

**CITY OF EUSTIS, FLORIDA  
COMPREHENSIVE PLANNING PROGRAM**

**CONSERVATION ELEMENT**

**PART II. GOALS, OBJECTIVES, AND POLICIES**

Prepared for:

The City of Eustis  
City Commission  
and  
Local Planning Agency

By:

The East Central Florida Regional Planning Council  
Winter Park, Florida

Adopted: August 15, 1991

Amended: August 19, 1993  
Pursuant to Stipulated Settlement Agreement

Amended: December 16, 1999

Preparation of this document was aided through financial assistance received from the State of Florida under the Local Government Comprehensive Planning Assistance Program authorized by Chapter 87-98, Laws of Florida and administered by the Florida Department of Community Affairs.

## TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
INTRODUCTION	1
GOALS, OBJECTIVES, AND POLICIES	1

# CONSERVATION ELEMENT

## PART II. GOALS AND RECOMMENDATIONS

### INTRODUCTION

Part I of this element, "Inventory and Analysis," is contained in Volume 2 of this Comprehensive Plan report series and includes a detailed review of existing characteristics and issues related to natural resources in the Eustis Planning Area. These include surface water resources, vegetation, and wildlife, among others. Goals, objectives, and policies governing their use and protection are set forth in this Part II report as a basis for planning and permitting future development and improving conditions in developed areas.

It should be noted that the data and analyses contained in Part I of this element are inclusive of the entire Eustis Planning Area, including municipal and unincorporated areas, established by interlocal agreement with Lake County in 1987. Inasmuch as Lake County has legal and political jurisdiction over unincorporated areas, however, responsibilities for implementing the goals, objectives, and policies set forth below by the City of Eustis can extend only to the limit of its municipal jurisdiction, except as provided by joint agreements presently in effect or subsequently adopted. Goals, objectives, and policies contained in this element of the Comprehensive Plan for the City of Eustis are advisory only for areas outside the corporate limits of the city. They are not binding to Lake County, except as may be provided by interlocal agreements presently in effect or subsequently adopted.

### GOALS, OBJECTIVES, AND POLICIES

The City of Eustis seeks to properly and adequately protect and conserve its natural resources from undue encroachment by urban development. This is particularly true for local lakes, wetlands, and wildlife habitat areas which are significant visual attributes of the area and/or which have important ecological value. Consistent with the Recreation and Open Space Element, Eustis seeks to be known as an open space community, in which natural resources have important functions as urban design and public use features. Protection of important natural assets and resources in the community through both public and private means are encouraged.

Several objectives and policies set forth below are to be partially implemented through the Land Development Regulations, the revision of which is currently underway and expected to be completed in early 2000.

**GOAL 1:** (AIR AND WATER RESOURCES) Promote the attainment and preservation of clean air and water in the Eustis Planning Area.

**OBJECTIVE 1.1:** (AIR QUALITY) On an ongoing basis, assist federal, state, and county efforts to improve and maintain regional and local air quality within prescribed standards and compliance schedules.

**Measurable Target A:** The continued designation of Lake County as an attainment area for air quality.

**Policy 1.1.1:** Consistent with the policies and time frames set forth in the Traffic Circulation Element, implement programs to promote and provide for forms of transportation other than the automobile.

**Policy 1.1.2:** Maintain provisions in the Land Development Regulations that provide for the protection and replanting of trees as natural air pollution filters in the community.

**OBJECTIVE 1.2:** (WATER QUALITY) On an ongoing basis, assist federal, state, regional, and county efforts to improve water quality within prescribed standards and compliance schedules.

**Measurable Target B:** Each development project approved by the city shall meet the retention/detention, rate of discharge, and volume of discharge levels of service adopted by the city.

**Measurable Target C:** Expenditures for stormwater retrofit projects funded by the stormwater utility and other sources.

**Measurable Target D:** Water quality readings from Lake Eustis, if available.

**Measurable Target E:** Water quality readings from Lake Yale, if available.

**Policy 1.2.1:** (Water Quality) The land development review procedures in the Land Development Regulations shall continue to mandate that applicants first meet all applicable permit requirements relating to water quality, including those of the St. Johns River Water Management District and Florida Department of Environmental Protection.

**Policy 1.2.2:** (Water Quality) By year-end 2001, adopt local regulations relating to the storage and disposal of hazardous materials consistent with applicable federal, state, and county regulations and procedures. These regulations will apply, at a minimum, to the

following:

- locations and frequencies of land uses which require underground or above ground storage of hazardous materials, in relation to surface waters, designated wellhead protection areas, and aquifer recharge areas
- leak containment, contingency plans, and inspection and disposal procedures not otherwise required by higher regulatory authorities

**Policy 1.2.3:**

On a continuing basis, participate in discussions with Lake County, the Lake County Water Authority, and the St. Johns River Water Management District leading to the design and implementation of a program to monitor water quality in key lakes in the planning area and the establishment of joint stormwater runoff management and waste disposal guidelines and improvement programs.

**Policy 1.2.4:**

By year-end 2000, participate in discussions with the Lake County Water Authority, the St. Johns River Water Management District, and/or the Florida Department of Environmental Protection leading to design and implementation of programs to control growth of exotic aquatic weeds in local lakes and waterways.

**OBJECTIVE 1.3:**

(STORMWATER MANAGEMENT) On a continuing basis, take actions to improve local surface water quality through implementation of Best Management Practices and regulations to minimize potential nonpoint pollution sources in accordance with the policies below.

**Measurable Target F:** Each development project approved by the city shall meet the retention/detention, rate of discharge, and volume of discharge levels of service adopted by the city.

**Measurable Target G:** Expenditures for stormwater retrofit projects funded through the stormwater utility and other sources.

