

**APPENDIX E**

STATE OF FLORIDA STATUES  
INCORPORATING THE WEKIVA RIVER  
PROTECTION ACT

## CHAPTER 369 FLORIDA STATUTES: PART III WEKIVA RIVER PROTECTION

### 369.301 Short title.-

This part may be cited as the "Wekiva River Protection Act."

History.- s. 1, ch. 88-121; s. 26, ch. 88-393.

### 369.303 Definitions.-

As used in this part:

- (1) "Council" means the East Central Florida Regional Planning Council.
- (2) "Counties" means Orange, Seminole, and Lake Counties.
- (3) "Department" means the Department of Community Affairs.
- (4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
- (5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.
- (6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
- (7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.
- (8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
- (9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.
- (10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.- s. 1, ch. 88-121; s. 26, ch. 88-393; s. 46, ch. 91-221; s. 4, ch. 93-206.

### 369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.-

(1) it is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. 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
5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of 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, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year flood plain.

local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(8) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.- s. 1, ch. 88-121; s. 26, ch. 88-393.

### **369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.-**

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its comprehensive regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Natural Resources is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035.

History.- s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 89-116.

### **369.309 Airboats prohibited; exceptions; penalties.-**

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.- s. 1, ch. 90-81.

## CHAPTER 9J-27 FLORIDA ADMINISTRATIVE CODE

### 9J-27.001 Purpose

The purpose of these rules and regulations is to establish procedures for the review and determination of compliance of local comprehensive plans and land development regulations pursuant to s. 369.305(1) through (4), F.S. The rule also establishes procedures for the review and certification of local comprehensive plan amendments and amendments to land development regulations which apply to the Wekiva River Protection Area, and of Wekiva River development permits solely within Wekiva River Protection Zones, pursuant to s. 369.305(5), Florida Statutes.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 369.301, 369.303, 369.305 FS. History-New 2-4-89.

### 9J-27.002 Definitions

As used in this Chapter, the terms defined in Section 369.303, F.S., shall have the meanings provided in that section. In addition, the following definitions are provided to clarify terms used in the Chapter:

- (1) "Development" has the meaning given to it in s. 380.04, F.S.
- (2) "Goal" means the long-term end toward which programs or activities are ultimately directed.
- (3) "Policy" means the way in which programs and activities are conducted to achieve an identified goal.
- (4) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
- (5) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.
- (6) "Wekiva River Protection Zone" means the Water Quality Protection Zone, the Water Quantity Protection Zone, or the Riparian Habitat Protection Zone established by the St. Johns River Water Management District in Rule 40C-41.063(3)(c) - (e), F.A.C.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 163.3164, 369.303, 380.04 FS. History-New 2-4-89.

### 9J-27.003 Intent

It is the intent of these rules that Lake, Orange and Seminole Counties shall adopt and administer local comprehensive plans and land development regulations and issue development permits that protect the Wekiva River Protection Area pursuant to the provisions of Subsections 369.305(1) through (5), F.S.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 369.305 FS. History-New 2-4-89.

### 9J-27.004 Effective Period

The procedures established in this rule shall remain effective in each county until the submission due date for the county's revised comprehensive plans as established by s. 163.3167(2) and Chapter 9J-12, Florida Administrative Code.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 369.305 FS. History-New 2-4-89.

### 9J-27.005 Review Procedures for Comprehensive Plans and Land Development Regulations

The Department shall apply the following procedures in the review and determination of compliance of any local comprehensive plan or land development regulation, as amended or supplemented, adopted pursuant to s. 369.305(1) through (4), F.S.

(1) Each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area, to meet the criteria specified in Subsection 369.305(1), F.S. The comprehensive plan policies shall describe how the local government's programs, activities, and land development regulations will be initiated, modified or continued to implement the comprehensive plan so as to meet the criteria in s. 369.305(1)(a) - (d), F.S.

(2) Each county shall, within 10 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations, submit them to the Department in accordance with Rule 9J-27.008, F.A.C.



### **9J-27.007 Preliminary Review of Proposed Comprehensive Plans and Amendments**

If requested by the local government, the Department shall perform a preliminary review of proposed comprehensive plan amendments for consistency with the provisions contained in ss. 369.305(1), F.S., when said amendments are transmitted to the Department pursuant to s. 163.3184(3), F.S.

(1) If a preliminary review of a comprehensive plan amendment proposed to satisfy the requirements of ss. 369.305(1) through (4), F.S., is requested, and if the amendment is adopted in a form substantially unchanged from that which was proposed or in a form substantially changed to comply with comments received from the preliminary review, then the Department shall make its determination of compliance and petition the Governor and Cabinet to confirm its determination within thirty (30) days of receipt of the final adopted amendment by the Department.

(2) If a preliminary review of a comprehensive plan amendment subject to review pursuant to the provisions of s. 369.305(5), F.S., is requested, and if the amendment is adopted in a form substantially unchanged from that which was proposed or in a form substantially changed to comply with comments received after the preliminary review, then the Department shall issue its Notice of Certification or Denial of Certification within thirty (30) days of receipt of the final adopted amendment by the Department. If a rezoning for a land use change solely within a Wekiva River Protection Zone is adopted concurrently with the comprehensive plan amendment approving the change, the Department shall, upon request of the local government, issue a Notice of Certification or Denial of Certification for the rezoning when it issues a Notice for the comprehensive plan amendment.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 369.305 FS. History-New 2-4-89.

### **9J-27.008 Submittal**

(1) The local government shall submit adopted local comprehensive plan amendments to the Department pursuant to the provisions of Rule 9J-11.011, F.A.C.

(2) The local government shall transmit a legible copy of a land development regulation or land development regulation amendment that applies to the Wekiva River Protection Area or of a Wekiva River development permit solely within Wekiva River protection zones with all pertinent attachments to the Director, Division of Resource Planning and Management, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399. A copy of the local ordinance, development, or other legal instrument adopting the regulation or development permit shall also be transmitted. The transmitted document shall be certified by the clerk of the county as being true, correct and complete. A document which is not certified or is not complete shall not be deemed to have been submitted to the Department, and the appropriate review period shall not commence until the submission of a document which is both complete and certified.

Specific Authority 120.53(1)(b), 369.305(8) FS. Law Implemented 369.305(2), (5) FS. History-New 2-4-89.

## CHAPTER 40.- FLORIDA ADMINISTRATIVE CODE

### 40C-4.041 Permitting Thresholds.

(1) Unless expressly exempt by sections 373.406 and 403.813, F.S., or section 40C-4.051 or 40C-44.051, F.A.C., an individual or general permit must be obtained from the District prior to the construction, alteration, operation, maintenance, abandonment or removal of any dam, impoundment, reservoir, appurtenant work or works and for the maintenance and operation of existing agricultural surface water management systems or the construction of new agricultural surface water management systems.

(2) The District issues three types of surface water management permits: conceptual approval permits, individual permits and general permits.

(a) A conceptual approval permit may be issued for projects that are to be developed in phases. A letter of conceptual approval does not authorize any construction.

(b) An individual or general permit is required prior to the construction, alteration, operation, maintenance, abandonment or removal of a surface water management system which:

1. Is capable of impounding a volume of water of forty or more acre feet; or
2. Serves a project with a total land area equal to or exceeding forty acres; or
3. Serves a project with a total land area equal to or exceeding ten acres, when any part of the project is located within the Wekiva River Hydrologic Basin north of State Road 436, or within the Econlockhatchee River Hydrologic Basin; or
4. Provides for the placement of twelve or more acres of impervious surface which constitutes 40 or more percent of the total land area; or
5. Provides for the placement of one half acre or more of impervious surface, when any of the impervious surface is located within the Wekiva River Hydrologic Basin north of State Road 436; or
6. Provides for the placement of two acres or more of impervious surface, when any of the impervious surface is located within the Econlockhatchee River Hydrologic Basin; or
7. Contains a traversing work which traverses:
  - a. A stream or other watercourse with a drainage area of five or more square miles upstream from the traversing work; or
  - b. An impoundment with more than ten acres of surface area; or
8. Contains a surface water management system which serves an area of five or more contiguous acres of wetlands with a direct hydrologic connection to:
  - a. A stream or other watercourse with a drainage area of five or more square miles; or
  - b. An impoundment with no outfall, which is not wholly owned by the applicant and which is ten acres or greater in size; or
- c. A wetland not wholly owned by the applicant.
9. Is wholly or partially located within the Wekiva River Hydrologic Basin's Riparian Habitat Protection Zone as described in Paragraph 40C-41.063(3)(e);
10. Consists of or includes filling in, excavation in, or drainage of a wetland which is not isolated when any of the filling, excavation, or drainage is located within the Econlockhatchee River Hydrologic Basin; or
11. Is wholly or partially located within any isolated wetland.

(c) A general permit will be issued for specific classes of surface water management systems which satisfy the thresholds and conditions of Chapter 40C-40, F.A.C. A general permit may authorize the construction, alteration, operation, maintenance, abandonment, or removal of a system.

(d) An individual permit may be issued for projects which do not qualify for general permits under the provisions of Chapter 40C-40, F.A.C. An individual permit may authorize the construction, alteration, operation, maintenance, abandonment or removal of a system.

(e) An individual or general permit may be issued for the maintenance and operation of existing agricultural surface water management systems or the construction of new agricultural surface water management systems which satisfy the water quality practices and performance standards of chapter 40C-44, F.A.C.

## CHAPTER 373 FLORIDA STATUTES: SECTION 415

### 373.415 Protection zones; duties of the St. Johns River Water Management District.—

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303(10). Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1991, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the Wekiva River System and minimum water levels for the groundwater in the aquifer underlying the Wekiva Basin as depicted on the map entitled "Wekiva Basin, 40C-41" which is on file at the offices of the St. Johns River Water Management District.

(4) Nothing in this section shall affect the authority of the water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority of the water management districts created by this chapter to decline to issue permits for development which have not been determined to be consistent with local comprehensive plans or in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District with respect to a permit or permits issued pursuant to this section.

