



MINING CONDITIONAL USE PERMIT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 2
Public Hearings: Planning & Zoning Board (PZB): July 9, 2019
Board of County Commissioners (BCC): July 30, 2019
Case No. and Project Name: MCUP-19-01-1, 474 Independent Sand Mine West Expansion
Applicant: Bill Newlon, Kleinfelder, Inc.
Owner: E.R. Jahna Industries, Inc.
Requested Action: Amend a portion of Ordinance 2004-80 and a portion of Conditional Use Permit #863-2/3 to expand the existing sand mine by 56.48 +/- acres with approval of a new mining conditional use permit ordinance that will encompass a total 89.10 +/- acres.
Staff Determination: Staff recommends approval of the mining conditional use permit (MCUP) subject to the conditions contained in the draft ordinance.
Case Manager: Janie Barrón, Senior Planner
PZB Recommendation:

Subject Property Information

Size 89.10 +/- acres (56.48 +/- acres west expansion)
Location East of US 27, north of County Road 474, in the South Lake County area.
Alternate Key # 1084997, 1086493, 1101191, 1117453, 1304857, 1587999, 1802148, 2543744, 2582812, 3793281, 3793282, 3793283, 3793285, 3793286, 3793287, 3875091, 1063752, 1047218, 1086507, 1087040, 2563206, 3875088, and a portion of Alternate Key Number 1047196
Future Land Use Green Swamp Core Conservation
Existing Zoning District Agriculture
Overlay Green Swamp Area of Critical State Concern
Rural Protection Area N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Core Conservation	Agriculture (A)	Vacant and Non-Residential	Large Vacant Agriculture Tract and Sand Mine
South	Green Swamp Core Conservation	Agriculture (A)	Vacant and Non-Residential	Large Vacant Agriculture Tract and Sand Mine
East	Green Swamp Core Conservation	Agriculture (A)	Vacant and Non-Residential	Large Vacant Agriculture Tract and Sand Mine
West	Green Swamp Core Conservation	Agriculture (A)	Vacant and Non-Residential	Large Vacant Agriculture Tract and Sand Mine

- Summary of Analysis -

The 89.10 +/- acre property is generally located east of US 27 and north of County Road 474, in the south Lake County area. The subject properties are zoned Agriculture (A) and designated as Green Swamp Core Conservation Future Land Use Category.

The mining conditional use permit (MCUP) application proposes to amend a portion of Conditional Use Permit #863-2/3, and a portion of MSP #04/9/1-2 (Ordinance 2004-80) to expand the existing sand mine by 56.48 +/- acres with a new mining conditional use permit ordinance that will encompass a total 89.10 +/- acres. The application seeks to expand the sand mine operation on parcels identified by Alternate Key Numbers 1084997, 1086493, 1101191, 1117453, 1304857, 1587999, 1802148, 2543744, 2582812, 3793281, 3793282, 3793283, 3793285, 3793286, 3793287, and a portion of 1047196.

Additionally, the application proposes to incorporate an additional 32.62 +/- acres that was previously approved for a sand mine via MCUP #04/9/1-2 and CUP #863-2/3, comprised of parcels identified by Alternate Key Numbers 3875091, 1063752, 1047218, 1086507, 1087040, 2563206, and 3875088.

The MCUP application was sent to the Florida Department of Economic Opportunity (DEO) for a determination of consistency with Green Swamp Area of Critical State Concern regulations. DEO did not provide any comments.

- Analysis -

LDR Section 14.05.03 (Standards for Review)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

As previously indicated, MCUP #04/9/1-2 and MCUP #863-2/3 allows the existing 474 Independent Sand Mine use, with conditions as specified within each ordinance. The current request seeks to amend the existing MCUPs to facilitate the expansion of the existing sand mine operation towards the western adjoining parcels (Attachment A).

Comprehensive Plan Policy I-1.2.2, "Consistency between Future Land Use and Zoning", Table FLUE 2 - Future Land Use Element, requires a minimum of ninety (90) percent open space for property designated as Green Swamp Core Conservation Future Land Use. The conceptual plan attached to the proposed ordinance shows the areas of the property set aside to comply with this open space requirement. A condition is included in the proposed ordinance to ensure this requirement is met.

The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-7.5.10, which requires a conditional use permit for mining. The proposed sand mine expansion is consistent with Comprehensive Plan Policy I-4.2.5, Green Swamp Core Conservation Area Future Land Use Category (FLUC). This land use allows sand mining, subject to Green

Swamp policies and regulations.

