-532, 62-550, 62-555 and 40C-3, Florida Administrative Code, and the Lake County Land Development Regulations.

(Ord. No. 2001-112, § 3, 8-7-01)

6.04.00 Natural Upland Vegetative Communities, Habitat of Designated Species.

6.04.01 Purpose and Intent. The purpose of this Section is to protect the following natural resources in Lake County from potential negative impacts associated with Land Development:

- 1. Designated Species which inhabit Lake County;
- 2. Natural Upland Communities in which Designated Species are found, including sufficient habitat for feeding, nesting, roosting, resting, traveling and migration so as to maintain Viable Populations of Designated Species; and
- 3. Natural Upland Communities, and associated wildlife.

It is the intent of this Section to provide standards necessary to protect Designated Species and associated habitats, and Natural Upland Communities within the County that are rare or endangered due to Development impacts. It is the intent of this Section to require that an appropriate amount of Land Shall be set aside to protect habitat of Designated Species, and rare and endangered Natural Upland Communities.

6.04.02 Determination of Natural Upland Communities, Designated Species, and Wildlife Corridors. The following inventory or survey Shall be provided for all Development proposals prior to any Clearing or grubbing of the Site at the required time of submittal set out in Chapter XIV of these regulations, unless exempt pursuant to Section 6.04.05.

- 1. Inventory of Natural Upland Communities occurring on the Site according to the FLUCFCS.
- 2. Survey of occurrence of Designated Species. The survey Shall be completed by Qualified

Ecologists and Shall include Designated Species presence (sighting, Signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.

3. Inventory of any wildlife corridors identified by the FGFWFC, FDNR, FNAI, and/or ECFRPC as important to the movement of wildlife.

A map and narrative Shall describe the methodology as applied and the findings. The mapped information Shall be at the same scale as the Development application and include an aerial map at a scale of one (1) inch equals two hundred (200) feet or one (1) inch equals four hundred (400) feet.

6.04.03 Requirements Where Site Contains Designated Species, and/or Wildlife Corridors for Such Species.

- A. Management Plan required. Upon field review of the Site Plan and determination that a Site contains plant or animal species which are Designated Species, or provides habitat for nesting, reproduction, critical food source, Critical Habitat or cover for such species, which are known to inhabit at such area, the Applicant Shall prepare and submit an appropriate Management Plan to the County and the FGFWFC. The Management Plan Shall contain the following information:
 1. An aerial map at a scale of one (1) inch equals two hundred (200) feet when available and one (1) inch equals four hundred (400) feet otherwise showing:
 - a. The habitat classification according to FLUCFCS or FNAI;
 - b. Location of individuals, plants, animals, or both, nest Sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate;
 - c. Areas to be preserved, including habitat;
 - d. Recommended Management activities to be undertaken to ensure the preservation of the area in its natural state and viability of the species in the area; and
 - e. A plan which specifies implementation activities, costs, schedules and asSignment of responsibilities.
- B. Management Plan approval. The Management Plan Shall be subject to final approval by the County Manager or designee.
- C. Minimum Preservation Requirements:
 1. The Applicant Shall be required to preserve On-Site habitat for an identified Designated Species. The amount of Land set aside Shall be in conformance with the requirements of the PUD, Commercial, and Industrial zoning districts wherein PUD's Shall provide twenty-five (25) percent Open Space and Commercial and Industrial uses Shall provide twenty (20) percent Open Space. The Critical Habitat Shall primarily be located within

the required Open Space set aside for the particular Development type. Where FGFWFC guidelines stipulate habitat requirements greater than that which can be accommodated by the Open Space, the Additional habitat requirements can be set aside On-Site (with Density bonus) or can be mitigated through a Developers agreement between the County, FGFWFC, and the Developer in conformance with Section 6.04.07.

2. The Applicant Shall be required to preserve a sufficient habitat Buffer surrounding the preserved habitat to ensure continued use of the area. Where guidelines for a particular species have been prepared by the FGFWFC, those guidelines Shall be considered when determining the Buffer area.

6.04.04 Requirements Where Site Contains Natural Upland Communities.

- A. FNAI S2 and S3 Ranked Natural Upland Communities. For all Development proposals with FNAI S2 and S3 ranked Natural Upland Communities, the following requirements apply:
 1. The vegetation of the natural upland community Shall be preserved through Site design to the maximum extent possible. The amount of Land set aside Shall be in conformance with the requirements of the PUD, Commercial, and Industrial zoning districts wherein PUD's Shall provide twenty-five (25) percent Open Space and Commercial and Industrial uses Shall provide twenty (20) percent Open Space. The habitat Shall primarily be located within the required Open Space set aside for the particular Development type. Where FGFWFC guidelines stipulate habitat requirements greater than that which can be accommodated by the Open Space, the Additional habitat requirements can be set aside On-Site (with Density bonus) or can be mitigated through a Developers agreement between the County, FGFWFC, and the Developer in conformance with Section 6.04.07.
- B. Natural Upland Communities other than S2 and S3. For those Development proposals characterized as containing Natural Upland Communities as defined in these regulations, but not defined as S2 and S3, the following requirements Shall apply in order to maintain species diversity of Viable Populations of non Designated Species:
 1. A minimum of ten (10) percent of each natural upland community occurring on the Site Shall be preserved as Open Space or an alternative plan to be considered on a case-by-case basis.
 2. Additional natural upland community areas preserved beyond the ten (10) percent minimum Shall be encouraged through the following incentive:

Acreage preserved in excess of the ten (10) percent requirement may be used to fulfill any applicable minimum Open Space requirements at a ratio of one (1) unit natural upland community to 1.5 unit required Open Space (1:1.5). In no event may credits be used to decrease any required Wetlands and associated Buffers required under Section 6.01.
 3. Where the requirements of B1. cannot be met, the Applicant Shall mitigate in accordance

with Subsection 6.04.07.

6.04.05 Exemptions.

- A. A Road Construction project of the Board of County Commissioners which meets an overriding public interest and for which no suitable alternative route exists Shall be exempt from the requirements of this Section.
- B. Agriculture and Silviculture Practices. Agriculture and Silviculture Practices as defined in Chapter II Shall be exempt from this Section, so long as such activities are in accordance with Best Management Practices, and consistent with all federal and state laws pertaining to Designated Species.

6.04.06 General Requirements.

- A. Conservation Easement Required. All areas preserved or conserved under this Section Shall be recorded with the Public Records of Lake County as a Conservation Easement in accordance with F.S. § 704.06, and Chapter II.
- B. Provision of Corridors for Movement of Wildlife. Any wildlife corridors identified by the FGFWFC, FDNR, FNAI, and/or the ECFRPC as important to the movement of non-avian wildlife Shall be given priority to be incorporated as preservation areas to meet the requirements of Subsections 6.04.03 and/or 6.04.04, as applicable. To provide for the movement of wildlife, all preserved areas Shall be located in a manner which maximizes the contiguity and Retention of natural vegetation, including understory vegetation. Where wetland vegetation exists, upland preserved areas, should, wherever feasible, be required contiguous to upland Buffers. Upland Buffers to protect Wetlands may be used to meet the acreage or percentage criteria listed in Subsections 6.04.03 and/or 6.04.04., as applicable.
- C. Where a natural upland community contains Designated Species, the preservation requirements listed in Subsection 6.04.03 Shall supersede the requirements of Subsection 6.04.04 for that natural community.
- D. Preemption of Other Agency Requirements. This Section in no way relieves the Applicant from federal or state laws established by the USFWS, FGFWFC or other laws relating to wildlife.
- E. Open Space Credit. Land preserved under this Section may be used to fulfill any applicable minimum Open Space requirements at a ratio of one (1) unit habitat and Buffer to one (1) unit of required Open Space unless otherwise specified. Clustering is Permitted from the area preserved to an area not occupied by Designated Species, provided that all applicable regulations are met.
- F. Wekiva River Protection Area and Green Swamp. Additional standards applying to the Wekiva River Protection Area or Green Swamp Shall be required for Development proposals pursuant to Chapters VII and VIII, respectively.

6.04.07 Mitigation. In the event that Mitigation is allowed, the following conditions Shall apply:

- A. Contribution of Funds. The property Owner may contribute funds in lieu of protecting Critical Habitat and Buffer or Natural Upland Communities On-Site so long as it is determined that such contribution will result in "no net loss" of habitat. The funds Shall be allocated toward a County or regional Designated Species Mitigation park, administered by the County or FGFWFC. Assessments Shall be based upon the acreage of occupied habitat impacted that would otherwise be required to be preserved under Sections 6.04.03 and 6.04.04, as applicable.
- B. Relocation.
 - 1. The property Owner may relocate the listed individuals as a participant in a (FGFWFC) relocation program. Participation must be certified by FGFWFC and such certification must be presented to the County before participation is acknowledged in the Management Plan.
 - 2. The property Owner may relocate Gopher Tortoises (*Gopherus polyphemus*) to Land that is publicly owned provided that:
 - a. The Land is physically suited for the species; and
 - b. Approval of the location is documented by the agency possessing title to the Land; and
 - 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 Reserved.

Editors Note: Ord. No. 1995-9, § 1, adopted May 3, 1995, repealed § 6.05.00, in its entirety, which pertained to flood damage prevention. See the Code Comparative Table.

6.06.00 Mining.

6.06.01 General Provisions.

- A. Legislative Findings. The Board of County Commissioners makes the following legislative findings of fact:
 - 1. The natural environment of Lake County is a unique and valuable resource enjoyed by residents and visitors alike.

2. The unique economy of Lake County is dependent upon maintaining and ensuring a high degree of environmental quality.
 3. Conservation of the natural environment is a goal set forth in the Lake County Comprehensive Plan.
 4. Mining and Excavation, together with related activities, is a unique Land Use which requires specialized regulation.
 5. Mining and Excavation properly conducted in accordance with a predetermined plan lends itself to Reclamation of the Lands and need not Significantly impact the natural environment and adjoining properties.
 6. Mining and Excavation and its related industries contribute substantially to the economic stability of Lake County.
 7. The regulations hereinafter set forth are reasonable and necessary to protect the natural environment and the public health, safety and general welfare of the citizens of Lake County.
- B. Purpose and Intent. The purpose and intent of this Section is: To ensure that the Development of mineral resources, as well as other naturally occurring organic materials, Shall be compatible with the overall economic objectives of Lake County; to protect and conserve natural resources and the environment for present and future generations; to minimize the adverse impacts of mining; to maximize the positive benefits of mining; to ensure that Mining Activities will not preclude future uses of mined-out Lands; and to implement the Lake County Comprehensive Plan.
- C. Construction of Code Provisions. Nothing in these provisions Shall be:
1. Construed to limit, abridge or alter any duties, authority and responsibilities of any agency of the United States, the State of Florida or any other Governmental Agency having jurisdiction.
 2. Deemed to preempt other Lake County ordinances or provisions of the Lake County Code that impose stricter Reclamation and restoration standards.
- D. Scope of Application. The regulations set forth herein Shall apply to the extraction, mining, harvesting or Removal of muck, peat, sand, rock, clay, shell, soil, phosphate minerals or other extractable materials within all Unincorporated Areas of Lake County. No Person Shall operate a Mine or conduct Mining Activities within the unincorporated area of Lake County, Florida, without a Mining Site Plan approved by the Board of County Commissioners and an Operating Permit unless otherwise exempted by the provisions of Subsection (F) herein.

E. Vested Rights for Existing Mines. The regulations herein set forth Shall apply to existing Mines in Lake County with the following exceptions:

1. Vested rights. Any Mine which is a Lawful Mine as of May 8, 1990 and the Operator or Owner of the Mine complies with the registration provisions set forth in Subsection E(3) below Shall be Permitted to continue to Mine pursuant to the Lake County authorization granted for that particular Mine subject to the conditions set out herein.

The Applicant Shall submit all information required under E(3), below. Upon receipt of such information, the County Shall review all data, including all existing governmental Permits that have been submitted as part of the registration process, and any existing Lake County conditional use Permit(s), zoning approvals or other applicable County ordinances, regulations or rules in place at the time the operation of the Mine was approved.

If, after reviewing all existing Permits for a Lawful Mine, the County staff determines there is no hazard or threat to the public health, safety and general welfare of the residents of Lake County due to the continued operation of the Mine under the existing applicable conditions, the Mine Shall be Permitted to continue to operate pursuant to the then existing Permits, authorizations and conditions applicable to that Mine.

However, if the professional staff of the County conducting the review determines that there is a hazard or threat to the health, safety and general welfare of the public by the operation of the Mine, the Reclamation operation or Reclamation plan based upon the existing authorizations, the staff Shall request the Owner or Operator of the Mine to make changes deemed necessary to eliminate any hazard or threat to the public health, safety or general welfare. The request requirements may include compliance with any applicable provisions of this Section or other applicable provisions of the Lake County Code.

In the event that the County staff and the Owner or Operator of the Mine are not able to agree on the method of alleviating the perceived hazard or threat to the public health, safety or general welfare, or the Owner or Operator is unable to comply with the new requirements, an Appeal may be brought to the Board of County Commissioners. The Board of County Commissioners Shall consider the matter in a duly advertised Public Hearing.

2. Term of vested rights. Authorization to operate a Mine which is lawfully in existence as of May 8, 1990 Shall remain valid and in force. Should Mining Activities cease for a period of three (3) years, mining permission Shall expire unless extended. Extension of mining authorization Shall be requested in writing by the Applicant or Operator and, subject to Board of County Commissioners' approval, may be extended for a period of up to three (3) years.
3. Registration. All existing Mines Shall register with the County within ninety (90) days of May 8, 1990. Registration Shall be accomplished by filing an application with the County

which Shall consist of the following:

- a. Name, address, telephone number of current Owner and Operator.
 - b. Survey or sketch with a legal description of the entire mining Site.
 - c. Aerial map of the entire mining Site delineating areas previously Mined and reclaimed, areas of active mining and areas of future mining.
 - d. Copies of all other Permits for the Mine, including Site Plans, operations plans and Reclamation plans associated with the Permits issued, if applicable, by the Florida Department of Natural Resources, St. Johns Water Management District, Southwest Florida Water Management District, U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
4. Failure to register. Any Mine for which an application for registration has not been filed within the time period specified in Section F(3) Shall lose any vested rights for the operation of such Mine. In order to operate such Mine, the Mine Shall be required to comply with all provisions of the Lake County Code, including applying for an approved Mining Site Plan and obtaining an Operating Permit.

F. Exemptions. The following activities Shall not be subject to the Mining Site Plan and mining operation Permit requirements set forth herein:

1. Installation of utilities provided a valid underground utility Permit or Right-of-Way utilization Permit has been issued.
2. Excavation in conjunction with bona fide commercial, industrial or Subdivision Construction provided a Construction approval or Building Permit has been obtained from the County and Excavation is completed and Construction initiated within a reasonable period of time from the date that Excavation is initiated. Said time period Shall be determined by the County based upon the type of Construction and Shall be indicated on the written exemption document. Excess Overburden generated as a result of the bona fide Construction may be Removed offsite only as follows:
 - a. Excess overburden generated as a result of the bona fide Construction may be removed offsite so long as the County Manager or designee is provided written notice during Construction approval or Building Permit application process and so long as the following criteria is met:
 - (1) The total amount of material removed offsite is not greater than two hundred (200) percent of the minimum stormwater retention/detention volume required.