History.— s. 2, ch. 88-121; s. 27, ch. 88-393.

before flowing across this undisturbed vegetation. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation.

b. Construction of the following perimeter controls at all outfall points to the Outstanding Florida Water or its abutting wetlands must be completed prior to the start of any construction or alteration of the remainder of the system:

I. Stormwater discharge facility meeting the requirements of chapter 40C-42;

II. Sedimentation trap or basin located immediately upstream of the stormwater discharge facility referred to above; and

III. Spreader swale to reduce the velocity of discharge from the stormwater facility to non-erosive rates before discharge to wetlands abutting the Outstanding Florida Water.

These perimeter controls must be maintained routinely and operated throughout construction or alteration of the entire system. A minimum 25 foot width of undisturbed vegetation must be retained landward of the Outstanding Florida Water or the abutting wetland, whichever is more landward. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation.

c. During construction or alteration, no direct discharge to the Outstanding Florida Water or its abutting wetland may occur during the 10 year 24 hour storm event or due to discharge from dewatering activities. Any on-site storage required to satisfy this criteria must be available (recovered) within 14 days following the rainfall event. A minimum 25 foot width of undisturbed vegetation must be retained landward of the Outstanding Florida Water or the abutting wetland, whichever is more landward. Construction or alteration of limited scope necessary for outfall structures may occur within this area of undisturbed vegetation. In determining whether construction or alteration is of "limited scope necessary", pursuant to any of the three presumptive criteria above, the District shall require that the area of disturbance be minimized and that the length of time between initial disturbance and stabilization of the area also be minimized.

(d) Standard for Limiting Drawdown- A Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in Subparagraph 40C-4.301(2)(a)6. is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided to aquatic and wetland dependent species (see Subsections 10.7.4 and 10.7.5, Applicant's Handbook: Management and Storage of Surface Waters) by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extent of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions.

It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

(e) Standard for Riparian Wildlife Habitat

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole

(b) Applicants for a stormwater management permit which do not propose to meet at least the minimum design features in paragraph (a) above, may seek approval for the alternative design through the District's individual permit process. However, the applicant must provide reasonable assurance that the water quality standards of chapter 17-302, F.A.C., and the requirements of section 17-28.700 are met.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History-New 12-7-83, Amended 5-17-87, 8-30-88, 8-1-89, 4-3-91, 9-25-91, 7-14-92.

#### **40C-8.021 Definitions.**

Unless the context indicates otherwise, the following terms shall have the following meanings.

(1) "Blackwater Creek" means that watercourse designated Blackwater Creek within the Wekiva River Hydrologic Basin as defined by section 40C-41.023, F.A.C.

(2) "Minimum frequent high" means a chronically high surface water level or flow with an associated frequency and duration that allows for inundation of the floodplain at a depth and duration sufficient to maintain wetland functions.

(3) "Minimum infrequent high" means an acutely high surface water level or flow with an associated frequency and duration that is expected to be reached or exceeded during or immediately after periods of high rainfall so as to allow for inundation of a floodplain at a depth and duration sufficient to maintain biota and the exchange of nutrients and detrital material.

(4) "Minimum average" means the surface water level or flow necessary over a long period to maintain the integrity of hydric soils and wetland plant communities.

(5) "Minimum frequent low" means a chronically low surface water level or flow that generally occurs only during periods of reduced rainfall. This level is intended to prevent deleterious effects to the composition and structure of floodplain soils, the species composition and structure of floodplain and instream biotic communities, and the linkage of aquatic and floodplain food webs.

(6) "Minimum infrequent low" means an acutely low surface water level or flow with an associated frequency and duration which may occur during periods of extreme drought below which there will be a significant negative impact on the biota of the surface water which includes associated wetlands.

(7) "NGVD" means National Geodetic Vertical Datum of 1929.

(8) "Phased Restriction" means the level or flow (based on the past 30 consecutive day average level or flow) at which a water use shortage phase (Phases I - IV as defined by 40C-21.251, F.A.C.), is declared and its associated restrictions imposed.

(9) "Wekiva River" means that watercourse designated Wekiva River within the Wekiva River Hydrologic Basin as defined by section 40C-41.023, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History-New 9-16-92.



**APPENDIX F**

**COUNTY REGULATIONS  
FOR THE PROTECTION OF THE  
WEKIVA RIVER BASIN .**

ORANGE COUNTY, FLORIDA

- (6) The date on which the stormwater assessment is due.

(b) Stormwater assessments imposed against governmental property shall be due on the same date as all other stormwater assessments and, if applicable, shall be subject to the same discounts for early payment.

(c) A stormwater assessment shall become delinquent if it is not paid within thirty (30) days from the date any installment is due. The county shall notify the owner of any government property that is delinquent in payment of its stormwater assessment within sixty (60) days from the date the stormwater assessment was due. Such notice shall state in effect that the county will initiate a mandamus or other appropriate judicial action to compel payment.

(d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county, including reasonable attorney fees, in collection of such delinquent stormwater assessments and any other costs incurred by the county as a result of such delinquent stormwater assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(e) As an alternative to the foregoing, a stormwater assessment imposed against government property may be collected on the bill for any utility service provided to such governmental property. The board may contract for such billing services with any utility not owned by the county. (Ord. No. 96-20, § 4.04, 7-23-96)

Secs. 15-484—15-490. Reserved.

## ARTICLE XIII WEKIVA RIVER PROTECTION\*

### Sec. 15-491. Short title.

This article may be cited as the "Wekiva River Protection Ordinance."

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

\*Editor's note—Ord. No. 91-29, § 2(Exh. A), approved Dec. 10, 1991, set out the county's Land Development Code which included provisions relative to Wekiva River protection. Such provisions have been codified herein as art. XIII, §§ 15-491—15-499, at the discretion of the editor.

State law references—Wekiva river protection, F.S. § 369.301 et seq.; F.A.C. ch. 9J-27.

**Sec. 15-492. Legislative findings.**

The board of county commissioners finds as follows:

- (1) The Florida Legislature approved the Wekiva River Protection Act which created F.S. ch. 369, pt. III, and this act requires the county to amend its comprehensive policy plan and land development regulations in accordance with the act.
- (2) The county amended its comprehensive plan in April 1989 (Ordinance No. 89-04), pursuant to the state act and as set forth in the Wekiva River Small Area Study (Orange County Planning Department, 1988).
- (3) The Wekiva River Protection Act mandates that the comprehensive plan shall contain goals, objectives and policies which result in the protection of water quality, quantity and hydrology; wetlands; wildlife; endangered, threatened and species of special concern; and native vegetation.
- (4) The rural character of the area in the immediate vicinity of the Wekiva River must be protected.
- (5) The Wekiva River Protection Act mandates that such goals, objectives and policies address nine (9) implementation strategies including provisions to ensure the preservation of sufficient habitat for endangered, threatened and species of special concern; restrictions on the clearing of native vegetation within the one-hundred-year floodplain; prohibition of development that is not low density residential unless development has less impact than low density residential; provisions for setbacks along the Wekiva River; restrictions on filling and alteration of wetlands; provisions encouraging clustering of residential development; provisions requiring that the density or intensity of development permitted on parcels adjacent to the river be concentrated on the portion of the parcel furthest from the river; provisions requiring that parcels not be subdivided so as to interfere with protection zones or setbacks; and restrictions on the location of septic tanks and drainfields in the one-hundred-year floodplain.
- (6) The Wekiva River has been designated by the state as an outstanding Florida water.
- (7) The Wekiva River forms a unique habitat in the county.
- (8) The Wekiva River represents a major route of surface drainage from portions of Orange, Lake and Seminole Counties.
- (9) Areas adjacent to the Wekiva River are environmentally sensitive.
- (10) Water related resources of the Wekiva River support an abundance of wildlife, and many of the wildlife species are listed by the Florida Game and Freshwater Fish Commission and the U.S. Fish and Wildlife Service as endangered, threatened or of special concern.
- (11) Uncontrolled development in the vicinity of the Wekiva River will have an adverse impact on this natural resource.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

**Sec. 15-493. Purposes and intent.**

This article is established to implement the requirements of the state-enacted Wekiva River Protection Act and implement the goals and objectives of the comprehensive policy plan. These regulations seek to preserve and enhance the values of the Wekiva River area as well as to promote the public health, safety and general welfare of the county. These regulations enacted pursuant to the comprehensive policy plan and F.S. ch. 369 protect this unique scenic natural river area for the following stated purposes:

- (1) To protect and enhance the values of the natural river in the interest of present and future generations;

- (2) To protect the economic value of this scenic resource from unwise and disorderly development which may adversely pollute, destroy or otherwise impair its beneficial use and preservation;
- (3) To prevent ecological and aesthetic damage which may result from overcrowding and overuse or unwise and disorderly development;
- (4) To permit reasonable and compatible uses of land which complement the natural characteristics of the river and further the purposes of this article;
- (5) To limit the intensity of use, density of population and type and amount of development, while still allowing some reasonable use of property, in order to protect and enhance the natural river values and to thereby carefully guide the expenditure of funds for public improvements and services in an orderly fashion, in keeping with the character of the natural river area, the purposes for its designation, and the community as a whole;
- (6) To conserve the river water quantity and prevent further degradation of its quality, purity, clarity and free-flowing condition;
- (7) To provide for the conservation of soil, of river bed and banks and of adjoining uplands;
- (8) To protect the natural floodwater storage capacity of the river floodplain and to prevent flood damages and associated public relief expenditures created by improper construction of structures in the floodplain;
- (9) To protect and enhance fish, wildlife and their habitat;
- (10) To protect boating and recreational values and uses of the river;
- (11) To protect historic values of the river and adjoining uplands;
- (12) To protect individuals from investing funds in structures proposed for location on lands unsuited for such development because of high groundwater, erosion or vulnerability to flood damage; and

- (13) To preserve the rural character of the areas adjacent to the Wekiva River.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### Sec. 15-494. Area affected.

Those unincorporated lands of the county within the Wekiva River protection area. The state-designated protection area means the land within: Township 18 South, Range 28 East; Township 18 South, Range 29 East; Township 19 South, Range 28 East, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 South, Range 29 East; Township 20 South, Range 28 East, less all lands lying west of County Road 435; and Township 20 South, Range 29 East, less all those lands east of Longwood Markham Road (F.A.C. § 9J-27.002(5)). (Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### Sec. 15-495. Applicability.