The application contained a hydrogeological report pursuant to the requirements of Comprehensive Plan, Conservation Element Policy III-3.5 to demonstrate the effect of mining activity on aquifer protection zones. Additionally, the submission of this report is consistent with LDR Section 6.06.00.J and Section 8.01.03.A.1, regarding the protection of environmental resources, which state that the County shall continue to evaluate and enforce its Land Development Regulations relative to mining, including criteria of submitted restoration, reclamation and mitigation plans.

The proposed use is indicated in LDR Table 3.01.03, which specifies the allowance of Mining in the Agriculture zoning district with a conditional use permit. The request for the proposed sand mine expansion is consistent with LDR Section 3.01.02, which defines Mining as the extraction of natural resources, together with structures, machinery, equipment, and facilities incidental to the development thereof, including, but not limited to extracting, processing, storing, selling and distribution of sand, clay, gravel, etc. and peat and muck recovery and processing.

Mining, excavation and their related activities have been found to “contribute substantially to the economic stability of Lake County” as stated in LDR Section 6.06.01.A.6. The application is also consistent with LDR Section 6.06.02.C.1.a, Mining Operation Standards, which requires a one-hundred (100) foot setback from all property lines.

The proposed ordinance contains conditions in accordance with LDR Section 6.06.03.C.6.b, Mining Conditional Use Permits Term, which indicates that the Mining Conditional Use Permit shall expire, should mining activities not commence within three (3) years from the date that the Board grants Mining Conditional Use Permit approval, unless extended by the Permittee pursuant to the Lake County LDR.

Central Testing Laboratory, a third-party consultant contracted to provided services to Lake County, reviewed the application for consistency with LDR, Section 6.06.00 for mining use. Concluded that the data included with the application may be relied upon for permitting the mining use.” Additionally, the consultant found that the application conforms to the mining requirements of the Land Development Regulations (LDR), except for three (3) items. Those items pertain to:

- Demonstration of property ownership within 500- feet of the subject property,
- Copies of permit application submitted other agencies with jurisdiction, and
- A complete reclamation plan that displays a typical 90-degree cross sections and plan view contours to show the filled, backfilled, reconstructed and reshaped areas. The Applicant’s resubmittal included reclamation information that was previously lacking. The other two matters are required by the operating permit. These matters have been added to the MCUP ordinance as conditions for the issuance of the operating permit. and could be included conditions

The proposed mining use is an allowable use pursuant to LDR Section 8.01.05, which specifies mining as an allowable use within the Green Swamp Area of Critical State Concern. This LDR section also specifies that all mining activity within the Green Swamp must meet the requirements of LDR Section 6.06.00.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

Attachment B illustrates the existing MCUP operation, and depicts the proposed sand mine expansion. The proposed MCUP ordinance will implement conditions consistent with the previously approved MCUP ordinances to ensure that the proposed west expansion will likely not cause additional undue adverse impacts upon nearby properties.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

The proposed ordinance contains conditions to minimize potential impacts and potential incompatibility between adjacent uses by requiring a perimeter landscape buffer of one-hundred (100) feet.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

The surrounding properties have been previously approved for sand mine activity. As previously stated, this MCUP seeks an amendment to expand the existing sand mine to the western adjoining parcels. The proposed sand mine is not located within close proximity to adjacent properties on the northern, southern, and eastern adjacent properties, as demonstrated in Attachment B. While adverse noise and visual impacts to adjacent neighbors are not anticipated, a noise assessment will be required at the time of site plan submittal to confirm potential noise levels. Additionally, a one-hundred (100) foot perimeter landscape buffer to screen the adjoining properties shall be required, to minimize potential impacts and potential incompatibility.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

It is not anticipated that the request will interfere with the neighboring properties as the sand mine is currently operating on the adjacent parcels located on the northern, southern, and eastern adjacent properties.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

Parks

The proposed request is not anticipated to adversely impact parks.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

