

**ORDINANCE SUMMARY
GREEN SWAMP ORDINANCE**

This ordinance proposes to amend Lake County, Appendix E, Land Development Regulations (LDRs), Chapter II, entitled "Definitions" to add the definitions.

This ordinance also repeals and replaces Chapter VIII, entitled "Green Swamp", to add requirements prescribed by the 2030 Comprehensive Plan for the Green Swamp Area of Critical State Concern (GSACSC) and generally pertaining to:

- Development;
- Review criteria;
- Mining in the GSACSC;
- Small-scale sporting and recreational camps;
- Protection of Resources; and
- Prohibited Uses.

Changes are shown as follows: Underline indicates new sections or additions to existing Code sections. The notation "* * *" shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

1

Ordinance No. 2013-_____

2 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA;**
3 **AMENDING THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS,**
4 **CHAPTER II, ENTITLED "DEFINITIONS" TO ADD THE DEFINITION OF LOW IMPACT**
5 **DEVELOPMENT, PASSIVE RECREATION AND SMALL-SCALE SPORTING AND RECREATIONAL**
6 **CAMP ACTIVITIES (APPLICABLE IN GREEN SWAMP AREA OF CRITICAL STATE CONCERN ONLY);**
7 **TO REPEAL AND REPLACE CHAPTER VIII, ENTITLED "GREEN SWAMP"; IN ORDER TO ADD**
8 **PROVISIONS OF THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; PROVIDING FOR THE**
9 **PURPOSE AND INTENT OF THE CHAPTER AND THE GREEN SWAMP BOUNDARY; PROVIDING**
10 **FOR DEVELOPMENT REVIEW CRITERIA; LISTING THE FUTURE LAND USE CATEGORIES WITHIN**
11 **THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR REGULATIONS ON**
12 **MINING WITHIN THE GREEN SWAMP AREA OF CRITICAL STATE CONCERN; PROVIDING FOR**
13 **REGULATIONS FOR WETLANDS, RIVER AND STREAM CROSSING, AND PROTECTION OF WATER**
14 **RESOURCES; PROVIDING FOR UPLAND BUFFERS; PROVIDING FOR REQUIREMENTS RELATING**
15 **TO NATURAL UPLAND PLANT COMMUNITIES ON A DEVELOPMENT SITE; PROVIDING FOR**
16 **PROHIBITION OF INDUSTRIAL USES AND SPREADING OF WASTEWATER RESIDUALS;**
17 **PROVIDING FOR REGULATIONS FOR ROADS WITHIN THE GREEN SWAMP AREA OF CRITICAL**
18 **STATE CONCERN, LOCATION OF SCHOOLS, AVIATION FACILITIES, SEPTIC TANK PROVISIONS;**
19 **PROVIDING FOR FLOOD INSURANCE STUDY REQUIREMENTS; PROVIDING FOR REGULATIONS**
20 **RELATING TO SILVICULTURE AND AGRICULTURAL ACTIVITIES AND ADDITIONAL**
21 **REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;**
22 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN**
23 **EFFECTIVE DATE.**

24 **WHEREAS**, on September 22, 2011, the Lake County 2030 Comprehensive Plan became
25 effective, requiring the Land Development Regulations to be updated; and

26

1 **WHEREAS**, Policy I-1.1.8 of the 2030 Comprehensive Plan requires the County to adopt
2 and maintain a set of specific and detailed Land Development Regulations that implement and
3 are consistent with the goals, objectives and policies of the Comprehensive Plan; and
4

5 **WHEREAS**, Goal I-4 of the Lake County Comprehensive Plan, entitled “Green Swamp”,
6 provides for the designation of the Green Swamp Area of Critical State Concern (GSACSC), and
7 for Future Land Use Categories, protection of water resources and specific regulated activities
8 and uses within the GSACSC; and
9

10 **WHEREAS**, LDR Chapter 2, entitled “Definitions”, and LDR Chapter 8, entitled “Green
11 Swamp”, must be amended in order to conform to the policies and objectives of Goal I-4 of the
12 Lake County Comprehensive Plan; and
13

14 **WHEREAS**, on November 8, 2011, the Board of County Commissioners approved the
15 Land Development Regulation Work Program; and
16

17 **WHEREAS**, Chapter VIII, entitled “Green Swamp” is scheduled on the second year of the
18 Agenda for the Land Development Regulations Work Program; and
19

20 **WHEREAS**, the Planning & Zoning Board, in its capacity as the Local Planning Agency,
21 considered this ordinance and recommended approval at a properly advertised public hearing
22 on October 30th, 2013; and
23

24 **WHEREAS**, the Board of County Commissioners (the “Board”) desires to repeal and
25 replace Chapter VIII, Land Development Regulations, to amend regulations pertaining to the
26 Green Swamp Area of Critical State Concern; and
27

28 **WHEREAS**, on the ____ day of _____, 2013, this Ordinance was heard at a public
29 hearing before the Lake County Board of County Commissioners; and
30

31 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
32 County, Florida, that:
33

34 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
35 herein by reference.
36

37 **Section 2. Amendment.** Chapter II, Lake County Code, Appendix E, Land Development
38 Regulations, entitled “Definitions”, is hereby amended to add the following definitions in
39 alphabetical order:
40

41 **Annual Average Daily Traffic.** The total volume of vehicle traffic of a highway or road for a year
42 divided by 365 days.

