

CHAPTER VII WEKIVA RIVER REGULATIONS

7.00.00 General.

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7.00.01 Purpose and Intent.

- A. 7.00.01 Purpose and Intent. The purpose and intent of this Chapter is the protection of the Wekiva River System, including water quantity, Water Quality, and hydrology; associated Wetlands; Aquatic and wetland-dependent wildlife species; habitat within the Wekiva River Protection Area of species designated pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; and Native Vegetation within the Wekiva River Protection Area.
- B. General Requirements. All Lots whether Lots of Records, Recorded Buildable Lots of Records, or simply metes and bound parcels, that are located within the Wekiva River Protection Area must go through either the Determination of Vested Rights or Non-Exempt Parcels of Land Application when applying for a Building Permit for a primary structure.

(Ord. No. 1995-9, § 1, 5-3-95)

7.00.02 "A-1-40" Wekiva River Protection Area Overlay District 1.

- A. Purpose and Intent. The purpose and intent of the district is to provide an area where low-Density rural Development can occur while preserving Environmentally Sensitive areas. The continued use of the Land for traditional agricultural purposes is maintained where consistent with Best Management Practices and policies of the Lake County Comprehensive Plan. This overlay district will protect Environmentally Sensitive areas while encouraging rural uses which prevent further Encroachment by urban uses. This district Permits, with certain exceptions, as provided in Section 7.00.09, a maximum residential Density of one (1) Dwelling Unit per forty (40) net developable acres with a maximum Density of one (1) Dwelling Unit per ten (10) net developable acres through the use of the Development point rating system set forth in Section 7.00.06 of this chapter.
- B. Density and Lot Size Requirements.
 1. The following Density requirements Shall apply to parcels of Land within this District unless exempted due to a determination of vested rights or determined to be a non-exempt parcel under Section 7.00.09:

One (1) single-family unit having a minimum Living Area of eight hundred fifty (850) square feet which may include three hundred (300) square feet of attached screened area, garages, Carports or utility areas. Each Parcel of Land Shall have a minimum useable Land Area of not less than forty (40) Net Acres and Shall have a maximum Density of

one (1) Dwelling Unit per forty (40) net developable acres. A maximum Density of one (1) Dwelling Unit per ten (10) net developable acres is attainable through the use of the Development point rating system set forth in Section 7.00.06 of this chapter.

7.00.03 "A-1-20" Wekiva River Protection Area Overlay District 2.

A. Purpose and Intent. The purpose of the district is to provide an area where low-Density rural Development can occur while preserving Environmentally Sensitive areas. The continued use of the Land for traditional agricultural purposes is maintained where consistent with Best Management Practices and policies of the Lake County Comprehensive Plan. This overlay district will protect Environmentally Sensitive areas while encouraging rural uses which prevent further Encroachment by urban uses. To further conserve agricultural uses of the Land, Clustering of units is encouraged to maintain usable Open Space for agricultural, Conservation and recreation purposes. This district Permits, with certain exceptions, as provided in Section 7.00.09, a maximum residential Density of one (1) Dwelling Unit per twenty (20) net developable acres with a maximum Density of one (1) Dwelling Unit per five (5) net developable acres through the use of the Development point rating system set forth in Section 7.00.06 of this chapter.

B. Density and Lot Size Requirements.

1. The following Density requirements Shall apply to parcels of Land within this district unless exempted due to a determination of vested rights or determined to be a non-exempt parcel under Section 7.00.09:

One (1) single-family unit having a minimum Living Area of eight hundred fifty (850) square feet which may include three hundred (300) square feet of attached screened area, garages, Carports or utility areas. Each Parcel of Land Shall have a minimum useable Land Area of not less than twenty (20) Net Acres and Shall have a maximum Density of one (1) Dwelling Unit per twenty (20) net developable acres. A Density of one (1) Dwelling Unit per five (5) net developable acres is attainable through the use of the Development point rating system set forth in Section 7.00.06 of this chapter. Density may be increased to a maximum of one (1) Dwelling Unit per one (1) net acre through the use of the Development point rating system and purchase of transferable Development Rights in the Receiving Area Number One as identified in Sections 7.00.06 and 7.00.08.

7.00.04 Permitted Uses in the Wekiva River Protection Area.

A. Residential Uses.

1. Single-family unit meeting the requirements for minimum Living Area and maximum Density as provided in Section 7.00.02B for the A-1-40 district, and Section 7.00.02B for the A-1-20 district.
2. Cluster Housing.

B. Other Permitted Uses.

1. Accessory Buildings or Structures incidental thereto.
2. Accessory Apartments may be allowed in agricultural and residential zoning districts provided that all of the following requirements Shall be met:
 - a. No more than one (1) Accessory Apartment Shall be Permitted on any residential Lot.
 - b. Accessory Apartments may be attached to a principal or Accessory Structure or be freestanding.
 - c. An Accessory Apartment Shall not exceed 800 square feet of principal Structure (under roof), or twenty-five (25) percent of the gross square footage of the principal Structure which ever is less.
 - d. The Accessory Apartment Shall be located and designed not to interfere with the appearance of the principal Structure as a one-family Dwelling Unit.
 - e. In no case Shall the guest or servant quarters be constructed prior to the principle Dwelling Unit.
3. Establishments primarily engaged in the production of field crops, plants and Trees, i.e., Silviculture; nurseries; greenhouses and normal related Accessories thereto; sod farms and the production of bulbs, flowers; vegetables, citrus, peaches, berries and nut seed and crops.
4. Farm Accessory Structure, such as barns, pole sheds and other outBuildings.
5. Establishments for the keeping, grazing or feeding of livestock, i.e., mules, burros, horses, cattle, sheep and goats. This Subsection Shall include dairies, riding academies and horse-breeding farms provided that all pens, Buildings or Structures used for milking, feeding or sheltering such livestock Shall maintain a two-hundred-foot Setback from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others. However, on Lots or Tracts of ten (10) acres or more, one (1) stable or barn to house not more than three (3) horses or cattle or any combination of three (3) horses or cattle may maintain a seventy-five-foot Setback rather than a two-hundred-foot Setback from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others.
6. Establishments for the keeping and breeding of rabbits, chinchillas, up to fifty (50) poultry or nutria.