**Policy 1.3.1:**

On a continuing basis, the city shall participate in discussions with Lake County, the Lake County Water Authority, the St. Johns River Water Management District, the Florida Department of Transportation, and others leading to a program which (1) establishes reasonable and effective standards and procedures which can be applied to

existing developed areas as a basis for individual or joint improvement programs designed to correct deficiencies and (2) delineates intergovernmental solutions to drainage problems in these areas. Such a program will also address or include:

- determination of those basins, subbasins, and waterbodies in the Eustis area to be included
- improvement of existing drainage in unincorporated sections of the planning area
- establishment of a system to monitor the quality of discharges into receiving waters using certain pollution indicators

**Policy 1.3.2:**

Based on facts and needs determined using the process outlined in Policy 1.3.1 above, the city will participate, on an ongoing basis, in the correction of existing drainage deficiencies, including remediation of surface water pollution from urban runoff, consistent with the requirements of Rule 62-40.420, FAC through the following actions:

- establishment of Best Management Practices (BMPs) applicable to existing areas of development
- improvement of facilities as recommended in the 1990 Stormwater Facilities Study
- implementation of projects recommended in the 1996 SR 19 Stormwater Management Feasibility Study

**Policy 1.3.3:**

On an ongoing basis, implement Best Management Practices (BMPs) to improve surface water quality through the Land Development Regulations and through public improvements as scheduled in the annually updated five-year Capital Improvements Program commensurate with the availability of funds through the stormwater utility, grants from other levels of government, and other sources. Such BMPs, based on recommendations contained in the 1990 Stormwater Facilities Study, shall include, where appropriate:

- reverse berms in areas where existing drainage facilities outlet directly into

lakes

- dry retention/detention basins for soils with good percolation
- wet retention/detention basins for soils with high water table characteristics and poor percolation
- construction of roadway swales
- exfiltration trenches
- use of wetland systems
- use of grass inlets
- multi-component sedimentation/filtration retention/detention ponds

**Policy 1.3.4:**

On a continuing basis, implement a phased multi-year program of improvements needed to mitigate existing runoff impacts and remedy existing deficiencies as outlined in the SR 19 Stormwater Feasibility Study and any future stormwater studies, commensurate with available local, state, and federal funding. The city will aggressively seek outside support in the form of grants from the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Lake County Water Authority for the implementation of this program.

**Policy 1.3.5:**

The city herein adopts level of service (LOS) standards principally applicable to new development, based on results and recommendations of the 1990 Stormwater Facilities Study as follows:

- Rate of Discharge. The post-development peak rate of discharge shall not exceed predevelopment conditions based on a 50-year, 24-hour storm for areas having positive drainage outfall, and a 100-year, 24-hour storm for areas which do not have positive drainage outfall.
- Volume of Discharge. The post-development volume of discharge shall not exceed predevelopment conditions based on a 100-year, 24-hour storm for certain drainage basins identified in the 1990 Stormwater Facilities Study. Volumes of discharge for other basins may meet lesser requirements to be

determined.

- Retention/Detention. Minimum on-site retention/detention for pollution abatement purposes shall be as determined by the St. Johns River Water Management District (SJRWMD) per Rule 40C-42, FAC and by the Lake County Subdivision Regulations in unincorporated sections of the planning area.

**Policy 1.3.6:**

The city herein adopts the requirements of Rule 62-25, FAC for water quality standards for stormwater discharge for all new and existing stormwater management systems. As part of this adoption by reference, the city includes the following clarifications and exceptions:

- The city does not mandate that existing facilities must be retrofitted to meet these standards. Such retrofitting will be accomplished through the funding constraints of the city's stormwater utility and other revenue sources.
- Stormwater management systems which satisfy the appropriate state or regional regulatory design and performance criteria are deemed to satisfy the stormwater discharge water quality standards.
- Stormwater management systems that comply with adequate locally or regionally established level of service standards shall also be deemed to satisfy the stormwater discharge water quality standards.
- The City of Eustis may, at its discretion, allow exemptions to the stormwater management water quality standards to the extent that such appear in state or regional stormwater management water quality laws or regulations.

This policy does not mandate that the city conduct water quality sampling or testing of stormwater discharge receiving waters to implement the standards of the policy.

**OBJECTIVE 1.4:**

(LAKESHORE DEVELOPMENT) Continue to limit development in lake shoreline areas in order to protect water quality.

**Measurable Target H:** Number of new lots approved for development in lake shoreline areas.

**Policy 1.4.1:**

The Land Development Regulations shall continue to limit development in areas of steep slope and near lake shorelines, as follows:

- Development will be limited to not more than one dwelling unit per acre in areas having slopes greater than 15 percent and not more than 1.5 dwelling units per acre where slopes are between 10 and 15 percent. This includes existing contiguous lots in the same ownership, the combination of which will meet these maximum densities.
- Impervious surfaces will be limited to 20 percent of the lot area where slopes exceed 10 percent.
- Erosion control plans will be required for all subdivisions and building sites in areas exceeding 10 percent slope or within 400 feet from lake shorelines, including provisions for retaining trees and other natural vegetative cover. Ground disturbing activities will be minimized in all cases.
- Construction and land clearance setbacks from mean high water lines of lakes shall be in accordance with Lake County's shoreline ordinance, if such has been adopted. At a minimum, a ten-foot buffer area of undisturbed native uplands vegetation will be provided. No net loss of 100-year flood storage area or wetlands function will be permitted.
- On-site waste disposal methods may be permitted in these areas provided that soil conditions are acceptable (see Policy 2.2.2 of this element), no practical connection to a public system can be made, and disposal facilities are placed not closer to the mean high water line of a lake than 100 feet.
- Subdivisions having more than 10 lots will be required to install dry lines for future connection to a public sewer system where such connection is scheduled or can be made realistically within five years from preliminary plat approval.