Land Spreading. The act of spreading bio-solids.

Low Impact Development. A site design strategy for maintaining or replicating the pre-development hydrologic regime. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Strategies also include, but are not limited to, green roofs, vegetated swales, narrower roads, permeable pavement, preservation of environmentally sensitive site features such as natural upland habitat, wetlands, wetland buffers and floodplains.

Passive Recreation. The term “passive recreation” is defined as activities that generally do not require a developed site, that make use of the existing natural resources, and that have a minimal impact which can be carried out with little alteration or disruption to the area in which they are performed. This generally includes such activities as hiking, horseback riding, wildlife appreciation, picnicking, hunting, and primitive camping in an area that is not accessible by vehicle and that has no facilities.

Primitive Camping. Primitive camping is a form of camping that generally has no facilities or is accessible only by foot or by off-road vehicle.

Rural Character: Diverse landscapes, including but not limited to, agriculture, equestrian related activities, conservation areas, forests, natural lake shores and stream banks, open fields, tree-lined streets, system of rural roads, rural residential densities of one unit per five acres or a lower density, small villages and communities and other elements as specified in Comprehensive Plan Policy I-1.4.1 Elements of Rural Character.

Small-scale sporting and recreational camp activities (applicable in Green Swamp Area of Critical State Concern only). Recreational and physical activities that generally do not require a developed site, that generally rely on the natural environment and takes place outdoors.

Section 3. Repeal and Replace. Chapter VIII, Lake County Code, Appendix E, Land Development Regulations, entitled “Green Swamp”, shall be repealed and replaced to read as follows:

CHAPTER VIII GREEN SWAMP

8.00.00 – General.

8.00.01 Purpose and Intent.

1 Pursuant to Article II, Section 7 of the Florida Constitution and F.S. § 380.0551, the Green
2 Swamp Area of Critical State Concern (GSACSC) has been determined to be an area of
3 statewide environmental value. In recognition of this, Lake County shall preserve the
4 integrity of the Green Swamp as an intact ecosystem of statewide significance by protecting
5 its natural resources, including but not limited to, hydrologic regimes, wetland and upland
6 communities, floodplain, ecologic connectivity, wildlife, and aquifer recharge. Lake County
7 shall also pursue a land use strategy within the GSACSC that emphasizes passive parks,
8 agriculture, and very low density rural residential development protective of the natural
9 environment. The County shall utilize the Conservation Future Land Use Category to
10 designate preserved areas. Within the GSACSC, the County shall implement development
11 criteria such as drainage patterns, soil types, flood types, flood zones and indigenous
12 vegetation to protect natural resources. Lake County shall, through the implementation of
13 these regulations and the Comprehensive Plan, preserve and protect the Green Swamp as a
14 natural resource of critical state and regional importance.

15
16 **8.00.02 Green Swamp Boundary.**

17 The GSACSC was designated in 1979 by the Florida Legislature pursuant to Florida Statutes.
18 The boundary of the GSACSC is depicted on the Future Land Use Map and is legally
19 described within Rule 28-26.002, Florida Administrative Code as adopted in Policy I-4.1.1 of
20 the Lake County Comprehensive Plan and shown on the Future Land Use Map.

21
22 **8.01.00 Development.**

23 **8.01.01 Development Permits.** Any development undertaken in the Lake County portion of
24 the Green Swamp Area of Critical State Concern shall require a development permit as
25 defined in 380.031, F.S., including, but not limited to, any change in zoning, plat approval,
26 variances to these regulations, and conditional use permits. The applicant for a
27 development permit shall submit a master land use plan as specified below.

28 A. The applicant shall have the affirmative burden of establishing that the proposed
29 project and supporting data meets the requirements and objectives of this Chapter.

30 1. Master land use plan requirements. For all applicants for permits, except those
31 exempted herein, a master land use plan shall be required and shall include, but not
32 be limited to, the following:

33 a. A description of the scope of the proposed development, which shall include all
34 requirements for a site plan as specified in Chapter XIV of these Land
35 Development Regulations.

36 b. Maps of the site from a registered professional engineer or geologist, or soil
37 conservation survey which shall include:

38 (1) A soil analysis prepared by a professional engineer or geologist registered in
39 the State of Florida or the U.S. Natural Resources Conservation Service.

40 (2) The topography in not more than one (1) foot contours in the wetlands and
41 two (2) foot contours in the uplands.

42 (3) The current 100-year floodplain areas, designations, and elevations.