7. Apiaries.
8. Veterinary Clinics provided that any open runs, animal service and confinement areas Shall be located not less than two hundred (200) feet from the nearest Right-of-Way line of any public Street, Road or highway or the adjacent boundary of property owned by others.
9. Roadside farm stands provided that such stands Shall be used to show and sell products raised or produced on the farmland of which they are a part and may be composed of a minimum Structure.
10. Commercial Development within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, Shall be allowed as follows:
 - a. Commercial Development within the Wekiva River Protection Area Shall only be Permitted in the CP Planned Commercial District, or within a residential PUD Planned Unit Development.
 - b. The Commercial Development Shall be located within the interior of a PUD at increments no greater than one (1) acre per five hundred (500) Dwelling Units.
 - c. Commercial uses Shall not be Permitted adjacent to water bodies within the Wekiva River Protection Area, as defined in Chapter 369, Florida Statutes, Part III.
 - d. No Land adjacent to publicly-owned Conservation or preservation areas within the Wekiva River Protection Area, as defined in F.S. Ch. 369, Pt. III, Shall be Developed for commercial uses.
 - e. Commercial Development Shall be restricted to the following intersections:
 - (1) SR 44 and CR 437
 - (2) CR 44A and CR 437
 - (3) SR 46 and CR 437
 - (4) SR 44 in the vicinity of the Royal Trails Subdivision;
 - (5) SR 46 and CR 435.

Commercial Development Shall not exceed two (2) acres in the aggregate at each intersection, and Shall be Developed under the "CP" Planned Commercial District, as provided for in these Regulations in Chapter III.

- f. The commercial uses Permitted in the RP Residential Professional District Shall only be Permitted in the Wekiva River Protection Area if located at one of the intersections, or areas within the Wekiva River Protection Area identified in (e), (g), or (h).
 - g. Limited Commercial Development will also be considered in the Pine Lakes and Cassia areas when densities increase and a small area study conducted by the Lake County Planning Department determines the need for such Development. A Land Use plan amendment Shall be processed pursuant to Chapter 163, Florida Statutes, to Permit any commercial uses in the Pine Lakes and Cassia areas.
 - h. No commercial uses Shall be considered in the vicinity of the proposed interchange of the proposed northwest beltway until the completion of the beltway interchange, and after a small area study to determine appropriate uses and locations has been conducted by the Lake County Planning Department. A Land Use plan amendment Shall be processed pursuant to Chapter 163, Florida Statutes, to Permit any commercial uses in the vicinity of the proposed interchange.
 - i. Commercial facilities may be Permitted, operated or leased by local, State or Federal agencies or established non-profit entities on Conservation or preservation Lands which are owned by the public or such non-profit entity. Such uses Shall be related solely to the use and enjoyment of such Lands by the public.
- 11. Expansion of services and major Arterial Roads beyond planned urban areas Shall be restricted, unless it can be demonstrated that such services, such as central water and sewer facilities, will have less harmful impacts upon the environment than if they were prohibited. However, such Improvements or Construction Shall follow the path of existing Rights-of-Way to the greatest practical extent.
 - 12. All expressway interchanges within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, Shall be Developed as planned units under the CFD Community Facilities District provided for in these Regulations in Chapter III.
 - 13. Parcels of Land adjacent to the Surface Waters and Watercourses of the Wekiva River System, including the Wekiva River, Black Water Creek, Sulphur Run, Lake Norris, and Seminole Creek, Shall not be subdivided so as to interfere with the implementation of protection zones as established pursuant to Section 373.415, Florida Statutes or Section 7.00.05.D of this Chapter.
 - 14. Any Land Use that would Significantly alter surface and subSurface Water levels and have an adverse effect on the environment Shall be prohibited, unless such impacts can be successfully mitigated in accordance with accepted Mitigation policies and practices. Such Mitigation Shall be subject to approval by Lake County.

15. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System Shall be protected through the protection of Wetlands, associated habitat and Aquatic systems in accordance with Chapter 369, Part III, Florida Statutes, Wekiva River Protection.
16. The Excavation of borrow pits within the Wekiva River Protection Area may be Permitted only after approval by the Board of County Commissioners. It is the intent herein to limit the Excavation of borrow pits to those necessary for the Construction of or improvement to highways or other public Works projects within the Wekiva River Protection Area.

C. Prohibited Uses.

1. Mining Activities Shall be prohibited within the Wekiva River Protection Area. Expansion of existing Mining Activities within the Wekiva River Protection Shall be subject to the provisions of the Lake County Code and the approval of the Board of County Commissioners.
2. New Industrial Development Shall be prohibited in the Wekiva River Protection Area.
3. No Land adjacent to publicly-owned Conservation or preservation areas within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, Shall be Developed for industrial uses, other than what is vested.
4. The keeping, grazing or feeding of livestock Shall not be Permitted within the A-1-40 Overlay District within the Riparian Habitat Protection Zones created pursuant to Chapter 373, Florida Statutes.

D. Uses Permitted in the "A-1-40" Overlay District 1 and A-1-20 Overlay District Only After Conditional Use. The Lake County Zoning Board and the Board of County Commissioners shall ensure that the conditions imposed in conditional use permits meet the requirements of the Lake County Code.

1. Poultry ranches.
2. Hog ranches.
3. Educational institutions.
4. Grove caretaking and maintenance.
5. Citrus and produce transporting operation.
6. Mushroom farms.