- b. If the above criteria is exceeded or excavation is not storm water related, the County Manager or designee may give approval for removal of such excess Overburden if the applicant shows that removal of such excess Overburden is necessary for development of the Site due to physical factors of the Land or Permitting requirements from a governmental agency. In making this decision, the County Manager or designee shall consider the following factors:
 - (1) Unique physical characteristics and topography of the Land involved;
 - (2) Engineering and environmental factors requiring overburden removal;
 - (3) Whether excavation and removal of Overburden is necessary for access to the property;
 - (4) Permitting requirements of state, local and federal governmental agencies;
 - (5) Such other matters that may be deemed appropriate by the County Manager or designee.
 - c. If the County Manager or designee gives written approval of such Overburden removal, the County Manager or designee may attach such conditions, limitations and requirements to such approval as are necessary to effectuate the purposes of this exemption; to carry out the spirit and purpose of the Mining Regulations and the Lake County Comprehensive Plan; and to prevent or minimize adverse effects upon Natural Resources and other nearby properties, including but not limited to requiring a Mining Site Plan, a Mining Operational Plan, a Mining Reclamation Plan, a Grading Plan, the provision of bonds or other security necessary to enforce the conditions of the approval, and/or limitations on the development operation such as regulation of Ingress and Egress, operational hours, duration of the approval, and limitations in size and amount of removal.
- 3. Minor Landscaping projects provided they do not encroach in Flood-prone Areas as depicted on the FEMA maps or change the natural drainage pattern of the ground surface at the property line.
 - 4. Swimming pool Construction provided a Building Permit has been issued by the County for Construction of the pool.
 - 5. Excavation of agricultural use ponds, provided the following conditions are met:
 - a. Pond location shall be restricted to upland areas unless all required Water Management District permits or exemptions are obtained for potential wetland disturbance.
 - b. The extent of excavation is wholly within one (1) Owner's property.

- c. Offsite drainage is not affected.
 - d. The excavated material from ponds larger than one (1) acre in size remains on-Site. Material excavated from ponds one (1) acre or less in size may be moved off-Site.
- 6. Activities where no extractable material is Removed from the Site.
- 7. Excavation for the Construction of approved Stormwater/water Retention Areas and Roads (within the proposed right-of-way only) as part of a Platted Subdivision.
- 8. Materials as a result of shoreline clearing or shoreline excavation as allowed under state and local law and where all appropriate state permits have been issued where applicable.
- G. Administration of Section. Except as hereinafter provided, this Section Shall be administered, implemented and enforced by the County Manager or designee who Shall coordinate the activities of all appropriate County agencies concerning the processing review, monitoring and inspection of all activities covered by this Section within the unincorporated area of the County. This Section Shall not limit the authority of the Board of County Commissioners or any County agency to enforce or monitor compliance with other applicable Statutes, ordinances, resolutions, regulations, rules or Permit conditions.
- H. Change of Ownership or Operation of the Mining Activity. If a change in the Ownership or Operator of a Mine takes place at any time, the new Owner or Operator Shall be required to notify the County, in writing, of the current name, address and telephone number of the Owner and Operator of the Mine. Notification Shall take place within sixty (60) days of the change of Ownership or Operator.
- I. Prohibitions on Mining in Environmentally Sensitive Areas. Mining Shall be prohibited in Environmentally Sensitive areas of Lake County that cannot be restored. Areas that fall into this category include, but are not limited to:
 - 1. Limestone deposits within the Green Swamp Wildlife Management Area and the Okahumpka Swamp;
 - 2. The phosphate deposits on the west side of Lake George; and
 - 3. Wekiva River Protection Area. All new mining is to be prohibited in the Wekiva River Protection Area.
- J. Mining in Prime Aquifer Recharge Areas. No mining Shall be allowed to be conducted in Prime Aquifer Recharge areas as identified by the SJRWMD/SFWMD pursuant to S. 373.0395 (3) F.S. and provided for within the East Central Florida Regional Planning Council Policy 54.2. Small-scale, public purpose Mines are allowed when limited in size and duration of operation.

Where mining is Permitted, mining activity Shall not Significantly alter the quality and quantity of ground and Surface Waters. Where required, the costs of water monitoring activity Shall be born by the extractor and strict Reclamation procedures and bonding requirements Shall be required to ensure complete restoration of these areas.

K. Protection of Property from Mining Impacts. New mining operations within established predominantly residential areas Shall be prohibited. It is recognized however, that Mining Activities may be compatible within PUD's in some situations.

L. Protection of Mining from Urban Encroachment. New residential Development Shall be restricted in the vicinity of operating Mines. It is recognized however, that mining activities may be compatible within PUD's in some situations.

(Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1996-66, § 1, 8-6-96; Ord. No. 2002-2, § 2, 1-22-02)

6.06.02 Standards for Mining. All Mining Activities Shall at a minimum be conducted in accordance with the following standards. Additional standards deemed necessary by the County may be required in the approved Mining Site Plan or the Operating Permit:

A. General Standards.

1. Comprehensive Plan. All Mining Activities Shall be consistent with the Lake County Comprehensive Plan.

2. Best Management Practices. All Mining Activities Shall employ the Best Management Practices.

3. Zoning. All Mining Activities Shall be consistent with Chapter III and other provisions of the Lake County Code. In the event the proposed mining activity is not consistent with the zoning district classification, an application for rezoning may be processed concurrently with the Mining Site Plan application. The rezoning application Shall be considered prior to the Mining Site Plan application.

4. Compliance with other law. All Mining Activities Shall be conducted in accordance with all applicable federal, state, regional and local laws, ordinances, rules and regulations.

B. Environmental Protection Standards.

1. Water Quality and quantity.

a. Point-source Discharges. Point-source Discharges of water or liquid waste into Waters of the County or state are prohibited unless a Variance has been granted by the Lake County Board of Adjustment. This Shall not prevent approved Discharges into recirculating plant water systems, Retention ponds and Surface Water storage ponds which are self-contained on the Mine property or the undertaking of Aquifer Recharge programs, or Discharges of stormwater runoff

from reclaimed Lands; provided, however, that in no event may any Discharges of water or liquid waste have an adverse effect on Water Quality, riverine, terrestrial or Aquatic biota or preexisting lawful uses of water bodies.

- b. Nonpoint-source Discharges. Nonpoint-source Discharges of water or liquid waste into Waters of the County or state Shall not have an adverse effect on Water Quality, riverine, terrestrial or Aquatic biota or preexisting lawful uses of water bodies. All surface drainage from Site runoff Shall be directed away from sinkholes or open Excavations unless such Excavations are part of the approved stormwater Management system.
- c. Groundwater.
 - (1) Floridan Aquifer withdrawals. Groundwater withdrawals Shall not adversely impact, due to lowering of potentiometric levels, the Florida Aquifer beyond the boundaries of the Mine.
 - (2) Surficial Aquifer withdrawals. Mining Activities Shall not adversely impact the level of the Surficial Aquifer beyond the boundaries of the Mine.
 - (3) Monitoring. In order to establish baseline conditions and to evaluate potential impacts, the monitoring of Groundwater systems, surficial and Floridan, will be evaluated on a case-by-case basis; and the need for on-site sampling or observation wells Shall be specified by the County. Wells established for a potable water supply or as part of the mining operation Shall be constructed to enable sampling of the Aquifer from which the water is drawn.
 - (4) Where feasible, a horizontal impervious layer (possibly including a portion of the extracted resource) to be left undisturbed and unpenetrated beneath all excavated areas in order to retard the movement of water from excavated areas to the Groundwater. The thickness and horizontal extent of Confining Units if any, Shall be determined using soil borings taken prior to Excavation.
- d. Surface Water.
 - (1) Withdrawals. Water Shall not be drawn from Surface Water bodies not totally within the property unless specifically approved in the Operating Permit. Such use Shall only be Permitted after a thorough analysis of Stream flow and Surface Water conditions and Shall be limited to quantities not detrimental to downstream property Owners or the environment.

- (2) Stream relocations. Natural existing Stream channels Shall not be relocated unless otherwise approved in the Operating Permit.
 - (3) Discharges. Increases in flow of Watercourses leaving the Mine property Shall not adversely affect downstream property Owners or the environment.
 - (4) Monitoring. In order to establish baseline conditions and to evaluate potential impacts, the monitoring of Surface Water systems will be evaluated on a case-by-case basis; and the need for On-Site monitoring Shall be specified. Once it is determined by the County that the needs for monitoring have been satisfied, the monitoring may be discontinued.
2. Wetlands. Wetlands Shall not be altered or disturbed by mining operations except in accordance with the applicable provisions of Section 6.01.00 of the Lake County Code and any other applicable Lake County rules, regulations and ordinances. Appropriate methods of restoring the functions and values of Mined areas with special regard to vegetative restoration to ensure that viable Wetlands are established free of exotic and noxious plant species Shall be taken.
3. Archaeological and historical resources. Archaeological and historical Sites, cemeteries and burial grounds Shall be preserved in accordance with applicable federal, state, regional and local laws, ordinances, rules and regulations. The state division of archives, history and records Management Shall be consulted to determine what resources may be located on a mining Site.
4. Wildlife resources. Maximum practicable efforts Shall be made to protect habitats of Designated Species of wildlife and vegetation.
5. Floodplain. No mining activity, with the exception of approved peat and muck mining, Shall be conducted within the 100-year Floodplain of waterway, Lake or Stream if such mining activity would have an adverse affect on the 100-year Floodplain. Floodplain elevations Shall be based upon the information from the U.S. Geological Survey, the St. Johns Water Management District, Southwest Florida Water Management District or the Federal Emergency Management Agency, whichever is more Site-specific, or in the absence of data from these agencies, the Florida Department of Environmental Regulation jurisdictional area as determined by its vegetation indices.
6. Solid Waste. No Operator Shall dump, pile or Permit the dumping, piling or otherwise placing of any earth, Overburden rocks, Ore, debris or other Solid Waste upon or into any Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the Operating Permit. No Operator Shall place such materials in such a way that normal Erosion or slides brought about by natural physical causes will Permit such materials to go upon or into Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in

the Operating Permit.

7. Hazardous Waste. All Hazardous Materials intended to be stored or used on-site, including petroleum-based products, Shall be reported to the division of environmental services and the fire division Hazardous Materials incident response division prior to storage. All Hazardous Wastes generated by activities at the Site be disposed of in accordance with local, regional, state and federal laws, ordinances, rules and regulations.
8. Noise. Increases to ambient noises resulting from mining operations Shall not cause a public nuisance as measured at the Permittee's property lines; nor Shall Mining Activities generate noise in excess of that allowed by any local, regional, state or federal laws, ordinances, rules or regulations.
9. Blasting and vibrations. No blasting or other use of explosives Shall be conducted without proper Permits from the governmental entities with jurisdiction, including the state fire marshal. Blasting Shall be conducted only from Monday through Saturday and during daylight hours. All Mining Activities Shall be performed in a manner that Shall prevent vibrations of the soil from reaching a magnitude sufficient to cause damage to Persons or property outside the Operator's property. Should the County receive measurement by a blast-monitoring device and a report of the findings to the County demonstrating that the blast has not and will not cause damage to Persons or property outside the Operator's property.
10. Air quality. The mining activity Shall be conducted so as to prevent the generation and Off-Site migration of fugitive dusts and particles. All areas in which such dusts or particles may be generated Shall be kept wet, treated with chemical dust deterrents or controlled in another manner to reduce the potential for their Off-Site migration. Atmospheric Discharges from processing and drying equipment Shall comply with all applicable state, federal, regional and local laws, ordinances, rules and regulations.
11. Erosion and Sedimentation. Soils exposed during Site Alteration Shall be stabilized and runoff and siltation directed to areas approved in the Mining Site Plan or Operating Permit in such a manner as to prevent Off-Site impacts.
12. Dewatering. Dewatering operations Shall be planned and controlled so as to provide minimum drawdown of the Groundwater table outside the actual mining Site. Should the County receive complaints that the dewatering operation has resulted in detrimental Off-Site impacts, the County may require the Operator to demonstrate that such impacts have not occurred as a result of the dewatering operation. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent water bodies, wetland Areas or water supply wells Shall be terminated until such time as a satisfactory plan is Developed and implemented to maintain water levels in such areas.
13. Protection of Floridan Aquifer. The minimum distance between the bottom of the excavated and Mined area and the top of the Floridan Aquifer Confining Unit, if present,

Shall be sufficient to protect the Florida Aquifer system and Shall be subject to approval by the County.

14. Reclamation plans. No Mining Activities Shall be Permitted until the Operator demonstrates a workable (environmentally sound) Reclamation plan and proof of financial responsibility. Operators Shall be required to provide financial assurance for the future costs of Reclamation activities. Mine Reclamation Shall also adhere to all conditions imposed in Permits issued by the FDER, the WMD's and Lake County.

C. Mining Operation Standards.

1. Setbacks. Setback areas Shall remain undisturbed except for approved Access points, vegetation Buffers or fencing. The following minimum Setbacks Shall be provided unless specifically modified by the Board of County Commissioners:
 - a. All mining operations Shall maintain a Setback of two hundred (200) feet from Churches, schools, parks, Hospitals, residentially zoned property and property used for public purposes and one hundred (100) feet from all other property lines.
 - b. Setbacks may be increased or decreased in special situations and Shall be addressed in the Mining Site Plan at the time of Board of County Commissioners consideration.
 - c. Setbacks established by the approved Mining Site Plan Shall be marked in a manner acceptable to the County prior to the initiation of any active phase of mining. Such markers Shall remain in place until Mining Activities are terminated.
 - d. Where two (2) or more Mines are contiguous, Setback requirements between Mines may be waived provided that a reciprocal Excavation agreement in a recordable form between the affected property Owners is executed, and the waiver of the Setback requirements are not contrary to the public health, safety and welfare. The agreement Shall be reviewed and approved by the County Attorney and recorded in the official record books of Lake County at the cost of the Applicant.
2. External Vehicle Access. External Vehicle Accessways Shall be located so as to minimize danger to traffic and nuisance to surrounding properties. All external Vehicle Accessways Shall be clearly marked in accordance with all applicable County, state and federal requirements.
3. Materials piles. Spoil piles, stockpiles of processed Ore or any other excavated material Shall not be higher than seventy (70) feet and Shall be stockpiled at a stable slope. The height of the stockpile may be increased or decreased in special situations and Shall be addressed in the Mining Site Plan at the time the Board of County Commissioners

considers the application. Such piles Shall be stabilized in a manner that prevents migration of either materials or particulate matter from such piles to areas beyond the perimeter of the Mine. No spoil or other excavated materials Shall be placed within the Setbacks specified pursuant to Subsection (3)a.1. above unless approved in the Mining Site Plan.