1 c. A statement by a registered professional engineer or geologists indicating
2 expected changes in the quality and quantity of ground water discharge and
3 artisan aquifer recharge of the site before, during, and after development and
4 specifying any measure necessary to approximate existing quality and quantity in
5 surface and ground waters.

6 d. A statement or assessment by a registered professional engineer that drainage
7 facilities shall release water in a manner approximating the natural local surface
8 flow regime, through a spreader pond of performance equivalent structure or
9 system, either on-site or to a natural retention or natural filtration and flow area.

10 2. Exemptions. A master land use plan shall not be required in the following instances:

11 a. The modification of an existing single-family dwelling unit.

12 b. Construction of a single-family dwelling unit or addition to a single-family
13 dwelling unit that is not part of a common plan of development.

14 c. Detached ancillary structures to a single-family dwelling unit.

15
16 **8.01.02 Development Requirements.**

17 Development within the GSACSC shall meet the following requirements:

18 A. Use water conservation devices and practices as required in the Code and other
19 Chapters of the Land Development Regulations.

20 B. Provide assurances that all of the services needed to support that development are in
21 place concurrent with the impacts of the development, including but not limited to
22 roads, fire, police and schools.

23 C. Cluster development away from environmentally sensitive lands. Cluster development
24 shall be configured to preserve connections to existing environmentally sensitive lands
25 to the greatest extent practical.

26 D. Provide a wetland assessment for all development, based on site verification. The
27 purpose of which is to maintain the integrity of wetland systems.

28 E. Retain all stormwater on site or located in the same area of recharge. Stormwater
29 management systems shall be designed using Low Impact Development principles and
30 practices.

31 F. Retain the first three inches (3") of runoff for projects located in most effective recharge
32 areas (Type "A" Hydrologic Soil Group). Alternatively, the applicant may demonstrate
33 that the post-development recharge will be equal to or greater than the pre-
34 development recharge, which is stormwater that is retained such that the storage
35 volume is recovered within 14 days following a storm event. The applicant shall submit
36 storm water calculations, based on a 25-year storm event, completed by an engineer
37 licensed in the State of Florida, indicating that the first three inches (3") of runoff is
38 retained or that the alternative is met.

39 G. A study of listed species is required for all proposed development, based on site
40 verification. If it is determined that listed species are located on the site, a habitat
41 management plan must be prepared and implemented using guidelines and criteria of
42 the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and

1 Wildlife Service (USFWS). This plan must be reviewed by the appropriate agency
2 (FFWCC or USFWS) prior to commencement of development.

3 H. Septic tanks shall be regulated in accordance with the specific requirements for the
4 GSACSC set forth within these regulations, the Comprehensive Plan and state law.

5 I. Dark skies shall be preserved through requirements as stipulated in the ordinance
6 permitting the development on the site or as a requirement of the site plan.

7 J. Maintain, enhance and protect corridors for wildlife movement in coordination with
8 adjacent properties, by linking wildlife management areas and parks, buffering small
9 wildlife populations, or other approved methods to facilitate daily or seasonal wildlife
10 movement.

11 K. Minimize site disturbance and alteration of terrain, through use of design techniques
12 that protect native vegetation and minimize earth movement such as reduced lane
13 widths, stem-wall construction, and swales.

14 L. Protect common open space, wetlands and other natural features in perpetuity by
15 conservation easement or similar recorded and legally binding instrument, as allowed
16 by law.

17 M. Improve and protect the rural character along roadway corridors, by providing a system
18 of rural roads intended to provide access to widely spaced home-sites and farms with
19 substantial building setbacks from adjoining roadways, reducing road congestion,
20 limiting the capacity of all new County roads to no more than two (2) travel lanes, and
21 other approved methods.

22 N. Use of Best Management Practices for native landscaping and “right plant-right place”
23 landscaping techniques to provide compatibility with the natural environment and
24 minimize the use of chemicals, pesticides, and water for irrigation. No invasive exotic
25 plant species shall be used in landscaping.

26 O. Implement water conservation techniques, including the limitation of overhead
27 irrigation, with the exception of low-volume irrigation such as drip or micro-irrigation
28 systems, and areas used for vegetable gardens.

29 P. Enhance the rural character of the project and surrounding area by using, but not
30 limited to, the following methods: reducing urban sprawl, providing conservation areas,
31 providing commercial and civic uses in the scale and scope of the rural area, and
32 encouraging owners to keep large areas in a natural or open state.

33
34 **8.01.03 Development Review Criteria.**

35 A. Principles for Guiding Development within the GSACSC. In order to effectively and
36 equitably conserve and protect its environmental and economic resources, a land and
37 water management system shall be provided to protect resources, and facilitate orderly
38 and well planned growth. The following shall be protected, improved, or adverse
39 impacts shall be minimized as provided in this Chapter and other Chapters of these Land
40 Development Regulations:

41 1. Floridan Aquifer, wetlands and flood detention areas;

42 2. Normal quantity, quality and flow of groundwater and surface water;

43 3. Water available for aquifer recharge;

1 4. Functions of the Green Swamp Potentiometric High of the Floridan Aquifer;

2 5. Normal supply of ground and surface water.