- Existing on-site waste disposal facilities within 400 feet of lake shorelines will be subject to periodic inspection and cleanout, the frequency of which will be based on the density of development, proximity to shorelines, and slope of land.

**Policy 1.4.2:**

By year-end 2003, the city will initiate a phased program to provide public sewer service to developed and developing areas within 400 feet of lake shorelines and in areas having greater than 10 percent slopes, where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the city will mandate connection to the public sewer system.

**OBJECTIVE 1.5:**

(GROUNDWATER PROTECTION) Continue to protect the integrity of groundwater resources in the community through the implementation of design (performance and technical) standards and operating standards including Best Management Practices (BMPs) regarding water consumption and location of development in relation to high recharge areas and designated wellhead protection areas.

Regulations affecting high recharge areas will not take effect until such areas are identified as provided for in Policy 2.1.1 of this element and duly recognized by the City of Eustis as environmentally sensitive resource areas.

**Measurable Target I:** Number of variances granted each year from the impervious surface area requirements outlined in Policy 1.5.1.

**Policy 1.5.1:**

Continue to regulate development within designated wellhead protection areas of public water supply wellheads and in high recharge areas as follows:

- at a minimum, conform to Rule 62-521, FAC (Wellhead Protection) adopted by the Florida Department of Environmental Protection regarding types of restrictions within designated wellhead protection areas
- limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover

factors may be increased for infill locations in already developed areas of the same or greater intensity

- on-site waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program

High recharge areas to which this policy will apply shall be determined and mapped in accordance with Policy 4.2.5 of the Future Land Use Element and Policy 2.1.1 of this element where such determinations shall be reviewed with local jurisdictions as a basis for interlocal cooperation and agreements regarding regulation of development of environmentally sensitive lands.

Designated wellhead protection areas are those set forth in the “Wellhead Protection Area Delineation” report prepared by the St. Johns River Water Management District and accepted by the City of Eustis.

**Policy 1.5.2:**

By year-end 2003, the city will initiate a phased program to provide public sewer service in high recharge areas, in designated wellhead protection areas, to developed and developing areas within 400 feet of lake shorelines, and in areas having greater than 10 percent slopes, where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the city will mandate connection to the public sewer system.

**OBJECTIVE 1.6:**

(WATER CONSERVATION) Continue to implement water conservation measures to reduce per capita consumption of potable water supplies and depletion of groundwater resources during times of drought, based on the specific policies and timetables set forth below.

**Measurable Target J:** The city shall continue to mandate the installation of low volume plumbing fixtures in new and renovated buildings, consistent with the requirements of the State Water

Conservation Act.

**Measurable Target K:** Each time water consumption restrictions covering the city are instituted by the St. Johns River Water Management District, the city shall enforce these restrictions.

**Policy 1.6.1:** The city's building code shall continue to require the installation of low volume plumbing fixtures in new and renovated buildings, consistent with requirements of the State Water Conservation Act (Chapter 553.14, FS).

**Policy 1.6.2:** On an ongoing basis, implement a leak detection and correction program for the city's water system and schedule needed improvements through the annually updated five-year Capital Improvements Program.

**Policy 1.6.3:** On an ongoing basis, cooperate with the St. Johns River Water Management District in implementing educational and regulatory programs related to water conservation, including enforcement of periodic water consumption restrictions.

**Policy 1.6.4:** Review local water consumption trends no less frequently than biannually and, as needed, adjust the city's water use rate structure accordingly to maintain per capita consumption at or below previous levels.

**Policy 1.6.5:** Following the upgrade of the city wastewater treatment plant to the tertiary treatment level, by year-end 2001, expand programs using recycled non-potable water sources for irrigation of public and private properties, including grey water, collected runoff, and treated effluent.

**GOAL 2:** (LAND, VEGETATION, AND WILDLIFE RESOURCES) Protect and conserve environmentally sensitive resources, including soils, wetlands, woodlands, and other resources which provide habitat for endangered, threatened, and rare species of plants and wildlife and other important ecological functions.

**OBJECTIVE 2.1:** (GENERAL) By year-end 2002, define and delineate sensitive environmental resource areas in the Eustis Planning Area as a basis for regulating land development and other initiatives based on the specific policies set forth below under this objective and Objectives 2.2, 2.3, and 2.4.

**Measurable Target L:** By year-end 2002, maps showing sensitive environmental resource areas within the Eustis Planning Area will be completed.

**Policy 2.1.1:**

(Mapping Environmentally Sensitive Lands) As provided for in the Lake County Conservation Element, Lake County intends to classify, inventory, and map environmentally sensitive resources in the Eustis Planning Area with assistance from the Lake County Water Authority, the St. Johns River Water Management District, and the Fish and Wildlife Conservation Commission, including the following resource types:

- upland, wetland, and aquatic habitats of rare, endangered, and threatened wildlife
- hydric soils
- prime (high) groundwater aquifer recharge areas and designated wellhead protection areas
- floodplains and flood hazard areas
- areas of steep slope (particularly 10 percent or more)

The purpose of this classification, inventory, and mapping procedure is to define and delineate significant resources with greater precision for regulating land development, including such regulation by the city. In the interim, the city's Land Development Regulations will take one or more of the following approaches:

- adopt by reference county regulations and procedures relating to matters not covered by city regulations
- utilize the general information presented in this element; the Future Land Use Element; and the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge Element as a basis for development review
- require applications for development of specified types and sizes to include information on these environmental resources, including assessments of

impacts and plans for avoidance or mitigation

**Policy 2.1.2:**

(Floodplains) Land development shall not be permitted in the 100-year floodplain unless the following criteria are met:

- public wastewater service is provided. Alternatively, on-site waste disposal may be used only where it is permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program.
- gross residential density is less than two (2) units per acre
- public water service is provided
- wetlands and other designated environmentally sensitive resources are not displaced
- impervious surfaces in a development, including road pavement, are limited to 25 percent
- there is no net loss of flood storage capacity

**OBJECTIVE 2.2:**

(SOILS) On an ongoing basis, prevent soil erosion by recognizing soil limitations for development and requiring the utilization of Best Management Practices (BMPs).