7. Fish farms.
8. Home Occupations. This subsection includes the following occupations and activities and is subject to the following rules and regulations:
 - a. Permitted Home Occupations:
 - (1) Physicians, doctor, dentist, veterinarian for consultation or emergency treatment or limited practice but not general practice of the profession.
 - (2) Attorneys, architects, engineer, clergymen and other professional persons for consultation but not general practice of the profession.
 - (3) Artists, custom dressmaking, antiques or other customary home occupation.
 - b. Rules and Regulations for home occupations:
 - (1) The use shall be conducted by a member of the immediate family residing on the premises and entirely within a structure.
 - (2) A limitation of one (1) person outside the immediate family may assist in the operation of the home occupation.
 - (3) No chemical, electrical or mechanical equipment is to be used except that which is normally used for purely domestic, household purposes or which is specifically approved by the Board of County Commissioners and is enumerated within the conditional use permit.
 - (4) No commodity or stores shall be stockpiled or stored on the premises, nor shall a display of products be visible from the street.
 - (5) No external evidence or sign that the dwelling unit is being used for the home occupation other than one (1) unanimated, non-illuminated, flat window sign having a total area of not more than one hundred forty-four (144) square inches shall be allowed.
 - (6) The area devoted to the home occupation shall not be the dominant use of the dwelling. The Board shall approve a building plan showing the area to be allowed for use as a home occupation. The building plan shall be submitted at the time of the application for a conditional use permit.
9. [Reserved.]
10. Camps.

(Ord. No. 1994-12, § 1, 8-16-94; Ord. No. 2004-13, § 5, 3-16-04)

7.00.05 General Requirements

- A. **Lot Configuration.** To promote protection of Environmentally Sensitive areas, Development Shall utilize the concept of Clustering of units, concentrating units on those portions of a Parcel of Land farthest away from publicly owned Conservation or preservation Lands, and from the Surface Waters and Wetlands of the Wekiva River System and the Wekiva River Protection Area; where possible, Development, so long as such configuration would have less impact on natural resources than if Developed at lower densities under its overlay district zoning classification; and so long as all other requirements of the Lake County Comprehensive Plan, Lake County Land Development Regulations set forth in the Lake County Code, regulations of the St. Johns River Water Management District, regulations of the Florida Department of Environmental Regulation and Chapter 369, Florida Statutes, the Wekiva River Protection Act are met.

- B. **Lot Width.** Minimum width of Lots, parcels or Tracts, however designated, Shall be one hundred fifty (150) feet measured along the property line or lines contiguous to any Street, Road, highway or Easement for ingress or egress, however stated.

- C. **Setbacks.**
 - 1. Property adjacent to state, federal and County secondary highways Shall maintain a fifty-foot Setback from the highway Right-of-Way for any Structure. Property adjacent to Roads other than state, federal and County secondary highways Shall maintain for any Structure a Setback of sixty-two (62) feet from the centerline of the Roadway or twenty-five (25) feet from the Road Right-of-Way, whichever is greater.

 - 2. In the case of Easements for ingress or egress, whether public or private, where such Easements have been legally created, the Setback Shall be sixty-two (62) feet from the centerline of such Easement.

 - 3. The Building Line from any rear or side property line Shall be:
 - a. Single-family Dwelling Units Twenty-five (25) feet.

 - b. Farm Accessory Structures Twenty-five (25) feet except as otherwise provided herein.

 - 4. For double-Frontage property, the house address Shall be designated as the front of the property, and the front Setback requirements set forth in Sections 7.00.03, E., 1. Shall be applied on the Street considered the house address Street. Double Frontage Shall mean: Property adjacent to two (2) dedicated Rights-of-Way or two (2) ingress and egress Easements or a dedicated Right-of-Way and an ingress and egress Easement whether public or private.

5. Land proposed to be Developed on the Wekiva River, Blackwater Creek, Sulphur Run, Seminole Creek, and Lake Norris Shall adhere to the following minimum Setback requirements from Wetlands and water bodies for all Development Activity proposed within the Wekiva River Protection Area, as appropriate:
 - (1) Those Lands subject to the Setback requirements of the St. Johns River Water Management District, established pursuant to F.S. § 373.415, Shall conform to said Setbacks.
 - (2) Where Setbacks for such Development Activity are not regulated by the St. Johns River Water Management District, the following minimum Setbacks Shall be established: two hundred (200) feet from the Ordinary High Water mark or fifty (50) feet from associated Wetlands, whichever is farther.
- D. Wetlands and Floodplains. Wetlands and Floodplains in the Wekiva River Protection Area Shall be protected pursuant to Chapter 6.01.00 of this Code.
- E. Survey Required. For the proposed Development within the Wekiva River Protection Area as defined in Chapter 369, Part III, Florida Statutes, an environmental survey Shall be conducted in accordance with a County-approved methodology to assess the impacts of Development on ground and Surface Water Quality, quantity and hydrology, native and endangered vegetation and wildlife species, Wetlands and associated Uplands before granting approval of any proposed Development.
- F. Preservation of Natural Habitats. Preserve natural habitats essential to any animals or plants designated pursuant to F.S. §§ 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and F.S. § 581.185 (5) (a) and (b), partially as they apply to the Wekiva River Protection Area. The preservation of such habitat Shall ensure sufficient habitat exists for feeding, nesting, roosting, resting, traveling and migration, so as to maintain Viable Populations of those species listed.
- G. Native Vegetation. Native Vegetation within the Wekiva River Protection Area and the One Hundred-Year Floodplain within the Wekiva River Protection Area Shall be preserved to the greatest extent possible. Therefore, Clearing of Native Vegetation Shall be limited to only those areas approved in accordance with a vegetation survey and protection plan submitted to, and approved by, Lake County, with the exception of those activities necessary for normal yard Maintenance and those areas devoted to agricultural and silvicultural uses as follows:
 1. Agricultural Uses. Recognizing Agriculture as an important and necessary economic activity within Florida and Lake County, adequate and appropriate Land and water Shall be reserved for its continuance. Agriculture is also recognized as a legitimate and productive use of Lands within the Wekiva River Protection Area.
 - a. All Lands within the Wekiva River Protection Area presently in use for a

particular form of Agriculture, such as grazing, row crops, fruit production or other agricultural uses of comparable agronomic or cultural intensity, may continue to be used in the same manner.

b. The Clearing of Land for commercial agricultural use within the Wekiva River Protection Area will be Permitted, provided that the following conditions are met and approved by the Board of County Commissioners.