3 6. Existing ground and surface water quality.

4 8. Water-retention capabilities of wetlands.

5 9. Biological-filtering capabilities of wetlands.

6 10 Natural flow regime of drainage basins.

7 11. Design capacity of flood detention areas and the water-management objectives of
8 these areas through the maintenance of hydrologic characteristics of drainage
9 basins.

10 B. Review Criteria.

11 1. Site Alteration. Site alteration shall:

12 a. Maintain or improve the natural surface water flow regime;

13 b. Maintain or improve the natural recharge capabilities of the site;

14 c. Prevent the siltation of wetlands, maintain or improve the natural retention and
15 filtering capabilities of wetlands, and adhere to the following standards:

16 (1) Provide for water retention consistent with the requirements provided in the
17 Land Development Regulations.

18 (2) Stormwater management systems shall be designed according to Low Impact
19 Development principles and practices over conventional systems as follows:

20 (a) Soils. All soils exposed as a result of site alteration or development
21 activities shall be located and stabilized in a manner to prevent erosion,
22 compaction of soils in undeveloped portions of the site and the alteration
23 of natural flow regimes.

24 (b) Groundwater. Groundwater withdrawal shall not result in a reduction of
25 the minimum flows and levels per acre as determined by the St. John's
26 River Water Management District or the Southwest Florida Water
27 Management District, or their successor agencies.

28 (c) Stormwater. Pre-treated stormwater runoff shall be released into
29 wetlands in a manner approximating the natural flow regime if consistent
30 with the stormwater management section of these regulations.

31 (d) Industrial and Sewage Waste. Any industrial waste of an existing use,
32 sewage, or other human-induced wastes shall be effectively treated in
33 conformance with Florida Department of Environmental Protection rules
34 and regulations.

35 (e) Structures. Placement of structures shall be in compliance with the Flood
36 Disaster Protection Act of 1973 and compliance with the Lake County
37 Floodplain Management Regulations so that the natural flow regime will
38 be maintained.

39 (f) Site disturbance. Site alteration, clearing of natural vegetation and soil
40 compaction shall be minimized through open space preservations and
41 clustering.

- 1 2. All development in the GSACSC shall conform to the regulatory guidelines and
 2 objectives outlined in the Principles for Guiding Development within the GSACSC, as
 3 described in 8.01.02.
 4 3. Commencement of development may not occur until all applicable county, state or
 5 federal permits are obtained.

6
 7 **8.01.04 Future Land Use Categories within the Green Swamp Area of Critical State**
 8 **Concern.**

9 The following Future Land Use Categories are applicable only in the GSACSC; if the existing
 10 zoning district on a parcel is not consistent with the Future Land Use Category or the type of
 11 development proposed, the parcel shall be rezoned to the appropriate zoning district, prior
 12 to development approval. If the zoning district and Future Land Use Category regulations
 13 (such as, but not limited to, density, intensity, I.S.R, open space, building height, etc.)
 14 conflict, the most stringent shall apply.

15
 16 **Table 8.01.04 Future Land Use Categories**

<u>FUTURE LAND USE CATEGORY (A) (D)</u>	<u>DENSITY (A) (B) (C) (D)</u>	<u>F.A.R. (INTENSITY) (A) (B) (D)</u>	<u>I.S.R (A) (D)</u>	<u>OPEN SPACE (A) (D)</u>	<u>BUILDING HEIGHT (A) (D) (E)</u>
<u>Green Swamp Ridge</u>	<u>4 d.u./1 acre</u>	<u>0.25 to 0.35</u>	<u>0.45</u>	<u>40%</u>	<u>40 ft.</u>
<u>Green Swamp Rural</u>	<u>1 d.u./5 acres</u>	<u>NS</u>	<u>0.20 to 0.30</u>	<u>Min. 60%</u>	<u>40 ft.</u>
<u>Green Swamp Rural Conservation</u>	<u>1 d.u./10 acres</u>	<u>NS</u>	<u>0.20</u>	<u>Min. 80%</u>	<u>40 ft.</u>
<u>Green Swamp Core Conservation</u>	<u>1 d.u./20 acres</u>	<u>NS</u>	<u>0.10</u>	<u>Min. 90%</u>	<u>40 ft.</u>

17 Abbreviations: F.A.R =Floor Area Ratio I.S.R =Impervious Surface Ratio
 18 NS = Not Specified d.u. = Dwelling Unit Min. = Minimum ft. = Feet