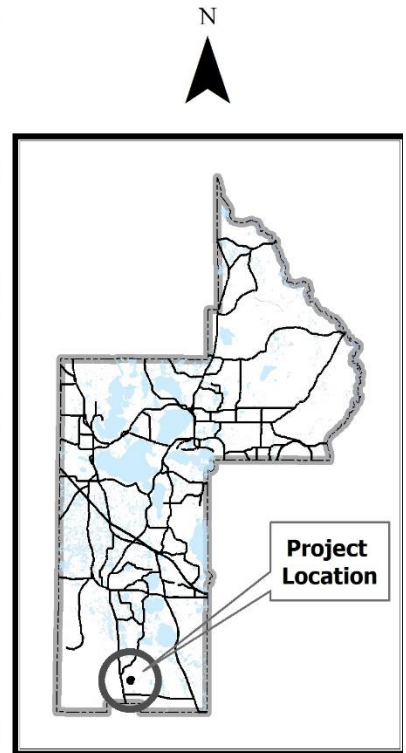
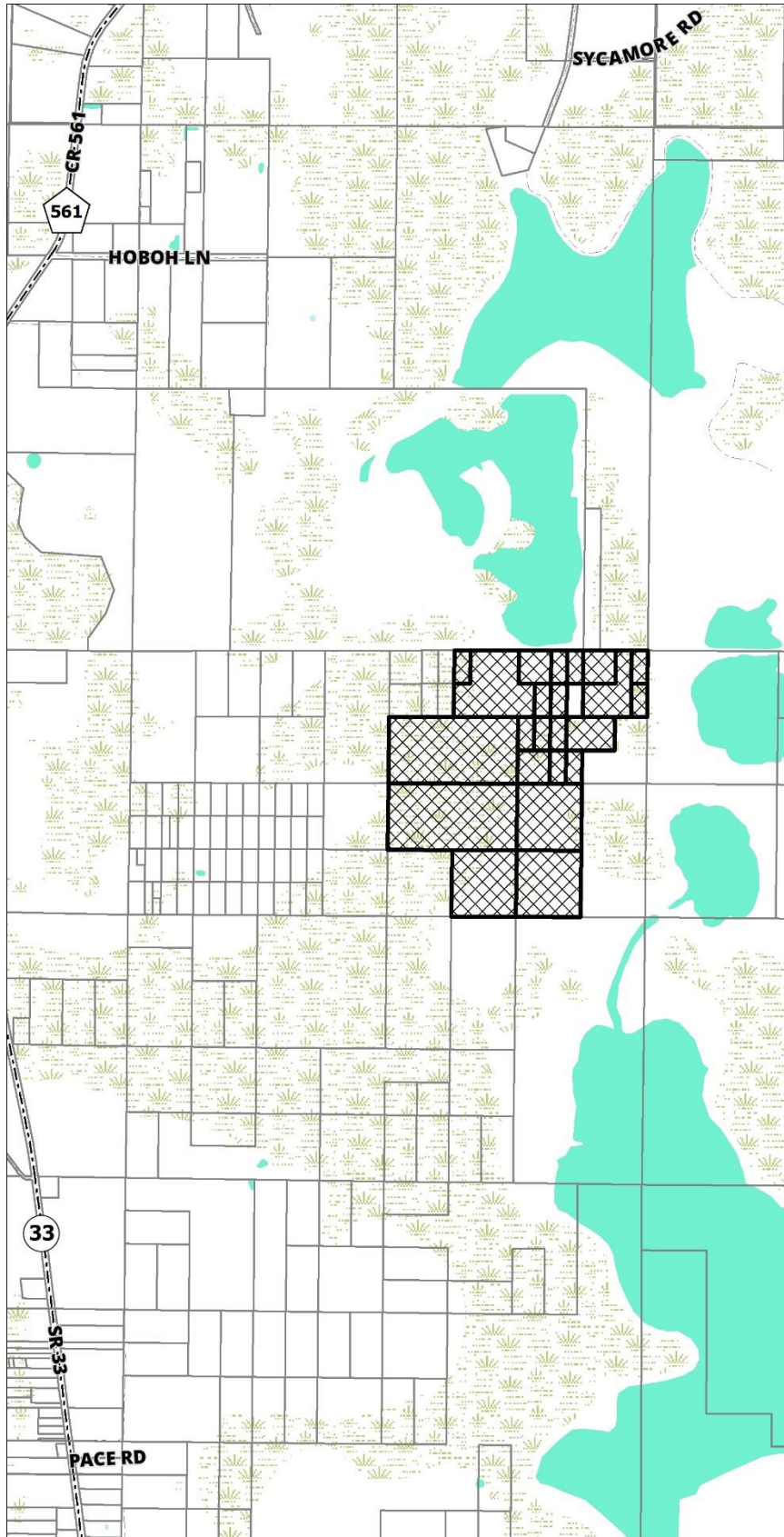
The proposed request is not anticipated to adversely impact transportation levels of service.