(1) A notice of intent Shall be provided to Lake County prior to any Clearing for agricultural uses. This notice of intent Shall include as a minimum: a description of the Land to be converted including the area, location, vegetation; the surface hydrological conditions; the crop or livestock enterprise intended; and a time schedule for the proposed activity.

(2) An agricultural plan Shall be presented demonstrating the suitability of the Land for the proposed use. Such a plan may be prepared directly by the Applicant, a consultant, or the U.S. Department of Agriculture, Soil Conservation Service. The plan Shall conform to Best Management Practices recommended by the U.S. Department of Agriculture, Soil Conservation Service.

(3) Approval Shall have been received by any regulatory agencies having jurisdiction.

2. Silviculture in Wekiva River Protection Area. Silviculture is recognized as a legitimate and productive use of Lands within the Wekiva River Protection Area.

a. All areas currently in use for the production of pine Trees, or other Trees not found in Wetlands, may continue to be used in the same manner.

b. Before harvesting cypress, or other species of Trees found in Wetlands areas, for all parcels of Land one (1) acre or more, cumulative over a one (1) year period from date of initial harvesting, a notice of intent must be approved by the Board of County Commissioners. At a minimum, the notice of intent Shall include a description of the Land to be harvested, including the area, location, vegetation, surface hydrological condition and a time schedule fore the harvesting activity.

c. A harvesting plan Shall be presented demonstrating the suitability of the Timber for harvesting. Such a plan may be prepared directly by the Applicant, the Florida Division of Forestry, or a consultant.

d. The harvesting plan Shall conform to the most current Best Management Practices recommended by the Florida Division of Forestry.

H. Central Water Systems. Central Sewer Systems Shall be required within the Wekiva River

Protection Area, as defined in Chapter 369, Part III, Florida Statutes, where such provision is shown to be economically feasible or environmentally necessary. Upon receipt of justification from the Applicant that central sewer is not necessary, the County Shall make the final determination as to the need for central sewer.

The Development of a regional Sewage treatment system is encouraged in order to augment the feasibility and desirability of providing central Sewage treatment facilities consistent with policies in the Potable Water Sub-element for service to occur within the Mt. Plymouth-Sorrento Urban Compact Node when densities are such that centralized services are feasible.

The provision of a central Sewer System within the Wekiva River Hydrologic Basin Protection Zones Shall be required by the year 2000 or earlier if feasible. Such provision Shall be through public or private sources, or a combination thereof and Shall be utilized where sufficient Density can be attained (making centralized facilities cost effective) through application of the Density point rating system (in a clustered Development).

- I. Water Conservation. In order to conserve supplies of potable water, Lake County Shall restrict the use of potable water for Landscape irrigation consistent with policy of the Lake County Comprehensive Plan, as reproduced in 1. below, or employ and/or conserve Native Vegetation, or use other species with drought-resistant properties in their Landscaping to the greatest extent practicable. Native or drought-resistant plants include, but are not limited to, those in the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable guidelines prepared by the FDACS, FGFWFC, FDNR, RPC, or the WMD's.
 1. Wastewater Treatment and Reuse. Lake County Shall require that the disposal of Effluents from all wastewater treatment plants comply with State, Federal, Regional and local regulations. A remedial action and enforcement plan which encourages non-caustic treatment methods, Shall be implemented by 1992. By 1993, the County Shall cooperate with municipal and private utilities in preparing a grey water treatment and reuse program and Shall address the needs of this program within the future Land Use plan and Development regulations.

7.00.06 Development Point Rating System. In order to be considered for an increase in Density, Lands proposed to be Developed within the Wekiva River Protection Area Shall be evaluated according to the following Development point rating system, except that Lands within Receiving Area Number Two are not subject to the Development point system in order to receive an increase in Density. The objectives of these criteria are: To ensure environmental protection; control urban sprawl; maximize Land Use efficiency; promote the efficient use of public facilities; ensure that services required by Development are in place or are programmed concurrent with impacts of Development; and to direct appropriate growth patterns within the Wekiva River Protection Area. The achievement of Development points Shall not bind the Lake County Board of County Commissioners to grant an increase in Density.

The application of the Development point system criteria and the achievement of points are based upon the location of the Land within the Wekiva River Protection Area. Not all criteria will be specially applicable to a Parcel of Land proposed for Development.

A. Point System Rating Criteria.

Points

1. Submission of project as a Planned Unit Development (5 points possible)
2. Project is contained wholly within TDR receiving zone outside the Mount Plymouth-Sorrento Urban Compact Node (5 points possible)

Points

3. Purchase of TDRs sufficient to reach Density of one (1) Dwelling per net acre (5 points possible)
4. Innovation in Site design by providing more Open Space and protecting Environmentally Sensitive Land than would be protected under existing regulations (80 points possible)
 - a. Incorporation of pervious pavement or grassed parking
 - b. Preservation of Native Vegetation within the One Hundred--Year Floodplain
 - c. Zero disturbance or Encroachment within the One Hundred--year Floodplain
 - d. Restriction of intensity of Development adjacent to publicly owned Lands. If property is not adjacent to publicly owned Lands, 5 points can be granted (5 points possible)
 - (1) 150-foot Buffer
 - (2) 100-foot Buffer
 - (3) 50-foot Buffer
 - e. Preservation of existing Native Vegetation (upland and wetland species) 10
 - f. Use of Native Vegetation in Landscaping
 - g. Buffers on Wetlands (10 points possible) 10
 - (1) 35 feet 10
 - (2) 25 feet
 - (3) 10 feet

- h. Dedication of natural areas for preservation (Uplands only; Wetlands are already required to be dedicated) (20 points possible) 20
 - i. Preservation of existing hydrological patterns (surface and Groundwater); must demonstrate minimum interruption of surface and Groundwater flow regime (minimize Groundwater withdrawals and maximize Recharge) (5 points possible)
 - j. Clustering of units to promote common Open Space, passive recreation and reservation of Environmentally Sensitive areas 10
 - k. If 70 points are attained, an additional 10 points may be granted 10
5. If it can be demonstrated that the Development Tract or parcel does not have any preexisting environmental constraints and therefore not afforded the ability to achieve points, the proposed Development can receive 67 points. An example of this type of property would be one that has historically (greater than ten (10) years) been used for citrus production, has no Wetlands and not Natural Upland Communities remaining On-Site. An Additional ten (10) points Shall be available for Clustering of units. An Additional one (1) point Shall be available for incorporation of pervious pavement or grassed parking, and an Additional two (2) points Shall be available for the use of Native Vegetation in Landscaping 67
6. Contributes to the expansion of an existing or proposed wildlife corridor (on or Off-Site) (10 points possible) 10
7. Provides sufficient habitat for feeding, nesting, roosting and resting so as to maintain Viable Populations of species designated pursuant to Rules 39-27.003, 39.27.004 and 39-27.005, Florida Administrative Code (on or Off-Site) (5 points possible)
8. Provision of affordable housing (5 points possible)
- a. 15 percent of project units for moderate-, low or very low-income housing
 - b. 5 percent of project units for moderate-, low or very low-income housing
9. Vehicular Access to an Arterial Road with level of service (LOS) "C" average daily trips (ADT) or better; 10 points can be granted for making Improvements to bring up the level of service to LOS C (10 points possible) 10
- a. Directly adjacent (existing or proposed) 10
 - b. Within 1 mile via collector (existing or proposed)
 - c. Greater than 1 mile via collector (existing or proposed)

- d. Less than 2 miles via Local Roads
10. Potable water supply (10 points possible) 10
- a. Within an existing public supply system franchise area with excess capacity or the Creation of a franchise 10
 - b. Central system
 - c. Private well
11. Sanitary sewer service (10 points possible) 10
- a. Within an existing public supply system franchise area with excess capacity or the Creation of a franchise 10
 - b. Central system
 - c. Innovative septic system
 - d. Septic tank
12. Irrigation water supply (10 points possible) 10
- a. Grey water reuse (dual water system)10
 - b. Surface Water
 - c. Surficial Aquifer
 - d. Potable water
13. Fire protection (5 points possible)
- a. Dedication of Land and/or facilities sufficient to meet the requirements of the project
 - b. Within a fire district having a rating of 7 or better and within 3 miles from a fire station
 - c. Within a fire district having a rating of 7 or better and more than 3 miles from a fire station
 - d. Within a fire district having a rating of 8 to 9 and within 3 miles from a fire

station

- e. Within a fire district having a rating of 8 to 9

14. Proximity to public schools (5 points possible)

- a. Dedication of sufficient acreage to satisfy the requirements of the Lake County School District (on or Off-Site)⁵
- b. Within 1 2-mile radius of an existing school and linked by sidewalks and/or bicycle paths
- c. Within 1 2-mile radius of an existing school
- d. Within 1-mile radius of an existing school and linked by sidewalks and/or bicycle paths
- e. Within 1-mile radius of an existing school

15. Neighborhood parks (5 points possible)⁵

- a. Within 1 2-mile radius of a Developed park and linked by sidewalks and/or bicycle paths
- b. Dedication of parkland and provision of facilities that meet the County's level of service. Facility must be open to the general public
- c. Dedication of Environmentally Sensitive Land that is suited for passive recreation
- d. Within 1 2-mile radius of Developed park
- e. Within 1-mile radius of a Developed park and linked by sidewalks and/or bicycle paths
- f. Within 1-mile radius of a Developed park

16. Other (5 points possible)

17. Density evaluation tables.

- a. The one (1) unit per forty (40) net developable acres category contains a maximum of 160 possible points (A-1-40):

Points Scored	Maximum Number of Units per Net Developable Acre

120--160	1.0 per 10.0 acres
100--119	1.0 per 20.0 acres
70--99	1.0 per 30.0 acres
> 70	1.0 per 40.0 acres

b. The one (1) unit per twenty net developable acres category contains a maximum of one hundred seventy-five (175) possible points (A-1-20):

Points Scored	Maximum Number of Units per Net Developable Acre
140--175	1.0 per 1.0 acre
130--139	1.0 per 1.5 acres
110--129	1.0 per 2.0 acres
100--109	1.0 per 3.0 acres
80--99	1.0 per 4.0 acres
60--70	1.0 per 5.0 acres
50--59	1.0 per 10.0 acres
> 49	1.0 per 20.0 acres

18. In Addition to the above, the performance incentives will be used as a guide to evaluate all residential project densities during:
 - a. The review of an application for a Development Permit.
 - b. The review of a Development of regional impact (DRI) pursuant to F.S. Ch. 380.
 - c. The preparation of any future sector or small area plans.

7.00.07 Submittal Requirements for Development Permits within the Wekiva Protection Area. The following information Shall be submitted in narrative or graphic form or both, as appropriate, as part of the application for a Development Permit within the Wekiva River Protection Area. This information is supplemental to any other submittal requirements contained in the Lake County Code:

- A. General Information.
 1. Soil classifications.
 2. Surface and Groundwater hydrology.
- B. Wetlands and Uplands.
 1. Type and percent of biological communities existing on-site and described using the florida Land Use and Cover Classification System (FLUCCS).
 2. A typical vegetative inventory of the following:

- a. Overstory of canopy (Trees).
 - b. Understory or subcanopy (Shrubs, small Trees).
 3. A typical animal/wildlife inventory using the methodology of the Florida Game and Freshwater Fish Commission.
 - a. Mammals.
 - b. Birds.
 - c. Reptiles.
 - d. Fish.
 4. Pre-and Post-Development acreage/percent of Wetlands and Uplands.
 5. Monitoring programs (ongoing) for wetland and upland systems.
 6. Burrow and fill requirements.
- C. Wildlife Corridors (U.S. Fish and Wildlife Criteria).
1. Pre- and Post-Development acreage of corridors.
 2. Impact of Development on corridors.
 3. Proposed Management, monitoring and Maintenance measures for protection of corridors.
- D. Designated Wildlife and Vegetation.
1. List designated wildlife as specified in Chapter 39, Section 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code.
 2. List vegetation specified in F.S. 581.185(5)(a) and (b).
 3. Pre- and Post-Development acreage of designated vegetation and wildlife.
 4. Plan for protection of designated plant and animal species.
- E. Buffers.
1. Building Setbacks from:

- a. Wetlands.
 - b. Uplands.
 - c. Wildlife corridor.
 - d. Publicly owned Conservation/preservation Lands.
 - e. Wekiva River or other Surface Water bodies.
2. Acreage of Buffers.
 3. Types of Buffers, i.e., vegetative (Trees, shrub or combination), masonry, fence, berms, etc.
 4. Use within Buffers, (i.e., parks, recreational Boardwalks, nature trails, bike paths, nonuse, etc.)
 5. Percent or acreage of property dedicated to the County for Conservation Easements or deeded to the County for public purpose.

F. Water Resource Management Complete Statement and Calculations of the Following:

1. Water Quality and quantity for both pre- and Post-Development:
 - a. Hydrological evaluation of Development.
 - b. Plans for Conservation of potable water, such as reuse of wastewater (treated Effluent and/or gray water, including use of natural vegetation to reduce irrigation needs).
 - c. Recharge and Discharge areas/Recharge mechanisms.
 - d. Potential contamination and abatement procedures.
 - e. Use of underdrains/side drains.
 - f. Degree of salt water Encroachment in the Floridan Aquifer.

G. Air Quality.

1. Emission sources: Residential (fireplaces, type of heat oil, gas, heat pump).
2. Monitoring plans/mechanisms.

H. Storm and Wastewater Management.

1. Stormwater:

a. Calculations.

b. Retention/Detention design:

(1) Type of system (wet, dry, on-line, off-line, etc.)

(2) Pond/Swale:

(a) Volume.

(b) Elevations.

(c) Overflow mechanisms.

(d) Flood elevations.

(e) Discharge point (internal, to Tributary, to Wekiva River).

(3) Culvert, pipe, channel hydraulics.

(4) Soil borings.

(5) Energy dissipation/Erosion and Sediment-control measures.

(a) Grading/drainage plan:

1)

Materials used (pervious/impervious).

2)

Percent pervious/Impervious Surface.

(b) Monitoring plans/mechanisms.

2. Wastewater:

a. Collection:

(1) Pump stations:

- (a) Wet well water level control elevations.
 - (b) Emergency pump Connection.
 - (c) Backup pump (at least two (2) pumps total in pump station).
 - (d) Elevation above One Hundred-Year Flood elevation.
 - (2) Gravity lines:
 - (a) Slopes
 - (b) Clearance from waterlines.
- b. Treatment system:
- (1) Type (septic-conventional or nonconventional, On-Site, low pressure, etc., package plan On-Site or Off-Site, regional plant-On-Site or Off-Site)
 - (2) Siting:
 - (a) Relation to One Hundred-Year Flood elevation.
 - (b) Adjacent property.
 - (3) Plant:
 - (a) General process.
 - (b) Bypass.
 - (c) Hydraulic profile.
 - (d) Flow diagram.
- c. Effluent disposal method:
- (1) Sprayfield.
 - (2) Perc pond.
 - (3) Reuse.
 - (4) Wetland:

- (a) Location of Disposal Area.
- (b) Analysis:
 - 1) Soil report
 - a) Soil type.
 - b) Groundwater depth.
 - c) K factor.
 - d) Confining layers.
 - 2) Impact on Groundwater Quality/quantity.

d. Design:

- (1) Application.
- (2) Load/rest schedule.
- (3) Pond on steep slope:

(a)
Dam design for berms; seepage prevention.

(b)
Riprap for influent flow.

- (4) Pond bottom compared to soil profile.
- (5) Overflow.
- (6) Elevations.
- (7) Buffers.
- (8) Nearby potable wells.

e. Monitoring wells:

- (1) Background Upstream.
- (2) Compliance Downstream.

I. Potable Water System.

1. Type (individual wells, package plant, regional plant).
2. Location (On-Site, Off-Site).
3. Withdrawal Rate/consumptive use.
4. Treatment methods.
5. Impact on Aquifer.

7.00.08 Transfer of Development Rights.

A. Intent. It is the intent of this Section to establish the mechanism and criteria for the Transfer of Development Rights consistent with Ordinance No. 1989-3, the Wekiva River Protection Area Amendment to the Lake County Comprehensive Plan adopted by reference in Section 17-2.01 of the Lake County Code of Ordinances.

B. Sending Areas.

1. Sending Area Number One. Land within the Wekiva River Protection Area, as defined in Chapter 2, and within the farthest boundary of the Wekiva River Hydrologic Basin Protection Zones, established pursuant to F.S. § 373.415, and not vested pursuant to Section 7.00.09 Shall be allowed a maximum Density of one (1) Dwelling Unit per forty (40) Net Acres. However, Density may be increased to a maximum of one (1) Dwelling Unit per ten (10) Net Acres through the application of the Development point rating system established in Section 7.00.06.

This area within the Wekiva River Protection Area, as shown on Exhibit "A", the Wekiva River Protection Area Transferable Development Rights Sending and Receiving Areas Map, is hereby designated as Sending Area Number One for Transfer of Development Rights. Transferable Development Rights of a particular parcel Shall be calculated based upon the Gross Density allowable under the zoning classification in existence immediately prior to the effective date of this Section.

2. Sending Area Number Two. Land within the Wekiva River Protection Area, as defined in Chapter 2, outside the Wekiva River Hydrologic Basin Protection Zone, established pursuant to F.S. § 373.415, Florida Statutes, and outside the Mount Plymouth-Sorrento Urban Compact Node and outside Receiving Area Number One and not vested pursuant to Section 7.00.09 Shall be allowed at a maximum Density of one (1) Dwelling Unit per twenty (20) Net Acres. However, Density may be increased to a maximum of one (1) Dwelling Unit per five (5) Net Acres through the application of the Development point rating system established in Section 7.00.06, Lake County Code.

This area within the Wekiva River Protection Area, as shown on Exhibit "A", the Wekiva River Protection Area Transferable Development Rights Sending and Receiving Areas Map, is hereby designated as Sending Area Number Two for transferable Development Rights. Transferable Development Rights of a particular parcel Shall be calculated based upon the Gross Density allowable under the zoning classification in existence immediately prior to the effective date of this Section.

C. Receiving Areas.

1. Receiving Area Number One. Land within the Wekiva River Protection Area described below Shall have a maximum Density of one (1) Dwelling Unit per twenty (20) Net Acres. However, Density may be increased to a maximum of one (1) Dwelling Unit per five (5) Net Acres through the application of the Development point rating system set forth in Section 7.00.06. Density may also be increased to a maximum of one (1) Dwelling Unit per one (1) net acre utilizing the Development point rating system and through the purchase and utilization of transferable Development Rights from Sending Areas Number One and Two.

This area is outside Sending Areas Number One and Two and the Mount Plymouth-Sorrento Urban Compact Node as designated on Exhibit "A", the Wekiva River Protection Areas Transferable Development Rights Sending and Receiving Areas Map, on file in the planning department and Building department:

Beginning at the southwest corner of Township 18 South, Range 28 East; thence north along the west line of Twp. 18 South, Range 28 East to the northwest corner of the south 1/2 of Section 30, Twp. 18 S, R 28 E; thence east along the north line of the south 1/2 of Section 30 to the northeast corner thereof; thence south along the east line of Section 30 to the southeast corner thereof; thence east along the north line of Section 32, Twp. 18 S, Range 28 East to the centerline of Ranch Road (4-6588); thence south along the centerline of Ranch Road to a point on the north line of the south 1/2 of Section 32; thence east along the north line of the south 1/2 of Section 32 and continuing east along the north line of the south 1/2 of Sections 33 and 34 to the northeast corner of the west 1/2 of the southwest 1/4 of Section 34, Twp. 18 S, R 28 E, which point is on a line with the northerly extension of the centerline of Huff Road (4-5991); thence south along the east line of the west 1/2 of the southwest 1/4 of Section 34 to SR 44A and its intersection with the centerline of Huff Road; thence continuing south and southwest along the centerline of Huff Road (4-5991) and west along the centerline of West Huff Road (4-5789) to the west line of Section 4, Twp. 19 S, R 28 E; thence south along the west line of Section 4 to the southwest corner thereof; thence west along the north line of Section 8, Twp. 19 S, R 28 E to the northwest corner of the east 1/2 of said Section 8; thence south along the west line of the east 1/2 of Section 8 to the south line of said Section 8; thence continuing south along the west line of the northeast 1/4 of Section 17, Twp. 19 S, R 28 E to the southwest corner of the northeast 1/4 of Section 17; thence east along the south line of the northeast 1/4 of Section 17 to the east line of Section 17;

thence south along the east line of Section 17 to the southeast corner thereof; thence continuing south along the west line of Section 21, Twp. 19S, R 28 E to the northwest corner of the south 1/2 of Section 22, Twp. 19 S, R 28 E to the east line of Section 22; thence south along the east line of Section 22 to the centerline of SR 46; thence southwest and west along the centerline of SR 46 to the east line of Section 28, Twp. 19 S, R 28 E; thence north along the east line of Section 28 to the northeast corner thereof; thence west along the north line of Section 28 along the north line of Section 29, Twp. 19 S, R 28 E to the northwest corner of Section 29; thence north along the west line of Section 20, Twp. 19 S, R 28 E to the northwest corner thereof; thence east along the south line of Section 17, Twp. 19 S, R 28 E to the southeast corner of the southwest 1/4 of the southwest 1/4 of Section 17; thence north along the east line of the southwest 1/4 of the southwest 1/4 of Section 17 to the northeast corner of the southwest 1/4 of the southwest 1/4 of Section 17; thence north along the west line of Section 17 to the northeast corner of the south 1/2 of Section 18, Twp. 19 S, R 28 E; thence west along the north line of the south 1/2 of Section 18, Twp. 19 S, R 28 E; thence west along the north line of the south 1/2 of Section 18 to the centerline of CR 437; thence north along the centerline of CR 437 to the south line of Twp. 18 S, R 28 E; thence west along the south line of Twp. 18 S, R 28 E; to the point of beginning.

2. Receiving Area Number Two. Lands within the Mount Plymouth-Sorrento Urban Compact Node, as designated in Exhibit "A", the Wekiva River Protection Area Transferable Development Rights Sending and Receiving Map, on file in the Lake County Planning Department and Building Department, may be Developed up to a maximum Density of five and one-half (5.5) Dwelling Units per one (1) net acre through the purchase and use of transferable Development Rights from Sending Areas Number One and Two and utilizing the "R-1-6" residential district, the "RP" residential professional district or the "PUD" Planned Unit Development district, as set forth in the Lake County Code. Any increase in Density above that Permitted by the zoning classification in place immediately prior to the effective date of this Section Shall require the purchase and use of transferable Development Rights. The Development point rating system Shall not be required to achieve the maximum Density Permitted as stated above.
- D. Transfer of Development Rights. Development rights existing on property located within sending areas number one and two, as described in Section 7.00.08B, above, may be transferred pursuant to the procedure contained in the section to receiving areas number one and two, as described in Section 7.00.08C., above within the Wekiva River Protection Area. The Board may authorize the transfer where such action will serve to implement the Wekiva River Protection Area amendment to the Lake County Comprehensive Plan, Ordinance No. 1989-3.
1. Issuance of transferable development rights. Transferable Development Rights shall be measured and issued in dwelling units based upon gross acreage. The number of dwelling units permitted shall be permitted pursuant to the zoning classification of the property in existence immediately prior to the effective date of this section. A numbering system shall be created and followed by Lake County to identify particular development rights issued and transferred pursuant to this Section. The Transfer of Development Rights shall

be granted through the approval of a transfer permit by the Board.

2. Change of zoning. Upon the issuance and Transfer of Development Rights in accordance with this section, the zoning classification on the property from which the development rights are derived shall be changed to reflect the absence of the rights transferred and the appropriate zoning classification. This shall be accomplished through the approval of an application for rezoning.
3. Approval procedure for transfer permit. An application for a transfer permit shall be processed simultaneously with a rezoning application for the property, both of which shall be initiated by the property owner at the same time. The rezoning application shall be for the applicable zoning classification reflecting the reduction in density:
 - a. Application for transfer permit. A property owner desiring to obtain permission to transfer development rights from particular property within a sending area to a individual or legal entity shall apply for issuance of a transfer permit. Such application shall be filed with the director of planning and development on a form provided by the County which shall include the following:
 - (1) Name, address and telephone number of the applicant and the applicant's agent if any;
 - (2) Legal description of the sending property in the sending area;
 - (3) Survey drawn to scale of not less than one (1) inch equals four hundred (400) feet showing existing land uses on the secondary property and any existing streets, structures, watercourses and easements within or adjacent to the property. The map shall include a north directional arrow and shall also show the gross acreage of the sending property;
 - (4) The zoning classification in existence on the sending property in the sending area immediately prior to the effective date of this section;
 - (5) The proposed conveyance creating the development limitation for the sending property in the sending area;
 - (6) Evidence of title of the sending property;
 - (7) Such fee as the Board may establish by resolution.
 - b. Agency review. The County Manager or designee shall review the application for a transfer permit and, upon a determination that the application is complete and the transfer is authorized by this section, shall forward said application for transfer permit with the application for rezoning to the Lake County Zoning Board.

- c. Lake County Zoning Board review. The Lake County Zoning Board shall review the application for rezoning and, after notice and hearing as required by Chapter XIV, shall make a recommendation on the application for rezoning to the Board for approval, approval with conditions or denial.
 - d. Board of County Commissioners action. The Board shall review the application for rezoning and the recommendations of the Lake County Zoning Board and, after notice and hearing as required by F.S. Ch. 125, § 125.66, shall approve, approve with modifications or deny the application for a transfer permit at the same time the rezoning application is considered. Such approval shall be conditioned upon delivery to the County of a recordable conveyance creating a development limitation subject to approval by the County Attorney. The conveyance shall be recorded together with a copy of the transfer permit in the public records of Lake County.
4. Assignment of Transferred Development Rights.
- a. An application for assignment of transferred development rights shall be filed with the director of planning and development concurrently with a rezoning application for the property within the receiving area to which the density shall be assigned.
 - b. In addition to the information required in Chapter XIV for a rezoning application, the applicant shall provide the following:
 - (1) Name, address and telephone number of the applicant and the applicant's agent if any;
 - (2) Legal description of the receiving property in the receiving area;
 - (3) Survey drawn to scale of not less than one (1) inch equals four hundred (400) feet showing existing land uses on the receiving property and any existing streets, structures, watercourses and easements within or adjacent to the property. The map shall include a north directional arrow and shall also show the net acreage of the receiving property;
 - (4) The base density of the existing zoning on the receiving property in the receiving area;
 - (5) Copy of recorded document(s) conveying the transferred development rights;
 - (6) The proposed conveyance assigning the transferred density to the receiving property in the receiving area;

- (7) Evidence of title of the receiving property;
- (8) All information required by Section 7.00.07, so that the development point rating system may be applied;
- (9) Such fee as the Board may establish by resolution.

5. Recordation of Transferred Development Rights.

a. Clerk of the Board of County Commissioners.

- (1) Upon issuance of a transfer permit by the Board, the Clerk of the Board shall register the identifying numbers of such transferred development rights together with the name and address of the person or legal entity to whom they are issued, the sending property from which they are being transferred and the individual or legal entity to whom they are being transferred.
- (2) The transferee shall register with the Clerk of the Board the receiving property within the receiving area to which the transferee is applying the transferred development rights.
- (3) In the event of an assignment, the name and address of the assignee and the receiving property in the receiving area to which they are assigned must be registered with the Clerk of the Board identifying the rights assigned prior to their exercise by assignee. All assignments shall also be recorded in the public records of Lake County for the sending property for which the transfer permit was issued.

b. The County Manager or Designee. The County Manager or designee shall establish a register which shall include at a minimum:

- (1) Numbering system for applications for transfer permits.
- (2) A numbering system to identify sending properties and receiving properties.
- (3) Tracking system for transferred densities.
- (4) Any other information deemed necessary.

6. Extinguishment of Rights.

- a. The transfer of any development rights from any given sending property shall be conclusively deemed a total transfer of the development rights for that sending

property pursuant to this section.

- b. Transfer of particular development rights shall extinguish such rights on the sending property.
- c. The Transfer of Development Rights from a sending property shall forever restrict the use of that sending property to those uses allowable in the A-1-40 or A-1-20 Wekiva River Protection Area Overlay Districts, and no other use of whatever kind or nature shall be permitted or constructed upon said sending property. This restriction shall constitute a covenant running with the land and shall be binding upon descendants, heirs and assigns. In the event all dwelling unit density rights are transferred, only those remaining uses permitted within the applicable zoning district shall be permitted on the sending property.

- 7. Reassignment of transferred Development Rights. Where development rights have been assigned to a receiving area in accordance with the requirements of this section and where those rights have not been utilized by the transferee or assignee of those rights, the development rights originally transferred may be reconveyed to another receiving property within a receiving area provided that all conditions required by this section are met. Reconveyance of development rights shall be approved by the Board and recorded in the public records of Lake County.

(Ord. No. 2004-13, § 6, 3-16-04)

7.00.09 Determination of Vested Rights for Development within the Wekiva River Protection Area.

- A. A Landowner may be entitled to develop at a Density greater than that Permitted in Sections 7.00.02 and 7.00.03, the A-1-40 and A-1-20 Wekiva River Protection Area Overlay Districts if the Landowner's property is vested pursuant to Section 1.02.
- B. A determination that a Landowner is entitled to develop at a Density greater than Permitted in Subsections 7.00.02 and 7.00.03 does not exempt the Development from compliance with all applicable provisions of these Regulations.