19 Notes:

- 20 A. Should there be any discrepancy between entries in this summary table and the more
 21 detailed text of the Comprehensive Plan, the text of the Goals, Objectives and Policies of
 22 the Comprehensive Plan shall control.
 23 B. All density and intensity standards refer to net density or net buildable area, which
 24 excludes wetlands and water bodies.
 25 C. Within the GSACSC only one (1) additional dwelling unit may be built within the net
 26 buildable area of a parcel for every twenty (20) acres of wetlands on the subject parcel.
 27 D. Please refer to the specific policies within the 2030 Comprehensive Plan pertaining to
 28 each Future Land Use Category for detailed information.
 29 E. Height limitations do not apply to structural appurtenances such as spires, steeples,
 30 chimneys, radio towers, antennae, or similar structures in residential areas, unless
 31 otherwise addressed specifically in the Land Development Regulations. Height
 32 limitations do not apply to silos, windmills, water towers, or similar structures in

1 agricultural areas. Height limitations do apply to mechanical systems and screening
2 walls, parapets or other roof treatments on commercial buildings.

3
4 **8.01.05 Mining within the Green Swamp Area of Critical State Concern.**

5 A. Sand mining is an allowed use within the GSACSC.

6 B. All mines shall meet all requirements of the Mining Section within these Regulations.

7
8 **8.01.06 Small-Scale Sporting and Recreational Camps.**

9 Small-scale sporting and recreational camps shall be comprised of an area not to exceed 20-
10 developed acres (excluding areas maintained in their natural state) and shall meet all of the
11 following requirements:

12 A. To the extent feasible, the development shall be clustered in one area. Cluster
13 development shall be configured to preserve connections to existing environmentally
14 sensitive lands to the greatest extent practical.

15 B. Improved roads on the property that are used to access the Small-scale Sporting and
16 Recreational Camp area shall only be used for ingress or egress to the site.

17 C. The undisturbed areas of the site that are maintained in their natural state shall be used
18 for passive recreation, conservation, and agricultural uses only.

19 D. All development requirements, development review criteria and principles for
20 developing within the GSACSC shall apply.

21 E. The applicant shall submit an impact statement demonstrating how the proposed
22 development is consistent with each of the Principles for Guiding Development.

23 F. Outdoor uses involving lakes or surface waters shall only use approved points of entry.

24 G. Wetlands shall be flagged with signage and no vehicle or development shall be allowed
25 within wetlands or the 50-foot wide upland buffer surrounding the wetlands.

26 H. The parcel must either front on a publicly-maintained road or an easement that is within
27 1320 feet of a publicly-maintained road. If the parcel fronts on an easement, it shall be
28 a public easement and accessible by emergency vehicles.

29 I. Parking shall be located on site and to the greatest extent possible the parking area shall
30 be grassed or pervious surface.

31 J. Development, excluding approved special events, shall not exceed the annual average
32 daily vehicle trip generation that would occur under the maximum residential dwelling
33 units allowed for the subject land use category, the average daily trip rate per dwelling
34 unit is 9.57.

35 K. The number and type of any vehicles used as an integral part of camp activities shall be
36 specified in the zoning ordinance, along with any other restrictions on usage of the
37 vehicles.

38
39 **8.01.07 Roads within the Green Swamp Area of Critical State Concern.**

40 A. To help preserve and protect the Green Swamp as a natural resource of critical state
41 and regional importance the County shall limit the capacity of all County-maintained
42 roads within the Green Swamp to no more than two (2) travel lanes.

43 B. New public roads shall not be constructed in the Green Swamp Rural, Green Swamp
44 Rural/Conservation, and Green Swamp Core/Conservation future land use categories.

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2 **8.01.08 Location of Schools.**

3 School facilities within the GSACSC shall only be permitted within the Ridge Future Land Use
4 Category.

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6 **8.01.09 Aviation Facilities.**

7 A. New airport and airstrip facilities shall be subject to conditional use approval and shall
8 be limited to:

- 9 1. Private residential uses, and
10 2. No more than three (3) aircraft based at the facility.

11 B. Existing airports and airstrips, serving more than three (3) aircraft as of May 25, 2010,
12 may expand, subject to conditional use approval.

13 C. New runways or expansions to existing runways shall be unpaved and the total runway
14 shall be limited to 4,000 feet or less.

15 D. New or existing runways shall not count towards open space requirements.

16 E. Aviation facilities shall comply with all federal and state regulations, including Federal
17 Aviation Administration and Florida Department of Transportation rules and regulations.

18
19 **8.01.10 Septic Tank Provisions.**

20 For all development in the GSACSC that proposes the use of a septic tank, the following
21 shall apply:

22 A. A permit approved by the Department of Health in Lake County (DOH-Lake) or
23 Department of Environmental Protection, is required for the use of a waste water
24 system prior to issuance of certificate of occupancy. The DOH-Lake may issue a septic
25 tank permit provided the location of the septic tank and drainfield comply with these
26 regulations and the Lake County Comprehensive Plan.