D. Adequacy of Fire Protection.

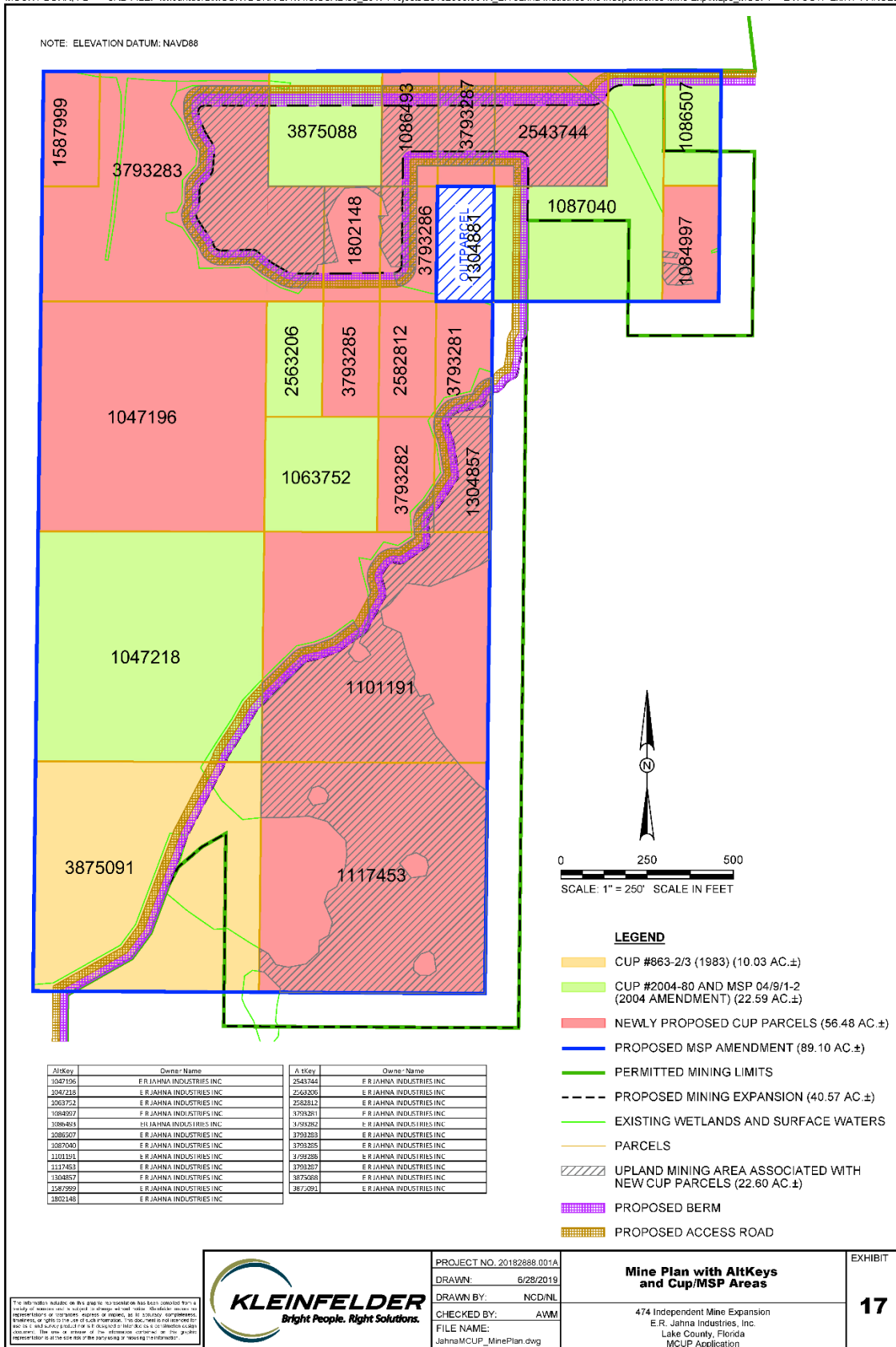
The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station 110 is located within three (3) miles northeast of the subject property at 6234 County Road 561, Clermont. Lake County Fire Station 112 is located eight (8) miles west of the subject property at 16240 County Road 474, Clermont. Should the MCUP be approved, fire protection water supply and emergency access will be addressed during the review of the operating permit application.