(a) Except as otherwise provided herein, all development within the Wekiva River protection area shall comply with and shall be accomplished in accordance with the requirements of this article.

(b) Except as otherwise provided herein, this article and the provisions of this article shall apply to all development and applications for development permits (as the term "development" is defined by F.S. § 380.04, as may be amended or replaced from time to time, and the term "development permit" is defined by F.S. § 163.3164(7), as may be amended from time to time, relating to property located within the Wekiva River protection area).

(c) The provisions of this article shall not be applicable to the following projects or properties if the below listed approval was issued prior to April 5, 1989:

- (1) Developments of regional impact that have received a final development order issued pursuant to F.S. § 380.06, which development order has not expired and is in good standing;
- (2) Platted lots resulting from approved plats lawfully recorded and approved under the provisions of the land development regula-



tions of the county that have infrastructure improvements or structures constructed in accordance with county regulations;

- (3) Projects that have received an unexpired county approved site plan, an unexpired county approved preliminary subdivision plan or an unexpired waiver to subdivision requirements on or before the effective date of Ordinance No. 91-29 and have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the land development regulations of the county.

(d) Existing lawful uses of property, buildings and structures shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this article. The destruction or temporary discontinuation of any such lawful uses, building or structure shall not prohibit the renewed use or reconstruction of the building or structure, but only in its preexisting form and in accordance with the land development regulations. The burden shall be on the property owner to demonstrate that existing land uses, buildings and structures qualify as pre-existing conditions.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### Sec. 15-496. Regulations.

##### (a) *Buffer zone.*

- (1) A buffer zone is hereby established five hundred fifty (550) feet from the landward limit of waters of the state (F.A.C. § 17-4.022) or edge of the Wekiva River, or from the landward edge of the wetlands associated with the Wekiva River.
- (2) In no case shall development activities be permitted closer than five hundred fifty (550) feet from the river's edge except for created forested or herbaceous wetlands, and passive recreation when it is clearly demonstrated by the applicant that the areas shall not adversely affect aquatic and wetland-dependent wildlife, water quality, groundwater table or surface water levels.

##### (b) *General regulations.*

- (1) The density and intensity of development permitted within the protection area are

encouraged to cluster or concentrate on those portions of the parcel or parcels which are furthest from the surface waters or wetlands of the Wekiva River system. In order to preserve native vegetation to the maximum extent possible, clustering or submission as a residential planned development (P-D) is encouraged.

- (2) A survey of those species designated as an endangered, a threatened species or a species of special concern pursuant to F.A.C. §§ 39-27.003, 39-27.004 and 39-27.005, as may be amended or replaced from time to time, shall be required as a part of all development applications when there is reasonable expectation as determined by the county, based upon the range and habitat requirements of these species, that any of such species may utilize any habitat within the boundaries of the property sought to be developed within the protection area. Such surveys shall utilize the "Wildlife Methodology Guidelines" published by the Florida Game and Freshwater Fish Commission. If endangered, threatened or species of special concern are found on the project site, any proposed development within the habitat of the species shall protect the values of the habitat for that species. A management plan shall be required of the development for the protection of these listed species and shall become part of the conditions of approval for the project.
- (3) Within the one-hundred-year floodplain, developments shall be required to minimize the clearance of native vegetation. Prior to construction plan submittal, a vegetation clearing plan shall be submitted to the county for review and approval. Clearing of vegetation will only be permitted where necessary for roads, utilities or pedestrian access routes approved by the county as part of the development approval process.
- (4) Within the one-hundred-year floodplain, septic tank use shall be discouraged. In order to obtain a septic tank permit within the floodplain, the applicant must demonstrate that there will be no detriment to

river water quality. Where public utilities are available, new development will be required to hook up to these facilities.

- (5) Developments which have the potential to degrade groundwater quality shall be prohibited.
  - (6) Development in the protection area shall comply with the stormwater requirements of this Code (section 15-461 et seq.). Including, but not limited to, predevelopment and post-development stormwater rates shall be equal.
  - (7) Developments in the protection area shall comply with the requirements of the conservation ordinance (section 15-361 et seq.). Sufficient separation shall be required between stormwater management structures and conservation areas to ensure no adverse impact to the hydrologic regime of the wetland area.
  - (8) All proposed development within the protection area shall submit as part of the development application a statement for the Florida Division of Historical Resources or an archaeological consultant as to the potential for any archaeological or historical resources on the project site. If, in the opinion of the division or consultant, the project's location and/or nature is likely to contain such a resource, then a systematic, professional archaeological and historical survey shall be completed and submitted for review. If significant archaeological sites are found, then sites shall be preserved or excavated pursuant to state guidelines prior to construction on the archaeological or historical site.
  - (9) Rare upland habitat protection (reserved).
  - (10) Where landscaping is required, the design shall include the use of native plant species and removal of understory vegetation to the greatest extent practical, in order that wildlife habitat will be preserved and maintained and the landscaped areas will blend into nearby natural areas.
- (c) *Developments of regional impact.* As required by F.S. § 369.307, the numerical standards and

guidelines provided in F.A.C. ch. 28-24, as may be amended or replaced from time to time, shall be reduced by fifty (50) percent as applied to proposed developments entirely or partially located within the Wekiva River protection area. (Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### **Sec. 15-497. Permitted uses.**

The following general uses are permitted in the protection area:

- (1) Single-family residential dwellings and accessory uses compatible with future land use designations in the protection area.
  - (2) Low intensity recreation.
  - (3) Agricultural uses.
- (Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### **Sec. 15-498. Comprehensive plan amendments.**

Outside the urban service area within the Wekiva River protection area no amendments to the comprehensive plan shall be allowed for residential density greater than one (1) dwelling unit per five (5) acres.

(Ord. No. 91-29, § 2(Exh. A), 12-10-91)

#### **Sec. 15-499. Review and appeal.**

(a) *Review.* The county planning director shall determine if an application for a development permit for a project is within the Wekiva River protection area and/or if the project is located in the Wekiva River buffer area and therefore subject to these regulations and if the proposed development is in compliance with these regulations.

##### **(b) Appeal-general.**

- (1) The owner/applicant of the property may appeal the director's determination to the chairman of the development review committee (DRC) as that committee is established by the county subdivision regulations. The appeal must be submitted in writing within fifteen (15) calendar days of receipt of the written determination. The property owner/applicant shall submit to the DRC as part of the written appeal a

scaled drawing of the property contained in the application indicating future land use designation of the property according to the comprehensive policy plan, a legal description of the property, the current zoning of the property, the proposed land use designation, the proposed zoning, and a conceptual plan of the proposed use contemplated by the application.

- (2) The DRC shall hold a hearing on the appeal at the next available meeting. At least ten (10) days written notice of the hearing shall be provided to the property owner/applicant. The DRC shall either affirm, reverse or modify the planning director's determination of whether the property is located in the Wekiva River protection area and/or if the project is located in the river buffer zone and/or if the project is in compliance with the provisions of this article.

(c) *Appeal to the board of county commissioners.* The property owner/applicant may appeal the DRC determination within fifteen (15) days of receipt of the written determination to the board of county commissioners. The board of county commissioners shall hold a hearing on the appeal within sixty (60) days upon receipt of the written appeal. At least ten (10) days written notice of the hearing shall be provided to the property owner/applicant. At the close of the hearing, the board of county commissioners shall uphold, reverse or modify the development review committee's determination.

(d) *Review of board of county commissioner's appeal decisions.* Any person aggrieved by the board of county commissioner's decision on an appeal under these regulations may file a petition for writ of certiorari in the circuit court of the county in accordance with the procedures for appeals set forth in section 30-46 of the County Code. (Ord. No. 91-29, § 2(Exh. A), 12-10-91)

Secs. 15-500—15-550. Reserved.

#### ARTICLE XIV. INCINERATOR MANAGEMENT

##### Sec. 15-551. Short title.

This article shall be known and may be cited as the "Incinerator Management Ordinance of Orange County, Florida." (Ord. No. 92-41, § 1, 12-22-92)

##### Sec. 15-552. Legislative findings and intent.

(a) The board of county commissioners is concerned with the potential adverse effects of incinerators upon the health, safety and welfare of the people of the county.

(b) The board of county commissioners is particularly concerned with the potential adverse effects of biomedical waste incinerators and facilities upon the air quality and environment of the county.

(c) The Florida Department of Environmental Regulation permits each incinerator facility on an individual basis. As long as each facility operates in accordance with the structural requirements and emission standards, a state permit may be issued without regard for the cumulative effect of the facilities in the county. Since the issue of air quality rests solely with the pollutants emitted by the incinerator facilities, this article is based on a cumulative factor as opposed to addressing incinerators individually.

(d) Section 704 of the Orange County Charter authorizes the board of county commissioners to adopt ordinances, such as this article, which set minimum standards for the protection of the environment by regulating air pollution, and such ordinances shall be applicable in the unincorporated and incorporated areas of the county.

(e) The potential harmful effect of the pollutants emitted by the various types of incinerator facilities differs in magnitude and degree based on the type of each facility and what it is permitted to incinerate. Because the pollutants emitted from incinerator facilities other than biomedical waste incinerators are of a type that is deemed less detrimental to the citizens of the county and otherwise do not contain pollutants which can be deemed particularly hazardous to the citizens, only biomedical waste incinerators shall be required to comply with that portion of these regulations pertaining to the requirement to obtain a certificate of need.

(f) The county recognizes that ash emitting from wood waste incinerators may cause surrounding property owners distress; however, it is determined that this issue can be adequately addressed

through the special exception public hearing process and nuisance laws.

(g) The county generates a calculated approximate of nine and seven-tenths (9.7) tons of bio-medical wastes per day. The county has calculated burning capacity of sixty-nine and two-tenths (69.2) tons per day. (This calculation represents all facilities that have obtained either a construction or operating permit from the state department of environmental regulation in the county both public and/or private and regardless of whether the facility is actively being operated or not.)

(h) The state department of environmental regulation current permitting system does not take into account incineration needs based on generated waste calculations. According to the biological waste report prepared by Michael Hivett, Florida Bureau of Air Regulations, dated October 19, 1992, the central district of the state provides for fifty-six (56) percent of the off-site incineration capacity for the entire state. The central district consists of eight (8) counties including Volusia, Marion, Lake, Seminole, Orange, Osceola, Brevard and Indian River. The facilities "provide very close to enough capacity (292 tons per day) to treat all medical waste generated in the State of Florida including the wastes that would otherwise be treated on-site."

(i) The functions and activities of the existing incinerator facilities in the county, the possible adverse effects of each type of facility on air quality, as well as the current level of wastes generated within the county mandate that the county promulgate this article to manage incinerator facilities on a cumulative impact basis within the county.

(j) The county recognizes that waste from other areas is sometimes imported into the county for disposal by incineration. There is no appreciable distinction between in-county and out-of-county waste.

(k) The county believes that the health, safety and welfare interests of the citizens of the county will best be served by incinerator management on a cumulative basis to facilitate air quality; and further, the county believes its interest in air

quality outweighs any potential incidental effect on interstate commerce that may be caused by these incinerator management regulations.

(l) The county recognizes that it has a duty to dispose of the waste it generates and provide for disposal of a fair share of all waste regardless of the source of that waste.

(m) To further these ends, the county shall regulate the flow of all waste to be incinerated regardless of its origin. The number of incinerator facilities shall be regulated, not the source of the waste those facilities incinerate.  
(Ord. No. 92-41, § 1, 12-22-92)

#### Sec. 15-553. Purpose.

The purpose of this article is to establish procedures to regulate the cumulative effect of incinerators in the county so as to safeguard the health, safety and welfare concerns of the people of the county while recognizing the duty and obligation to be responsible for disposal of waste regardless of the source of such waste.  
(Ord. No. 92-41, § 1, 12-22-92)

#### Sec. 15-554. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give this article its most reasonable application, consistent with state law and other county regulations. In the event of any conflict between the definitions contained herein and those definitions contained in state rules which likewise regulate incinerators, the definitions contained herein shall control. The following words and phrases shall have the following meanings unless the context requires otherwise:

*Air curtain incinerator facility*, see definition of wood waste incinerator facility.

*Biomedical "biohazardous" waste incinerator facility* shall mean property, structures and other appurtenances and improvements on the land used for incineration of the following:

Any solid or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid tissue and body parts from humans and other primates; labora-

LAKE COUNTY, FLORIDA



## CHAPTER VII WEKIVA RIVER REGULATIONS

### 7.00.00 General.

### 7.00.00 General.

#### 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 Con-



struction 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 Planning and Zoning Commission 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

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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)

**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) .....	5
2. Project is contained wholly within TDR receiving zone outside the Mount Plymouth-Sorrento Urban Compact Node (5 points possible)	5

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	Points
3. Purchase of TDRs sufficient to reach Density of one (1) Dwelling per net acre (5 points possible).....	5
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) .....	5
a. Incorporation of pervious pavement or grassed parking .....	1
b. Preservation of Native Vegetation within the One Hundred-Year Floodplain .....	2
c. Zero disturbance or Encroachment within the One Hundred-year Floodplain.....	5
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) .....	5
(1) 150-foot Buffer .....	5
(2) 100-foot Buffer .....	4
(3) 50-foot Buffer.....	3
e. Preservation of existing Native Vegetation (upland and wetland species).....	10
f. Use of Native Vegetation in Landscaping.....	2
g. Buffers on Wetlands (10 points possible).....	10
(1) 35 feet .....	10
(2) 25 feet .....	5
(3) 10 feet .....	3
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) .....	5
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	

	Points
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) .....	5
8. Provision of affordable housing (5 points possible) .....	5
a. 15 percent of project units for moderate-, low or very low-income housing .....	5
b. 5 percent of project units for moderate-, low or very low-income housing .....	2
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) .....	7
c. Greater than 1 mile via collector (existing or proposed) .....	5
d. Less than 2 miles via Local Roads .....	2
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 .....	7
c. Private well .....	2
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 .....	7
c. Innovative septic system .....	5
d. Septic tank .....	0
12. Irrigation water supply (10 points possible) .....	10
a. Grey water reuse (dual water system) .....	10
b. Surface Water .....	5
c. Surficial Aquifer .....	2
d. Potable water .....	0
13. Fire protection (5 points possible) .....	5
a. Dedication of Land and/or facilities sufficient to meet the requirements of the project .....	5

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b. Within a fire district having a rating of 7 or better and within 3 miles from a fire station.....	5
c. Within a fire district having a rating of 7 or better and more than 3 miles from a fire station.....	4
d. Within a fire district having a rating of 8 to 9 and within 3 miles from a fire station .....	4
e. Within a fire district having a rating of 8 to 9 .....	1
14. Proximity to public schools (5 points possible).....	5
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 side-walks and/or bicycle paths. ....	5
c. Within 1/2-mile radius of an existing school .....	4
d. Within 1-mile radius of an existing school and linked by side-walks and/or bicycle paths. ....	4
e. Within 1-mile radius of an existing school .....	1
15. Neighborhood parks (5 points possible)5	
a. Within 1/2-mile radius of a Developed park and linked by side-walks and/or bicycle paths. ....	5
b. Dedication of parkland and provision of facilities that meet the County's level of service. Facility must be open to the general public. ....	5
c. Dedication of Environmentally Sensitive Land that is suited for passive recreation .....	5
d. Within 1/2-mile radius of Developed park .....	2
e. Within 1-mile radius of a Developed park and linked by side-walks and/or bicycle paths. ....	3
f. Within 1-mile radius of a Developed park .....	1
16. Other (5 points possible).....	5
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):	

<i>Points Scored</i>	<i>Maximum Number of Units per Net Developable Acre</i>
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):

<i>Points Scored</i>	<i>Maximum Number of Units per Net Developable Acre</i>
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:
- The review of an application for a Development Permit.
  - The review of a Development of regional impact (DRI) pursuant to F.S. Ch. 380.
  - 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.**

- Soil classifications.
- Surface and Groundwater hydrology.

**B. Wetlands and Uplands.**

- Type and percent of biological communities existing on-site and described using the florida Land Use and Cover Classification System (FLUCCS).
- A typical vegetative inventory of the following:
  - Overstory of canopy (Trees).
  - 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  $\frac{1}{2}$  of Section 30, Twp. 18 S, R 28 E; thence east along the north line of the south  $\frac{1}{2}$  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  $\frac{1}{2}$  of Section 32; thence east along the north line of the south  $\frac{1}{2}$  of Section 32 and continuing east along the north line of the south  $\frac{1}{2}$  of Sections 33 and 34 to the northeast corner of the west  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  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  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  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  $\frac{1}{2}$  of said Section 8; thence south along the west line of the east  $\frac{1}{2}$  of Section 8 to the south line of said Section 8; thence continuing south along the west line of the northeast  $\frac{1}{4}$  of Section 17, Twp. 19 S, R 28 E to the southwest corner of the northeast  $\frac{1}{4}$  of Section 17; thence east along the south line of the northeast  $\frac{1}{4}$  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  $\frac{1}{2}$  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  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 17; thence north along the east line of the southwest  $\frac{1}{4}$  of the southwest

4; of Section 17 to the northeast corner of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 17; thence north along the west line of Section 17 to the northeast corner of the south  $\frac{1}{2}$  of Section 18, Twp. 19 S, R 28 E; thence west along the north line of the south  $\frac{1}{2}$  of Section 18, Twp. 19 S, R 28 E; thence west along the north line of the south  $\frac{1}{2}$  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 7.00.08, B., above, may be transferred pursuant to the procedure contained in the Section to Receiving Areas Number One and Two, as described in Section 7.00.08, C., 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 planning and zoning Commission.



- c. Planning and zoning Commission review. The planning and zoning Commission Shall review the application for rezoning and, after notice and hearing as required by Chapter 14, 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 planning and zoning Commission 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 14 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.

**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.

## Lake County Future Land Use Element

The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37). The purpose of this study shall be to map more precisely the extent of the 100-year floodplain. Subdivisions with septic tanks shall be designed so that each lot has at least one acre of upland not contained within the floodplain. The one acre upland area must be of sufficient size and shape to accommodate the proposed structures, including septic tank and drainfield, without any part infringing into the floodplain or any required septic tank setback.

Policy 1A-2.11: New Road Construction In the Core/Conservation Area. In the Core/Conservation land use category, the County shall not construct nor use public funds for the construction of new roads. The County may maintain roads in the Core/Conservation area. In addition, the County may improve or upgrade roads within this area provided the improvement or upgrading is necessary for the public safety, health or welfare.

Policy 1A-2.12: Prohibition of New Mines In the GSACSC. All new peat or phosphate mines in the Green Swamp ACSC shall be prohibited.

Policy 1A-2.13: Prohibition of Industrial Uses In the GSACSC. All new industrial land uses in the Green Swamp ACSC shall be prohibited.

GOAL 2: WEKIVA RIVER PROTECTION AREA. THE GOAL IN ESTABLISHING THE WEKIVA RIVER PROTECTION AREA IS THE PROTECTION AND ENHANCEMENT OF THE WATER QUALITY, WATER QUANTITY, HYDROLOGY, WETLANDS, NATIVE VEGETATION AND WILDLIFE OF THE WEKIVA RIVER SYSTEM AND THE WEKIVA RIVER PROTECTION AREA IN LAKE COUNTY, THROUGH THE PROVISION OF COMPATIBLE LAND USES AND APPROPRIATE DEVELOPMENT REGULATIONS.

OBJECTIVE 1-20: DEVELOPMENT WITHIN THE WEKIVA RIVER PROTECTION AREA WITHIN LAKE COUNTY, PURSUANT TO CHAPTER 369, PART III, FLORIDA STATUTES AND LAKE COUNTY ORDINANCE 1989-3. Lands Designated in Chapter 369, Part III, Florida Statutes, as the Wekiva River Protection Area Shall Be Protected as a Natural System to the Greatest Extent Possible Through the Regulation of Land Use Densities and Intensities.

Policy 1-20.1: Definitions Applicable to Wekiva River Protection Area. The following definitions shall apply to the Wekiva River Protection Area as defined in Chapter 369, Part III, Florida Statutes and the Lake County Comprehensive Plan.

The purpose of this Policy is to eliminate ambiguity by providing a full definition of certain words and phrases which are used within the Wekiva River Protection Area. Should the definitions contained under this Policy conflict with the definitions contained elsewhere in the Lake County Comprehensive Plan or in the Lake County Code or in the Land Development Regulations, the following definitions shall apply only to the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes. These definitions, currently codified within Appendix B, Zoning Ordinance Article IV, Section 40.0, shall be codified within the Land Development Regulations.

Agriculture - The use of the land for agricultural purposes, including farming, dairying and pasturage, apiculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce raised thereon.

Aquatic - See surface-waters.

Aquatic Dependent Wildlife Species - Any wildlife species whose life cycle depends in whole or in part on an aquatic environment.

Base density - The maximum number of dwelling units permitted by the zoning classification of property in a receiving area computed on the net acreage of the property without the use of transferred development rights.

## Lake County Future Land Use Element

Board - Board of County Commissioners of Lake County, Florida.

Clustering or Cluster Development - A development design technique that concentrates buildings in specific areas of a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive natural features.

Commercial Development - C1, C2, or CP zoning as defined in the Lake County Code or Land Development Regulations, as amended from time to time.

Density - a ratio of dwelling units per unit of land.

Designated Vegetation - Those species designated pursuant to Chapter 581, Section 581.185(5)(a) and (5)(b), Florida Statutes.

Designated Wildlife - Those species designated pursuant to Chapter 39, Sections 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.

Development - The carrying out of any building activity or mining operation or the making of any material changes in the use or appearance of any structure or land, so as to adapt the land to non-agricultural purposes, and the dividing of the land into three or more parcels.

Development approval - Final approval by Lake County of a development permit.

Development permit - means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. A Wekiva River development permit shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

Development rights - the potential for the improvement of a parcel of real property, measured in dwelling units per gross acre, which exists because of the zoning classification of the parcel.

Easement - means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Environmentally sensitive - ecological systems which are sensitive to development impacts and provide important natural functions for maintenance of environmental quality and wildlife habitat.

Flood Plain - any normally dry land area that is susceptible to being inundated by waters from any source.

Gross acre - includes the entire area of a parcel of land excluding road right of way.

Gross density - For the determination of transferable development rights within the Wekiva River Protection Area gross density shall mean the total number of dwelling units permissible on a parcel of land based upon the zoning in place immediately prior to March 12, 1990, and depicted on Map I-5.

Groundwater - water beneath the surface of the ground whether or not flowing through known or definite channels.

Improvements - physical changes made to raw land, and structures placed on or under the land surface in order to make the land more usable.

Lake County - a political subdivision of the State of Florida, the governing body of which is the Board of County Commissioners.

## Lake County Future Land Use Element

Lot - a portion of land or a building or structure capable of being legally identified. The word "lot" includes the words "plot", "parcel", "condominium" or "cooperative unit" or "tract".

Low Density Residential Development - within the Wekiva River Protection Area shall be the same as Rural Density Residential Development as defined below.

Mean high water mark - See ordinary high water mark.

Mount Plymouth-Sorrento Urban Compact Node - The Mt. Plymouth-Sorrento Urban Compact Node shall mean the following area; Sections 24, 25 and 36, Township 19 South, Range 27 East; the Southwest 1/4 of the Southwest 1/4 of Section 17, Township 19 South, Range 28 East; the South 1/2 of Section 18, Township 19 South, Range 28 East; all of Sections 19, 28, 29, 30, 31, 32, and 33, Township 19 South, Range 28 East.

Native Vegetation - Plants that are indigenous to the State of Florida.

Neighborhood Commercial development - CP zoning as defined by the Lake County Code or Land Development Regulations, as amended from time to time.

Net Acre - derived by subtracting the following from the entire area of a parcel of land: All wetlands as defined by the St. Johns River Water Management District or the Lake County Code or Land Development Regulations; lands within the Wekiva River Hydrologic Basin Riparian Habitat Protection Zones established pursuant to Section 373.415, Florida Statutes; areas within the 100 year floodplain; road rights-of-way; and easements for ingress and egress.

Net Density - the number of dwelling units per net acre.

One Hundred (100) yr. floodplain - The regulatory flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years as determined from analysis of floods in a particular area. The area of the 100 year floodplain will be that shown on the Federal Emergency Management Administration Map used by Lake County, United States Geological Survey Floodprone maps, regional or State agency area specific studies, or the area established by site-specific engineering or hydrological studies prepared by the applicant utilizing accepted engineering practices. Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A zone or V zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

Open space - Means any parcel of land essentially unimproved and set aside, dedicated, designated, or reserved for public or private use of enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space, does not include wetlands, man-made lakes, wet or dry retention or detention areas, natural bodies of water, impervious surfaces, or active recreation sites and facilities, such as tennis courts or golf driving ranges. The grassed areas of golf courses may be counted as open space.

Ordinary high water mark - as defined and determined by the St. Johns River Water Management District.

Parcel - see lot.

Permitted - any development for which all required permits have been issued.

Plot - see lot.

Receiving area - the areas described in Policy 1-20.4 in the Future Land Use Element of the Lake County Comprehensive Plan, for development beyond its base density through the transfer of development rights or the Development Point Rating System, or both as appropriate. The Mount Plymouth-Sorrento Urban Compact Node Receiving Area is limited to a maximum density of five and one-half (5.5) dwelling units per net acre. The portion of the Plymouth-Sorrento Urban Compact Node which is not within the Wekiva River Protection Area boundary is not a receiving area for TDR's and the allowable maximum density for these lands is five and one-half (5.5) dwelling units per net acre.



## Lake County Future Land Use Element

Regulatory Flood - see one hundred year flood definition.

Right-of-Way - means any land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

Road - a general term used to describe a right-of-way which provides for vehicular and pedestrian movement between certain points which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide for the location of underground utilities; whether designated as a street, highway, thoroughfare, parkway, freeway, road, avenue, boulevard, lane, place, court or however designated whenever dedicated for public use and accepted by the Board of County Commissioners.

Roadway - a portion of the street right-of-way which contains the street pavement, swale, curb and gutter, and is used primarily for vehicular movement and secondarily for stormwater drainage.

Rural Density Residential Development - less than or equal to one dwelling unit per gross acre.

Sending Area - The area designated "A-1-40" and "A-1-20" Wekiva River Protection Area Overlay Districts on Exhibit "A", and described in Policy 1-20.4, the Land Use Element of the Comprehensive Plan, Section 699.31, Lake County Code, and designated on the Wekiva River Protection Area Transferable Development Rights Sending and Receiving Map on file in the Lake County Planning Department and Building Department.

Silviculture - a process, following accepted forest management principles, whereby the crops constituting forests are tended, harvested, and reforested either by natural or artificial reforestation, or both.

Site Alteration - activity including, but not limited to removal of, or damage to, vegetation, burning, filling, ditching, dredging, drainage, excavation, earth moving, water containment and changes in the natural flow regime.

Site plan approval - a process for the review and approval of a development plan prior to the issuance of a development permit.

Street - see road.

Surface waters - water upon the surface of the earth, whether contained in bounds created naturally, artificially, or defused. Water from natural springs shall be classified as surface water when it exits from the springs on the earth's surface.

Timber - any wood for which any useful articles may be made or which may be used to the advantage in any class of manufacture or construction.

Transfer of Development Rights (TDR) - the conveyance of development rights, to an individual or legal entity, from a sending area by deed, easement or other legal instrument, as approved by the County Attorney for Lake County, assignment to another parcel of land in a receiving area, and recordation of the conveyance in the Public Records of Lake County, Florida.

Tract - see lot.

Uplands - as defined in Appendix B, Zoning Regulations, Section 40.1010, Lake County Code, and all land that is not wetlands or waterbodies.

Urban density - more than one (1) unit per gross acre.

Usable land area - See net acre.

Viable population - any species population that is of sufficient quantity to self-propagate and continue in existence without outside intervention.

## Lake County Future Land Use Element

Water bodies - Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, Seminole Creek and Lake Norris.

Waterfront - any lot or parcel bordering on a water body.

Wekiva River Protection Area - means the lands within Township 18 South, Range 28 East; Township 18 South, Range 29 East; Township 19 South, Range 28 East, less those lands lying west of a line bounded by County Road 437, State Road 46 and County Road 435; Township 19 South, Range 29 East; Township 20 South, Range 28 East, less all lands lying west of County Road 435; and Township 20 South, Range 29 East, less all those lands east of Markham Woods Road.

Wekiva River System - means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, Lake Norris and Seminole Creek.

Wetland Dependent Wildlife Species - any wildlife species whose life cycle depends in whole or in part on a wetland environment.

Wetlands - hydrologically sensitive areas identified by the St. Johns River Water Management District regulations and Appendix B, Zoning Regulations, Section 41.58, Lake County Code or Land Development Regulations as amended from time to time.

Policy 1-20.2: Expansion of Public Facilities and Services within the Wekiva River Protection Area. Lake County shall restrict expansion of services and major arterial roads beyond planned urban areas, 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.

Policy 1-20.3: Vested Development within the Wekiva River Protection Area. Land within the Wekiva River Protection Area as defined in Chapter 369, Florida Statutes, Part III, may be developed at the density permitted by the zoning classification in place immediately prior to March 12, 1990 and depicted on Map I-5, providing that:

1. A plat of the property based upon the zoning classification in place immediately prior to March 12, 1990, and depicted on Map I-5, has been recorded in the Public Records of Lake County, Florida. The recorded plat property may be developed based upon the zoning density classification in place immediately prior to March 12, 1990.
2. A complete application for site plan approval was filed prior to December 21, 1989, the effective date of Ordinance No. 1989-12, which imposed a moratorium on development permit applications within the Wekiva River Protection Area, was based upon the zoning classification in place immediately prior to March 12, 1990 and was approved by the County.
3. A complete application for preliminary plat approval was filed prior to December 21, 1989, the effective date of Ordinance No. 1989-12, which placed a moratorium on development applications within the Wekiva River Protection Area, and was based upon the zoning classification in place immediately prior to March 12, 1990. A final plat processed after a preliminary plat submitted prior to December 21, 1989, and subsequently approved by the Lake County Board of County Commissioners, shall be subject to the Lake County Code provisions in effect immediately prior to December 21, 1989.
4. Commercial zoning within the Wekiva River Protection Area existing on March 12, 1990, is vested for commercial uses and designated on Map I-3, "Future Land Use Map" Series, whether or not a site plan has been previously approved and if a site plan has not been previously approved, County approval is required.
5. Application is made to the County for a determination of vested rights.

## Lake County Future Land Use Element

Policy 1-20.4: Density and Intensity of Land Use Within the Wekiva River Protection Area. Lake County shall set the following limitations on density within the Wekiva River Protection Area which are deemed necessary in order to protect and enhance the natural resources contained therein. In order to implement this policy, the overlay districts provided for in this section have been created to restrict permitted density.

1. General Provisions. Land within the Wekiva River Protection Area proposed to be developed at densities higher than allowed under the "A-1-40" Wekiva River Protection Area Overlay District 1 and the "A-1-20" Wekiva River Protection Area Overlay District 2 set forth below, must comply with the Development Point Rating System also described below. Such development shall utilize the concept of clustering of units, promote protection of environmentally sensitive areas, concentrate 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; shall have less impact on natural resources than if developed at lower densities under its overlay district zoning classification; and shall otherwise meet 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. Development shall provide central water and sewer facilities where such facilities are shown to be economically feasible or environmentally necessary, as determined by the County.

2. Transfer of Development Rights Within the Wekiva River Protection Area. In order to permit the owners of property subject to the limitation on density established herein to utilize the development potential of that property, a system of transferability of development rights is desirable. In order to facilitate such a system, Sending Areas and Receiving Areas are hereby established and identified.

- a. Sending Area Number One - "A-1-40" Wekiva River Protection Area Overlay District 1.

Land within the Wekiva River Protection Area, and within the farthest boundary of the Wekiva River Hydrologic Basin Protection Zones, established pursuant to Chapter 473, Florida Statutes, Section 473.415 and not vested pursuant to Policy 1-20.3, above, shall be allowed a maximum density of one (1) dwelling unit per forty (40) net acres. This shall be known as the "A-1-40" Wekiva River Protection Area Overlay District 1. 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 described below.

This area is hereby designated as Sending Area Number One for transferable development rights, as shown on Exhibit "A", Map I-4, the Wekiva River Protection Area Transferable Development Rights Sending and Receiving Area Map, attached hereto and incorporated herein. Transferable development rights shall be calculated on the gross density permitted under the zoning classification for the particular sending parcel in place immediately prior to March 12, 1990.

- b. Sending Area Number Two - "A-1-20" Wekiva River Protection Area Overlay District 2.

Land within the Wekiva River Protection Area, outside the Wekiva River Hydrologic Basin Protection Zones established pursuant to Chapter 473, Section 473.415, Florida Statutes, outside the Mount Plymouth-Sorrento Urban Compact Node, not vested pursuant to Policy 1-20.3 above, and excluding the area described below as Receiving Area Number One, shall be allowed a maximum density of one (1) dwelling unit per twenty (20) net acres. This area is a portion of the "A-1-20" Wekiva River Protection Area Overlay District 2. 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 described below.

This area is hereby designated as Sending Area Number Two for transferable development rights as shown on Exhibit "A", Map I-4. Transferable development rights shall be

## Lake County Future Land Use Element

calculated on the gross density permitted under the zoning classification for the particular sending parcel in place immediately prior to March 12, 1990.

c. Receiving Area Number One - "A-1-20", Wekiva River Protection Area Overlay District 2.

Land within the area described below shall have a maximum density of one (1) dwelling unit per twenty (20) net acres and is a portion of the "A-1-20" Wekiva River Protection Area Overlay District 2. 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 described below. Density may be also increased to a maximum of one (1) dwelling unit per one (1) net acre utilizing the Development Point Rating System in conjunction with the purchase and utilization of Transferable Development Rights from Sending Areas Numbers One and Two.

This area is hereby designated as Receiving Area Number One for transferable development rights as shown on Exhibit "A", Map I-4, and is described as follows:

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 28E; 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 28E. 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 19 S, R 28 E to the northwest corner of the south 1/2 of Section 21; thence east along the north line of the south 1/2 of Section 21 to the east line of Section 21; thence continuing east along the north line 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 and along the north line of Section 29, Twp 19 S, R 28E 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, Range 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 Section 17 to the northeast corner of the southwest 1/4 of the southwest 1/4 of Section 17; thence west along the north line of the southwest 1/4 of the Southwest 1/4 of Section 17 to the west line 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 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.

## Lake County Future Land Use Element

### d. Receiving Area Number Two.

Lands which are within the Mount Plymouth-Sorrento Urban Compact Node and also within the Wekiva River Protection Area Boundary may be developed 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 (TDR's) from Sending Areas Numbers One and Two. These lands must utilize the "R-5" Residential district, the "RP" Residential Professional district, or the "PUD" Planned Unit Development district, as provided in the Lake County Land Development Regulations, Lake County Code. Any increase in density above that permitted by the zoning classification in place immediately prior to March 12, 1990, shall require the purchase and use of TDR's development rights.

Lands within the Mount Plymouth-Sorrento Urban Compact Node and outside of the Wekiva River Protection Area Boundary may be developed to a maximum density of five and one-half (5.5) dwelling units per one (1) net acre and shall utilize the development regulations of Lake County which pertain to the Urban land use category. TDR's will not apply to these lands.

This area is hereby designated as Receiving Area Number Two for Transferable Development Rights as shown on Exhibit "A", Map I-4.

Policy 1-20.5: Development Point Rating System and Submittal Requirements for Development Permits Within the Wekiva River Protection Area. Where applicable, lands proposed to be developed within the Wekiva River Protection Area shall be evaluated according to the following Development Point Rating System in order to be considered for 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 development impacts; and to direct appropriate growth patterns within the Wekiva River Protection Area. The achievement of density points shall not bind the Lake County Board of County Commissioners to grant an increase in density. The application of the Development Point Rating System criteria and the achievement of points are based upon the location of land within the Wekiva River Protection Area. Not all criteria will be specifically applicable to a parcel of land proposed for development.

### POINT SYSTEM RATING CRITERIA

The Point System Rating Criteria are as follows:

	<u>POINTS</u>
1. Submission of Project as a Planned Unit Development. (5 points possible)	5
2. Project is contained wholly within TDR receiving zone outside the Mt. Plymouth-Sorrento Urban Compact Node. (5 points possible)	5
3. Purchase of TDR's sufficient to reach density of one (1) dwelling unit per net acre. (5 points possible)	5
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)	80
a. Incorporation of Pervious Pavement or Grassed Parking	1
b. Preservation of Native Vegetation within the 100 year Floodplain	2
c. Zero Disturbance or Encroachment within the 100 year Floodplain	5



## Lake County Future Land Use Element

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)	5
	1. 150 foot buffer	5
	2. 100 foot buffer	4
	3. 50 foot buffer	3
e.	Preservation of existing Native Vegetation (upland and wetland species)	10
f.	Use of Native Vegetation in Landscaping	2
g.	Buffers on Wetlands (10 points possible)	10
	1. 35 feet	10
	2. 25 feet	5
	3. 10 feet	3
h.	Dedication of Natural Areas for Preservation (uplands only - wetlands are already required to be dedicated). (20 points possible)	20
	1. 25 percent of each natural upland habitat type	20
	2. 10 percent of each natural upland habitat type	15
	3. 5 percent of each natural upland habitat type	10
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)	5
j.	Clustering of units to promote common open space, passive recreation, and preservation 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 67 pre-existing 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 10 years) been used for citrus production, has no wetlands and no 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.	
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)	5
8.	Provision of Affordable Housing. (5 points possible)	5
a.	15 percent of project units for moderate, low, or very low income housing.	5



**Lake County Future Land Use Element**

b.	5 percent of project units for moderate, low, or very low income housing.	2
9.	Vehicular Access to an Arterial Road with Level of Service (LOS) "C" Average Daily Trips (ADT) or better. Ten 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)	7
c.	Greater than 1 mile via collector (existing or proposed)	5
d.	Less than 2 miles via local roads	2
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	7
c.	Private well	0
11.	Sanitary Sewer Service. (10 points possible)	10
a.	Within an Existing Wastewater Treatment Franchise Area with excess capacity or the creation of a franchise.	10
b.	Central system	7
c.	Innovative septic system	5
d.	Septic tank	0
12.	Irrigation Water Supply. (10 points possible)	10
a.	Grey water reuse (dual water system)	10
b.	Surface water	5
c.	Surfacial aquifer	2
d.	Potable Water	0
13.	Fire Protection. (5 points possible)	5
a.	Dedication of land and/or facilities sufficient to meet the requirements of the project.	5
b.	Within a fire district having a rating of 7 or better and within 3 miles from a fire station.	3
c.	Within a fire district having a rating of 7 or better and more than 3 miles from a fire station.	2

**Lake County Future Land Use Element**

- |     |   |   |
|-----|---|---|
| d.  | Within a fire district having a rating of 8 to 9 and within 3 miles from a fire station.  | 2 |
| e.  | Within a fire district having a rating of 8 to 9.   | 1 |
| 14. | Proximity to Public Schools. (5 points possible)  | 5 |
| 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.  | 5 |
| c.  | Within 1/2 mile radius of an existing school.   | 4 |
| d.  | Within one mile radius of an existing school and linked by sidewalks and/or bicycle paths.  | 4 |
| e.  | Within one mile radius of an existing school.   | 1 |
| 15. | Neighborhood Parks. (5 points)  | 5 |
| a.  | Within 1/2 mile radius of a developed park and linked by sidewalks and/or bicycle paths.  | 5 |
| b.  | Dedication of park land and provision of facilities that meet the County's Level of Service. Facility must be open to the general public. | 5 |
| c.  | Dedication of environmentally sensitive land that is suited for passive recreation.   | 5 |
| d.  | Within 1/2 mile radius of a developed park.   | 2 |
| e.  | Within one mile radius of a developed park and linked by sidewalks and/or bicycle paths.  | 3 |
| f.  | Within one mile radius of a developed park.   | 1 |
| 16. | Other. (5 points possible)  | 5 |

The Board of County Commissioners may within its discretion, grant additional points up to a maximum of five (5) points, to developers who opt to provide facilities, land or funds for facilities not specifically identified in the criteria set out above. This provision may also include voluntary impact fees over and above those required by the Lake County Code.