27 B. Development proposing the use of septic tanks shall provide an average of one (1) acre
28 of upland area per septic system, which may include private lots and common areas.
29 Individual lots must be of sufficient size and shape to accommodate the proposed
30 structures, including septic tank and drainfield, without any part encroaching into the
31 floodplain or any required septic tank setback.

32 C. All septic tanks and drainfields shall provide a 100-foot setback from the furthest upland
33 extent of any wetland or waterbody, with the following exceptions:

- 34 1. For development on lots legally created on or before March 2, 1993, as well as lots
35 located in a subdivisions listed below, which cannot meet the one hundred (100)
36 foot setback requirement and would otherwise be deemed unbuildable, an
37 administrative adjustment may be granted by the County Manager or designee to
38 allow the placement of the septic tank and drainfield, if all of the following are met:
39 a. The application of the 100-foot setback would result in the inability to develop
40 the lot with a typical single-family residence.
41 b. The location of the septic tank and drainfield shall be located to have the least
42 impact on surface waters and wetlands.

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c. Adjustments to the wetland setbacks for septic tank and drainfields shall be allowed on a case-by-case basis.

d. The adjustment shall be granted only to the maximum extent necessary to provide a reasonable beneficial use of the lot.

D. In those instances where a wetland is considered by the DOH-Lake to also be the same as the mean high water line of surface water, the DOH-Lake variance process established pursuant to the Florida Statutes shall substitute for the County administrative adjustment process.

Table 8.01.10 - Septic Tank and Drainfield Subdivision List

<u>SUBDIVISION NAME</u>	<u>DATE RECORDED</u>
<u>Beula Heights</u>	<u>April 24, 1925</u>
<u>Bowman Realty Co.</u>	<u>November 22, 1913</u>
<u>Cypress Walk</u>	<u>April 21, 1982</u>
<u>Edges Subdivision</u>	<u>November 10, 1922</u>
<u>Empire Acres</u>	<u>May 15, 1986</u>
<u>Graceland</u>	<u>May 6, 1987</u>
<u>Greater Groves Phase 1</u>	<u>September 25, 1991</u>
<u>Greater Groves Phase 2</u>	<u>July 29, 1992</u>
<u>Greater Groves Phase 3</u>	<u>January 11, 1994</u>
<u>Groveland Farms</u>	<u>September 26, 1911</u>
<u>Grovella Park</u>	<u>January 18, 1926</u>
<u>Lake Nellie Oaks</u>	<u>July 9, 1991</u>
<u>Lake Glona Shores</u>	<u>February 21, 1989</u>
<u>Lake Kirkland Shores</u>	<u>August 11, 1987</u>
<u>Lake Louisa Park</u>	<u>June 14, 1974</u>
<u>Lake Monte Vista</u>	<u>June 12, 1988</u>
<u>Lake Susan Homesites</u>	<u>January 30, 1959</u>
<u>Lake Susan Outlook</u>	<u>June 21, 1989</u>
<u>Lancaster Beach</u>	<u>January 10, 1952</u>
<u>Little Acres</u>	<u>April 5, 1926</u>
<u>Monte Vista Park Farms</u>	<u>February 13, 1914</u>
<u>Murcott Hill</u>	<u>April 12, 1978</u>
<u>Pine Island/Watson's Sub.</u>	<u>December 18, 1924</u>

<u>SUBDIVISION NAME</u>	<u>DATE RECORDED</u>
<u>Pine Island Estates</u>	<u>January 8, 1992</u>
<u>Postal Colony</u>	<u>February 15, 1926</u>
<u>Postal Groves</u>	<u>March 29, 1927</u>
<u>Postal Groves Replat</u>	<u>December 2, 1929</u>
<u>Quail Lake</u>	<u>July 22, 1988</u>
<u>Skiing Paradise Phase 1</u>	<u>December 2, 1988</u>
<u>Skiing Paradise Phase 2</u>	<u>July 30, 1991</u>
<u>Tropical Winds</u>	<u>March 23, 1976</u>
<u>Trustee's Subdivision</u>	<u>October 10, 1983</u>
<u>Westchester Phase 1</u>	<u>August 9, 1994</u>

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E. At least once every five (5) years, every lot owner with one or more septic tanks in the GSACSC shall have all septic tanks cleaned and inspected in accordance with the requirements of the DOH-Lake. Lake County shall coordinate with the DOH-Lake; the DOH-Lake will require that the septic tank be cleaned, that the mound, drainfield and septic tank system be in good working order and in compliance with the standards of Chapter 64E-6, F.A.C., along with meeting the following requirements:

1. As necessary, a fee to be paid by lot owners shall be assessed to cover the costs of administering the inspection program.
2. The lot owner shall make all repairs that are necessary to bring the septic tank system into compliance with all the requirements hereof.
3. The developer or owner shall disclose the above conditions to the purchaser of the lot by including them in the sales contract or deed.
4. In the event that the DOH-Lake does not receive proof that the septic tank has been cleaned and inspected within the appropriate time frame, the Lake County Code Enforcement Special Master shall have authority to enforce these regulations.