4. Security. Before any mining activity is initiated, the following requirements Shall be satisfied:
 - a. The Mine Shall be enclosed with a security fence and gate as specified in the approved Mining Site Plan or the Operating Permit. Such fencing or gates Shall remain in place and in good repair until Site Reclamation has been completed and approved by the County.
 - b. Warning Signs of at least six (6) square feet Shall be permanently posted ten (10) feet within the perimeter fence lines of the Mine. Such Signs Shall be placed at each corner of the fence line and also not more than one hundred (100) yards apart along any fence line Accessible to the public. The Sign Shall be printed in letters of not less than five (5) inches in height and Shall state: No Trespassing or another approved appropriate warning, the name of the Owner or Operator of said Land and a telephone number at which the Owner or Operator may be contacted. The Signs Shall be positioned so as to be clearly visible from outside the fence line.
 - c. Barricades and a caution light Shall be erected where necessary to protect pedestrians and Vehicles during periods of operation as set forth in the Operating Permit.
5. Dams, spillways and related Structures. Dams, spillways and related Structures, including settling ponds, thickening ponds, tailings ponds, slime-Retention ponds, including stormwater Management facilities and the like, Shall be designed and constructed in accordance with sound Engineering practices and all applicable state, federal, regional and local laws, ordinances, rules and regulations. All such Structures Shall be inspected weekly by an individual working under the supervision of a Professional Engineer or someone who has been instructed by a Professional Engineer specializing in the field of soils mechanics or earth dam design and Construction, and a complete file of weekly inspection reports Signed by the inspector Shall be maintained at all times on the Site of the mining operation.
6. Drainage Facilities. Drainage Facilities Shall release water in a manner approximating the natural local surface flow regime through a spreader pond or performance equivalent Structure or system, either on-site or to a natural Retention or natural filtration and flow area as specified by the approved Mining Site Plan or Operating Permit. Drainage Facilities Shall also maintain a Groundwater level sufficient to protect wetland vegetation through the use of weirs or performance equivalent Structures or systems. Said facilities

Shall not Retain, divert or otherwise Block or channel the naturally occurring flows in a strand or slough.

7. Sloping. During Excavation, a slope with a maximum ratio of two (2) feet horizontally to one (1) foot vertically to the point of natural Ground Cover Shall be maintained at all times in order to enhance public safety unless other security measures are approved in the Mining Site Plan or Operating Permit. In the case of peak and muck Mines, dewatering ditches constructed within the fenced area of the Mine Site are exempt from this provision.
8. Phasing. Mining Shall be conducted in phases so as to expose the least amount of Land surface practical at any time during the mining operation. The amount of acreage to be allotted for each phase Shall be determined by the Board of County Commissioners as part of the approved Mining Site Plan. The determination of the amount of acreage contained in each phase Shall be based upon consideration of a variety of factors which Shall include but not be limited to: Type of Mine; size of Mine; location of Mine; length of time the Mine will be in operation; deposition across the Mine Site of materials to be Mined; susceptibility of the Mine Site to Erosion and fugitive particulate matter emissions; and presence or availability of Site Buffers which will enhance Site aesthetics and reduce potential environmental hazards.

D. Reclamation Standards.

1. Timing. Reclamation Shall commence within ninety (90) days following the completion of each approved phase of the Mining Activities or within ninety (90) days after commencement of Mining Activities for the next phase, whichever is earlier. Reclamation of the area associated with any completed phase of the mining activity Shall be completed no later than two (2) years after termination of mining in that phase. At no time Shall more than two (2) phases remain unreclaimed. In the event that substantial Mining Activities cease for a period of three (3) years, Reclamation of disturbed areas Shall commence and be completed within a five-year period from the date of cessation of operation.
2. Topography. All Land Areas either Mined or disturbed by Mining Activities Shall be regraded as closely as practical to those contours existing on the Site prior to mining unless the Reclamation plan has established an alternate set of contours that is not contrary to the public interest and leaves the Site beneficial for future use. Such alternate contours must be specified in the Mining Site Plan or Operating Permit and approved by the County prior to commencement of regarding. Sloping and grading Shall be conducted in such a manner as to minimize soil Erosion and Surface Water runoff and to make the Land surface suitable for revegetation. In order to enhance slope stabilization, enhance Site aesthetics and maximize potential for beneficial end use of the reclaimed Site, no slope beyond the uppermost perimeter of any excavated area of the Mine Shall be steeper than four (4) feet horizontal to one (1) foot vertical. No slope within an excavated area may be steeper than three (3) feet horizontal to one (1) foot vertical. All wetland Areas

Mined or disturbed by Mining Activities Shall be reclaimed in accordance with a wetland Mitigation plan that has been approved by the County.

3. Revegetation.

- a. Revegetation of all disturbed areas Shall be conducted in a manner so as to achieve permanent revegetation which will minimize soil Erosion and Surface Water runoff, conceal the effects of surface mining and recognize the requirements for appropriate habitat for fish and wildlife. Should washes, rills, gullies or the like develop after revegetation and before final County approval of the Reclamation area, such eroded areas Shall be repaired and the slopes stabilized.
- b. Vegetation types utilized for revegetation Shall consist of species of grasses, Shrubs, Trees and Aquatic and Wetlands vegetation native to the area and well-adapted to the soil conditions and terrain features prevalent on the Site being reclaimed. Nonnative species may be used upon approval by the County. However, in no instance Shall species listed in Subsection 9.01.02.B, or Hydrilla be planted.
- c. Good quality Topsoils or other growing media suitable for the types of vegetation being utilized for revegetation Shall be applied as the final soil cover material for all reclaimed areas. Alternate growing media must be approved by the County prior to commencement of revegetation. When good-quality Topsoil is available on-site, it Shall be stockpiled, segregated and Retained on-site for revegetation during the Reclamation process.
- d. Revegetation efforts Shall commence within thirty (30) days after completion of regrading and Shall be completed within one hundred twenty (120) days. At the end of one (1) year after completion of the initial Reclamation, all Land Areas Shall have established Ground Cover over at least eighty (80) percent of the Land Area, excluding Roads, groves or row crops, unless it can be demonstrated to the satisfaction of the County that, due to circumstances beyond the control of the mining Operator, such coverage could not be achieved. Bare areas Shall not exceed one-quarter (1/4) acre. All Land Areas Shall, at the end of two (2) years after completion of the initial Reclamation, have established Ground Cover over at least ninety-five (95) percent of the reclaimed Land Area, excluding Roads, groves and row crops. Upland forested areas Shall be established to resemble premining conditions where practical and where consistent with proposed Land Uses. At a minimum, ten (10) percent of the upland Area will be revegetated as upland forested area with a variety of indigenous hardwoods and conifers unless the mining Operator demonstrates to the County's satisfaction that reforestation is not consistent with proposed future Land Use of the mining Site. Upland forested areas Shall be managed in such a way as to allow vegetation establishment. An area will be considered to be reforested if a stand Density of two hundred (200)

Trees per acre is achieved at the end of one (1) year after completion of the initial Reclamation.

- e. All wetland Areas Shall be reclaimed and revegetated in accordance with the best available technology. Herbaceous Wetlands Shall achieve a Ground Cover of at least fifty (50) percent at the end of one (1) year unless it can be demonstrated to the County's satisfaction that, due to circumstances beyond the control of the mining Operator, such coverage could not be achieved. Revegetated areas Shall be managed in such a way as to allow vegetation establishment. Herbaceous Wetlands Shall achieve a Ground Cover of at least seventy (70) percent at the end of two (2) years. Forested Wetlands Shall achieve a stand Density of two hundred (200) Trees per acre at the end of one (1) year after completion of the initial Reclamation and Shall be managed in such a way as to allow vegetation establishment.

4. Wetlands and waterbodies.

- a. Planned waterbodies and artificially created Wetlands may be incorporated into the final Reclamation plan. The design of such water bodies and Wetlands Shall be consistent with public health and safety, maximize beneficial contributions within local drainage patterns, provide Aquatic and wetland wildlife habitat values and maintain downstream Water Quality by preventing Erosion and providing nutrient uptake. Water bodies Shall, to the fullest extent practical, incorporate a variety of emergent habitats, a balance of deep and Shallow water, naturally fluctuating water levels, high ratios of shoreline length-to-surface area and a variety of shoreline slopes. Water bodies Shall be designed for a minimum depth of six (6) feet over at least seventy-five (75) percent of the Surface Water area. In the case of peat Mines, alternative Water Body depths may be proposed and Shall be subject to review and approval as part of the wetland Mitigation plan.
- b. Slopes of any reclaimed area above the seasonal high water (wet season) elevation and within the excavated area of the planned Water Body Shall be no steeper than three (3) feet horizontal to one (1) foot vertical. In order to establish and maintain the littoral zone, all finished side slopes of excavated and Mined areas below the high water table and elevation Shall be no steeper than one (1) foot vertical drop for every six (6) feet of horizontal distance to a depth of six (6) feet below the seasonal low water elevation (dry-season water table elevation) unless an alternate slope is approved by the County. Although no minimum slope below the littoral zone is required, the slope below the littoral zone Shall be constructed so that natural soil movement will not reduce the littoral zone area. Such slopes Shall be subject to approval by the County. Wetlands are encouraged to be incorporated into planned and artificial water bodies as wetland shelves and/or expanded littoral zones. Wetlands created in this manner may be counted towards Mitigation requirements for the mining of Wetlands.

- c. Vegetation consisting of a mix of grasses, Trees and Shrubs indigenous to Shallow southern Lakes and native to the area Shall be planted within the littoral and transition zones. Littoral and transition zone vegetation Shall each achieve a cover of at least fifty (50) percent at the end of one (1) growing season and will be protected from grazing, mowing or other adverse Land Uses for three (3) growing seasons to allow establishment. Littoral and transition zone vegetation Shall achieve a cover of seventy (70) percent at the end of two (2) growing seasons.
 - d. A berm or Swale Shall be constructed around each Water Body which is of sufficient size to Retain at least the first one (1) inch of runoff from entering created or altered Wetlands or waterbodies. The berm or Swale Shall be constructed above the seasonal high water elevation and be set back from the edge of the Water Body so that it does not interfere with the other requirements of this Section.
 - e. Access to the Site Shall be granted to the County in a written agreement. Such Access Shall be maintained by the Operator or Land Owner to allow County officials to inspect Mine Sites and reclaimed Sites for the purpose of determining the success of the Reclamation plan and impact on water bodies and Wetlands for a period of one (1) year from the release of the Reclamation bond or until a Development Permit is issued, whichever Shall occur first.
- 5. Maintenance. Regular Management and Maintenance of all reclaimed areas Shall be performed by the Operator or a designated agent in order to assure that the Reclamation standards are achieved and the approved Reclamation plan is accomplished. The Maintenance Shall include monitoring for a minimum of two (2) years after planting, replacement of any planted areas that fail to survive in accordance with the established standards, the Removal of nonnative plant species that have not been approved by the County and which exceed ten (10) percent of the vegetative community and the Maintenance of all required slopes and berms.
- E. Drainage. Site Reclamation Shall be conducted in such a manner as to eliminate the risk that there will be Flooding on adjacent properties. The original, premining drainage pattern of the area Shall be restored to the greatest extent possible. Watershed boundaries Shall not be crossed in restoring drainage patterns but Shall be restored within their original boundaries unless such a restoration is approved by the County.
- F. Waste storage.
 - 1. Clay wastes. To the greatest extent practical, all waste clay Shall be disposed of below Grade in a manner that avoids the long-term existence of elevated clay Disposal Areas. Aboveground Retention areas Shall be reclaimed in a manner so that long-term stabilization of Retention dikes and dams is assured. Where appropriate to the Land Use in the general area and the restoration of surface drainage patterns, Reclamation of Retention areas as Wetlands is encouraged.

2. Sand tailings. Sand tailings may be permanently spoiled above natural Grade when approved by the County in the Reclamation plan.

G. Site cleanup. All debris, Refuse, junk, poles, piling and cables Shall be Removed from all Disturbed Lands as part of the Reclamation process. All Structures Shall be dismantled and Removed except where their reuse is consistent with postreclamation Land Use goals and such reuse is approved by the County. If any large rocks or boulders exist as a result of mining, these should be left either at the surface where they are distinctly visible or placed in Mined-out areas and covered to a minimum depth of four (4) feet.

H. Water Quality. All waters on or leaving the reclaimed Site Shall meet all applicable state, federal, regional and local Water Quality standards, laws, ordinances, rules and regulations unless it can be demonstrated that premining Water Quality failed to meet such standards. If premining quality did not meet such standards, Reclamation-site Water Quality Shall at a minimum be consistent with premining Water Quality conditions.

I. Reclamation Approval.

1. Approval of reclaimed areas may be requested at any time by submitting, along with the Reclamation area review fee established by the Board, such request to the County. The request Shall include a map specifying Reclamation areas for which approval is sought and a general description of how Reclamation has been accomplished. The director Shall coordinate and schedule the review of the reclaimed areas with the appropriate divisions, divisions or agencies. Reclamation of disturbed areas Shall be deemed completed upon demonstration that the areas have been reclaimed in accordance with the approved Mining Site Plan and Operating Permit.

2. If Reclamation is not completed in accordance with approved plans, reinspection may be requested by submitting, along with the Reclamation reinspection fee, such a request to the County. A fee may be charged for each reinspection.

J. Reclamation plans Shall adhere to all other conditions imposed in Permits by the Florida Department of Environmental Regulation, Water Management Districts, Lake County, and other agencies.

(Ord. No. 1993-19, § 1, 11-16-93; Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1996-88, § 3, 11-26-96)

6.06.03 Mining Site Plans and Operating Permits.

A. Mining Site Plan Approval and Operating Permit Requirements. Prior to beginning a New Mine or expanding an existing Mine into new acreage not included within an existing Lake County authorization to operate, the Applicant Shall apply for and obtain:

1. Approval of a Mining Site Plan for the new mining activity or nonauthorized expanded mining activity, whichever is applicable.

2. An Operating Permit for the new mining operation or the nonauthorized expanded mining activity, whichever is applicable.

B. Mining Site Plan Application. Application for approval or amendment of a Mining Site Plan Shall be by submission of a Mining Site Plan prepared in accordance with an application form provided by the County and sealed by a Professional Engineer or professional geologist, as applicable, registered in the State of Florida. Said application Shall contain at a minimum the following information:

1. The name, address and telephone number of the Owner of the Land on which Mining Activities are to be conducted. Evidence of Ownership Shall be provided as well as the written consent of all Landowners. Copies of said consent Shall be attached to the application.
2. The name, address and telephone number of the Mine Operator and the Applicant if the Applicant is not the Landowner, or Person that will physically alter the Land.
3. The proposed date that Mining Activities will commence and the projected date of completion.
4. The legal description and Street address, if any, of the specific parcel(s) on which Mining Activities are to be conducted.
5. Ownership of all property contiguous to and within five hundred (500) feet of the property on which Mining Activities are to be conducted, which information Shall be based upon the real property tax roll. Notice Shall be posted on the public Access Roads and County Road(s) closest to the Site.
6. Dimensions and location of all existing and proposed Buildings, Signs, Driveways, Off-Street Parking Areas, loading and unloading areas and exterior walls and fences. Specifications for the paving of Streets, Parking Areas and walks, provision for parallel service Roads and exterior walls and fences.
7. Plans or reports describing the method of handling any traffic condition created by the proposed use.
8. Plans or reports showing the proposed treatment and disposal of Sewage and waste; treatment of glare; and handling of hazardous gases, liquids and other materials.
9. Copies of approved Permits or Permit applications submitted to or required to be submitted to all state, federal, regional and local Permitting agencies.
10. Wetlands Alteration and Mitigation plans to include the location and type of Wetlands to be altered, location and type of wetland Mitigation areas, Mitigation ratios and methods

to be utilized for Mitigation.