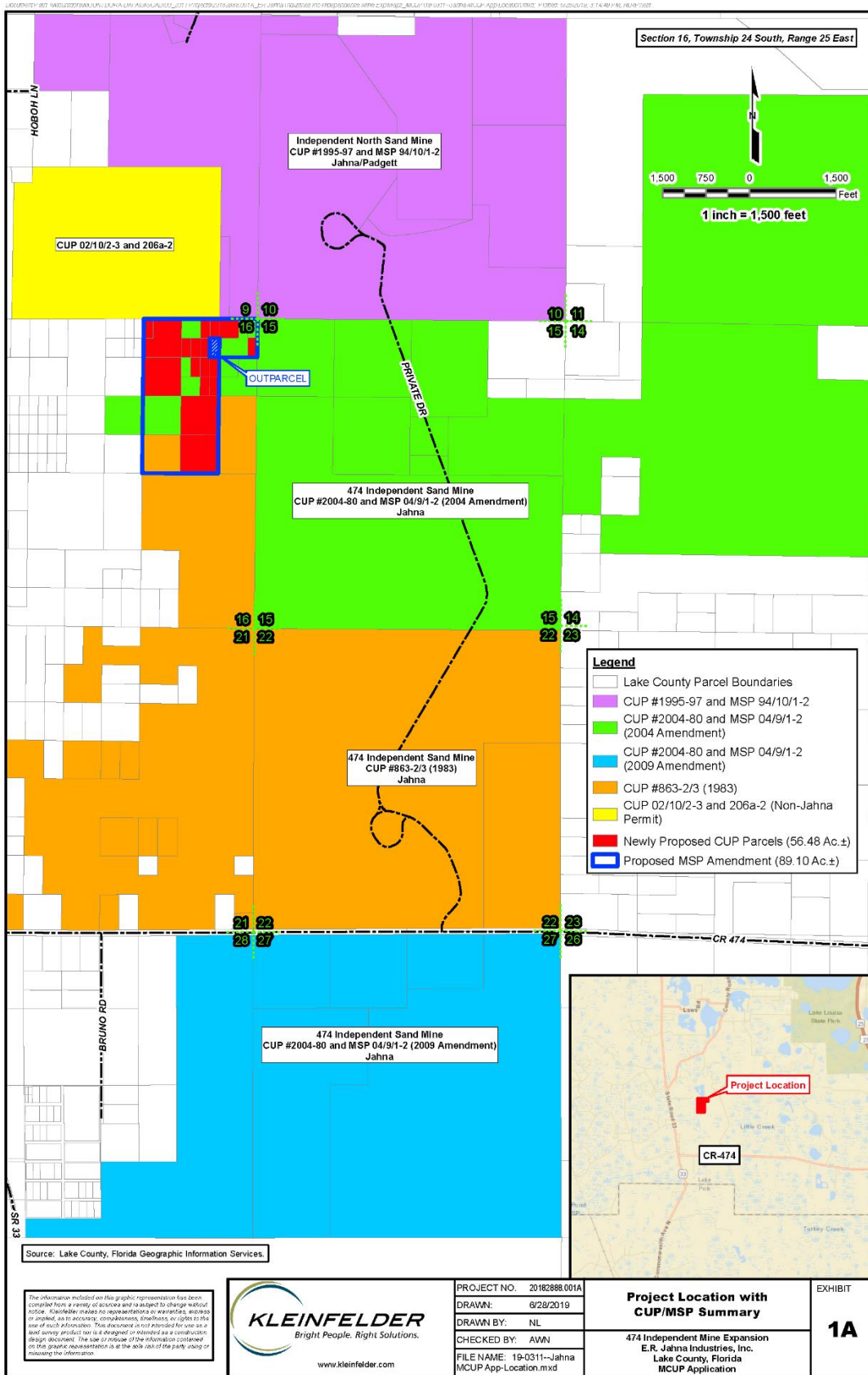
Subject Property



Attachment A, Concept Plan



Attachment B, Project Location with MCUP Summary



ORDINANCE #2019-XX
MCUP-19-01-1
474 Independent Sand Mine West Expansion

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bill Newlon, Kleinfelder, Inc. (the "Applicant") submitted a mining conditional use permit application on behalf of E.R. Jahna Industries, Inc. (the "Owner") to amend a portion of Ordinance 2004-80 and a portion of Conditional Use Permit #863-2/3 to expand the existing sand mine by 48.95 +/- acres with approval of a new mining conditional use permit ordinance; and

WHEREAS, the subject property consists of approximately 89.10 +/- acres, located at 8455 County Road 474, in the Clermont area of unincorporated Lake County, situated in Section 16, Township 24 South, Range 25 East, consisting of Alternate Key Numbers 1084997, 1086493, 1101191, 1117453, 1304857, 1587999, 1802148, 2543744, 2582812, 3793281, 3793282, 3793283, 3793285, 3793286, 3793287, 3875091, 1063752, 1047218, 1086507, 1087040, 2563206, 3875088, and a portion of Alternate Key Number 1047196, and more particularly described as below:

The East 3/4 of the NE 1/4 of Section 16, Township 24 South, Range 25 East, LESS AND EXCEPT: The East 1/2 of the SE 1/4 of the NE 1/4, and the SE 1/4 of the NE 1/4 of the NE 1/4, and the East 1/2 of the SE 1/4 of the NW 1/4 of the NE 1/4 of the NE 1/4. All lying and being in Section 16, Township 24 South, Range 25 East, Lake County, Florida

WHEREAS, the subject property is located within the Green Swamp Core Conservation Future Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Permittee submits this Mining Conditional Use Permit application for the purpose of amending its prior sand mine approvals to add additional acreage; and

WHEREAS, the Lake County Board of County Commissioners deems it necessary and desirable, in order to protect the public health, safety, and general welfare of the citizens of Lake County and in accordance with the purpose and intent of the Land Development Regulations (LDR), to require compliance with the special conditions set forth in this Conditional Use Permit; and

WHEREAS, this Mining Conditional Use Permit was reviewed by the Lake County Planning & Zoning Board on the 9th day of July 2019 and by the Board of County Commissioners of Lake County, Florida, on the 30th day of July 2019.