8.01.11 Flood Insurance Study Requirements.

A. A detailed flood insurance study, which shall be used to map more precisely the extent of the 100-year floodplain, shall be performed in accordance with the Guidelines and Specifications for Flood Hazard Mapping Partners and required for the types of developments shown below:

1. Subdivision proposals and other proposed development, including proposals for manufactured home parks, which have:
 - a. Five (5) acres or more of development in the 100-year floodplain, or
 - b. Contain fifty (50) lots or more in the 100-year floodplain.

2. If existing subdivisions are proposed for replatting, the replatted portion shall be required to comply with this requirement if the replatted portion meets the 5-acre or 50 lot criteria.
3. Individual phases of a development that meets the 5-acre or 50 lot criteria are not exempt from this requirement.
4. The construction of a single-family residence on a parcel of land containing five (5) or more acres which is not part of a subdivision or which is part of a subdivision in existence on September 22, 2011, is exempt from this requirement.
5. Subdivisions which contain ten (10) lots or less and single-family residences built on such lots shall be exempt from these requirement.

8.01.12 Silviculture and Agricultural Activities. Agricultural and silviculture operations shall utilize and follow best management practices to reduce conflicts to the greatest extent possible.

8.02.00 Prohibited Uses.

8.02.01 Industrial Uses.

A. The following new industrial uses or activities are prohibited in the GSACSC:

1. All industrial uses listed in Chapter 40, Code of Federal Regulations Part 122, Appendix A;
2. Petroleum pipelines;
3. Landfills;
4. Incinerators;
5. Wholesale chemical operations;
6. Petroleum related industries and fuel dealers (with the exception of gas stations and truck stops, which may be permitted);
7. Dry cleaning operations; and
8. Chemical research operations.

8.02.02 Land Spreading of Wastewater Residuals.

The land spreading of bio-solids and other wastewater residuals shall be prohibited in the GSACSC.

8.02.03 Solid Waste.

There shall be no solid waste facilities located in the GSACSC.

8.02.04 All Mining, except Sand Mining.

All mining, except sand mining, shall be prohibited within the GSACSC.

8.03.00 Protection of Resources.

8.03.01 Wetlands.

A. Wetlands and upland buffers within a development project shall be placed in a conservation easement, to the extent allowed by law, which shall run in favor of and be

1 enforceable by the County, other governmental agency or a qualified non-profit
2 conservation organization.

3 1. The conservation easement shall require that the wetlands remain in their natural
4 and unaltered state.

5 2. If such wetlands and upland buffer areas are not in a natural state due to the
6 presence of invasive species, changes in hydrology, or the removal of natural
7 vegetation, such wetlands and buffers shall be restored by the removal of invasive
8 species, replacement/revegetation with suitable native species and restoration of
9 natural hydrology to the greatest extent feasible.

10 B. Platting of Wetlands.

11 1. Wetlands and upland buffers shall not be included as part of any platted lot and shall
12 be shown on the plat as a common area, which shall be deeded to the homeowners'
13 association or the County at its option, for ownership and maintenance, except as
14 provided below:

15 2. Wetlands may be included in the platted lots for subdivisions which have no
16 homeowners' association and which contain ten (10) lots or less.

17 3. Wetlands between an upland lot and a water body may be included in the lot to
18 allow the lot owner access to the water.

19 4. Any isolated wetland of less than one acre may be included in a platted lot.

20 C. Impacts to wetlands, including the depositing of fill, shall be prohibited within the
21 GSACSC, except as necessary to provide for the following:

22 1. Legal ingress or egress to developable upland areas;

23 2. Water dependent uses and structures such as docks, platforms and pile-supported
24 walkways or similar structures;

25 3. Internal traffic circulation and for purposes of public safety, where other alternatives
26 do not exist;

27 4. Utility transmission and collection lines;

28 5. Pretreated stormwater management facilities; or

29 6. Mining that meets local, state and federal regulations.

30 D. In those instances where dredge or fill activities are authorized, the applicant must
31 demonstrate that:

32 1. There is no other reasonable, practical or economical alternative; and

33 2. Wetland connectivity and natural flow regimes will be maintained; and

34 3. Without the dredge or fill activity the property owner will be deprived of reasonable
35 and beneficial use of the property; and

36 4. The developer can adequately mitigate for the dredge or fill activity as determined
37 by the water management district, department of environmental protection or other
38 agency having jurisdiction.

39 E. Development shall be clustered away from the wetlands and conducted in a manner to
40 protect the vegetation, habitat and the water storage, water quantity, water quality,
41 and recharge functions of the wetlands to the maximum extent allowed by law.

42 F. The water-retention and biological filtering capabilities of wetlands shall be protected,
43 consistent with the Principles for Guiding Development.