11. Uplands Alteration and Mitigation plans to include the location and type of Uplands to be altered, location and type of upland Mitigation areas, Mitigation ratios and methods to be utilized for Mitigation.
12. A map or series of maps prepared at a scale of one (1) inch equals two hundred (200) feet or one (1) inch equals four hundred (400) feet which depicts the following information (such maps Shall be at a scale that is consistent with the scale of the aerial photographs required in item d. below):
 - a. Date, north arrow and scale.
 - b. Size, shape and geographic location of the proposed mining operation and location of nearest major highways.
 - c. Existing topography of the proposed mining Site and its relationship to the existing watershed; contour lines Shall be drawn at five-foot intervals of actual ground contours.
 - d. Aerial photograph(s) of the proposed mining Site and surrounding property at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available through the County Engineer's office, DOT, SCS or other agency will be accepted). Aerial photographs Shall be at same scale as all other maps submitted with the application.
 - e. Existing On-Site natural and manmade features, and on property within three hundred (300) feet of the proposed Mine if said information is available for the Off-Site property, including but not limited to:
 - (1) Watercourses.
 - (2) Soils.
 - (3) Wetlands.
 - (4) Designated vegetative and wildlife species.
 - (5) Roads.
 - (6) Railroads.
 - (7) Utility lines (above and below ground on-site only and aboveground Off-Site).

- (8) Right-of-Way lines and Easement lines (on-site only).
 - (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).
- 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.
- 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.
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.
 14. A schedule showing the proposed sequence of mining activities is required that Shall be reviewed and may be revised on a yearly basis.
 15. A cross-sectional drawing referring to the NAVD 88 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.

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:
 - 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 referenced to NAVD 88. This cross Section Shall show the subsurface from the existing Land surface to the top of the Floridian 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 porosity, 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 resources. 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 given to placing one (1) upgradient boring to the top of the weathered limestone of the Floridan Aquifer as needed to ascertain the lithology of the Site. Borings Shall be conducted according

to either ASTM Standard D-1586 (Standard Penetration Test), augured or continuously cored. Boring Logs in the report Shall as a minimum include the following:

- (1) The reference point for all depth measurements both to existing Land surface and to NAVD 88.
 - (2) The identification and description of the material of which each stratum is composed.
 - (3) The depth and height of any cavities, intervals of falling rod and lost circulation of drilling fluids.
 - (4) Depth at which the water in the Surficial Aquifer was encountered.
- i. In the case of peat Mines, unless specific adverse conditions are identified, the following Shall generally be considered sufficient to supply Site specific data required to comply with Subsections c., d. and h. above. A muck probe survey with probes done on one hundred (100) foot centers to determine the depth of the peat deposit Shall be performed. Probing Shall be performed to the bottom of the deposit. In Addition, one (1) boring to a depth of twenty (20) feet below the proposed Mine depth to characterize the hydrogeologic setting of the Site Shall be required. The location of this boring Shall be adjacent to the area to be Mined and selected in consultation with County staff. (Under h., boring logs, requirements (1) through (4) would still apply). This data will be incorporated into the required report(s). Where the data indicate a possible and/or potential Connection to the Floridan Aquifer, Additional probes and/or borings Shall be performed.
- j. Other information which may be beneficial to the review of the hydrogeological condition of the Site and vicinity, including but not limited to any other geologic, hydrogeologic and geotechnical reports prepared on the mining Site.
17. An environmental report that identifies the location and extent of Designated Species as identified in Chapter 39, Sections 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, and F.S. Ch. 581, § 581.185(5)(a) and (b). The environmental report Shall address at a minimum the impact of the proposed activity on such species and the methods to be utilized to mitigate adverse impacts.
18. Conceptual plans which Shall include provisions for the stabilization of soils disturbed during Construction to prevent soil losses by water or wind. When the Mine operation is in public view, conceptual plans Shall include provisions for Landscaping and Buffering.
19. A workable, environmentally sound Reclamation plan which demonstrates the requirements of this chapter, fully described by illustration and documentation, including plan view with cross Sections. The Reclamation plan Shall show all areas to be reclaimed

by depicting and describing what manmade and natural features will exist when the Reclamation plan is completed and Shall depict at least two (2) typical cross Sections generally oriented at a ninety-degree angle to each other and a plan view with contours showing areas to be filled, backfilled, reconstructed and reshaped. The Reclamation plan Shall identify size, type, location and planting schedule for all vegetation to be planted or seeded in accordance with the Reclamation plan. Water elevation Shall be shown when a Lake Creation is proposed.

20. Site-specific information requirements may be modified, or Additional information may be requested by the County. Additional Aquifer testing and/or water-quality testing, including sampling of wells in the Floridan Aquifer, may be required in areas of known Groundwater contamination or in prime Recharge. The Applicant Shall bear all costs associated with testing.
21. In the event that the Department of Natural Resources Shall issue a determination of confidentiality pursuant to F.S. Ch. 378, § 378.406, the County Shall honor said determination.

C. *Mining Site Plan Review and Approval Process; Reapplication; Term; Amendment.* The procedure for obtaining approval of a mining site plan shall be as follows:

1. *Preapplication Conference.* Prior to submitting a formal mining site plan application, the applicant shall schedule a preapplication conference with the County staff. At least ten (10) working days prior to the scheduled conference date, the applicant shall submit ten (10) copies of a concept plan for the proposed mine. The concept plan shall consist of, at a minimum, a generalized sketch with supporting information addressing the proposed project. The purpose of the preapplication conference is to acquaint County staff with the proposed project, provide the applicant with preliminary review comments, identify major areas of concern, discuss the need for additional support data and familiarize the applicant with the project review process.
2. *Mining Site Plan Application Submission.* After the preapplication conference, should the applicant desire to proceed with the proposed project, the following procedures shall be followed:
 - a. The applicant shall submit ten (10) copies of the completed mining site plan application to the County.
 - b. The applicant shall submit with the mining site plan application the appropriate nonrefundable fees as established by the Board of County Commissioners.
3. *County Staff Review.* Upon submission of the mining site plan application and appropriate application fees, the project shall be reviewed by the County staff within thirty (30) days after submittal of a complete application. The review shall be conducted in terms of the following considerations:

- a. Consistency with Lake County's Comprehensive Plan, and these regulations. Consistency with the general purpose, goals, objectives and standards of the Lake County Comprehensive Plan, and these regulations.
- b. Effects on adjacent properties. The potential impact upon adjacent property in general terms of neighborhood character, public nuisances and other matters affecting the public health, safety and welfare.
- c. Environmental impacts. The potential impact upon air quality, surface and groundwater quality and quantity, drainage, ambient sound levels, vegetation and wildlife resources.
- d. Transportation system plan. The potential impact on public roads.
- e. The adequacy of the reclamation plan in properly reclaiming the mining site relative to the environment.

Upon review of the mining site plan application by the County staff, the County Manager or designee shall issue a written recommendation. A copy of the recommendation of the County Manager or designee shall be sent to the Lake County Zoning Board and the applicant within forty-five (45) days after submittal of a complete application.

4. *Lake County Zoning Board and Board of County Commissioners Review.*
 - a. The mining site plan application shall be processed and reviewed by the Lake County Zoning Board in the same manner as a conditional use permit as provided in Section 14.05.00 of these regulations.
 - b. A public hearing shall be held by the Board of County Commissioners in the same manner as that for a conditional use permit. The Board of County Commissioners shall consider the recommendation of the Lake County Zoning Board.
5. *Reapplication.* In the event of a denial of an application, reapplication for mining site plan Approval for all or a portion of the property described in the original application shall not be allowed for a period of one (1) year from the date of the denial unless said time frame is waived by the Board of County Commissioners pursuant to the terms of this subsection. The Board may waive the one-year period if it finds that the basis for denial of the original application no longer exists because of changed circumstances or the discovery of evidence not produced at the original public hearing.

If the applicant feels that the justification for a waiver is present, the applicant may submit a request to the Board. In the request, the applicant shall state the basis for the proposed waiver. If a waiver is granted, the application shall be processed in the same manner as the initial application.

6. *Mining Site Plan Term.*

- a. If the mining activities commence within three (3) years of the date that the Board grants mining site plan approval, the mining site plan shall remain valid and in force as long as the operator shall abide by the approved mining site plan, the operating permit and the requirements of this chapter.
- b. Should mining activities not commence within the specified three-year period, the mining site plan approval shall expire unless extended. Extension of approval of the mining site plan shall be requested in writing by the applicant prior to the expiration of the mining site plan approval and may be extended for a period of up to three (3) years upon approval by the Board.
- c. After commencement of mining activities, should mining activities cease for a period of three (3) years, mining site plan approval shall expire unless extended. Extension shall be requested in writing by the applicant prior to the expiration of the mining site plan approval. Any request for extension shall be placed on a Board agenda and shall be heard by the Board no later than forty-five (45) days after the date the request for extension is submitted.

7. *Mining Site Plan Amendment.*

- a. The mining site plan may be amended as required for reasonable cause and as approved by the County. In order to amend the mining site plan, an application shall be submitted to the County for consideration.
- b. The County Manager or designee, based upon the recommendations of the members of County staff, shall determine whether the proposed amendment is substantial or nonsubstantial. The following general criteria will be used to identify a substantial amendment. These criteria are established for illustrative purposes and may be expanded upon where deemed necessary to protect the public health, safety or welfare:
 1. A change which would require an amendment of the conditions of approval for the mining site plan;
 2. A change in phasing of the mining operation which would propose mining in advance of infrastructure improvements necessary to support such operation.
- c. A nonsubstantial amendment is defined as any change to a previously approved mining site plan which does not increase the intensity of the land use or its impact on activities, utilities, circulation, surrounding land uses, community facilities, environment or other factors directly or indirectly affected.

- d. Amendments to the mining site plan which are determined to be substantial shall be submitted with plans and support data in the same manner as required for the submittal of the original mining site plan application for review.
- e. All nonsubstantial amendments documented by plans and support data shall be approved by the County Manager or designee. The review of the application for amendment shall be conducted in substantial conformity with those procedures used to review the original mining site plan.

D. Operating Permit Review and Approval Process; Reapplication; Term; Amendment. The procedure for obtaining an Operating Permit Shall be as follows:

- 1. Submission of Application and Fees. The Applicant Shall submit to the County ten (10) copies of the Operating Permit application and the appropriate fees charged by each of the reviewing departments or divisions. The application Shall contain the Engineering and Construction plans for the project. Where required by state or County regulation, such plans Shall be Signed and sealed by a Professional Engineer, professional geologist or Architect, where applicable, registered in the State of Florida and Shall include but not necessarily be limited to Architectural and Engineering Construction details, plans and specifications for:
 - a. All proposed Buildings, Signs, exterior walls and fences, Driveways, Roads, Off-Street Parking Areas, loading and unloading areas, walks.
 - b. Conceptual Excavation areas.
 - c. Solid Waste Management facilities.
 - d. Water supply and wastewater treatment facilities.
 - e. Stormwater Management facilities (including calculations).
 - f. Other pollutant Management devices or facilities.
 - g. Erosion and Sedimentation control.
 - h. Hazardous Material storage and Management facilities.
 - i. Landscaping and beautification.
 - j. Fire-control devices, facilities.
 - k. Site Reclamation.

1. Wetlands Mitigation.
 - m. Other information which may be beneficial to the review and approval of the Operating Permit application.
 2. Operating Permit Application Review. The Operating Permit application review will be conducted by the Lake County staff within thirty (30) days of the receipt of a complete application. The application shall be reviewed for compliance with all applicable state, federal, regional and local laws, ordinances, rules and regulations and the approved Mining Site Plan. The County Manager or designee, based upon the comments of County staff, shall either approve, approve with conditions or deny the application. If the application is approved or approved with conditions, the conditions being so stated in writing, the Applicant shall be issued an Operating Permit. If the application is denied, the reasons for denial shall be stated in writing and forwarded to the Applicant.
 3. Reapplication. The Applicant may reapply for an Operating Permit after denial upon addressing the reasons for denial.
 4. Appeal. If, after reapplication, the Permit is denied or the Applicant and County staff are unable to resolve the issues in dispute, the Applicant may Appeal the denial to the Board of Adjustment. Said Appeal shall be considered at a Public Hearing after Written Notice of the date, time and place is mailed to the Applicant. The Board of Adjustment shall consider all applicable provisions of the Lake County Code in reviewing the denial.
 5. Operating Permit Term. Unless stated otherwise, the Operating Permit shall remain valid and in force throughout the life of the approved Mining Site Plan as long as the Operator shall comply with the Mining Site Plan, the requirements of Section 6.06.00 and the conditions of the Operating Permit.
 6. Operating Permit Amendment. The process followed for Operating Permit amendments shall be the same as the procedure required for the approval of the original Operating Permit.
- E. Inspections of all new and existing Mining Activities shall be conducted on a routine, periodic basis and as deemed appropriate by the County or as complaints arise concerning the mining activity. By seeking and obtaining a mining Permit under the Land Development Regulations, the Operator and Owner shall be deemed to have consented to inspections by the County and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.
- F. Fees.
1. Payment of administrative, review, processing, Permitting and inspection fees associated with the cost of implementing the requirements of the mining regulations shall be in accordance with a fee schedule established by resolution of the Board.

2. Annual Inspection Fee.

- a. Submitted to the County within forty-five (45) days after the end of each fiscal year (September 30th) along with the annual progress report required pursuant to Section 6.06.03; and
- b. Pro-rated for the first year to cover the number of fiscal quarters remaining after approval of the Operating Permit.

The fee Shall be in Addition to the annual progress report review fee.

3. Annual Progress Report. Submission of the annual progress report Shall be accompanied by the appropriate fee as established by the Board.

(Ord. No. 1996-77, §§ 7--11, 9-17-96; Ord. No. 1996-88, § 4, 11-26-96; Ord. No. 1997-65, § 2, 9-23-97; Ord. No. 2004-13, § 4, 3-16-04; Ord. No. 2009-1, § 3, 1-6-09)

6.06.04 Annual Progress Report.

A. Annual Progress Report. The Operator of every approved or registered Mine Shall file a written annual report with the County within forty-five (45) days after the end of each fiscal year (September 30th) to include the following if applicable:

1. Identification of Lands Mined during the preceding year and Lands expected to be Mined during the current year.
2. Discussion of the Reclamation progress for each area where Reclamation has been completed in the last year or where Reclamation is in progress and a discussion of Reclamation planned for the current year.
3. Aerial photographs at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available through the County Engineer's office, DOT, SCS or other agency will be accepted) showing the extent of Land disturbance and Reclamation during the last year.
4. A summary of results of the previous year's environmental monitoring program if required in the Operating Permit.
5. The Operator Shall also furnish copies of all related inspection reports not previously furnished which are required by state, federal, regional or local regulatory agencies.
6. An update on major Access routes, impacted intersections closest to the Site and daily volume of Vehicles hauling Mined materials.

B. Certification. A licensed Florida registered Professional Engineer, professional geologist, Mine

Operator or an authorized representative familiar with the Operator's Mining Activities Shall certify in a notarized document which Shall be included with the annual progress report that the project is being Developed and operated in strict accordance with the conditions set forth in the approved Mining Site Plan, Operating Permit and any applicable Development of regional impact Development Order.

- C. Failure to File. Failure to file the required annual progress report Shall be grounds for suspension of the Operating Permit. An extension of time for filing may be granted by the County upon request and for good cause shown.
- D. Reclamation Approval. If necessary, approval of reclaimed areas Shall be requested in the annual progress report by identifying the specific Reclamation areas for which approval is sought. Reclamation of Disturbed Lands Shall be deemed completed after showing that the Reclamation areas have been reclaimed in accordance with the approved Mining Site Plan and Operating Permit.

(Ord. No. 1995-9, § 1, 5-3-95)

6.06.05 Financial Responsibility.

- A. Before an Operating Permit is issued, the Applicant or Operator Shall provide proof of financial responsibility and Shall file with the Board of County Commissioners a compliance and Reclamation guarantee to ensure that the Mine is Developed, operated and reclaimed in conformance with the Lake County Code, the approved Mining Site Plan and the Operating Permit. Acceptable forms of the guarantee include cash, irrevocable letters of credit or surety bonds. In all cases, the form of the guarantee Shall be subject to approval by the County Attorney.
- B. The amount of the guarantee Shall be set by the Board, upon recommendation of the County Manager or designee in an amount not less than one hundred (100) percent of the estimated cost of Reclamation based upon the phase that is being Permitted.
- C. As the Reclamation progresses in accordance with the Reclamation plan, the amount required to complete the Reclamation may decrease. As time progresses, the amount required to complete the Reclamation may increase because of, among other things, changes in technology or inflation. If the Owner or Operator feels that, due to progress which has occurred in compliance with the Reclamation plan, the amount of the guarantee held by the County exceeds one hundred (100) percent of the amount necessary to complete the Reclamation plan, then the Owner or Operator may submit a request for a proportionate reduction. Such request Shall accompany the annual progress report and Shall provide justification for the request. If the County feels that, due to changes in technology, inflation or other events, the amount of the guarantee held by the County is less than one hundred (100) percent of the amount necessary to complete the Reclamation plan, the County may request Additional amounts of guarantee. After review, the County Manager or designee Shall recommend to the Board of County Commissioners that the amount of the guarantee be reduced or that Additional guarantee amounts are necessary. The Board of County Commissioners Shall review the recommendation of the County Manager or designee

and determine the amount by which the guarantee Shall be reduced or increased accordingly. Failure of the Operator to post such Additional guarantee amount Shall be grounds for suspension or revocation of the Operating Permit or the Mining Site Plan Approval in Addition to the other remedies provided in the Lake County Code.

- D. Where Water Quality monitoring is required by the Board of County Commissioners for Mining Activities occurring within prime Aquifer Recharge areas, the costs of monitoring activity Shall be borne by the extractor.

(Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1996-77, § 12, 9-17-96)

6.07.00 Protection of Existing Natural Reservations.

6.07.01 Purpose. The purpose of this Section is to protect the managed natural areas identified in the Lake County Comprehensive Plan from the impacts of adjacent Land Use activities.

6.07.02 Development Review Required. All Development proposals within one thousand (1,000) feet of a natural reservation Shall be evaluated for potential impacts to the reservation relating to: hydrology, Water Quality, air quality, ambient noise level, wildlife populations, natural ecosystems and aesthetics. The County may request assistance in review from the state or federal agency responsible for Management of the affected reservation.

6.07.03 Management Plan. Where the County determines that a proposed project will result in negative impacts to a natural reservation, the County Shall require the Applicant to prepare and implement a Management Plan which eliminates, or minimizes to the maximum extent possible, the potential negative impacts.

6.08.00 Air Quality.

6.08.01 Mining. Mining activity Shall be in conformance with Section 6.06.00.

6.08.02 Developments of Regional Impact

- A. Monitoring Required. The County Shall require that air quality impact analyses be performed on Significant traffic generating Development proposals. The County Shall, on a case by case basis, request that the ECFRPC require air quality monitoring on DRI's located in the County especially in or near existing urban areas. The requirement may be waived where the ECFRPC determines there is no need for such a study.
- B. Mitigation Required. As a condition of a Development Order, the County Shall request that projects predicted to violate air quality standards be required to implement traffic Mitigation techniques, which may include scaling down of the proposal to achieve compliance standards.

6.08.03 Other Development.

- A. Monitoring and Location. New Developments which include facilities that emit air pollutants

pursuant to a FDER Permit Shall be required to be monitored. The facilities which emit the pollutants Shall be located away from schools, Hospitals, or residential areas.

- B. Best Management Practices. In order to combat fugitive dust emissions caused by mining, inappropriate Land Use Management practices, and Development activities such as highway Construction, Road Maintenance, and Building Construction, compliance with FDER's manual titled "Best Management Practices for Construction Activities" Shall be required.

6.09.00 Groundwater Aquifer Recharge.

6.09.01 Purpose. Prime Groundwater Recharge areas and other Recharge areas identified below Shall be protected as necessary to maintain the quality and quantity of water in Aquifers from which potable water is drawn.

6.09.02 Standards for Protecting Groundwater Aquifer and Recharge Areas.

- A. Determination of Prime and High Recharge Areas.

1. Prime Recharge areas Shall be those determined to be prime as adopted by St. John's River Water Management District and Southwest Florida Water Management District pursuant to F.S. § 373.0395 (3) and F.S. § 373.0397. At the Applicant's request, the County Shall, at the Applicant's expense, seek a Site-specific determination by an independent state-registered geologist as to whether a Site lies within a bona fide prime Aquifer Recharge area. Should the Site be determined to not meet the criteria of a prime Aquifer Recharge area as specified in Florida Statutes or Florida Administrative Code, the County and the Applicant may petition the applicable water Management district to have the prime Aquifer Recharge map amended.
2. High Recharge Areas (recharging in excess of 10 inches of rainfall annually) are identified on Map 1-1i of the Future Land Use Element, Data Inventory and Analysis, and include the Palatlahaha and Sumter Uplands and the Lake Wales and Mount Dora Ridges.
3. Other Recharge areas as identified by Lake County or the East Central Florida Regional Planning Council pursuant to Sections 9J-5.011(1)(g) and 9J-5.011(2)(c)(4), F.A.C., Shall also be subject to the provisions set out in this Section.

- B. Hazardous Substances.

1. All new Development involving the handling, generation or storage of Hazardous Waste Shall meet the following standards for Permitting approval:
 - a. Development of an emergency response system addressing accidents involving Hazardous Waste;
 - b. Consistency with the following Florida Department of Environmental Regulation

rules, including receipt of appropriate state Permits:

- (1) Chapter 17-730, F.A.C., Hazardous Waste;
 - (2) Chapter 17-761, F.A.C., Underground Storage Tank Systems; and
 - (3) Chapter 17-762, F.A.C., Above Ground Storage Tank Systems.
2. Large quantity Hazardous Substance generators of greater than one thousand (1,000) kilograms per month Shall be prohibited in designated prime Aquifer Recharge areas. The location of new business that use Hazardous Materials or generate Hazardous Waste Shall be restricted within prime Aquifer Recharge areas.
 3. Water Quality or other monitoring associated with Hazardous Waste activities Shall be the responsibility of the Developer.
 4. The disposal of Hazardous Waste is prohibited in all areas of the County.
 5. Small quantity generators, that is, businesses which generate or use less than 1,000 kilograms of Hazardous Materials per month, Shall comply with all federal and state handling and disposal practices.
- C. Mining. Mining in prime Recharge areas Shall be prohibited, except for small-scale, public purpose Mines meeting the standards of Section 6.06.00.
- D. Additional Standards for Recharge Areas.
1. Activities within Recharge areas Shall not reduce the volume of Recharge, that is, Shall not increase the total volume of Post-Development runoff, or reduce the quality of Groundwater below existing levels of County or state standards (Sections 17-3.071 and 17-3.404, F.A.C., as applicable), whichever standards are more restrictive.
 2. All Development proposal for areas of high or prime Recharge Shall be required to submit a hydrogeologic report to determine the Recharge potential of the Site. The report Shall be completed by a Professional Engineer or state-registered geologist and include all the information necessary to meet the provisions of this Section.
 3. All Development proposals for areas of high or prime Recharge Shall:
 - a. Be required to minimize Impervious Surface coverage based on the hydrogeologic report required in (2) above; and
 - b. Provide for the On-Site Retention of and infiltration into hydrologic group A soils of the first three (3) inches of runoff from directly connected Impervious Surface areas, based on the Storm Events and durations established in Section 9.06.00.

The Impervious Surface ratios Shall be calculated based upon the hydrogeologic report for the Site.

4. All Development proposals for areas of prime Recharge Shall be Developed so as to maintain pre-Development net Retention. Exemptions may be given for agricultural activities utilizing Best Management Practices adopted by USDA SCS and IFAS which protect ground and Surface Water Quality. The use of porous pavement, concrete and turf Blocks Shall be encouraged to meet the above standard.

6.10.00 Water Quality Standards.

6.10.01 Water Quality Standards.

- A. Declaration and Intent. Lake County, in order to more properly protect the waters of Lake County, declares that the presence of pollutants in excess of concentrations here-in-after provided is harmful to the waters of this County, and the presence of such excessive concentrations is deemed to be prima facie evidence of pollution of the Waters of the County of Lake, and the same is expressly prohibited.

The operational procedures set forth in these standards Shall be to protect Water Quality existing at the time these Water Quality standards were adopted and to upgrade and enhance Water Quality within Lake County. In administering these standards, high quality Receiving Waters will be protected by requiring, as part of the initial project design, the highest and best practical treatment available under existing technology.

Lake County recognizes and will protect interest of the State of Florida waters within Lake County in accordance with the Federal Water Pollution Control Act as amended. Lake County further Shall consult with the State of Florida Department of Environmental Protection on all matters affecting the Federal and State interest in a co-operative effort.

- B. Minimum Conditions of All Waters; Times and Places. Within the limit of Lake County, all such waters Shall be free from:
 1. Domestic, industrial, agricultural, or other man-induced components of Discharges (whether thermal or nonthermal) which:
 - a. Settle to form putrescent deposits or otherwise create a nuisance; or,
 - b. Float as debris, scum, oil or other matter in such amounts as to form nuisances; or,
 - c. Produce, color, odor, taste, turbidity, or other conditions in such degree as to create a nuisance; or,
 - d. Are acutely toxic; or,

- e. Are present in concentrations which are carcinogenic, or mutagenic, teratogenic to human beings or to Significant, locally occurring wildlife or Aquatic species; or,
 - f. Pose a serious danger to the public health, safety, or welfare.
2. Thermal components of Discharges which, alone, or in combination with other Discharges or components of Discharges (whether thermal or nonthermal) produce conditions so as to create a nuisance.
 3. Nonorganic materials such as trash, dirt, Building materials and other fill.

C. General Water Quality.

1. Sewage, Industrial Wastes or other wastes: Any Industrial Wastes or other wastes Shall be effectively treated by the latest modern technological advances as approved by the Department of Environmental Protection. All Discharges from municipal and privately owned domestic or Industrial Waste plants will comply with the Water Quality standards of the State of Florida with ninety (90) percent organic Removal or better, and Shall at no time be Discharged or Permitted to flow from the facility Owner's owned, leased or otherwise legally held property or into Waters of the State, unless a variance is obtained from the Board of Adjustment. Variances previously approved and issued by the Environmental Protection Board shall remain in effect subject to an annual administrative review by the County Manager, or designee, for compliance. All future requests for variances shall be initially approved by the Board of Adjustment then subject to an annual administrative review by designated staff for compliance.
2. Final Treated Effluent from all municipal and privately owned domestic Sewage treatment plants, approved for Construction after July 14, 1980, Shall be disposed of by Land Application after standard secondary treatment as delineated in Subsection 6.11.00.E.
3. Agricultural waste: This waste Shall include all Discharges/runoff from agricultural operations which are primarily nonfecal in content. Those Effluent from agricultural operations which are primarily composed of fecal material Shall be treated by those methods described in Subsection 6.11.00.F, Agricultural Wastes. In no case will agricultural waste be allowed to Discharge inorganic or organic waste into a receiving water whereas the classifications will not be attained or whereas the beneficial use of said waters will be impaired.
4. Stormwater/surface drainage: This waste Shall include that which is collected on Roads, highways, Street, lawns, parking Lots and other impervious areas and is Discharged into receiving bodies of water through a pipe, Canal, culvert, ditches, etc. Existing and proposed Discharges will not be allowed if they adversely affect the biological, chemical, or physical characteristics of said Receiving Waters, and that the classification and said

standards as herein and after provided are met.

5. Chemical constituents and compounds: Presence of certain other elements, organic or inorganic compounds are recognized to affect Water Quality and Aquatic life. These substances often occur naturally in Streams or Lakes and may be difficult to measure accurately and their effects are usually indirect or accentuated when found in combination with substances or conditions listed in the established criteria.

D. Water Quality Standards.

1. The criteria of Water Quality hereinafter provided will be applied to all Surface Waters except within zones of mixing.
2. A violation of any of the following Water Quality criteria constitutes pollution. Additional, more stringent or alternative criteria than that indicated in the paragraph may, however, be specified for individual classes of water.
 - a. Arsenic Shall not exceed five hundredths (0.05) mg/l.
 - b. BOD 5 Shall not be altered to exceed values which would cause dissolved oxygen to be depressed below the limit established for each class, and in no case Shall it produce nuisance conditions.
 - c. Chlorides Shall not exceed two hundred fifty (250) mg/l in Streams considered to be fresh water Streams. The chloride content Shall not be increased more than ten (10) percent above normal Background chloride content.
 - d. Chromium Shall not exceed five tenth (0.5) mg/l hexavalent or one (1.0) mg/l total chromium in Effluent Discharge and Shall not exceed five hundredths (0.05) mg/l total chromium after reasonable mixing in the receiving Stream.
 - e. Copper Shall not exceed three-tenths (0.3) mg/l.
 - f. Cyanide or cyanates non Shall be detected.
 - g. Dissolved oxygen Shall not be artificially depressed below the values of five (5.0) mg/l; unless Background information available to the County Manager or designee indicates prior existence under unpolluted conditions of lower values. In such cases, lower limits may be utilized after approval by the County Manager or designee.
 - h. Detergents Shall not exceed five tenths (0.5) mg/l.
 - i. Dissolved solids not to exceed five hundred (500) mg/l as a monthly average or exceed one thousand (1,000) mg/l at any time.