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

Section 1. Permission is hereby granted to amend a portion of CUP #863-2/3, and a portion of MSP #04/9/1-2 (Ordinance 2004-80), replacing it with a new ordinance to allow a sand mine operation facility on real property described in Exhibit "A" of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

Section 2. Terms. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Mining Conditional Use Permit in the Agriculture (A) Zoning District to include additional land for expansion of the existing E.R. Jahna Industries, Inc. 474 Independent Sand Mine in accordance with Land Development Regulations (LDR) Section 6.06.00 with conditions as outlined within this Ordinance.

1 **A. Land Use.** In addition to those uses listed as permitted land uses within the Agriculture (A)
2 Zoning District, the uses of the site will be allowed as specified below and generally
3 consistent with Exhibit “B”, the Conceptual Plan.

- 4 1. Sand Mining Operation.
- 5 2. Accessory uses directly associated with the above uses may be approved by the
6 County Manager or designee. Any other use of the site will require approval of an
7 amendment to this Ordinance by the Board of County Commissioners.

8 **Section 3. Specific Conditions.**

9 **A. Operating Plan Requirement:** The sand mine shall require approval by County staff of an
10 Operating Plan prior to mining that includes the following:

- 11 1. Operating Plan.
- 12 2. Reclamation Plan.
- 13 3. Noise Study.
- 14 4. Traffic Study and Management Plan.
- 15 5. Tree Removal Permit.

16 **B. General Standards:**

- 17 1. **Permits and Approvals.** All appropriate Water Management District and Florida
18 Department of Environmental Protection permits shall be obtained prior to
19 commencement of sand mining activities on the site and shall be kept current.
- 20 2. **Agency Approvals.** All mining activities shall be conducted in accordance with all
21 applicable federal, state, regional and local laws, ordinances, rules and regulations, as
22 amended.
- 23 3. **Consistency with Operating Plan.** All mining and other activities shall be consistent
24 with the Lake County Code, Land Development Regulations, the Lake County
25 Comprehensive Plan and the approved Operating Plan.
- 26 4. **Best Management Practices.** All mining and operational activities shall employ best
27 management practices.
- 28 5. **Phasing.** The mining activities shall be conducted in phases as described in the
29 Operating Plan to expose the least amount of land surface practical at any time during
30 the sand mine operation. No single phase shall exceed more than 100 acres.
- 31 6. **Pile Height.** Temporary spoil piles or storage of materials shall be limited to 40 feet in
32 height within 200 feet of the property line or 70 feet if more than 200 feet away from the
33 property line. No spoil or other excavated materials shall be placed within the setbacks.
- 34 7. **Hours of operation.** Hours of operation for hauls shall be from 4 a.m. to 4 p.m., 7 days
35 per week. Excavation and processing operations will occur on a constant basis 24
36 hours per day, 7 days per week.

- 1 **8. Air Quality.**
2 a. The mining activity shall be conducted to prevent, reduce and control the
3 generation and off-site migration of fugitive dusts and particles. All areas in which
4 such dusts or particles may be generated shall be kept wet or controlled in another
5 manner to reduce the potential for their Off-Site migration.
6 b. The Permittee shall cease all operations which do not meet the requirements of
7 the Air Quality section of the Land Development Regulations, as amended, and the
8 Operating Plan, upon notification by Lake County.

9 **C. Setbacks:**

- 10 1. A minimum 100-foot setback shall be established along all property lines.
11 2. Setbacks shall be permanently marked in a manner acceptable to the County prior to
12 the initiation of any phase of excavation and shall remain in place until sand mining
13 activities are completed.
14 3. All setbacks shall be permanently marked in a manner that they will be clearly visible
15 to equipment operators. Such markers shall be shown on the Operating Plan and shall
16 be spaced at no more than 100 feet in areas being excavated.

17 **D. Open Space.** A minimum of 90% open space shall be provided and shown prior to or in
18 conjunction with approval of the Operating Plan.

19 **E. Reclamation Standards:**

- 20 1. Reclamation Plan - A Reclamation Plan, conforming to the Mining Reclamation
21 Standards contained in Lake County Land Development Regulations shall be filed with
22 the Operating Plan. The reclamation plan shall fully describe the proposed site
23 reclamation by both illustration and documentation, and including but not limited to:
24 a. A plan view with cross sections, final slopes/contours, vegetative plantings,
25 stormwater retention areas, etc. shall be submitted.
26 b. All areas to be reclaimed by depicting and describing what man-made and natural
27 features will exist when the reclamation plan is completed.
28 c. A contour map and two (2) typical cross sections, generally oriented north to south
29 and east to west, showing areas to be filled, backfilled, reconstructed, and
30 reshaped.
31 d. Identification of the size, type, location, and planting schedule for all vegetation to
32 be planted or seeded in accordance with the reclamation plan.
33 2. Timing. Reclamation shall commence within 90 days after completion of each phase of
34 excavation or within 90 days after commencement of mining activities for the next
35 phase, whichever is earlier. Reclamation of the area associated with any completed
36 phase of the mining activity shall be completed no later than two (2) years after
37 termination of mining in that phase. At no time shall more than two (2) phases remain
38 un-reclaimed. Should the sand mining operations cease for a period of three (3) years,
39 reclamation shall commence and be completed within a five-year period from the date
40 of cessation of operation.

- 1 3. Topography. Sloping and grading shall be conducted in such a manner as to minimize
2 soil erosion and surface water runoff and to make the land surface suitable for
3 revegetation. The final reclamation elevation of the site shall be as proposed by the
4 Conceptual Plans to be incorporated into the Operating Plan.
- 5 4. Sand mining activities shall not adversely impact the water levels or water quality of
6 surface waters, the Floridan Aquifer, the surficial aquifer, or the wetlands beyond the
7 boundaries of the mine.
- 8 5. Any trees, shrubs or grasses growing on this site that are listed as prohibited species
9 in the Lake County Land Development Regulations (LDR), as amended, or are listed
10 by other agencies as invasive non-native species, shall be destroyed prior to
11 completion of reclamation.
- 12 6. Reclamation shall be completed pursuant to the approved Operating Plan.

13 **F. Protection of Water Resources:**

- 14 1. The minimum distance between the bottom of the excavated and mined area and the
15 top of the Floridan Aquifer Confining Unit, if present, shall be sufficient to protect the
16 Florida Aquifer system and shall be subject to approval by the County. The final
17 elevation shall be at even grade as specified in the approved reclamation plan.
- 18 2. The sand mine operation shall be completely self-contained and shall retain any waste
19 materials or water generated by the sand mining process on site. The operation shall
20 not utilize any surface water from lakes or ponds that are not entirely contained on the
21 property, except as specifically approved in the Operating Plan.
- 22 3. Discharges of water or liquid wastes into waters of the County or State are prohibited
23 unless the County and jurisdictional agency has granted a variance or other approval
24 to specifically allow the discharge. This shall not prevent discharges into water systems
25 that are self-contained on the mine property as approved in the Operating Plan.

26 **G. Protection of Karst Features:**

- 27 1. A hydrology study shall be submitted with the Operating Plan that identifies any karst
28 features within the property.
- 29 2. Karst features shall be avoided and protected from sand mining or any development
30 activity, and any future development of the property shall comply with the requirements
31 of the Lake County Comprehensive Plan and Land Development Regulations, as
32 amended.
- 33 3. Karst features shall be maintained in their natural function, integrity and structure.
- 34 4. Impervious development shall be set back from the boundary of karst features a
35 minimum of 100 feet. The setback shall consist of a buffer that retains all-natural
36 vegetation within the setback area.

37 **H. Archeological Artifacts.** If any archeological artifacts are encountered during the sand
38 mine operation, the sand mining activities shall cease; and notification will be made to the
39 County Manager, or designee, Florida Department of State, and Division of Historical
40 Resources.

- 1 1. **Vegetation, Landscaping, Buffering and Screening.** A Reclamation/Revegetation
2 Plan shall be provided consistent with the Mining Reclamation provisions specified in
3 the Land Development Regulations (LDR) requirements, as amended.
- 4 I. **Transportation Improvements and Access Management.** All access management shall
5 be in accordance with the Comprehensive Plan and Land Development Regulations (LDR),
6 as amended.
- 7 J. **Stormwater and Floodplain Management.**
- 8 1. The stormwater management system shall be designed in accordance with applicable
9 Florida Department of Environmental Protection (DEP), St. Johns River Water
10 Management District (SJRWMD) requirements, the Comprehensive Plan, and Land
11 Development Regulations (LDR), as amended.
- 12 2. The developer shall be responsible for any flood studies required for developing the site
13 and comply with Federal Emergency Management Agency (FEMA), Comprehensive
14 Plan, and Land Development Regulations (LDR), as amended. Any development within
15 the floodplain as identified on the FEMA maps will require compensating storage.
- 16 K. **Financial Responsibility:**
- 17 1. Before final approval of the Operating Plan and Reclamation Plan, the Permittee/Owner
18 must file a compliance and reclamation guarantee with the County to ensure that the
19 site is operated and reclaimed in conformance with the Lake County Code and the
20 approved Operating and Reclamation Plans. Acceptable forms of the guarantee
21 include cash, certificates of deposit, irrevocable letters of credit, or surety bonds. In all
22 cases, the form of the guarantee shall be subject to approval by the County Attorney.
- 23 2. The total cost of reclamation shall be estimated by the Permittee and reviewed by the
24 County. The estimated amount shall be established by calculations and judgments
25 based on acceptable industry standards and procedures. The final amount of the surety
26 accepted by the Board of County Commissioners shall be one-hundred ten percent
27 (110%) of the estimated reclamation cost, based upon the phase that is being
28 permitted.
- 29 3. The reclamation guarantee shall not be released by the County until the final
30 reclamation on all area subject to this approval has been approved.
- 31 4. If reclamation under the approved Reclamation Plan has not been successful after the
32 end of two (2) years, at the option of the County, a new Reclamation Plan shall be
33 required of and carried out by the Permittee/Owner, or the reclamation guarantee shall
34 be forfeited and the site reclaimed by the County using the guarantee to fund it.
35 Additionally, if the site has been abandoned by the Permittee, the reclamation
36 guarantee may be declared forfeited by the Board and the site reclaimed by the County
37 using the guarantee to fund it. The site shall be considered abandoned if no sand
38 mining activity has taken place for a period of six (6) months, or if reclamation has not
39 been instituted as required under this ordinance.
- 40 L. **Inspections:** County staff, upon notification to the Permittee, shall have access to the
41 project site to inspect and observe permitted activities in order to determine compliance
42 with the terms of this ordinance. This use shall be inspected by the Code Enforcement

1 Division annually to ensure compliance with the conditions of this Conditional Use Permit
2 and the approved Operating Plan. An annual inspection fee will be assessed. If an
3 emergency inspection is necessary during non-operating hours, a fee shall also be
4 assessed.

5 **M. Annual Progress Report:** An Annual Progress Report shall be submitted by February 1st
6 of each year consistent with the Mining provisions specified in the Land Development
7 Regulations (LDR), as amended. Failure to file the required annual progress report shall be
8 grounds for suspension of the Operating Plan. An extension of time for filing may be granted
9 by the County upon request and for good cause shown.

10 **Section 4. Additional conditions of this permit shall include the following:**

11 **A.** In the event of any breach in any of the terms or conditions of this permit or any default or
12 failure of the Permittee or his successor to: Fulfill development in substantial accordance
13 with the conceptual plan as submitted to the Planning & Zoning Board and the Board of
14 County Commissioners; comply with the codes of the governmental agencies having lawful
15 and appropriate jurisdiction thereon; or comply with any of the terms of the Mining
16 Conditional Use Permit; or this Mining Conditional Use Permit is found to become a
17 nuisance or safety hazard, the permit may be revoked after due Public Hearing before the
18 Planning & Zoning Board and the Board of County Commissioners, or may be rescinded
19 upon annexation to a municipal jurisdiction.

20 **B.** This Permit shall inure to the benefit of and shall constitute a covenant running with the
21 land; and the purpose, terms, and conditions contained herein shall be binding upon the
22 Permittee or any successor and his interest hereto.

23 **C.** The Lake County Code Enforcement Special Master shall have authority to enforce the
24 terms and conditions set forth in this ordinance and to recommend that the ordinance be
25 revoked.

26 **D.** If the sand mining activities commence within three (3) years of the date that the Board
27 grants the Mining Conditional Use Permit approval, the Permit shall remain valid and in
28 force as long as the operator shall abide by this ordinance, the Operating Plan and the Land
29 Development Regulations (LDR) as amended. Should sand mining activities not commence
30 within the specified period, the Mining Conditional Use Permit shall expire, and the
31 Permittee shall submit a request for extension, prior to the expiration of the Permit, for
32 review and approval by the Board of County Commissioners.

33 **Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
34 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity
35 of the remaining portions of this Ordinance.

36 **Section 6. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
37 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
38 Florida Statutes.

1 **Section 7. Effective Date. This Ordinance will become effective as provided by law.**

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ENACTED this _____ day of _____, 2019.
FILED with the Secretary of State _____, 2019.
EFFECTIVE _____, 2019.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

Exhibit A – Concept Plan