44

1 **8.03.02 River and Stream Crossings.**

2 New river or stream crossings shall be prohibited, unless required for site access. Any such
3 crossings shall:

4 A. Maintain navigability;

5 B. Not impede natural flow of water; and

6 C. Be properly permitted through County, State and Federal agencies.

7 **8.03.03 Protection of Water Resources.**

8 Lake County shall protect surface and ground water resources associated with the GSACSC
9 for the benefit of present and future residents of Lake County, and to maintain natural
10 hydrologic regimes and biologic functions.

11 Development in the GSACSC shall minimize the adverse impacts to and protect the
12 following as required in this Chapter other Chapters of these Land Development
13 Regulations:

14 A. Floridan Aquifer;

15 B. Normal quantity, quality, and flow of ground and surface water;

16 C. Water available for aquifer recharge;

17 D. Normal supply of ground and surface waters;

18 E. Water quality and quantity in the GSACSC in accordance with the Principles for Guiding
19 Development within the GSACSC;

20 F. Groundwater recharge areas. Protection of aquifer recharge areas in the GSACSC is
21 required by the Principles for Guiding Development for the GSACSC;

22 G. Stormwater management systems. Development activities within the GSACSC shall
23 incorporate the principles and practices of Low Impact Development and shall meet or
24 exceed the site alteration criteria contained within Rule 28-28.008 (7), Florida
25 Administrative Code; and

26 H. Flood detention areas and the natural flow regime of natural drainage basins.

27
28 **8.03.04 Upland Buffers.**

29 A. Upland buffers adjacent to wetlands provide habitat for wetland dependent species,
30 and assist in minimizing the deleterious effects of development adjacent to the wetland.
31 All developments shall provide natural upland buffers (adjacent to those wetlands),
32 which are to be preserved following development. The buffer shall meet the following
33 requirements:

34 1. A minimum of a 50-foot wide buffer requirement shall apply to isolated wetlands,
35 non-isolated wetlands and rivers and streams, except where the required buffer
36 makes a lot unbuildable, in which case a variable buffer may be allowed.

37 2. Variable buffers shall have a minimum width of 25 feet and average width of 50 feet.

38 3. Be in the location and dimensions approved by the County, unless a greater buffer is
39 required by another agency having jurisdiction, in which case the greater buffer shall
40 be required; and

1 4. Buffers shall be determined to start landward from the mean high water line or
2 jurisdictional wetland line, whichever is further landward.

3 B. The jurisdictional wetland line shall be determined by a qualified person acceptable to
4 the County, using a State-approved methodology adopted by Rule, and which shall be
5 subject to field verification and approval by the agency exercising jurisdiction or the
6 County, if necessary.

7
8 **8.03.05 Natural Upland Plant Communities on a Development Site.**

9 A. Development proposals shall include or provide an inventory of the type and extent of
10 natural upland vegetative communities if they occur on the development site. The
11 survey shall:

12 1. Be completed by a qualified biologist;

13 2. Include a survey of plant and wildlife populations;

14 3. Indicate the presence of any designated species; and

15 4. Utilize a professionally accepted methodology approved by the County in
16 consultation with the appropriate agency having jurisdiction.

17 B. Development impacting two (2) acres or more within the GSACSC shall be required to
18 submit a detailed environmental assessment, which includes the following information:

19 1. Identify surface waters or wetlands (isolated or non-isolated), to be delineated by a
20 jurisdictional wetland line;

21 2. Identify upland communities according to the Florida Land Use Cover and Forms
22 Classification System (FLUCFCS), include S2 or S3 ratings;

23 3. Identify threatened, endangered, or species of special concern by the Florida Fish
24 and Wildlife Conservation Commission (FWCC) and the US Fish and Wildlife Service;
25 and

26 4. Inventory of any wildlife corridors identified by the FWCC, Florida Department of
27 Environmental Protection, Florida Natural Areas Inventory, and /or East Central
28 Florida Regional Planning Council and corridors important for wildlife movement
29 that have been identified by the County or other agency having jurisdiction.

30 C. A minimum of 50 percent of protected upland plant communities identified on the site
31 shall be preserved.

32 D. Protected uplands shall be counted toward satisfying any open space requirements.

33 E. Connectivity shall be maintained among protected upland areas to the greatest extent
34 possible.

35
36 **8.04.00 Notification Requirements**

37 **8.04.01 Notification and Minimum Requirements.**

38 A. A copy of each development order and supporting documentation issued within the
39 GSACSC shall be submitted to the Florida Department of Economic Opportunity,
40 pursuant to the requirements of Section 380.05, Florida Statutes, and the Florida
41 Administrative Code, within five (5) working days of the issuance of the development
42 order.

B. Minimum Requirements. The provisions of this Chapter shall be considered to be minimum requirements for the protection and promotion of the public health, safety, and general welfare.

Section 4. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

Section 5. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 7. Effective. This Ordinance shall become effective as provided upon filing with the Secretary of State.

Enacted this _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney