ORDINANCE SUMMARY
RESOURCE PROTECTION ORDINANCE

This ordinance proposes to update the Resource Protection Standards within Chapter VI of the Land Development Regulations to reduce duplicative regulations, while maintaining protection standards consistent with the Comprehensive Plan. Also, the ordinance proposes to include easement dedication in Section 14.00.08, Land Development Regulations, which requires that specific legal criteria be met before dedication of real property or right-of-way, and creates Section 14.15.04, Land Development Regulations, to identify standards for granting a variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line.

This ordinance also proposes to amend one definition, add definitions and delete one definition within Chapter II of the Land Development Regulations.

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

Ordinance No. 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED "DEFINITIONS", TO AMEND THE DEFINITION OF "DESIGNATED SPECIES", DELETE THE DEFINITION FOR "FNAI (S2) RANKED NATURAL COMMUNITIES", AND ADD DEFINITIONS FOR "GEOTEXTILE CONTAINER", "ISOLATED WETLANDS", "RIPRAP", "SEAWALL", "UPLAND COMMUNITIES", "VEGETATED OPEN-CELL BLOCK", AND "WILDLIFE CORRIDOR"; AMENDING LAKE COUNTY CODE APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER VI, ENTITLED "RESOURCE PROTECTION STANDARDS", IN ORDER TO REDUCE DUPLICATIVE REGULATIONS AND MAINTAIN RESOURCE PROTECTION STANDARDS CONSISTENT WITH THE COMPREHENSIVE PLAN, BY REPEALING SECTION 6.01.00, ENTITLED "WETLANDS PROTECTION", AND CREATING NEW SECTION 6.01.00, ENTITLED "PROTECTION OF WETLANDS AND WATER BODIES"; REPEALING SECTION 6.02.00, ENTITLED "SHORELINE PROTECTION", AND CREATING NEW SECTION 6.02.00, TO BE ENTITLED "WELLFIELD PROTECTION"; REPEALING SECTION 6.03.00, ENTITLED "WELLFIELD PROTECTION", AND CREATING NEW SECTION 6.03.00, TO BE ENTITLED "DETERMINATION AND PROTECTION OF NATURAL UPLAND COMMUNITIES, HABITAT OF DESIGNATED SPECIES, AND WILDLIFE CORRIDORS"; AND REPEALING SECTION 6.04.00, ENTITLED "NATURAL UPLAND VEGETATIVE COMMUNITIES, HABITAT OF DESIGNATED SPECIES"; AMENDING LAKE COUNTY CODE APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER XIV, ENTITLED "ADMINISTRATION", SECTION 14.00.08, ENTITLED "DEDICATION OF REAL PROPERTY AND RIGHT-OF-WAY", TO INCLUDE EASEMENTS AMONG THE DEDICATION OF REAL PROPERTY AND RIGHT-OF-WAY REQUIRING SPECIFIC LEGAL CRITERIA TO BE MET PRIOR TO DEDICATION; AMENDING SECTION 14.15.00 ENTITLED "VARIANCES AND APPEALS", TO PROVIDE FOR VARIANCES TO THE SETBACK FROM THE ORDINARY HIGH WATER LINE, MEAN HIGH WATER LINE, OR JURISDICTIONAL WETLAND LINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, Chapter VI, entitled "Resource Protection Standards", is scheduled on the second year Agenda for the Land Development Regulations Work Program; and

WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on October 2, 2013; and

WHEREAS, the Lake County Board of County Commissioners desires to amend Chapter II, LDRs, entitled "Definitions", to repeal and/or replace Sections 6.01.00, 6.02.00, 6.03.00, and 6.04.00, of Chapter VI, LDRs, entitled "Resource Protection Standards", and to amend Chapter XIV, LDRs, Section 14.00.08, entitled "Dedication of Real Property and Right-of-Way" and to create Section 14.15.04, entitled "Variances to setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line" in order to create and update provisions of the LDRs pertaining to resource protection in accordance with the Lake County Comprehensive Plan.

WHEREAS, on the 19th day of November, 2013, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners; and

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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled "Definitions" shall be amended to amend the definition of "Designated Species", delete the definition of "FNAI (S2) Ranked Natural Communities", and to create definitions for the following terms:

Designated Species. Species that have been designated at the Federal or State level as ~~The~~ endangered, ~~or~~ threatened, or species of special concern. ~~listed in F.S. Ch. 581, §§ 581.185 through 581.187, for flora, Chapter 39, Sections 39-27.003 through 39-27.005, Florida Administrative Code, for fauna, and 50 CFR 17.11-12 for both flora and fauna.~~

* * *

~~**FNAI (S2) Ranked Natural Communities.** Natural communities occurring within Lake County, which have been ranked by FNAI as imperiled with extinction (S2). These natural communities include the following upland communities: scrub; xeric hammock; sinkhole.~~

* * *

Geotextile Container. A bag or tube, made of blanket-like synthetic fibers manufactured in a woven or loose nonwoven manner, used as an agent to hold together a large mass of sand forming a rigid tubular structure.

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Isolated Wetlands. Cypress domes or shallow marshes where no naturally occurring outfall exists.

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Riprap. A sloping retaining or stabilizing structure made to reduce the force of waves and to protect the shore from erosion, consisting of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

* * *

Seawall. A man-made vertical wall or encroachment, except riprap, which is made to break the force of waves and to protect the shore from erosion.

* * *

Upland Communities. Those non-wetland, non-aquatic areas not subject to regular flooding. These include scrub, sandhill, xeric hammock, upland pine forest, mesic hammock, slope forest, mesic flatwoods and scrubby flatwoods.

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Vegetated Open-cell Block. A blend of man-made open-cell manufactured block and natural vegetation to protect shorelines and reduce erosion.

* * *

Wildlife Corridor. Natural areas that link larger core reserves that facilitate daily or seasonal wildlife movement, allow dispersal that might facilitate gene flow between populations, buffer small populations, or re-colonize vacant areas and allow range shifts in response to catastrophic events or long-term environmental change.

* * *

Section 3. Repeal and Replace. Amend Lake County Code, Appendix E, Land Development Regulations, Chapter VI, entitled "Resource Protection Standards", to repeal Section 6.01.00, entitled "Wetlands Protection"; Section 6.02.00, entitled "Shoreline Protection"; Section 6.03.00, entitled "Wellfield Protection"; Section 6.04.00, entitled "Natural Upland Vegetative Communities, Habitat of Designated Species"; and replace as follows:

CHAPTER VI RESOURCE PROTECTION STANDARDS

6.00.00 General Provisions.

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

6.01.00 Protection of Wetlands and Waterbodies.

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

6.01.02 Wetland Impacts and Mitigation. The County shall reserve the right to require the protection of wetlands on site and may deny a development proposal that does not meet the standards of Section 6.01.03. If wetland mitigation is allowed, compliance with all federal and state regulations is required. If wetlands are impacted, mitigation shall be performed within the same drainage basin where the loss occurred in order to ensure no net loss of wetland functionality. Solutions that preserve or restore the natural structure and connectivity of wetlands and minimize adverse impacts to wetlands are preferred.

6.01.03 Development in Wetlands and Waterbodies. Development shall be directed away from the wetlands and conducted in a manner to protect the vegetation, habitat and the water storage, water quantity, water quality, and recharge functions of the wetlands to the maximum extent allowed by law.

A. Methodology for determining wetland boundaries. All wetland boundaries shall be delineated under the provisions of Chapter 62-340, Florida Administrative Code, as ratified by the Florida Legislature in sections 373.421 and 373.4211, Florida Statute. All wetland boundaries, surveys, and delineations are subject to verification and approval by Lake County staff, State or Federal agencies with jurisdiction.

B. Development allowed in wetlands and water bodies.
   1. Water dependent structures, such as, but not limited to the following, shall be allowed within wetlands:
      a. Boat docks;
      b. Boat ramps/launches;
      c. Pile supported walkways;
      d. Soil erosion control measures; and
      e. Seawalls, as allowed in 6.01.06.

      All portions of the structure that will be immersed in or touch wetlands and/or surface waters shall be constructed from materials that will not degrade water quality of the wetland and/or surface water, such as, but not limited to non-treated wood and concrete.
   2. County, State, and Federally approved reclamation or restoration projects located on environmentally sensitive lands shall be allowed.

C. Filling or dredging of wetlands and water bodies.
   1. An approval through the St. Johns River Water Management District, Southwest Florida Water Management District, the U.S. Army Corps of Engineers, or the Florida Department of Environmental Protection is required to place fill in a wetland. When the fill or dredge project is completed and approved by the appropriate state agency, the land that was filled shall be considered uplands.

2. Outside the Green Swamp Area of Critical State Concern, Wekiva River Protection Area, Wekiva River Study Area, and Rural Protection Area, there shall be no dredge or fill activities in wetlands except as listed below. In those instances where dredge or fill activities are authorized, the applicant shall demonstrate that there is no other reasonable, practical, or economical alternative, and that the applicant can adequately mitigate for the dredge or fill activity.
   a. Water dependent activities;
   b. As needed for access to the upland portion of a site;
   c. As needed for internal traffic circulation and for purposes of public safety, where other alternatives do not exist;
   d. Utility transmission and collection lines;
   e. Pretreated storm water management if approved by the jurisdictional agency;
   f. Mining that meets local, state and federal regulations;
   g. Low quality wetlands on a parcel(s) proposed for development where:
      (1) Eighty percent (80%) or more of the wetland area to be impacted contains invasive plant species; and
      (2) Impacts do not exceed twenty-five percent (25%) of the combined low quality wetland; and
      (3) All jurisdictional agency permits are obtained prior to commencement of development.
   h. Isolated wetlands on a parcel(s) proposed for development where:
      (1) a parcel(s) proposed for development consists of at least 70% uplands; and
      (2) The entire upland area must be planned and approved for development before dredge or fill activities in isolated wetlands can take place. If the approved development is to be completed in phases, the entire upland area of the currently proposed phase must be planned and approved for development before any wetland areas within that phase or in any future phase may be impacted; and
      (3) Impacts shall not exceed twenty-five percent (25%) of the combined isolated wetland area; and
      (4) All jurisdictional agency permits are obtained prior to commencement of development.
   i. Permitted man-made wetlands or man-made surface waters that:
      (1) Were created within the last 15 years; and where
      (2) All jurisdictional agency permits are obtained prior to commencement of development.
3. Within the Green Swamp Area of Critical State Concern, Wekiva River Protection Area, Wekiva Study Area, and Rural Protection Areas, there shall be no dredge or fill activities in wetlands except as listed below. In those instances where dredge or fill activities are authorized, the applicant must demonstrate that there is no other reasonable, practical or economical alternative, the applicant can adequately mitigate for the dredge or fill activity, and without the dredge or fill activity the property owner will be deprived of reasonable use of the property.
   a. Water dependent activities, which includes uses and structures such as docks, platforms, and pile-supported walkways or similar structures;
   b. As needed for access to the site;
   c. As needed for internal traffic circulation and for purposes of public safety, where other alternatives do not exist;
   d. Utility transmission and collection lines;
   e. Pretreated storm water management if approved by the jurisdictional agency; or
   f. Mining that meets local, state and federal regulations.

D. Surface and groundwater withdrawal impacts on wetlands. The County shall coordinate with the water management districts to limit groundwater and surface water withdrawals which may cause adverse impacts upon natural water bodies, wetlands, and wetland-dependent ecosystems.

6.01.04 Development near Wetlands and Waterbodies. If any wetlands are present on a property proposed for development, the County shall require that a wetland survey and delineation be conducted, in accordance with 6.01.03.A, above.

A. Setbacks.

1. Principal structures, structures, buildings, and impervious surface, excluding water dependent structures, shall be located at least (50) feet from the ordinary high water line, mean high water line, or jurisdictional wetland line, whichever is further landward. Exceptions to this requirement are listed below:
   a. Additions to a residence may be allowed, if the addition:
      (1) Does not extend beyond the existing permitted footprint of the residence; or
      (2) Meets the required 50-foot setback from the ordinary high water line, mean high water line, or jurisdictional wetland line.
   b. Development approved prior to September 22, 2011 with a wetland setback of less than 50 feet shall be allowed to maintain the approved setback and shall not be considered nonconforming; this includes approved variances, waivers, average setbacks and plats.
   c. Upland lots with a developable area of either less than 30 feet in width or less than 30 feet in depth, as measured landward from the jurisdictional wetland line provided:
      (1) The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and
      (2) The maximum developable area shall be limited to 30 feet in width or depth; and
      (3) In no case shall the jurisdictional wetland line setback be less than 20 feet; and
      (4) The first one inch (1") of storm water runoff shall be captured on site; and
      (5) Development must be constructed as far landward on the lot as possible.
   d. Average setback determination on lots that front on a canal. On lots that cannot meet the 50 foot setback requirement and front on a canal an average setback meeting the following requirements shall be allowed:
      (1) The two closest principal structures or dwelling units on the same side of the canal shall be used for the average setback determination.
      (2) The applicant shall provide written permission from each owner of the structure or dwelling unit to allow the measurement at the site.
   e. A variance to the setback requirements listed above, as provided in Chapter 14.
2. Septic tank drain field systems. Septic tank drain fields shall be set back 100 feet from the mean high water line or the jurisdictional wetland line, whichever is further landward. Administrative adjustments may be granted as follows:
   a. Development on lots legally created on or before March 2, 1993, and all Lots of Record that cannot meet the 100-foot setback from the mean high water lines of lakes and wetlands, or the jurisdictional wetland line for placement of the drain field, if the lot would otherwise be deemed unbuildable;
   b. Such adjustment may be granted to allow the placement of the septic tank drain field as far landward as possible, to have the least impact on surface waters and wetlands;
   c. All setbacks shall be consistent with state law; and

d. Any on-site wastewater system approved with an administrative adjustment shall be an advanced treatment systems or alternative system designed to remove nutrients from the effluent.

B. Buffers around wetlands on new development sites for non-agriculture uses. To minimize erosion, stabilize the shoreline, protect water quality, preserve fish and wildlife habitat, and also to preserve the aesthetic values of the natural watercourse and wetlands areas, an upland buffer shall be required on new development sites for non-agricultural uses as provided below.

Native vegetation within buffers shall be preserved. Buffers without native vegetation shall be re-vegetated with indigenous habitat to protect the quality of the adjacent isolated wetland, wetland system, river or stream.

1. Standard Buffers. A 50 foot wide natural buffer shall be provided adjacent to all isolated or non-isolated wetlands, and rivers/streams; all buffers shall be shown on plats, site plans, and construction plans associated with plats and site plans, and identified as an upland buffer.
2. Variable Buffers, outside of the Green Swamp Area of Critical State Concern. Where more extensive buffering is necessary to protect higher quality wetlands, or where the required buffer makes a lot unbuildable, the County may allow a variable upland buffer, as provided below:

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

3. Variable buffers within the Green Swamp Area of Critical State Concern. For properties located within the Green Swamp Area of Critical State Concern, variable buffers may be allowed as follows:

Wetland System	Minimum (feet)	Average (feet)
Isolated	25	75
Non-isolated	25	75
Rivers/Streams	50	100

4. Existing development. Developments approved prior to September 22, 2011 with an upland buffer of less than 50 feet shall be allowed to maintain the buffer width as approved in the prescribed ordinance or development order and shall not be considered nonconforming; this includes any type of approved variance or waiver.
5. Location. Buffers shall start landward from the mean high water line or jurisdictional wetland line, whichever is further landward.
6. Uses allowed within buffers shall be limited to:
   a. Passive recreation activities;
   b. Limited storm water facilities;
   c. Water dependent structures, such as, but not limited to, fishing piers, boat ramps/launch, docks, and walkways;
   d. Activities that protect nesting, feeding, or habitat areas for designated species, or support the propagation of other native species;

e. Activities that protect an archaeological or historical site;
f. Activities that retard or eliminate soil erosion problems;
g. Activities that are designed to manage exotic/nuisance vegetation in accordance with a County approved management plan; and
h. Wildlife monitoring stations.

C. Conservation Easements. To the extent practicable and allowed by law and pursuant to Chapter XIV (Dedication of Real Property, Right-of-Way, and Easements), wetlands within a project shall remain undeveloped and protected in perpetuity through the use of conservation easement, or similar recorded and legally binding instrument (including plat restrictions), that runs with the land and establishes the conditions and restrictions on the use. If an easement is dedicated, it shall be dedicated to one or a combination of the following, prior to development:

- Conservation agency such as Florida Department of Environmental Protection or St. Johns River Water Management District;
- Non-profit conservation organization or land trust; or
- Lake County, subject to County approval.

The easement or similar instrument shall require that wetlands and upland buffers be maintained in perpetuity in their natural and unaltered state, except for activities and uses allowed therein and removal of invasive vegetation or other actions required as a condition of the permitting agencies. To the extent practicable, wetlands shall not be included as part of any platted lot, other than a lot platted as a common area, which shall be dedicated for preservation or passive recreational use, to the extent allowed by law. This provision shall not be interpreted in a manner that would prevent or impair direct water access from properties having riparian rights.

6.01.05 Removal of Shoreline Vegetation.

A. Removal of shoreline vegetation shall comply with State regulations, Chapters 68F-20 and 18-20, Florida Administrative Code, or their successors.
B. In addition, the following requirements shall apply to all lakeshores and water bodies greater than ten (10) acres in size and to all rivers, streams, and springs:
1. Clearing of native shoreline vegetation above the mean high water line (MHWL) shall be limited to 20% or 30 feet of the total linear shoreline (whichever is less). The remainder of the shoreline must remain vegetated. No wetland trees greater than four inches (4") in caliper (dimension at breast height) or any endangered plants may be removed from the shoreline, however, limited tree removal and relocation of endangered plants may be permitted for dock and access walkway construction, when no other option exists.
2. Clearance of nuisance or invasive plants along shorelines outside the exempt area (described above) is required for all new development and redevelopment. Such clearing shall be subject to state permitting criteria.
3. All use of herbicides is subject to Chapter 68F-20, F.A.C., or its successors.
4. It is permissible to have an access corridor for swimming and boating within the littoral zone up to 30 feet in width. This corridor can be kept free of aquatic vegetation below the MHWL if done by hand.
5. The placement of sand along shorelines to create beaches is prohibited unless such sand is contained so that it cannot enter into the water body and is not placed in an adjacent wetland.

C. Water bodies less than 10 acres in size shall be subject to these regulations if hydrologically connected to Outstanding Florida Waters, navigable water bodies, or other special waters.

6.01.06 Seawalls. New seawalls shall be allowed along the shoreline of canals, but avoided along springs, lakes, rivers, and streams except where no reasonable alternative exists for the protection of shorelines. Planting of shoreline and aquatic vegetation is the preferred method of protecting shorelines from erosion.

A. Should shoreline hardening be required to protect property from erosion by adjacent waters, the following methods should be used:
   1. Riprap;
   2. Vegetated open-cell block;
   3. Geo-textile container; or
   4. Similar, non-vertical systems.

B. Erosion from upland runoff shall be controlled by shoreline vegetation or berm and swale systems.

6.02.00 Wellfield Protection. Wellfield protection is regulated by the Florida Department of Environmental Protection, the St. Johns River Water Management District, Southwest Water Management District, and/or the Florida Department of Health in Lake County, as applicable.

6.03.00 Determination and Protection of Natural Upland Communities, Habitat of Designated Species, and Wildlife Corridors.

6.03.01 Purpose and intent. The purpose of this Section is to protect the following natural resources in Lake County from potential negative impacts associated with Land Development, as shown below. It is the intent of this Section to provide standards necessary to protect designated species and associated habitats, and Natural Upland Communities within the County that are rare or endangered due to development impacts. It is also the intent of this Section to provide standards for land to be set aside for the protection of designated species habitat, and rare and endangered Natural Upland Communities. The following natural resources shall be protected:

A. Designated species that occur in Lake County;

B. Natural Upland Communities in which designated species are found, including sufficient habitat for feeding, nesting, roosting, resting, traveling and migration so as to maintain viable populations of designated species; and

C. Natural Upland Communities, to include the following and associated wildlife:

Natural Upland Community	**Florida Land Use & Cover Classification System (FLUCCS) Designation**
Palmetto Prairie	321
Pine Flatwoods	411
Longleaf Pine/Xeric Oak	412
Sand Pine Scrub	413
Pine, Oak and Hickory	423
Temperate Hardwoods	425
Xeric Hammock	427

6.03.02 Determination of Natural Upland Communities, Habitat of Designated Species, and Wildlife Corridors. An inventory or survey shall be provided for all development proposals prior to any clearing or grubbing of the development site at the required time of submittal pursuant to Chapter XIV of these regulations, unless otherwise exempted.

6.03.03 Standards for Sites Containing Natural Upland Communities.

A. Exemptions. The following activities are exempt from these minimum standards:

1. Road construction projects of the Board of County Commissioners that meet an overriding public interest and for which no suitable alternative route exists.
2. Agriculture and silviculture practices. Agriculture and silviculture practices as defined in Chapter II, so long as such activities are in accordance with best management practices, and consistent with all federal and state laws pertaining to designated species.

B. Minimum Preservation Requirements.

1. A minimum of fifty (50) percent of each natural upland community occurring on the site shall be preserved as open space, unless the County Manager or designee approves mitigation.
2. Additional natural upland community areas preserved beyond the fifty (50) percent minimum shall be encouraged.
3. To the greatest extent practical, preserved open space shall be adjacent to other areas of preserved open space to provide larger blocks and/or corridors.

C. Management Plan Required. Preserved upland community sites containing 50 or more acres shall be required to submit a management plan that will be subject to review and approval by the County Manager or designee and shall contain the following:

1. An aerial map at a scale of one (1) inch equals two hundred (200) feet when available, and one (1) inch equals four hundred (400) feet otherwise, showing:
   a. The habitat classification according to Florida Land Use Covers and Classification System (FLUCCS) or FNAI;
   b. An overall description of the community showing the general vegetation structure and composition, landscape position, soils, and hydrology; and
   c. The areas to be preserved, including the habitat.
2. Recommended management activities to be undertaken to ensure the preservation of the area in its natural state and viability of the species in the area.
3. A plan that specifies implementation activities, schedules and assignment of responsibilities.

D. Mitigation. The property owner may mitigate by contributing funds in lieu of protecting Natural Upland Communities on-site so long as it is determined that such contribution will result in "no net loss" of habitat. The funds shall be allocated toward a County or regional designated species mitigation site, administered by the County, USFWS or FFWCC. Assessments shall be based upon the acreage of occupied habitat impacted that would otherwise be required to be preserved under this section.

6.03.04 Requirements Where Site Contains Designated Species, and/or Wildlife Corridor for Such Species. Sites containing designated species and/or wildlife corridors for such species are regulated by the Florida Fish and Wildlife Conservation Commission and/or the United States Fish and Wildlife Service.

6.04.00. Reserved.

Section 4. Amendment. Chapter XIV, Lake County Code, Appendix E, Land Development Regulations, entitled "Administration" shall be amended to read as follows (renumbering or relettering will be completed, as needed):

14.00.00 Generally.

* * *

14.00.08 Dedication of Real Property, ~~and~~ Right-of-Way, or Easement. Before an applicant is required to dedicate any real property, ~~or~~ right-of-way, or easement as a condition of issuing a development order, the following criteria Shall be satisfied:

A. An individual determination by the County Manager or designee must be made that there is a nexus or connection between the need for additional real property or right-of-way and the proposed development. Legitimate considerations include but are not limited to the amount of real property or right-of-way needed to provide utilities, adequate maintenance of the roadway, drainage for that roadway and to generally provide for a safe and obstruction-free thoroughfare; and

B. An individual determination must be made by the County Manager or designee that the amount of real property or right-of-way required is roughly proportional to the impacts of the proposed development. The County Manager or designee Shall consider the nature of the development and the extent of real property or right-of-way necessary as a result of the impact of the development. In determining the extent of the right-of-way needed, the legitimate considerations set forth in Subsection A. above Shall be considered.

* * *

14.15.04 Variance to the setback requirement from an ordinary high water line, mean high water line, or jurisdictional wetland line. A variance to the setback requirements from an ordinary high water line, mean high water line, or jurisdictional wetland line may be granted if:

A. The lot is a developable Lot of Record, or the lot was legally created through a development order prior to March 2, 1993; and

B. All other remedies have been exhausted, such as a variance to all other setback requirements; and

C. The maximum developable area shall be limited to 30 feet in width or depth; and

D. The first one inch (1") of storm water runoff shall be captured on site; and

E. Development is constructed as far landward on the lot as possible.

14.15.05~~4~~ Application and Public Hearing.

The applicant Shall file with the County an application specifying the Land Development Regulation(s) from which a variance is requested, the type of action requested, the specific facts that would justify a variance, and the reason why the variance would serve the purposes of the

underlying Land Development Regulation. Upon determination that the application is complete, the Board of Adjustment Shall conduct a public hearing to consider the variance application. The Board Shall consider the staff report and evidence presented at the hearing to make its decision. The Board of Adjustment may make the granting of a variance conditional upon such alternate or additional restrictions, stipulations, and safeguards as it may deem necessary to insure compliance with the intent of the Land Development Regulations and the Comprehensive Plan and to minimize any injurious effect of the variance. Violation of such conditions and safeguards when made a part of the terms under which a variance is granted Shall be deemed a violation of these Land Development Regulations.

14.15.06~~5~~ Appeals.

A. Purpose. The purpose of this Section is to provide for procedures and processes to allow appeals in cases where persons disagree with the decision or interpretation of the County with respect to the administration of the Land Development Regulations.

B. Filing Requirements. Any person who disagrees with a decision or interpretation of the County Manager or designee or alleges there is an error in any requirement, decision or determination made by the Floodplain Administrator in the administration and enforcement of the floodplain regulations may appeal to the Board of Adjustment by filing a written notice of appeal within thirty (30) calendar days after the date of the action or decision complained of. The written notice of appeal Shall set forth concisely the action or decision appealed as well as the grounds upon which the appeal is based. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided by law.

C. Stop Work Order. In order to preserve the status quo while the parties' rights are being determined, the County Manager or designee Shall have the authority to issue a stop work order if the appealed action or decision permits construction to commence or continue.

D. Hearing. The appeal Shall be set for hearing at the next regularly scheduled Board of Adjustment Meeting for which adequate notice can be provided. The Board of Adjustment Shall hear and consider all facts material to the appeal and render a decision. The Board of Adjustment may affirm, reverse or modify the action or decision appealed from, provided that the Board of Adjustment Shall not take any action which conflicts with or nullifies any of the provisions of the Land Development Regulations or the Comprehensive Plan.

E. Order on Appeal. After the hearing, the Board of Adjustment Shall consider all of the evidence offered and Shall render a verbal decision based upon such evidence. The verbal decision of the Board of Adjustment Shall be reduced to writing. The decision of the Board of Adjustment Shall constitute final administrative review.

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Section 5. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

Section 6. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 8. Effective. This Ordinance shall become effective upon filing with the Secretary of the State.

Enacted this _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

ATTEST:

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

_____
Leslie Campione, Chairman

Approved as to form and legality:

_____
Sanford A. Minkoff
County Attorney