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 (20) net developable acres category contains a maximum of 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 - 79	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 review of a proposed development, the performance incentives will be used as a guide to evaluate all residential project densities during:

1. The review of an application for a development permit initiated by a property owner or an authorized agent.
2. The review of a Development of Regional Impact (DRI), pursuant to Chapter 380, Florida Statutes.
3. The preparation of any future sector or small area plans.

SUBMITTAL REQUIREMENTS FOR DEVELOPMENT PERMITS WITHIN THE WEKIVA RIVER 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. The information is supplemental to any other submittal requirements contained in the Lake County Code.

1. General Information:
  - A. Legal Description and Location Map.
  - B. Property survey showing the location of Wekiva River Hydrologic Basin Protection Zones.
  - C. Soil Classifications.
  - D. Surface and groundwater hydrology.

## Lake County Future Land Use Element

2. Wetlands and Uplands:
  - A. Type and percent of biological communities existing on site and described using the Florida Land Use and Cover Classification System (FLUCCS).
  - B. A typical vegetative inventory of the following:
    1. Overstory or canopy (trees).
    2. Understory or sub-canopy (shrubs, small trees).
  - C. A typical animal/wildlife inventory using methodology of the Florida Game and Fresh Water Fish Commission.
    1. Mammals
    2. Birds
    3. Reptiles
    4. Fish
  - D. Pre and post-development acreage/percent of wetlands and uplands.
  - E. Monitoring programs (ongoing) for wetland and upland systems.
  - F. Borrow and fill requirements.
3. Wildlife Corridors (U.S. Fish and Wildlife Criteria):
  - A. Pre and post-development acreage of corridors.
  - B. Impact of development on corridors.
  - C. Proposed management, monitoring and maintenance measures for protection of corridors.
4. Designated Wildlife and Vegetation:
  - A. List designated wildlife as specified in Chapter 39, Sections 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code.
  - B. List vegetation specified in Section 581.185 (5) (a), (b), Florida Statutes.
  - C. Pre and post-development acreage of designated vegetation and wildlife.
  - D. Plan for protection of designated plant and animal species.
5. Buffers:
  - A. Building setbacks from:
    1. Wetlands
    2. Uplands
    3. Wildlife corridor

**Lake County Future Land Use Element**

4. Publicly owned conservation/preservation lands
5. Wekiva River or other surface water bodies
- B. Acreage of Buffers
- C. Types of buffers, i.e.; vegetative (trees, shrub, or combination), masonry, fence, berms, etc.
- D. Use within buffers (i.e.; parks, recreational boardwalks, nature trails, bike paths, non-use, etc.)
- E. Percent/Acreage of property dedicated to County for conservation easements or deeded to County for public purpose.
6. Water Resource Management:  
  
Complete statement and calculations of the following:
  - A. Water quality and quantity for both pre and post- development.
    1. hydrological evaluation of development
    2. plans for conservation of potable water such as reuse of waste water (treated effluent and/or grey water including use of natural vegetation to reduce irrigation needs)
    3. recharge and discharge areas/recharge mechanisms
    4. potential contamination and abatement procedures
    5. use of underdrains/side drains
    6. degree of salt water encroachment in the Floridan Aquifer
7. Air Quality:
  - A. Emission Sources
    1. Residential (fireplaces, type of heat-oil, gas, heat pump)
  - B. Monitoring Plans/Mechanisms
8. Storm and Waste Water Management:
  - A. Stormwater
    1. Calculations
    2. Retention/detention design
      - a. Type of system (wet, dry, on-line, off-line, etc.)
      - b. Pond/Swale
        - (1) volume

## Lake County Future Land Use Element

- (2) elevations
      - (3) overflow mechanisms
      - (4) flood elevations
      - (5) discharge point (internal, to tributary, to Wekiva River)
    - c. Culvert, pipe, channel hydraulics
    - d. Soil borings
    - e. Energy dissipation/erosion and sediment control measures.
      - (1) Grading/drainage plan
        - (a) Materials Used (pervious/impervious)
        - (b) Percent pervious/impervious surface
      - (2) Monitoring plans/mechanisms
- B. Wastewater
- 1. Collection
    - a. Pump stations
      - (1) wet well water level control elevations
      - (2) emergency pump connection
      - (3) backup pump (at least two pumps total in pump station)
      - (4) elevation above 100-year flood elevation
    - b. Gravity lines
      - (1) slopes
      - (2) clearance from water lines
  - 2. Treatment System
    - a. Type (septic-conventional/ nonconventional, on-site-low pressure, etc., package plant on-site/off-site, regional plant-on-site/off-site)
    - b. Siting
      - (1) relation to 100-year flood elevation
      - (2) adjacent property
    - c. Plant
      - (1) general process



## Lake County Future Land Use Element

- (2) bypass
    - (3) Hydraulic profile
    - (4) Flow diagram
  - 3. Effluent disposal method
    - a. sprayfield
    - b. perc pond
    - c. reuse
    - d. wetland
      - (1) Location of disposal area
      - (2) Analysis
        - (a) soil report
          - (i) soil type
          - (ii) groundwater depth
          - (iii) K factor
          - (iv) confining layers
        - (b) impact on groundwater quality/quantity
4. Design
  - a. application
  - b. load/rest schedule
  - c. pond on steep slope
    - (1) dam design for berms; seepage prevention
    - (2) rip rap for influent flow
  - d. pond bottom compared to soil profile
  - e. overflow
  - f. elevations
  - g. buffers
  - h. nearby potable wells

## Lake County Future Land Use Element

5. Monitoring wells
  - a. background - upstream
  - b. compliance - downstream

9. Potable Water System:

- A. Type (individual wells, package plant, regional plant)
- B. Location (on-site, off-site)
- C. Withdrawal rate/consumptive use
- D. Treatment Methods
- E. Impact on aquifer

Policy 1-20.6: Non-Exempt Parcels. Parcels of lands within the Wekiva River Protection Area, not exempted due to a determination of vested rights, under single ownership and twenty (20) or forty (40) acres or less in total area, depending upon the land's location within the Wekiva River Protection Area, as of March 12, 1990, shall be allowed a maximum of one (1) dwelling unit provided that a minimum of 12,500 square feet is not classified as open waterbodies and wetlands under the jurisdiction of Lake County or St. Johns River Water Management District, or within the Wekiva River Basin Riparian Habitat Protection Zone established pursuant to Chapter 373, Florida Statutes, Section 373.415, or designated flood prone areas by the Federal Emergency Management Administration. Any easement existing on a parcel of land under this policy may be utilized in the calculation of the required minimum area of 12,500 square feet.

Policy 1-20.7: Setbacks. The following minimum setback requirements from wetlands and water bodies shall apply to all development activity proposed within the Wekiva River Protection Area, as appropriate:

1. Land proposed to be developed under Policy 1-20.3, Vested Development within the Wekiva River Protection Area, or Policy 1-20.6, Non-Exempt Parcels, on the Wekiva River, Blackwater Creek, Sulphur Run, Seminole Creek, and Lake Norris:
  - a. Those lands subject to the setback requirements of the St. Johns River Water Management District, established pursuant to Section 373.415, Florida Statutes, shall conform to said setbacks.
  - b. Where setbacks for such development activity are not regulated by the St. Johns River Water Management District, the following minimum setbacks shall be established: 200 feet from the ordinary high water mark, 50 feet from associated wetlands, or as provided in the Lake County Code or Land Development Regulations, whichever is farther.
2. Land proposed to be developed under Policy 1-20.4, Density and Intensity of Land Use Within the Wekiva River Protection Area, on the Wekiva River, Blackwater Creek, Sulphur Run, Seminole Creek, and Lake Norris:
  - a. Minimum setbacks shall conform to those required by the St. Johns River Water Management District, established pursuant to Section 373.415, Florida Statutes.
  - b. Where setbacks for such development activity are not regulated by the St. Johns River Water Management District, the following minimum setbacks shall be established: 200 feet from the ordinary high water mark, 50 feet from associated wetlands, or as provided in the Lake County Code, whichever is farther.

## Lake County Future Land Use Element

Policy 1-20.8: Restrictions on Land Adjacent to Conservation or Preservation Area. No land adjacent to publicly-owned conservation or preservation areas within the Wekiva River Protection Area shall be developed for commercial or industrial uses.

Policy 1-20.9: General Prohibitions. 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; any applicable setbacks from the surface waters and wetlands in the Wekiva River System and in the Wekiva River Protection Area which are established by Lake County; or the policy requiring the concentration of development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

Policy 1-20.10: Lakeshore and Waterfront Development. Lakeshore and waterfront development shall occur in a manner which will enhance its natural character, avoid damage to indigenous environmental factors and assure an adequate amount of public access to waterfront and lakeshore areas within the limits defined by the environmental requirements of Lake County Land Development Regulations, the St. Johns River Water Management District and other state, regional and local agencies having jurisdiction over such areas.

- A. Industrial or commercial uses shall not be permitted adjacent to water bodies.
- B. Purchase waterfront areas and islands for public use when identified as an environmentally sensitive resource through listing as a C.A.R.L. project.
- C. Require environmental surveys to be conducted in accordance with a County approved methodology to assess the impacts of waterfront 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 the proposed development. This policy shall apply to proposed developments requiring approval by Lake County pursuant to Appendix C, Subdivision Ordinance, or the "PUD" Planned Unit Development District regulations, Section 696, Lake County Code.
- D. Utilize the Planned Unit Development approach to waterfront development wherever appropriate in order to maintain the best possible controls over such developments.
- E. Require setbacks in conformance with Chapter 40C-41, F.A.C. and those of the Lake County Comprehensive Plan and Land Development Regulations to ensure safety, protect environmental factors and conserve public shores as established by local, State and Federal agencies to protect environmental factors and conserve public and private waterfront areas.