**Measurable Target M:** Number of construction projects cited annually by the Code Enforcement Board for not utilizing Best Management Practices for soil conservation.

**Policy 2.2.1:**

(Erosion Prevention) The Land Development Regulations shall continue to contain standards, site plan review procedures, and Best Management Practices to prevent soil erosion and loss during construction on and occupancy of a site, including provisions which address the following:

- density and land coverage in areas having highly erodible soils, particularly in areas having slopes greater than 10 percent. Standards include:
  - maximum density: 1.5 dwelling units per gross developable acre (1.0 units per acre if slope exceeds 15 percent)

- maximum coverage (all impervious surfaces): 20 percent
- minimum undisturbed natural vegetative cover: 25 percent
- time period between site clearance and initiation of construction (15 days maximum)
- standards for tree protection and removal
- time period between completion of construction and replanting, sodding, or seeding the site (30 days maximum)
- submittal of soil removal and erosion prevention plans for all major subdivisions and developments, as defined in the Land Development Regulations, including procedures for removal of vegetation, temporary soil stockpiling, and soil stabilization.

**Policy 2.2.2:**

(Use of Septic Systems) Continue to regulate the use of septic systems for on-site waste disposal as follows:

- On-site subsurface waste disposal methods may be used only where permissible by state and local agencies having jurisdiction under Florida Statute, including the requirements of Rule 64E-6, FAC or where public sewer service is unavailable and is not included in the five-year Capital Improvements Program at the time of application.
- Where public sewer service is planned in the five-year program, stub-outs will be required for all developments having gross residential densities of 1.5 dwelling units per acre or higher and individual lots of 25,000 square feet or smaller.
- The maximum gross density for use of on-site subsurface waste disposal methods in areas with central water service is four dwelling units per acre and 10,000 square feet for individual lots. The maximum gross density for use of on-site subsurface waste disposal methods in areas without central water service is 1.5 dwelling units per acre and 25,000 square feet for individual lots.

- No on-site subsurface waste disposal is permitted in areas having the soil types listed below, except for existing lots-of-record of not less than 25,000 square feet and provided that the on-site disposal method is permissible by state and local agencies having jurisdiction under Florida Statute.
  - Anclote
  - Iberia
  - Oklawaha
  - Pelham
  - Pompano
  - Anclote and Myakka
  - Placid and Myakka
  - Myakka and Placid
  - Brighton
  - Manatee
  - Felda
  - Placid
  - Ocoee
  - Iberia and Manatee
  - Swamp
  - Emeraldalda
  - Fellowship
  - Montverde

**OBJECTIVE 2.3:** (WETLANDS) Continue to preserve the integrity of locally significant wetland communities from urban encroachment and degradation through the Land Development Regulations and Best Management Practices.

**Measurable Target N:** Acreage of wetlands within the city permitted for removal each year by permitting agencies.

**Measurable Target O:** Acreage of wetlands within the city permitted for restoration, enhancement, or creation each year by permitting agencies.

**Policy 2.3.1:** (Wetlands) On a continuing basis, applications for development shall be reviewed for the presence of and impact on wetlands, as defined herein. The criteria and conditions below shall apply to proposed development, as indicated, except where more restrictive standards are required by other regulatory authorities and except that nothing herein shall be construed as precluding applications for permits for allowable activities in wetlands from the St. Johns River Water Management District, the Florida Department of Environmental Protection, and/or the U.S. Army Corps of Engineers, whichever has

jurisdiction.

These conditions apply to all functioning wetlands, as defined by the St. Johns River Water Management District, regardless of the size of the wetland.

- minimum setback for an on-site waste disposal system – 50 feet
- minimum setback for impervious surface areas greater than 1,000 square feet – 25 feet
- minimum upland buffer for retention of native vegetation – ten feet
- minimum setback for underground storage tanks and unprotected above-ground outdoor storage of hazardous materials – 100 feet
- grading of land and design of drainage infrastructure shall comply with level of service standards in the Stormwater Management Subelement to retain stormwater runoff on site, except where use of wetlands is part of stormwater management plan approved by agencies having jurisdiction
- there shall be no net loss of wetlands function

Natural wetlands functions include water quality improvement, stormwater retention, flood management, wildlife habitat, aesthetics, and aquifer recharge.

Land uses in or immediately adjoining wetlands which result in significant degradation of wetlands functions must provide adequate mitigation: creation, preservation, restoration, donation, or isolation, to assure no net loss of function.

When loss of wetlands function results from the cumulative impacts of more than one development, each developer must assure that adequate mitigation for the impact of that development is provided.

For purposes of applying these criteria and requirements, wetlands shall be defined in accordance with definitions established by the St. Johns River Water Management District or Florida Department of Environmental Protection, whichever is more encompassing. The city shall use all reasonably available data and mapping of soils, vegetation, and flooding conditions, including information contained in this

Comprehensive Plan and support documents, to determine the possible presence and extent of wetlands which meet the above definition. Applicants for development approval on areas suspected of containing wetlands will be requested to verify or deny such presence and, if wetlands are present, to delineate them on site plans and subdivision maps. Where encroachment or disturbance of wetlands is proposed by the applicant, permits from agencies having regulatory jurisdiction shall be a requirement of development approval by the city. U.S. Army Corps of Engineers definitions of wetlands shall apply under this policy only where Corps of Engineers permits are required.

(Jurisdictional Wetlands). Issuance of a Management and Storage of Surface Waters (MSSW) permit pursuant to Rule 40-4 or 40C-40, FAC or a stormwater permit issued pursuant to Rule 40C-42, FAC provides assurances necessary for compliance with subsections detailed in this policy provided the stormwater management system is constructed in accordance with the permit.

**Policy 2.3.2:**

Within all wetlands, no development is permitted unless the following standards are met:

- Uses allowed on the adopted Future Land Use Map must meet the following standards:
  - Encroachment  
encroachment in the wetland is least damaging to the wetland and no practicable on-site or (contiguous, in same ownership) off-site alternative exists pursuant to Policy 2.3.4
  - No net loss  
development is designed and located in such a manner that there is no net loss to the wetland functions including, but not limited to:
    - i the habitat of fish, wildlife, and threatened or endangered species
    - ii the abundance and diversity of fish, wildlife, and threatened

or endangered species

iii the food sources of fish and wildlife including those which are threatened or endangered

iv the water quality of the wetland

v the flood storage and flood conveyance capabilities of the wetland

- Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency.

- Stormwater Quality

In the design and review of developments which will discharge stormwater into wetlands, the following performance standards shall be used to protect water quality in the wetlands:

i Stormwater runoff shall be subjected to Best Management Practices prior to discharging into natural or created mitigation wetlands. Best Management Practices shall mean a practice or combination of practices determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by the development to a level compatible with Florida Surface Water Quality Standards found in Rules 62-301 and 62-302, FAC.

ii No site alteration shall result in violation of state or local water quality standards caused by siltation of wetlands or pollution of downstream wetlands, or reduce the natural retention or filtering capability of wetlands.

- iii No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.
- iv All site alteration activity shall provide for such water retention, filtration, and settling structures, and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.

Issuance of a Management and Storage of Surface Waters permit pursuant to Rule 40C-4 or 40C-40, FAC or a stormwater permit issued pursuant to Rule 40C-42, FAC provides the assurances necessary for compliance with subsections i - iv above provided the stormwater management system is constructed in accordance with the permit.

- Septic tanks

Septic tanks, drainfields, and/or greywater systems are located outside the wetland area and not within 75 feet of the mean high water line or within 75 feet of any wetland, unless the Florida Department of Health grants a variance for a hardship case pursuant to the provisions of Section 381.0065, FS. Where public utilities are available, development is required to connect to these facilities

- Stormwater treatment

Where certain types of isolated wetlands (small, degraded cypress domes, wet prairies, or bayheads) are considered for integration into stormwater management systems, hydroperiods and stage elevations shall match the appropriate wetland community, and provide for first flush diversions.

- Hydrology

The design of any fill shall include measures to maintain the wetlands hydrology on the site.

- Silvicultural uses must meet the following standards:

Silviculture activities are to be conducted in a manner compatible with the need to protect, conserve, and appropriately use natural resources associated with wetlands and surface waters.

Silviculture activities shall follow the Best Management Practices outlined in the publications titled Silviculture Best Management Practices Manual (Revised May 1990, Florida Department of Agriculture and Consumer Services, Division of Forestry) and Management Guidelines for Forested Wetlands in Florida (December 1988, Florida Department of Agriculture and Consumer Services, Division of Forestry, and Florida Forestry Association) to include:

the Primary Streamside Management Zone criteria shall be applied within 75 feet of perennial streams greater than 30 feet.

1. In order to maintain the overall ecological integrity of the wetlands community, select cuts, small clear cuts, or other irregularly shaped harvesting techniques will be allowed provided:
  - a. viable populations of the endangered, threatened, and species of special concern found on-site can be maintained on-site
  - b. harvests are planned to provide for varying age and height diversity, supporting a variety of vegetative successional stages within the overall wetland ecosystem
  - c. the natural hydrology and hydroperiod of wetlands are maintained and state water quality standards are not violated
  - d. there is no conversion of wetland system to upland systems
  - e. there is no conversion to other wetland systems except for the beneficial alteration of degraded wetlands to wetlands

compatible with the type, form, and function of adjacent wetlands.

2. The silviculture policies of this Comprehensive Plan will be reevaluated when the Florida Department of Agriculture and Consumer Services prepares new guidelines and Best Management Practices.

- Agricultural uses must meet the following standards:

Agriculture Best Management Practices in compliance with Rule 40C-44, FAC are implemented.

- Any use that can be shown to be clearly in the public interest must meet the following standards:

- Public Interest

No activity shall be allowed that results in the alteration, degradation, or destruction of wetlands and deepwater habitats, except when meeting one of the following public interest criteria:

1. Such an activity is necessary to prevent or eliminate a public hazard. Under this exception, activities which impact protected habitat would be allowed if such activities are necessary to eliminate a hazard or prevent a danger to public safety and health. Although the functions provided by wetlands and deepwater habitats benefit the public welfare, if their preservation would continue or cause a clear threat to the public safety or health, elimination of such a threat should receive a higher priority than preservation of habitat. In order for this exception to apply, it must be determined that: 1) a hazard or danger exists; 2) the proposed activity would eliminate or prevent the hazard; 3) the proposed activity represents the best way to accomplish the desired end with minimal impact on protected habitat; and 4)

elimination of the hazard unavoidably impacts the habitat.

The following are examples of situations where this exception would apply if the four test criteria listed above could be met: 1) elimination of a dangerous curve in a road; 2) removal of a dangerous underwater obstruction to boat traffic; or 3) dredging in order to clean up a spill of hazardous material.

2. Such an activity would provide direct public benefits which would exceed those lost to the public as a result of habitat alteration, degradation, or destruction;

Under this exception, modification of protected habitat would be allowed when the proposed activity will provide benefits to the public at large that clearly outweigh the value of the functions lost as a result of the modification. In order for this exception to apply, the proposed activity must: 1) meet a demonstrated public need; 2) provide benefits more valuable than those already provided by the unaltered habitat; 3) cause a minimal loss of wetland function consistent with meeting the need; and 4) represent the best method of satisfying the identified need.

The following are examples of situations where this exception would apply if the four test criteria above could be met: 1) work in a protected habitat designed to improve its functioning such as removing exotic species or restoring natural hydroperiods; or 2) development of a marina open to the public.

3. Such an activity is proposed for habitats in which the functions or values currently provided are significantly less than those typically associated with such habitats and cannot be reasonably restored;

It is recognized that certain areas identified as wetlands or deepwater

habitats may actually be providing only a portion of the values normally associated with such habitat types. Where the reduction in functions and values is so great that only minimal public benefits are provided, and where the degradation in function is irreversible or cannot be reasonably restored, requiring preservation of the habitat may not be in the public's best interest as defined later in this policy.

The following are examples of factors that will be considered in evaluating the present or future value of a particular wetland or deepwater habitat:

- a. area
- b. relationship to similar or complementary habitats
- c. adjacent land uses
- d. degree of disturbance or invasion by exotic species
- e. importance to wildlife species
- f. frequency and length of inundation
- g. the degree of flushing or tidal influence

Based on these and other factors, particular habitats will be evaluated to determine the degree to which their functions and values have been significantly and irreversibly impaired. An exception will be allowed in cases where it can be demonstrated that: 1) the functions and values provided by the habitat are significantly reduced below those typically associated with that habitat type; 2) the benefits currently provided are minimal and of little ecological consequence; 3) the reduction in value is irreversible and cannot practically be restored by the landowner, applicant, developer, or agencies of government; or 4) the proposed activity is to be carried out in the manner least damaging to protected habitats.

The following are examples of situations where this exception would apply if the test criteria listed above could be met: 1) altering properties badly invaded by exotic species such as melaleuca; 2) altering properties which have been legally drained so as to preclude maintenance of wetland habitat; and 3) filling of polluted or poorly flushed man-made finger canals.

4. Such an activity is water dependent or, due to the unique geometry of the site, minimal impact is the unavoidable consequence of development for uses which are appropriate given site characteristics. In some circumstances, an otherwise good development plan could not be undertaken if it were necessary to entirely avoid all wetland and deepwater habitats. The development of a particular site may require the destruction or modification of limited amounts of protected habitat because of habitat geometry. Minor impacts on wetlands may be unavoidable in order to gain access to or achieve reasonable use of developable portions of the site. This exception to the policy would only be allowed when it could be demonstrated that: 1) the proposed activity is necessary in order to develop usable portions of the site; 2) the proposed use is appropriate and reasonable given site characteristics or is water dependent; and 3) the design and layout of the proposed development is the least disruptive to wetland and deepwater habitats.

In no case would this exception be allowed for the purpose of obtaining fill, nor would it apply to any proposal to destroy extensive areas of protected habitat in order to develop a site which does not possess natural characteristics that make the proposed use appropriate.

This exception would be typically granted in order to allow: 1)

construction of access to developable portions of a site or 2) limited dredging or placement of fill in order to achieve developable proportions within usable areas for necessary construction.

5. The functions and values provided by wetland or deepwater habitats proposed to be destroyed are determined by the city, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, and the St. Johns River Water Management District to have already been completely and fully replaced prior to occurrence of the proposed impact to existing habitat.

It is generally the position of the City of Eustis that all wetland deepwater habitats, either individually or cumulatively, are of public significance and should be protected (except as provided in the first four exceptions detailed above). This exception (5) does, however, recognize the potential for successful construction of some wetland and deepwater habitat types. Because wetland and deepwater habitat efforts remain largely experimental, have had only variable success, and have frequently failed, prospective users of this exception must, in writing, obtain conceptual approval for their project from all agencies with regulatory authority over the habitats to be replaced prior to commencement of creation efforts. It is recommended that measurable criteria relating to how created habitat will be evaluated be agreed to in writing prior to commencement of any work, since the burden of proof lies with the applicant to demonstrate that replacement of all functions and values has occurred. In no case shall this exception be used to replace wetland or deepwater habitats of

significant value to endangered, threatened, or species of special concern.

- Encroachment

encroachment in the wetland is the least damaging to the wetland and that no practicable on-site alternative exists

- No net loss

development is designed and located in such a manner that there is no net loss to the wetland functions, including but not limited to:

i the habitat of fish, wildlife, and threatened or endangered species

ii the abundance and diversity of fish, wildlife, and threatened or endangered species

iii the food sources of fish and wildlife including those which are threatened or endangered

iv the water quality of the wetland

v the flood storage and flood conveyance capabilities of the wetland

- Stormwater quality

In the design and review of developments which will discharge stormwater into all other wetlands the following performance standards shall be used to protect water quality in the wetlands:

i Stormwater runoff shall be subjected to Best Management Practices prior to discharging into natural or created mitigation wetlands. Best Management Practices shall mean a practice or combination of practices determined by the local government to be the most effective, practical means of preventing or reducing the amount of pollution generated by

the development to a level compatible with Florida Surface Water Quality Standards found in Rules 62-301 and 62-302, FAC.

- ii No site alteration shall result in violation of state or local water quality standards caused by siltation of wetlands or pollution of downstream wetlands, or reduce the natural retention or filtering capability of wetlands.
- iii No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.
- iv All site alteration activity shall provide for such water retention, filtration, and settling structures, and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.

Issuance of a Management and Storage of Surface Waters permit pursuant to Rule 40C-4 or 40C-40, FAC or a stormwater permit issued pursuant to Rule 40C-42, FAC provides assurances necessary for compliance with subsections i - iv above provided the stormwater management system is constructed in accordance with the permit.

- Hydrology

The design of any fill shall include measures to maintain the wetlands hydrology on the site.

The city reserves the right to modify the wetland designation on any parcel where reliable information such as a jurisdictional determination or permit issued by the St. Johns River Water Management District depicts such area differently than depicted on available maps. Before the city modifies the designation on any parcel for any reason other than a jurisdictional determination or permit issued by the SJRWMD, the property owner and the

SJRWMD shall be given an opportunity to comment on the reliability of the information provided. Failure of the property owner or SJRWMD to provide their comments within a thirty (30) day period from the date of mailing shall be considered an acquiescence that the information provided is reliable. To the extent the wetlands map is inconsistent with an on-site inspection or survey, the survey supersedes the wetlands map.

**Policy 2.3.3:**

In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site (or when in same ownership, adjacent off-site) alternative exists, the city shall evaluate the following:

- the land category according to the Future Land Use Map (FLUM) series and existing zoning of the site and surrounding parcels
- alternative designs which could accomplish the purposes of providing a minimal, reasonable, beneficial use including the encroachment on the wetland of such alternative design
- the degree of impact to the wetlands
- the wetland functions being served by the area proposed to be encroached upon

**Policy 2.3.4:**

Prior to the annexation of any parcels into the city, the city shall require the developer and/or property owner to submit an evaluation of any existing wetlands. If wetlands exist on the parcel to be annexed, the city will evaluate the wetlands protection policies presently in effect and make a determination whether such wetlands will be protected by the existing city policies. If this evaluation determines that the wetlands to be annexed will not be adequately protected, then the city will revise the wetland protection policies concurrent with the annexation plan amendment. The end result shall be no net loss of wetlands function as indicated in Policy 2.3.2 of this element.

**Policy 2.3.5:**

Mitigation shall be considered only as a last resort, and only if the city determines that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function,

and shall result in no net loss of wetland functions. Preservation of upland habitat may be considered in certain instances if deemed appropriate by the city but shall not result in a net loss of wetland functions.

The city shall use the following guidelines to estimate the extent of wetland preservation, enhancement, or creation which may mitigate for the destruction of a unit of wetland which has a direct hydrologic connection to a stream, other watercourse, or impoundment. These guidelines are for preliminary planning purposes only and the actual extent of wetland mitigation may be more or less depending on city evaluation of site and regional conditions.

For wetland preservation and enhancement proposals, mitigation ratios for wetland preservation proposals are based upon the quality of the wetlands being encroached upon and the quality of the preserved wetlands. The mitigation for encroachment in low quality wetlands through preservation of high quality wetlands will require the lowest ratio, while mitigation for encroachment in high quality wetlands through preservation of low quality wetlands will require the highest ratio. For encroachments in riverine wetlands, the ratios shall range from 10:1 to 100:1. For encroachments in other wetlands, the ratios shall range from 5:1 to 25:1.

**Policy 2.3.6:**

For all wetlands, the city shall require an undisturbed buffer of a minimum 25 feet in width. Such buffers shall extend from the wetland boundaries. All buildings shall be set back 50 feet from the wetland boundaries. Additionally, the maximum square footage of the wetland which shall be disturbed is that minimum amount necessary to provide a legal beneficial use of the property.

**OBJECTIVE 2.4:**

(WILDLIFE) On a continuing basis, protect locally significant habitat for endangered, threatened, and rare species of terrestrial and aquatic animals.

**Measurable Target P:** Acreage of locally significant habitat within the city permitted for development each year through approved land development proposals.

**Policy 2.4.1:**

On an ongoing basis, require applications for major subdivisions and developments requiring site plan approval to identify habitat areas potentially impacted by proposed development and include a plan and procedures for avoiding or mitigating potential impacts. Criteria and requirements will include:

- use of native vegetation in landscape plans and limitations on tree removal, in accordance with the city's landscape and tree protection regulations and the minimum open space standards set forth under Objective 1.4 of the Recreation and Open Space Element
- minimum setbacks of land clearing and building construction activities from high water lines of lakes and waterways, in accordance with the Lake County shoreline protection ordinance, if such is adopted
- retention of native vegetation and open space for habitat maintenance and wildlife corridors, in accordance with policies under Objective 1.4 of the Recreation and Open Space Element

**Policy 2.4.2:**

Continue to support the Trout Lake Nature Center, Inc. in implementing preservation and educational programs for the Trout Lake conservation area. This support may take the following forms:

- donation of city-owned land for conservation and nature education purposes
- regulation of peripheral development to maintain the character of and access to the conservation area
- participation in community awareness and educational programs, including nature walks, lectures, and other activities coordinated with the City of Eustis Recreation Department.

**OBJECTIVE 2.5:**

(OPEN SPACE) Conserve open space in the Eustis Planning Area for passive recreation use and natural beauty consistent with the Future Land Use and Recreation and Open Space elements.

**Measurable Target Q:** No new residential subdivision exceeding five acres and no new development of any type exceeding five acres shall be approved unless the site plan provides for a minimum of 25% of the land area to be open space.

**Measurable Target R:** Each designated environmentally sensitive area is protected in perpetuity as common open space through a conservation easement, deed restriction, or other means.

**Policy 2.5.1:** For purposes of this Comprehensive Plan, the following definitions apply:

- Open space is defined as areas of vegetation and other areas not covered by impervious surfaces, as applicable to an individual building site. Waterbodies are not considered to be open space.
- Common open space is defined as open space included in a subdivision or planned unit development to be retained in common ownership.

**Policy 2.5.2:** A minimum of 25 percent of all new development sites shall remain in open space, which shall contain areas of native vegetation and/or landscaping.

**Policy 2.5.3:** To provide for the reservation and maintenance of common open spaces in subdivisions and developments, the city shall allow clustering of development in subdivisions or developments exceeding five acres. There shall be mandatory reservation of open space in subdivisions or developments having more than 100 residential units.

**Policy 2.5.4:** The city may accept jurisdiction for a dedicated common open space area where it finds the following:

- public recreational opportunities are lacking and the site is well located to meet local needs based on adopted levels of service
- the site is accessible for both public use and maintenance
- public access to and use of the site will be compatible with the proposed development and surrounding land uses
- funding can be accommodated within normal budgeting processes and limitations and insurance liabilities are maintained within reasonable limits

**Policy 2.5.5:** The city may acquire open spaces needed to preserve and protect sensitive environmental and historical resources where it determines one or more of the following:

- the open space is part of a connected system of open spaces and will protect and preserve a sensitive environmental resource designated or delineated in the city or county Conservation Element
- requirements of the Land Development Regulations provide insufficient protection
- grants are available to help defray acquisition costs

**Policy 2.5.6:**

On an ongoing basis, the city shall undertake efforts to protect all designated environmentally sensitive areas in perpetuity as common open space through conservation easements, deed restrictions, or other means.

**OBJECTIVE 2.6:**

(MINERAL RESOURCES) On an ongoing basis, the city shall promote the conservation and commercial use of locally available mineral resources in an environmentally acceptable manner.

**Measurable Target S:** The number of mineral resource extraction sites in the city cited annually by the Code Enforcement Board for not meeting the criteria in Policy 2.6.1.

**Policy 2.6.1:**

(Mineral Resources) Extraction of mineral resources may be permitted by special exception in Agricultural (AG) land use areas, provided that:

- compatibility with existing and potential development can be shown in terms of the character, phasing, and buffering of the proposed mineral extraction activities
- compatibility with existing and potential development can be shown in terms of access to the proposed mineral extraction activities
- the activity meets all applicable licenses, regulations, and standards and is permissible by state agencies having jurisdiction
- excavation, erosion control, and reclamation plans are submitted and provide for the protection of surface and groundwater resources, wetlands, and upland habitat areas (or their mitigation) and for the productive reuse of land after

excavation is discontinued

**GOAL 3:** (HISTORIC AND ARCHAEOLOGICAL RESOURCES) Protect significant archaeological and historical resources from degradation and loss.

**OBJECTIVE 3.1:** (HISTORIC RESOURCES) On a continuing basis, develop and implement regulations and programs as provided for in the specific policies listed below to maintain the character and integrity of sites and structures of historical significance by virtue of their purpose and use or which by their physical appearance and character best reflect the past history of the Eustis area, as also provided for in the Historic and Scenic Preservation Element.

**Measurable Target T:** Through year-end 2010, the city shall continue to have an adopted historic preservation ordinance which limits alteration, removal, and demolition of structures.

**Measurable Target U:** Through year-end 2010, there shall be no instance of alteration, removal, or demolition of a historic structure unless such is approved by the city consistent with the historic preservation ordinance adopted in 1995.

**Measurable Target V:** Through year-end 2010, in each instance where an application for development may involve the removal, alteration, or reuse of a historic structure listed on the National Register, the city shall have invited comment by the Florida Division of Historical Resources before rendering a decision on the application.

**Policy 3.1.1:** By year-end 2000, the Land Development Regulations and development review procedures shall recognize the need to maintain or improve the character of designated historic properties and the historic district by means of economic incentives or disincentives which:

- selectively allow nonresidential use of existing residential structures, such as provided for in the Residential/Office Transitional (RT) designation in the Future Land Use Element
- limit building conversions which would alter the character of the property
- promote infill construction compatible with adjacent properties or the area in general
- limit the type of signs

- limit or regulate off-street parking to be compatible with adjacent properties or the area in general

**Policy 3.1.2:**

By year-end 2000, the Land Development Regulations and development review procedures shall incorporate requirements and incentives to preserve designated historic properties, including:

- advice to applicants on the tax benefits of historic preservation
- density bonuses shall be in place which allow up to 150 percent of permitted density to redesign the project to protect resources or to transfer development rights to another location in which the same use is permitted

**Policy 3.1.3:**

Provide ongoing support to the Eustis Historic Museum and Preservation Society, the Lake County Historical Society, Eustis Main Street, and other organizations which have an individual or collective interest in preserving the architectural and historical heritage of Eustis. This support from the city may take the following forms:

- use of city staff and facilities for meetings, preparing applications, and other related activities
- establishment of a working committee of public officials and private preservationists to study and recommend public and private actions

**Policy 3.1.4:**

Where an application for development may involve the removal, alteration, or reuse of a historic structure listed on the National Register, the city shall first invite comment by the Florida Division of Historical Resources before rendering a decision on the application.

**OBJECTIVE 3.2:**

(ARCHAEOLOGICAL RESOURCES) On an ongoing basis, protect significant archaeological resources discovered during review of applications for development or during site preparation and construction activities.

**Measurable Target W:** By year-end 2010, there shall be no instance of an archaeological discovery in the city that is not reported to the Florida Division of Historical Resources.

**Measurable Target X:** By year-end 2010, there shall be no instance of an archaeological discovery deemed significant that did not receive protection.

**Policy 3.2.1:**

By year-end 2000, the Land Development Regulations shall provide for the following in instances when an archaeological discovery occurs in the city:

- notification of the archaeological discovery to and a request for guidance from the Florida Division of Historical Resources
- suspension of all ground disturbing activities within 20 feet of the discovery for up to 30 days to provide for an initial evaluation of archaeological significance. This period can be extended for another 30 days for further evaluation where the discovery is considered significant by the state.

**Policy 3.2.2:**

Where the discovery is determined to be significant, various options, including relocation, acquisition of property, or redesign of the proposed development will be considered to preserve the resource. Where preservation is not a feasible alternative, the resource will be relocated, information regarding the resource shall be recorded, or elements of the resource will be salvaged for further study at the expense of the State of Florida.