- j. Fluorides Shall not exceed ten (10.0) mg/l as fluoride iron.
- k. Lead Shall not exceed five hundredths (0.05) mg/l.
- l. Nutrients. In no case Shall nutrient concentration of a body of water be altered so as to cause an imbalance in natural populations of Aquatic flora or fauna are not met.
- m. Oils and greases.
 - (1) Dissolved or emulsified oils and greases Shall not exceed five (5.0) mg/l.
 - (2) No undissolved oil, or visible oil defined as iridescence, Shall be present to cause taste or odor, or otherwise interfere with the beneficial uses of waters.
- n. pH of receiving water Shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters, and lower value Shall be not less than six (6.0), and upper value not more than eight and one-half (8.5). In cases where pH may be, due to Background or causes, outside limits stated above, approval of the County Shall be secured prior to introducing such material into these waters which will cause a fluctuation of more than one (1.0) pH unit.
- o. Radioactive substances.
 - (1) Combined radium 226 and 228 Shall not exceed five (5) picocuries per liter.
 - (2) Gross alpha particle activity including radium 226, but excluding radon and uranium, Shall not exceed fifteen (15) picocuries per liter.
- p. Phenolic compounds as listed: Chlorinated phenols, including trichlorophenols; chlorinated creosols; 2-chlorophenol; 2, 4-dichlorophenol and pentachlorophenol; 2, 4-dinitrophenol; phenol, Shall not exceed 1.0 micrograms per liter (ug/l) unless higher values are shown not to be chronically toxic. Such higher values Shall be approved, in writing, by the Board. Phenolic compounds, other than those produced by the natural decay of plant material, named or unnamed, Shall not taint the flesh of edible fish or produce objectionable taste or odor in a drinking water supply.
- q. Specific conductance Shall not be increased more than fifty (50) percent above Background levels or to a maximum level of 1275 micromhos percentimeter whichever is greater in fresh water.

- r. Suspended solids. The total suspended solids Shall not exceed four (4.0) mg/l as a monthly average.
- s. Temperature Shall not be increased as to cause any damage or harm to the Aquatic life or vegetation of the Receiving Waters or interference with any beneficial use asSigned to such waters.
- t. Turbidity Shall not exceed 29 Nephelometric Turbidity units (NTU) above Background.

E. Classification of Waters; Usage. The waters of Lake County are classified according to their usage as follows:

Class I waters Potable water supply.

Class II waters Shellfish Propagation or harvesting.

Class IIIA waters Recreation with body contact sports, Propagation and Management of fish and wildlife.

Class IIIB waters Recreation, Propagation and Management of fish and wildlife.

Class IV waters Agricultural and industrial water supply.

Class V waters Navigation, utility and industrial use.

- 1. Criteria; class I waters Potable water supply. The following criteria are for classification of any Surface Water from which water is withdrawn for treatment and distribution as a potable supply. These criteria are in Addition to those listed in Subsection 6.10.01.D, Water Quality standards.
 - a. Sewage, Industrial Waste, or other wastes. No Industrial Wastes, Sewage, or other man-induces waste Shall be approved to Effluent into these waters.
 - b. Odor. Threshold odor number not to exceed twenty-four (24) at sixty (60) degrees centigrade as a daily average.
 - c. Bacteriological quality. Coliform group not to exceed one thousand (1,000) per one hundred (100) milliliters as a monthly average, using either most probable number (MPN) or membrane filter (MF) counts; nor to exceed one thousand (1,000) per one hundred (100) milliliters in more than twenty (20) percent of the samples examined during any month; nor exceed two thousand four hundred (2,400) per one hundred (100) milliliters (MPN or MF count) at any time. Based on a minimum of five (5) samples taken over a thirty-day period, the fecal coliform bacterial level Shall not exceed two hundred (200) per one hundred (100)

milliliters as computed by the log mean, nor Shall more than ten (10) percent the total samples taken during any thirty-day period exceed four hundred (400) per one hundred (100) milliliters.

2. Criteria; class II waters Shellfish Propagation or harvesting. (Reserved)
3. Class IIIA waters Recreation with body contact sports, Propagation and Management of fish and wildlife. The following criteria are for classification of waters to be used for recreational purposes involving body contact, and for the Maintenance of a well-balanced fish and wildlife population. These criteria are in Addition to those listed in Subsection 6.10.01.D, Water Quality standards. Waters not otherwise classified Shall be classified as Class IIIA.
 - a. Sewage, Industrial Wastes or other wastes. Any Industrial Waste, Sewage or other man-induced wastes Shall be effectively treated by the latest technological advances and Shall not be allowed to Discharge into these waters unless approved by the Lake County.
 - b. Bacteriological quality. Fecal coliform bacteria Shall not exceed a monthly average of two hundred (200) per one hundred (100) milliliters of sample, nor exceed four hundred (400) per one hundred (100) milliliters of sample in ten (10) percent of the samples, nor exceed eight hundred (800) per one hundred (100) on any one (1) day, nor exceed a total coliform bacteria count of one thousand (1,000) per one hundred (100) milliliters in more than twenty (20) percent of the samples examined during any month, nor exceed two thousand four hundred (2,400) per one hundred (100) at any time. Monthly averages Shall be expressed as geometric means based on a minimum of ten (10) samples taken over a thirty-day period. Either MPN or MF counts may be utilized.
 - c. Odor. Threshold odor number not to exceed twenty-four (24) at sixty (60) degrees centigrade as a daily average.
4. Class IIIB waters Recreation, Propagation and Management of fish and wildlife. The following criteria are for classification of waters to be used for recreational purposes, and for the Maintenance of a well-balanced fish and wildlife population. These criteria are in Addition to those listed in Subsection 6.10.00.D, water quality standards. Waters not otherwise classified Shall be classified as class IIIA.
 - a. Sewage, Industrial Wastes or other wastes. Any Industrial Waste, Sewage or other man-induced wastes Shall be effectively treated by the latest modern technological advances and approved by Lake County prior to discharging to these waters.
 - b. Bacteriological quality. Fecal coliform bacteria Shall not exceed a monthly average of two hundred (200) per one hundred (100) milliliters of sample, nor exceed four hundred (400) per one hundred (100) milliliters of sample in ten (10)

percent of the samples, nor exceed eight hundred (800) per one hundred (100) on any one (1) day, nor exceed a total coliform bacteria count of one thousand (1,000) per one hundred (100) milliliters in more than twenty (20) percent of the samples examined during any month, nor exceed two thousand four hundred (2,400) per one hundred (100) at any time. Monthly averages Shall be expressed as geometric means based on a minimum of ten (10) samples taken over a thirty-day period. Either MPN or MF counts may be utilized.

c. Odor. Threshold odor number not to exceed twenty-four (24) at sixty (60) degrees centigrade as a daily average.

5. Criteria; class IV waters Agricultural and industrial water supply. The following criteria are for classification of waters to be used for agricultural or stock watering, or industrial water supply. The specific criteria contained in this paragraph are of a lower quality than those stated in Subsection 6.10.00.D, Water Quality standards. All other criteria not specified in this paragraph Shall remain unchanged from the criteria in Subsection 6.10.00.D.

a. Sewage, Industrial Wastes or other wastes, none which are not effectively treated or controlled to the satisfaction of Lake County.

b. Dissolved oxygen Shall not average less than 4.0 mg/l in a twenty-four-hour period and Shall never be depressed below 3.0 mg/l.

c. Color, odor, and taste producing substances and other deleterious substances including other chemical compounds attributable to domestic wastes, Industrial Wastes and other wastes only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock water, industrial cooling, industrial process water supply purposes or fish survival.

6. Criteria; class V waters Navigation, utility and industrial use. (Reserved)

F. Water Quality Testing.

1. Tests or analytical procedures to determine compliance or noncompliance with Water Quality criteria provided by this Section Shall be in accordance with methods given in the Florida Administrative Code, Section 17-4.246.

G. Wetlands Application. The provisions in chapter 17-611, Florida Administrative Code Shall apply to the use of Wetlands to treat or receive reclaimed water from domestic wastewater treatment plants.

(Ord. No. 1993-19, § 1, 11-16-93; Ord. No. 1996-88, § 5, 11-26-96)

6.11.00 Operations and Waste Treatment.

- A. Declaration and Intent. Lake County, in order to more properly protect the waters of Lake County, declares that the presence of pollutants in excess of concentrations hereinafter provided is harmful to the waters of this County, and the presence of such excessive concentrations is deemed to be prima facie evidence of pollution of the Waters of the County of Lake, and the same is expressly prohibited.

The operations procedures set forth in these standards Shall be to protect Water Quality existing at the same time these Water Quality standards were adopted and to upgrade and enhance Water Quality within Lake County. In administering these standards, high quality Receiving Waters will be protected by requiring, as a part of the initial project design, the highest and best practicable treatment available under existing technology.

Lake County recognizes and will protect the interest of the State of Florida waters within Lake County in accordance with the Federal Water Pollution Control Act as amended. Lake County further Shall consult with the State of Florida Department of Environmental Protection on all matters affecting the Federal and State interest in a cooperative effort.

- B. Water Quality Testing.

1. Tests or analytical procedures to determine compliance or noncompliance with Water Quality criteria provided by this Section Shall be in accordance with methods given in the latest edition of standard methods, A.S.T.M., or E.P.A. methods Shall be used. Approved methods for chemical analyses are summarized in the Federal Register, 40 CFR 136 October 26, 1984 except that turbidity Shall be measured using a Nephelometer or its equivalent.
2. Where other tests or analytical procedures are found to be more satisfactory, such tests or procedures will be used only upon the acceptance and approval by the appropriate regulatory agencies. Testing for research projects may deviate from standard methods when approved by competent authority.
3. Copies of approved standard methods and approved revised methods Shall be available for public inspection at the office of the County Manager or designee.

- C. Stormwater and Surface Drainage. Stormwater and surface drainage Shall be in accordance with the requirements of Section 9.06.00, Stormwater Management; and Section 6.01.00, Wetlands Protection.

- D. Operation of Pollution Control/Abatement Structures or Works.

1. For the purposes of this Section, a "pollution control/abatement Structure or Works" Shall mean equipment, Structures, transmission lines or Land specifically designed and used for the treatment and Benefication of any pollution material prior to its Discharge from the Owner owned, leased or otherwise legally held property.

2. The legal Owner of any pollution control/abatement Structure or Works Shall:
 - a. Insure the device is maintained and utilized in such a manner as to Permit maximum operating efficiencies at all times.
 - b. Insure the device is operated by a qualified and certified (if required by Florida Statutes) Operator and such Operator controls the device to obtain maximum efficiency at all times.
 - c. Insure all required tests are properly performed and recorded correctly for submission to cognizant authorities in a timely manner.
 - d. Not knowingly or willingly Permit the by-passing, overloading or circumvention of any device so as to allow a Discharge of improperly treated Effluent.
 - e. Notify the County Manager or designee immediately of any breakdown, malfunction or circumstance beyond his control which will cause the Discharge of improperly treated Effluent from his pollution control/abatement Structure or Works.
 - f. Maintain a valid Permit as required under Section 17-4, F.A.C. and operate under the conditions set forth in the Permit.
 - g. Comply with the requirements of Section 9.06.00, Stormwater Management.
 - h. Not install, extend, or alter any pollution control/abatement structure or works for use in Lake County without first having received written approval of the plans, specifications, and other related material from the County Manager or designee.
 - i. Prior to operation under a renewal of any permit issued for a facility covered under Subsection 6.11.00.D.h, written approval of the renewal must be received from the County Manager or designee.
 - j. Submit operating reports with frequency and contents as may be required by the Board of County Commissioners.

E. Waste Treatment and Effluent Disposal Requirements.

1. Location:
 - a. No treatment plant, pump station, holding or percolation pond or Effluent disposal Site Shall be located within the one-hundred (100) year Floodplain, or other wetland Areas such as marshes, bogs, swamps or sloughs where there is a practical alternative.

- b. No waste treatment facility/Structure, percolation pond or Waste Discharge Shall be Permitted within fifty (50) feet (fifteen and twenty-five hundredth (15.25) meters) of any Lake, Stream, Canal or Tributary unless exempted by these rules.
2. All sanitary, industrial or other man-induced wastes Shall be effectively treated by the best practical treatment as approved by the Department of Environmental Regulation and Shall be consistent with adopted level of service standards. Minimum Removal of the organic waste load, as specified in the Operating Permit, Shall be met at all times by all facilities prior to Discharge of the Effluent for final disposal. Under no circumstance, Shall this Effluent be allowed to Discharge from the facility Owner's owned, leased or otherwise legally held property unless exempted by the Board as provided in Subsection 12.04.03.
3. The Final Treated Effluent from those Sewage treatment facilities, approved for Construction after July 14, 1980, mentioned in Subsection 6.11.00.E.1, Shall be disposed of by one (1) of the following Land Application procedures:
 - a. Low Rate Land Application-Shall utilize a maximum hydraulic application Rate not to exceed two and one-half (2.5) inches (seven (7) centimeters) per week and Shall utilize the following minimum criteria for Site selection and Effluent quality:
 - (1)
 - (a) A fifty-foot (fifteen and twenty-five hundredths (15.25) meters) minimum Buffer zone from the wetted perimeter of the spray area to the property line, except in those cases where the adjacent property is occupied or zoned residential, in which cases where the adjacent property is occupied or zoned residential, in which case the minimum Buffer zone Shall be one hundred (100) feet (thirty and five tenths (30.5) meters).
 - (b) The Buffer zone from the wetted perimeter to the nearest potable water well or treatment facility Shall be in accordance with F.A.C., Chapters 10D-4, 17-532, 17-550, 17-555, and 17-560.
 - (c) The spray nozzles Shall be of such design and the piping installed in such a manner so as to prevent aerosol spray from drifting across the spray field boundary under sustained conditions.
 - (2) Five (5) feet (one and five tenths (1.5) meters) or more to a Groundwater.
 - (3) A soil type which will accept a minimum loading Rate of at least two (2) inches per week (fifteen (15) centimeters per week) in Addition to rainfall.
 - (4) Effluent Shall have been effectively treated to achieve a minimum of secondary treatment, and have been chlorinated prior to being Discharged

to the holding or percolation pond. It Shall also contain not more than the following pollutants expressed in milligrams per liter (mg/l): Biochemical oxygen demand (BOD) Twenty (20) Total suspended solids (TSS) Twenty-five (25) Total nitrogen (as N) Twenty-five (25)

(5) Groundwater monitoring wells Shall be located in such a manner as to determine compliance with Section 17-610.424, F.A.C., in providing Background Water Quality data and in detecting movement of pollutants from the Site.

b. High Rate Land Application Shall meet the Permitting and monitoring requirements of Chapter 17-610, F.A.C., utilize a maximum hydraulic loading Rate not to exceed four (4) inches (eleven (11) centimeters) per week except as noted in paragraphs (8) and (9) below and Shall utilize the following minimum criteria for Site selection and Effluent quality:

(1) (a)

A fifty-foot (fifteen and twenty-five hundredths (15.25) meters) minimum Buffer zone from the wetted perimeter of the spray area to the property line, except in those cases where the adjacent property is occupied or zoned residential, in which case the minimum Buffer zone Shall be one hundred (100) feet (thirty and five-tenths (30.5) meters).