Policy 1-20.11: Location of Commercial Development. Commercial areas shall be developed in clearly defined complexes, harmoniously related to surrounding land use, traffic flow and the Lake County Comprehensive Plan.

- A. Expressway interchanges within the Wekiva River Protection Area shall be developed as Planned Units under the Public Facilities District (PFD) classification as contained in the Lake County Code.
- B. Commercial Zoning District within the Wekiva River Protection Area existing on March 12, 1990, is vested for commercial use whether or not a site plan has been previously approved, and if a site plan has not been previously approved, County approval is required.
- C. Commercial and Industrial uses permitted in the Wekiva River Protection Area are depicted on the "Future Land Use Map" Series (Map I-3). Commercial and Residential uses are permitted in the Industrial Land Use category when the alternate use shall result in a reduction in density or intensity.
- D. Commercial development within the Wekiva River Protection Area, except as provided in subsection B above, shall be discouraged. Such development shall be restricted to the following intersections:

## Lake County Future Land Use Element

SR 44 and CR 437;  
CR 44A and CR 437;  
SR 46 and CR 437;  
SR 44 in the vicinity of the Royal Trails subdivision;  
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 zoning classification as contained in the Lake County Code. 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. Commercial development will also be allowed as a part of a "PUD" Planned Unit Development which shall be located interior to the PUD, in increments of one (1) acre per 500 dwelling units. 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.

- E. 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.

Policy 1-20.12: Industrial Development. Industrial development shall be prohibited within the Wekiva River Protection Area.

Policy 1-20.13: Maintenance of Open Space System. An open space system shall be maintained to serve the needs of people and shall range from neighborhood to regional scale. Such system shall also include recreation and conservational elements and shall conform with open space requirements of residential (25%) and commercial (20%).

- A. Establish flood zones along streams or rivers. Such flood zones shall qualify for open space requirements. Regulate the use of flood prone areas for purposes compatible with the hydrological character of the area. Recreation and water storage are beneficial uses of flood prone areas.
- B. Forbid building within swamps and marshes, except in accordance with the Comprehensive Plan Policy 1-2.1 and policies found within the Conservation Element, the Lake County Code, or in accordance with a wetland alteration/mitigation plan approved by Lake County.
- C. Require all structures to have floor elevations at least eighteen (18) inches above the 100-year flood plain, and also require all public improvements such as roads, sewer and water lines, etc. to be designed to meet the criteria of the Flood Disaster Act of 1973, Public Law 93-234 and other applicable Federal, State and local requirements.
- D. Native vegetation within the 100-year flood plain in 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 areas devoted to agricultural uses as specified under Policy 1-20.15 and 1-20.16 of this Future Land Use Element and those activities necessary for normal yard maintenance.

Policy 1-20.14: Consideration of Environmental Factors. Full consideration shall be given to environmental factors within Lake County as they pertain to land use.

## Lake County Future Land Use Element

- A. The County shall work towards establishing and maintaining the natural state of the Wekiva River System and the Wekiva River Protection Area.

Policy 1-20.15: 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.

Policy 1-20.16: 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 wetland 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 for 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.

Policy 1-20.17: Definition of The Mount Plymouth - Sorrento Urban Compact Node. The Mount Plymouth-Sorrento Urban Compact Node is defined as follows:

Sections 24, 25, and 36, Township 19 South, Range 27 East; the Southwest 1/4 of the Southwest 1/4 of Section 17, Township 19 South, Range 28 East; the South 1/2 of Section 18, Township 19 South, Range 28 East; all of Sections 19, 28, 29, 30, 31, 32, and 33, Township 19 South, Range 28 East.

Policy 1-20.18: Review of the Lake County Comprehensive Plan and Land Development Regulations in the Wekiva River Protection Area. By 1996, Lake County shall review the Comprehensive Plan and the Land Development Regulations which affect the Wekiva River Protection Area in Lake County for their effectiveness in meeting the

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requirements of Section 369.301, Florida Statutes and shall, if necessary, amend the Comprehensive Plan and Land Development Regulations.

### OBJECTIVE 1-21: LAND USE ISSUES RELATED TO CONSERVATION OF WATER RESOURCES, WETLANDS, FLOODPLAINS, NATURAL HABITATS, NATURAL VEGETATION, ENVIRONMENTALLY SENSITIVE AREAS, AND MINING ACTIVITIES.

Within the Wekiva River Protection Area, Lake County Shall Protect the Features of the Natural Environment through the Following Policies.

Policy 1-21.1: Surface and Subsurface Hydrology. The hydrology of a site should be utilized in determining land use as opposed to land use determining hydrology. This would entail discouraging any land use that would significantly alter surface and subsurface water levels and have an adverse effect on the environment, 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.

Policy 1-21.2: Reduction of Density of Waterfront Development. Lake County shall implement policies aimed at controlling the density of waterfront development.

Policy 1-21.3: Protection of the Water Quantity, Water Quality and Hydrology of the Wekiva River System. Special consideration shall be given to the protection of the water quantity, water quality and hydrology of the Wekiva River System as defined in Chapter 369, Part III, Florida Statutes.

Policy 1-21.4: Restriction of Development within the Floodplain. Floodplain maps prepared by FEMA shall be used in the development of the theory of the people water principle: in existing urbanized areas, keep the water from interfering with the people. In all other areas, keep the people from interfering with the water.

Policy 1-21.5: Protection and Conservation of Wetland Areas. Lake County shall implement policies which are aimed at protecting and conserving wetland areas.

Policy 1-21.6: Protection of Wetlands and Wetlands Systems. It is the intent of the Lake County Board of County Commissioners to protect wetlands and wetlands systems to the maximum extent possible, within the limitations contained in the Lake County Code and Land Development Regulations. In furtherance of this intent, it shall be the policy of Lake County that regulations governing the alteration of wetlands, or the mitigation of such alteration, within the Wekiva River Protection Area shall apply to all development as defined in the Lake County Code and Land Development Regulations, and to agricultural and silvicultural activities, as well.

Policy 1-21.7: Preservation of Natural Habitats within the Wekiva River Protection Area. Preserve natural habitats essential to any animals or plants designated pursuant to Chapter 39, Sections 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and Section 581.185(5)(a) and (b), Florida Statutes, particularly 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.

Policy 1-21.8: Preservation of Native Vegetation within the Wekiva River Protection Area. Native vegetation 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 areas devoted to agricultural uses as specified under Policy 1-20.15 Agricultural Uses and Policy 1-20.16: Silviculture in Wekiva River Protection Area and those activities necessary for normal yard maintenance.

Policy 1-21.9: Protection of Aquatic and Wetland-dependent Wildlife Species Associated with the Wekiva River System. 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.



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Policy 1-21.10: Mining Activities within the Wekiva River Protection Area. Mining activities shall be prohibited within the Wekiva River Protection Area. Expansion of existing mining activities within the Wekiva River Protection Area shall be subject to the provisions of the Lake County Code and the approval of the Board of County Commissioners.

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.

OBJECTIVE 1-22: PRESERVE THOSE ENVIRONMENTALLY SENSITIVE AREAS IDENTIFIED IN ENVIRONMENTAL STUDIES AND REPORTS. Lake County Shall Preserve those Environmentally Sensitive Areas Identified in Environmental Studies and Reports Sponsored or Approved by the Board of County Commissioners in Order to Safeguard Lake County's Resources for Present and Future Residents and Particularly those Areas Within the Wekiva River Protection Area.

Policy 1-22.1: Encourage Acquisition of Environmentally Sensitive Areas. Lake County shall support and actively encourage acquisition of Environmentally Sensitive Areas by donation or purchase by Federal, State or units of local government and non-profit groups that would preserve them in their natural state.

Policy 1-22.2: Funding Mechanism to Acquire Environmentally Valuable Lands. In support of the preservation of the natural systems of the Wekiva River Protection Area, by 1993, the Board of County Commissioners shall establish a funding mechanism to acquire, or to assist in the acquisition of, environmentally valuable lands. Such mechanism shall be established with the approval of the electorate of Lake County through a referendum consistent with the policies in the Conservation and Recreation Element.

OBJECTIVE 1-23: DISCOURAGEMENT OF PRACTICES THAT DEplete POTABLE WATER SUPPLIES AND THE PROMOTION OF CONSERVATION PRACTICES. Lake County Shall Discourage Wasteful Practices that Would Deplete Supplies of Potable Water and Shall Promote Conservation Practices.

Policy 1-23.1: Provision of Central Water Systems within the Wekiva River Protection Area. Central Water Systems shall be required within the Wekiva River Protection Area where provision of such a system is shown to be economically feasible or environmentally necessary, as determined by the County. The development of a regional water supply system is encouraged in order to augment the feasibility and desirability of providing central water supply 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.

Policy 1-23.2: Central Water System within the Wekiva River Hydrologic Basin Protection Zones. The provision of a Central Water System within the Wekiva River Hydrologic Basin Protection Zones shall be required by the year 2000 or earlier if economically 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).

OBJECTIVE 1-24: SEWAGE TREATMENT AND DISPOSAL FACILITIES. Lake County Shall Encourage the Development of Sewage Handling and Disposal Facilities that Utilize the Best Available Technology In Order To Minimize Any Detrimental Effect To The Environment.

Policy 1-24.1: Provision of Sewer Water Systems within the Wekiva River Protection Area. Central sewer systems shall be required within the Wekiva River Protection Area where provision of such system is shown to be economically feasible or environmentally necessary, as determined by the County. The development of a regional sewage treatment

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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.

Policy 1-24.2: Central Sewer System within the Wekiva River Hydrologic Basin Protection Zones. 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).

OBJECTIVE 1-25: PROVISION OF ACTIVITY-BASED RECREATION FACILITIES. Lake County Shall Provide Recreational Areas In Such a Manner that Activity-based Facilities Will Be Located in Urban Areas and Urban Compact Nodes.

Policy 1-25.1: Acquisition of Open Space Areas. Open space areas shall be acquired, if economically feasible, in advance of urban encroachment in order to ensure their continued value as open space. These open space areas include those "buffers" as identified in the Lake County Land Use Element; and any "Environmentally Sensitive Areas" identified in the Conservation Element of the Lake County Comprehensive Plan; and the environmentally sensitive lands of the Wekiva River Protection Area.