(b) The Buffer zone from the wetted perimeter of the nearest potable water well or treatment facility Shall be in accordance with F.A.C., Chapters 10D-4, 17-532, 17-550, 17-555, and 17-560.

(c) The spray nozzles Shall be of such design and the piping installed in such a manner so as to prevent aerosol spray from drifting across the spray field boundary under sustained wind conditions.

(2) Five (5) feet (one and five-tenths (1.5) meters) or more to a Groundwater.

(3) A sealed or impervious holding pond designed for a Retention time of seven (7) days.

(4) A soil type which will accept a minimum loading Rate of at least four (4) inches per acre per week (twenty-seven (27) centimeters per hectare per week).

(5) Effluent Shall have been effectively treated to achieve a minimum of secondary treatment, passed through a mixed media filter, and subjected to breakpoint chlorination prior to being Discharged to the holding pond. It Shall also contain less than the following pollutants expressed in milligrams per liter (mg/l):

Biochemical oxygen demand (BOD) Five (5), Total suspended solids (TSS) Five (5), Total nitrogen (as N) Ten (10).

- (6) An appropriate cover crop Shall be grown and harvested as needed, or at least once each year, with the exception of Trees.
 - (7) Groundwater monitoring wells Shall be located in such a manner as to determine compliance with Section 17-610.424, F.A.C., in detecting movement of pollutants from the Site.
 - (8) Nitrogen Removal prior to high Rate Land Application. The loading Rate may not exceed the hydraulic capacity of the soil to receive heavy rainfall and Effluent concurrently without surface runoff.
 - (9) Advanced waste treatment prior to high Rate Land Application. The loading Rate may not exceed the hydraulic capacity of the soil to receive heavy rainfall and Effluent concurrently without surface runoff.
 - (10) If the Groundwater which received the Effluent reaches Surface Waters, then the Land Application Site must accomplish the equivalent of advanced waste treatment; i.e., the final Effluent will contain no more than five (5) mg/l BOD and suspended solids, one (1) mg/l total phosphorus expressed as P, and three (3) mg/l total nitrogen expressed as N. This means if a cover crop which Removes on the order of six hundred (600) pounds per acre (six hundred and seventy-two (672) kilograms per hectare) per year nitrogen is utilized, then Land Areas in the eighty (80) to one hundred and fifty (150) acre (thirty-two and four-tenths (32.4) to sixty and seventy-five hundredths (60.75) hectares) range per million gallons per day (MDG) applied are necessary, depending on soil type, Effluent characteristics and other physical constraints.
 - (11) If Groundwater which receives the Land Application Effluent reaches a water supply Aquifer, then in Addition to achieving AWT standards before entering Groundwater, a high degree of disinfection will be necessary.
- c. Deep well injection of any man-induced waste into the Groundwater of Lake County Shall not be Permitted due to the probable degradation of the high quality of the Groundwater and the availability of more economically and operationally effective disposal methods.
4. The degree of treatment for Industrial Waste Shall, as a minimum, be based on best available technology for the protection of surface and ground waters. Such treatment Shall be applied against the total untreated waste produced by a given plant or facility. Treatment of Industrial Waste, not amenable to biological or conventional treatment, will

be determined on a "by case" basis and so noted in the Construction or Operating Permit special provisions. Industrial Waste Effluent Limitations Shall be treated pursuant to Section 17-660.400 F.A.C.

5. Disposal of waste sludges, including septic tank and grease trap contents, Shall be consistent with special consideration of esthetics and potential air/Water Pollution in relation to the possible health threat to the general public. Waste sludges, in amounts greater than one (1) cubic yard (eight tenths (0.8) cubic meters) Shall be disposed of only at approved sanitary Landfills or at alternate Sites which have been approved, in writing, by either the County or Lake County Public Health Unit.

- F. Agricultural Waste. This waste Shall include all Discharges/runoff from agricultural operations which are primarily nonfecal in content. Those Effluents from agricultural operations which are primarily composed of fecal material Shall be treated by those methods described in Subsection 6.11.00.E.2. In no case will agricultural operations be allowed to Discharge inorganic or organic waste into a receiving water whereas the classifications will not be attained or whereas the beneficial use of said waters will be impaired. All considerations will be given to said Discharge whereas in such case of multi-releases into same body of water, the amount of treatment will be proportioned equally on a per pound (kilogram) of organic-inorganic waste per day. The required treatment to meet present Best Management Practices and classification Shall in no case be less than ninety (90) percent Removal of both organic and inorganic waste load.

(Ord. No. 1993-19, § 1, 11-16-93; Ord. No. 1995-9, § 1, 5-3-95; Ord. No. 1996-88, § 6, 11-26-96)

6.12.00 Central Water System/Central Sewage System.

6.12.01 Connection Requirements.

- A. Central Water System. All private potable water systems, unless exempted by the Board of County Commissioners via Public Hearing, Shall be connected and utilized to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system or any of the central lines of the private potable water system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement. The private potable water system Shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional potable water system. Notwithstanding the three hundred (300) feet mandatory Connection requirement, existing Development utilizing a private potable water system Shall be required to connect to a regional/subregional potable water system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.
- B. Central Sewage System. All private treatment systems, unless exempted by the Board of County Commissioners via Public Hearing, Shall be connected and utilized to a regional/subregional wastewater system when the regional/subregional system comes within one thousand (1,000) feet of the private treatment system or any of the central lines of the private treatment system, measured as a curb line distance within a Right-of-Way or the centerline distance within an

Easement. The private treatment system Shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional wastewater system. Notwithstanding the one thousand (1,000) feet mandatory Connection requirement, existing Development utilizing a private treatment system Shall be required to connect to a regional/subregional wastewater system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.

(Ord. No. 1995-9, § 1, 5-3-95)

6.13.00 Nonconforming Uses and Development.

6.13.01 Defined. The following provisions apply to Nonconforming Uses and Development as defined in Chapter II.

6.13.02 Normal Maintenance. Normal maintenance and incidental repair of a lawful nonconformity shall be permitted provided that such maintenance and repair does not violate any other Section of these Regulations and is in full compliance with all building and technical codes adopted by Lake County.

6.13.03 Continuation of Nonconforming Uses and Development. Subject to the provisions below for terminating Nonconforming Uses and Development, such uses and Development may, if otherwise lawful and in existence on June 1, 1992, remain in use in their nonconforming state.

6.13.04 Termination of Nonconforming Uses and Development.

A. Generally. Nonconforming Uses and Development Shall be brought into full compliance with the other requirements of Chapters III, VI, VII, VIII, IX, X, and XI of these Regulations, in conjunction with the following activities:

1. Any expansion, change, enlargement, or alteration of a use or Development in any way which increases its nonconformity. This Shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc.).
2. Reconstruction of the Principal or Accessory Structure after the Structure has been substantially destroyed by fire or other natural disaster. A Structure is "substantially destroyed" if the cost of reconstruction is fifty (50) percent or more of the fair market value of the Structure before the fire or natural disaster. If there are multiple Principal Structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the Structures. A nonconforming use may continue if, within two (2) years from the date that the Principal Structure was substantially destroyed, a Certificate of Occupancy is issued for the rebuilt Principal Structure.
3. Structural Alteration, as defined in Chapter II.
4. Any change in the use of the property, whereby a change from one Use Classification identified in Subsection 3.01.03 to another Use Classification constitutes a change in the

use of the property. This Shall not be construed to include normal maintenance and incidental repair (e.g., painting, providing for a new roof, rescreening an existing porch, etc).

5. The discontinuance of any use or Development for twelve (12) consecutive months or the registration of a business tax receipt for which the expiration has exceeded one year.

B. Special Provisions For Specific Nonconformities.

1. **Drainage and Flood Hazard Areas.** In addition to the termination of Nonconforming Uses and Development requirements presented above, an existing use or Development that does not comply with the drainage and flood hazard area requirements of these Regulations Shall be brought into full compliance when: Substantial improvement of a Nonconforming Use or Development is made in compliance with the provisions of these Regulations.
 - a. Such use is expanded, changed, enlarged, or altered in any way which increase its nonconformity.
 - b. Substantial improvement of a Nonconforming Use or Development is made in compliance with the provisions of these Regulations.
 - c. Such use is discontinued for twelve (12) consecutive months.
 - d. Any nonconforming use or structure is destroyed by any means, including flood, to an extent of fifty (50) percent or more of its market value immediately prior to the destruction.

(Ord. No. 1993-19, § 1, 11-16-93; Ord. No. 2007-27, § 16, 6-5-07)

6.14.00 Golf Courses

6.14.01 General Provisions.

- A. **Legislative Findings.** The Board of County Commissioners makes the following legislative findings of fact:
 1. The natural environment of Lake County is a unique and valuable resource enjoyed by residents and visitors alike.
 2. The unique economy of Lake County is dependent upon maintaining and ensuring a high degree of environmental quality.
 3. Conservation of the natural environment is a goal set forth in the Lake County Comprehensive Plan.

4. High standards should be expected from golf courses by maximizing environmental sensitivity throughout the life of the activity.
- B. Purpose and Intent. The purpose and intent of this Section is to ensure that the development of golf courses Shall protect and conserve natural resources and the environment for present and future generations; be compatible and consistent with the overall economic objectives of Lake County; to minimize the adverse impacts and maximize the positive benefits of golf course development; and to ensure that these activities will be consistent with the Lake County Comprehensive Plan. Every proposed golf course presents a unique case because existing conditions vary and no two (2) sites are ever exactly the same. There will be specific issues based on location-site characteristics and local regulations. It is essential that these issues be identified and addressed in the initial stages of planning and design.
 - C. Construction of Code Provisions. Nothing in these provisions shall be:
 1. Construed to limit, abridge or alter any duties, authority and responsibilities of any agency of the United States, the State of Florida or any other governmental agency having jurisdiction.
 2. Deemed to preempt other Lake County ordinances or provisions of the Lake County Code that impose stricter design or development standards.
 - D. Scope of Application. The regulations set forth herein Shall apply to the development and construction of golf courses within all unincorporated areas of Lake County.

6.14.02 General standards.

- A. Best management practices. All development activities Shall employ best management practices during all phases of pre and post construction and operation.
- B. Compliance with other law. All golf course development Shall be conducted in accordance with all applicable federal, state, regional and local laws, ordinances, rules and regulations.

6.14.03 Environmental Protection Standards For New Development. The applicant has flexibility in determining how the following environmental principles are incorporated into the development of new golf courses. Certification programs or Environmental Resource Management Plans Shall be developed for the golf course. Modifications to any certification or plan Shall be submitted to the County for approval. Criteria for environmental management Shall be incorporated into the project either by:

- A. Certification Programs. Private review and enforcement through a nationally recognized environmental golf course certification program approved by the County Manager or designee.
- B. Resource Management Plan. A Resource Management Plan prepared by professional consultant(s) familiar with golf course design, construction and agronomy. Consultant will be approved by the County Manager or designee. The Resource Management Plan Shall be a site

specific comprehensive document submitted to the County detailing goals and best management practices to include, but not limited to, vegetation management, fertilizer and pesticide management, stormwater management, water quality management, irrigation management and general management. The Management Plans Shall be updated every five (5) years and submitted to the County. Should the applicant choose to prepare and submit a Resource Management Plan the following issues Shall, if applicable, be addressed by the Plan:

1. Identification of natural features (Florida Natural Areas Inventory), wildlife habitat areas and environmentally sensitive areas as defined by appropriate state agencies Shall be identified and approved early in the site evaluation process. The preservation of these areas Shall be a basis for site design of the course.
2. Every effort Shall be made to route the golf course in such a way as to minimize the need to alter or remove existing native landscapes, trees, and vegetation. The golf course routing Shall identify areas which provide opportunities for restoration/enhancement of valuable habitat in the event of disturbance.
3. As part of the final approved development plan the Resource Management Plan will identify areas for restoration, replanting, or enhancement of riparian habitat to re-establish wildlife migration corridors and linkages between fragmented habitat areas. Protection and planned restoration/enhancements for such areas during construction and ongoing operation is required. The Resource Management Plan Shall protect drainage systems that support retained vegetation.
4. Any areas out of play should be utilized to retain or restore existing native vegetation, where possible. The design shall provide for restoration or enhancement of environmentally sensitive areas by established buffers or setting unmaintained or low-maintenance areas aside within the site.
5. A plan shall be provided for removal and long-term maintenance of invasive and exotic plants as specified in local and state regulations.
6. Appropriate erosion control measures shall be established in conformance with the County grading requirements, State regulations, and best management practices prior to commencement of activities.
7. The site selected should lend itself where possible, to use of natural terrain (avoids location of golf course, clubhouse facilities, or parking lots in an area requiring substantial alteration of the existing terrain or vegetation (i.e. filling of ravines, flattening hills, etc.).
8. Areas within the driplines of trees designated for preservation shall be protected by appropriate barriers during grading operations. Preservation trees shall be detailed in the Resource Management Plan. Preservation Trees which die or are damaged during construction or by post construction activities shall be replaced per approved ratios

addressed in code.

9. All roads shall be located and designed so as to minimize environmental impacts (e.g. length, width, location, grading, stream and wetland crossings, and visual impact).
10. Equipment utilized in the maintenance of golf courses and associated development shall be designed, used, maintained and stored in such a way to eliminate or minimize potential for pollution.
11. Retain as much natural vegetation as possible and enhance vegetation through supplemental planting of native trees, shrubs and herbaceous vegetation, such as along fairways and out of play, to provide wildlife habitat and along watercourses supporting fish and other water dependent species. All proposed natural areas shall be identified.
12. Include future maintenance requirements of all golf course design features. Low-maintenance features that require less intensive management are preferred.

6.14.04 Water Resources Requirements. Water resource issues shall be addressed throughout the planning, development, construction and life of the golf course.

A. Water Conservation.

1. Identify goals in the Resource Management Plan for conservation of water resources.
2. The use of groundwater for irrigation shall follow Water Management District rules.
3. Wells used for irrigation purposes shall be installed and developed from the Avon Park Geologic formation. In no case shall the water be taken from the upper Floridan aquifer.
4. Prior to approval of any new golf course:
 - a. A strategic plan shall be prepared for the course to avoid or minimize potential adverse impact to surface water or groundwater, and incorporate water reuse and or use of reclaimed water, where feasible. Suitable soils, groundwater hydrology, vegetative cover, adequate storage for treated effluent and other factors will all influence the feasibility of water reuse.
 - b. Such a plan shall be implemented upon opening of any new course.
 - c. All plans shall be submitted to the County Manager or designee for approval.
5. In areas of significant recharge construction techniques or soil amendments on greens and tees shall be used as a technique to reduce excessive irrigation.
6. Depending on-site conditions, wells and other irrigation sources, if required, shall be

designed to pump directly into the irrigation system.

7. Golf Courses must comply with all Florida Department of Environmental Protection and Water Management District water conservation requirements and shall make water conservation a critical priority in course design. The requirements include not only the layout of turf areas but in turfgrass selection as well as plant palette, water conserving appliances, fixtures and systems in all course buildings and facilities.
8. The utilization of new and innovative technologies that provide highly efficient water usage, as well as the application of proven technology to decrease overall water use shall be encouraged. The course irrigation system shall be designed or modified to provide controls for proper water management and conservation to minimize over-watering such as soil moisture sensors or weather stations.
9. Irrigation system coverage must be accurately mapped to determine wetted area and irrigation rates. Irrigation shall be responsive to existing conditions, rather than on a set schedule. The plan shall also include programs to regularly inspect for leaks and to monitor usage. Site soil moisture or meteorological monitoring capability shall be used to minimize water use. Drawings in AutoCAD will include all irrigated areas, flow rates, actual spray patterns, etc. for all heads and zones.
10. Areas not required to be irrigated shall be eliminated from the irrigation plan. These would include surface waters, impervious parking areas, and areas outside the course boundary. Greens area shall be irrigated by individually controlled heads. Golf course irrigation shall be managed by a full time, trained superintendent.
11. Areas where irrigation is required shall be identified and prioritized in order to reduce routine irrigation and plan for periods of water shortages.
12. A drought-contingency plan shall be prepared that would identify areas where irrigation can be cut back and identify alternate sources of water.
13. All ancillary irrigation systems not directly associated with actual course irrigation shall be automatic.
14. Stormwater retention systems should be considered in the design as features of the course to help provide for both the short and long term irrigation needs of the course.
15. New water sources adequate to supply future golf course demands shall be identified. All efforts shall be made to use alternative sources such as reclaimed water.
16. If the existing course is part of a residential development, then a best management practices document shall be developed for homeowners. For the education of homeowners, the manual should provide common sense applications that will reduce the risk of pollution and, in many cases, improve the health and appearance of the yard.

B. Water Quality.

1. Water Quality Monitoring plan shall be established and submitted for approval by the County Manager or designee to insure on-going protection of ground and surface water quality.
2. Identify goals in the Resource Management Plan for protection of water quality.
3. A Water Quality Plan shall be prepared for the course to avoid or minimize potential adverse impacts to surface water or ground water. This plan may include directing flow from underground drains to areas of permeable soils to ensure adequate filtration.
4. The project shall employ established best management practices (BMP's) to control non-point source (stormwater) runoff pollution.
5. Berms, vegetative strips, grease traps, or other recommended technologies shall be used in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.
6. Buffer strips, oil/grease separators (skimmers) or other recommended techniques shall be used for parking area drainage systems depending on-site design. Pretreatment required if near wetlands or water bodies.
7. Grease traps, oil/grease and water separators and other recommended technologies for facilities such as golf cart maintenance and golf cart wash areas to prevent untreated runoff from entering surface waters shall be used.
8. All wellhead protection requirements shall be strictly adhered to.
9. A contingency plan shall be provided for use in the event that monitoring shows a developing problem.

6.14.05 Habitat

- A. The golf course design shall minimize stream and wetland crossings. Stream and wetland crossings shall be designed in such a way as to minimize erosion and harmful effects to riparian and wetland habitats and recognized corridors.
- B. Bridges shall minimize alteration of the wetland environment.
- C. Design shall create and/or restore riparian habitat, especially in previously degraded habitat areas.
- D. The course design shall employ vegetated buffer strips to mitigate impacts to riparian corridors and other critical habitat which may result from surface drainage of the golf course, cart paths,

and other developed areas. In certain circumstances where riparian vegetation has been degraded or does not exist, out of bounds or out of play areas may be planted with appropriate native vegetation and may be located in closer proximity to the watercourses and wetlands. The length and width of the buffer strips should be based upon the type of habitat, the projected impacts from the golf course, consistency with the Comprehensive Plan and applicable Land Development Regulations or as approved by County Manager or Designee.

- E. Cart paths shall be graded and swales located such that runoff from them does not flow directly into any natural water body.
- F. Habitat for wildlife species (e.g., bats, bluebirds, purple martins, etc.) that help control pests shall be protected. Additional habitat for these beneficial species should be created whenever feasible and environmentally desirable.
- G. Natural habitat shall be managed to maintain healthy populations of wildlife and aquatic species.

6.14.06 Vegetation

- A. Identify goals in the Resource Management Plan for the management of vegetation and landscaping.
- B. All plans not prepared by a golf course architect shall be approved and signed by a certified Landscape Architect.
- C. Plant species that are best suited to the local area shall be selected. Native, naturalized or drought tolerant plants shall be used wherever possible.
- D. The design of the course and related facilities shall maximize the preservation of clusters or significant stands of trees, and otherwise preserve "interior" habitat areas.
- E. Where tree removal is necessary, planned or damaged native tree species shall be replanted as specified in Chapter IX, Land Development Regulations. Preserved trees as designated in the Resource Management Plan that are damaged or die shall require replacement per the code.
- F. Irrigation systems shall be designed to avoid adversely impacting sensitive vegetation.
- G. Trees that are removed or damaged as a result of grading or irrigation, must be replaced at a ratio determined by Chapter IX, Land Development Regulations.
- H. Barriers (curbs, signage, fencing, vegetation, etc.) shall be established to discourage cart and pedestrian travel off paths located within or adjacent to sensitive habitat areas.

6.14.07 Pollution Prevention

- A. Identify goals in the Resource Management Plan for the management of pollutants.

- B. An integrated pesticide management plan that follows State approved Best Management Practices shall be submitted and reviewed by the County Manager or designee prior to operation. State submitted BMP plans are acceptable.
- C. Storage and use of pesticides, herbicides, and fertilizers will be limited to and in conformance with all established state and federal regulations, and with other permitting procedures of relevant local, state, and federal government agencies. All pest control and nutrient products shall be stored in a manner that minimizes worker exposure and eliminates the potential for point and/or non-point source pollution. Storage of pollutant materials (i.e. pesticides, gas and oil, or other state-regulated substances) shall be in lined or protective containment.
- D. A program will be established for insuring maintenance of culverts, drain inlets, energy dissipaters, etc. in conformance with County grading requirements, State and local stormwater regulations, and best management practices.
- E. All plant protectant products shall only be applied by State-certified applicators or under the supervision of a trained licensed applicator.
- F. Advanced technology/monitoring equipment shall be used to insure minimal application of pesticides, herbicides, and fertilizers.
- G. Use of proven methods for minimizing nutrient leaching, such as slow-release fertilizers, fertigation, foliar sprays, irrigation rates that minimize percolation, or combinations of these techniques, in addition to the least mobile pesticides available is required. An approved Pesticide Management Program shall be submitted on a yearly basis. This shall conform to all State and Federal Guidelines. Pesticides shall be used at the smallest rates of active ingredients to accomplish desired results. Pesticides are defined as Herbicides, Insecticides, Fungicides and Nematicides.
- H. Drought, pest, and disease resistant grass species suitable for golf shall be selected.
- I. Natural buffer areas shall be free of invasive species and maintained by minimizing the use of fertilizers and pesticides.

6.14.08 Land Use and Open Space

- A. Golf Courses should be designed and maintained to provide aesthetic and/or functional linkages between other spaces to create an open space network throughout the community, if applicable.
- B. Golf course locations that encourage an open space relationship with other planned or existing regional open spaces shall be encouraged.
- C. Designated golf course natural areas may satisfy the required open space regulations for the development.

6.14.09 Existing Golf Courses

- A. Upon renewal of the St. Johns Water Management District Consumptive Use Permit for any existing golf course, the existing golf course shall provide to the County Manager or designee a best management practices document to include:
1. A strategic plan to use reclaimed/reuse water or other non-potable sources of water as set forth in Subsection 6.14.04 above.
 2. A comprehensive pesticide and fertilization management plan or copy of the current plan that incorporates all appropriate state approved Best Management Practices (BMP) as outlined in Subsection 6.14.03 B. Pesticides are defined as Herbicides, Insecticides, Fungicides and Nematicides.
 3. An upgrade plan that includes the latest technology for water-saving devices.
 4. Irrigation and spray plan "as-builts" with spray zone patterns should be submitted in digital format.
 5. If the existing course is part of a residential development, then a best management practices document shall be developed for homeowners. For the education of homeowners, the manual should be a review and explanation of common sense applications that will reduce the risk of pollution and, in many cases, improve the health and appearance of the yard.
 6. A drought-contingency plan shall be prepared that would identify areas where irrigation can be cut back and identify alternate sources of water.
- B. Lake County shall coordinate incentive programs in conjunction with the St. Johns River Water Management District and the Florida Department of Environmental Protection to provide assistance to existing golf courses for water conservation improvement methods where available.

(Ord. No. 2001-152, § 2, 12-4-01)

6.15.00 Lake Apopka Basin Development Design and Resource Protection Standards

6.15.01 Boundaries. The Lake Apopka Basin for purposes of this section Shall be defined as follows: from the Lake County Line, Hartwood Marsh Road west to U.S. Highway 27, north to State Road 50, east to Citrus Tower Boulevard, north to Old Highway 50, east on Old Highway 50 to Turkey Farms Road, north on Turkey Farms Road to Grassy Lake Road, Grassy Lake Road to County Road 561A, west to County Road 561, north on County Road 561 to County Road 48, east on County Road 48 to County Road 448, north to Duda Road, east to the Lake County Line. The Lake County Board of County Commissioners will revise the boundaries when technological advances permit a greater degree of accuracy.

6.15.02 Purpose and Intent.

- A. This section sets forth specific measures for shoreline treatment and development criteria within the Lake Apopka Basin for the purpose of creating uniform protection standards, complying with objectives of the Lake County Comprehensive Plan and for the restoration of Lake Apopka.
- B. The development guidelines incorporated herein are necessary to ensure that all proposed development is consistent with the overall goal to balance economic development and resource protection with sound land management practices.
- C. Every effort Shall be made to improve water quality within Lake Apopka and within the Lake Apopka Basin. This includes use of a required connection to water and sewer lines and closed drainage system for new development, removal of existing nuisance plant species from Lake Apopka, replanting of desirable plant species within Lake Apopka and littoral zones and the location of wet retention ponds along the lakeshore within the littoral zone. Regulatory agencies Shall be encouraged to extend incentives to landowners that voluntarily restore lakefronts.
- D. Public access to Lake Apopka Shall be encouraged.

6.15.03 Permitted Uses within the Lake Apopka Basin.

- A. Non-residential uses. As of the effective date of this section:
 - 1. Rezoning of non-residential uses Shall be limited to agricultural, CP (Planned Commercial) utilizing only those uses allowable under C-1 and C-2 zoning districts, MP (Planned Industrial District), and to CFD (Community Facility District) zoning districts.
 - 2. Agricultural facilities that contribute to fertilizer runoff Shall be prohibited.
 - 3. Agricultural practices conducted in accordance with Best Management Practices are not prohibited
- B. *Residential Uses*. As of the effective date of this section:
 - 1. Only single-family residential units may be developed within a one-half (1/2) mile of the lake shoreline.
 - 2. Multi-family residential may be developed within one-half (1/2) mile of the lake shoreline if developed as a component of a mixed-use development if:
 - a. it is clustered to the landward portion of the property;
 - b. it is no more than two (2) stories in height;
 - c. it has availability of central water and sewer services; and

- d. it has a maximum density of four (4) dwelling units per acre but no less than three (3) dwelling units per acre.
3. Maximum densities for all single-family development and multi-family development as part of a mixed use development Shall be four (4) dwelling units per acre provided it is served by central water and sewer services. Development Shall be limited to single-family residential at two (2) dwelling units per acre if either central sewer or central water services are unavailable.

6.15.04 Resource Protection Standards. As of the effective date of this section:

- A. A fifty (50) foot natural buffer Shall be established upland of wetlands and between any development. This Shall be classified as a "no-build zone." The "no-build" fifty (50) foot upland natural buffer and associated conservation areas and littoral zone Shall be maintained in native vegetation. No pesticides or fertilizers Shall be used in the no-build zone. All exotic and nuisance species Shall be removed (if applicable) and replaced with native vegetation. However, where the wetlands and water bodies are wholly encompassed within the development parcel as set forth in subsection (C) below, the fifty (50) foot upland natural buffer requirement Shall not apply.
- B. For those areas located on wetlands or water bodies that are developed for the purpose of providing public access, only elevated boardwalks and boat docks extending into the water Shall be permitted to allow public access so as to minimize foot traffic through the environmentally sensitive lakeshore area.
- C. Any riparian owner may physically or mechanically remove herbaceous aquatic plants and semi-woody herbaceous plants such as shrub species and willow, within an area delimited by up to fifty (50) percent or fifty (50) foot of shoreline, whichever is less, as measured along the shoreline and a sufficient length waterward along a line perpendicular to the riparian land owner's shoreline. The length waterward Shall be allowed so as to create a corridor to allow access for a boat or swimmer to reach open water, but Shall not exceed one hundred fifty (150) feet from the shoreline. All unvegetated areas Shall be cumulatively considered when determining the width of the exempted corridor. Vegetation which is removed Shall be properly disposed of and Shall not be left or allowed to accumulate along the shoreline or in the associated waterbody. However, the trees listed in Lake County Land Development Regulations, Chapter 9.01.00, Shall not be removed without complying with that Chapter.
- D. Regardless of whether a riparian land owner is clearing lands pursuant to a state permit or clearing lands exempt from state permitting, if the riparian land owner is clearing lands using mechanical harvesting methods, the riparian land owner Shall give notice to the County Manager or designee prior to beginning work. Notice Shall be given by submitting the prescribed form available from the County Manager or Designee, and Shall include a copy of the state permit, if applicable, and a description of the riparian land owner's proposed clearing plans. Mechanical harvesting does not include hand held devices such as weed-eaters, hoes, shovels, rakes, etc.

6.15.05 Water and Wastewater Standards.

- A. Connection to water and sewer service, where available, is mandatory.
- B. All septic systems Shall be a minimum of one hundred fifty (150) feet from any wetlands or water bodies.
- C. Minimum lot size for utilization of septic systems Shall be one-half (1/2) acre.
- D. Central water and wastewater requirements Shall be required for all subdivisions reviewed through the Planned Unit Development (PUD) or Development of Regional Impact (DRI) process or as deemed appropriate for environmental constraints for all other developments based on average lot size for the proposed development.

6.15.06 Stormwater Standards. All new developments within the Lake Apopka Basin must design their stormwater management to comply with those requirements specified by St. Johns River Water Management District Regulations.

(Ord. No. 2002-42, § 2, 5-7-02)