

## Chapter 121

### RESOURCE PROTECTION STANDARDS\*

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\* **Cross References:** Concurrency, ch. 106; land use districts, ch. 109; development design standards, ch. 115; construction standards, ch. 118.

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#### **Sec. 121-1. Purpose and intent (wetlands protection).**

The purpose of this section is to preserve, protect, and enhance wetlands within the city, based on a policy of no net loss of wetland function, and acknowledges the important natural function of wetlands in flood control, water quality, and wildlife preservation.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-2. Permit requirements for wetland alteration.**

There shall be no net loss of wetlands function. For purposes of applying these criteria and requirements, wetlands shall be defined in accordance with those established by the St. Johns River Water Management District. This definition is as follows: "Wetlands" means those areas that are inundated or saturated by surface or ground water with a frequency sufficient to support and under normal circumstances do or would support a

prevalence of vegetative or aquatic life that requires saturated or seasonably saturated soil conditions for growth and reproduction, such as swamps, marshes, bayheads, cypress ponds, sloughs, wet prairies, wet meadows, river overflows, mud flats and natural ponds. The city shall use all reasonably available data and mapping of soils, vegetation and flooding conditions, including information contained in this plan and support documents, to determine the possible presence and extent of wetlands which meet the above definition. Applicants will be requested to verify their presence and delineate wetlands 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. Corps of Engineers definitions of wetlands shall apply under this policy only where Corps of Engineers permits are required.

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or adjacent upland buffer area, without obtaining a wetlands alteration permit or exemption from all appropriate jurisdictional agencies.

- (1) *Application procedure.* Application shall be made to the city as part of the application for development plan approval, when applicable. Application submittal shall include the following information:
  - a. Name, address, and phone number of applicant plus any biologists, engineers, or other consultants providing information or authorized to act as an agent for the applicant.
  - b. A survey of the property which delineates existing structures, pavement, adjacent streets, or other improvements.
  - c. A sketch, map or survey, plus an aerial photograph showing the extent of wetland area (mapped to scale) as defined by criteria established by St. Johns River Water Management District. Applicant shall further provide written general descriptions of wetland types and plant communities for mapped areas.
  - d. A detailed description of any proposed activity within the jurisdictional wetlands and buffer zones.
  - e. Copies of current permit applications to or an approved permit from any federal, state and regional agencies depicting the subject wetland.
- (2) *Permit issuance.* Wetlands alterations which are permitted by those agencies having jurisdiction shall not be required to obtain a separate permit from the city. In those instances where wetland alteration is proposed but a permit is not required by other jurisdictional agencies, the applicant must show proof that the proposed development activity is exempt. Should a city permit be required, the criteria in section 121-3 shall compose the application submittal requirements. Where the city deems necessary, all or portions of these requirements may be waived if determined to be in the best interest of the city.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-3. Wetlands protection standards.**

Application for a wetlands alteration permit when required by the city may be required to meet the following wetlands protection standards and regulatory agency criteria:

- (1) There shall be no net loss of wetland function, and wetlands shall be protected or used in a manner that does not adversely affect their beneficial functions.
- (2) Wetlands shall be protected from sedimentation during development activities. Specific criteria for such protection are provided in section 121-19 of this chapter.
- (3) Impacts to the city's wetlands resulting from a proposed development shall be considered unavoidable only when all involved state and federal regulatory agencies concur that such impacts are unavoidable. Mitigation then shall be required for such impacts to an extent determined by state or federal agency mitigation requirements. When mitigation requirements differ among agencies, the city shall employ that mitigation plan producing the greater acreage of natural habitat, whether through preservation or enhancement of existing habitats or creation of new habitats.
- (4) Wetlands shall be buffered through preservation or planting of a suitable width of native upland vegetation, based on the criteria of section 121-4 of this chapter.
- (5) Wetlands, whether endemic or artificially created or otherwise altered, may be placed in a conservation easement and maintained in accordance with F.S. ch. 704.06, and legally described and recorded in the Public Records of Lake County. Dedication of the conservation easement shall be offered successively to the City, which reserves the right of first refusal, St. Johns River Water Management District, or applicable state environmental regulatory agencies, and private, nonprofit ecological preservation societies until one party agrees to assume the easement. Failure to accept the easement of all of these agencies, after proof of offer being submitted, will result in nullification of the easement. Barring any defects inherent in the land such as, but not limited to, clouds on the title, hazards, contamination.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-4. Buffer requirements.**

Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as defined by St. Johns River Water Management District (SJRWMD) criteria. Buffer size shall vary approximately in proportion with the ecological value of the adjacent wetland. The city considers wetlands associated with streams and lakes to be most valuable ecologically whereas isolated wetlands are less valuable; non-isolated wetlands are intermediately valued. These wetland classes are defined below.

*Isolated:* On-site wetlands are entirely isolated hydrologically from off-site wetlands and are not considered waters-of-the-state.

*Non-isolated:* On-site wetlands are connected hydrologically to off-site wetlands; however, the connection is not through permanent standing water.

*Stream or lake:* On-site wetlands which are riparian or otherwise connected to off-site wetlands via

permanent bodies of water.

- (1) The following buffers shall be required for wetland types within the city:

Type	Width
Isolated	25 feet
Non-isolated	35 feet
Stream/lake	50 feet

- (2) The buffer may be modified along the perimeter of the wetland system to accommodate the development design. In this case, the upland buffer shall be located such that no less than average and minimum buffer, as listed below, exists along the perimeter of the wetland system.

Type	Average Width	Minimum Width
Isolated	25 feet	10 feet
Non-isolated	35 feet	15 feet
Stream/lake	50 feet	35 feet

- (3) The buffer may coincide with a portion of the required setback on a developable lot, however, no residential structure shall be permitted within ten feet of the buffer boundary, except for structures that are exempted or permitted by appropriate regulatory agencies; e.g., docks, boathouses, etc.
- (4) Native vegetation shall be preserved, restored or otherwise maintained within a belt no less than ten feet wide sited adjacent to and landward of the SJRWMD wetland-upland border. This native vegetation belt shall not be subject to mowing, trimming, dumping, grazing, logging, chemical spraying, or other disturbance except as provided by section 121-5. Extent of encroachment by stormwater swales within the upland buffer shall be limited to 50 percent of the buffer width if the design is so approved by appropriate regulatory agencies. However, stormwater swales shall not infringe on the native vegetation belt.
- (5) In no case shall a buffer impede reasonable access to a body of water. Directions for establishing such access are defined in section 121-3 of this land development regulation.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-5. Exemptions.**

The following activities are exempt from the requirements of this section; however, prior to beginning any activity listed below a "letter of exemption" shall be required from the appropriate jurisdictional agency and a copy of same shall be provided to the city manager.

- (1) Routine maintenance or emergency repair to existing structures or improved areas. There shall be no increase in size or coverage of the structure or other improved area. Repairs to nonconforming uses shall be limited to 50 percent or less of their fair market value as determined by the most recent appraisal of the property by the Lake County Property Appraiser.

- (2) Individual single family dwellings constructed within existing (as of August 27, 1992) lots or parcels of record are exempt from the upland buffer requirement.
- (3) Timber catwalks and docks providing these structures:
  - a. Are no more than four feet wide and cover no more than 1,000 square feet of the conservation easement area;
  - b. Are used only for noncommercial, recreational purposes;
  - c. Do not hinder either natural water flow or local navigation; and
  - d. Are supported solely by pilings that do not require dredge or fill activities beyond that required to install pilings.
- (4) Recreational fishing or creation and maintenance of temporary blinds if such activities are permitted by the property owner or the conservation easement holder. Hunting may be permitted as a conditional use.
- (5) Selective cutting and hand-removal of problematic vegetation including Cattails (*Typha* spp.), Primrose Willow (*Ludwigia* spp.), Wild Taro (*Colocasia esculenta*), Elephant-Ear (*Xanthosoma sagittifolium*), Giant Reed (*Phragmites* spp.), Paragrass (*Brachiaria mutica*), Punk Tree (*Melaleuca quinquenervia*), Elderberry (*Sambucus canadensis*), Chinaberry (*Melia azedarach*), Castor Bean (*Ricinus communis*), Chinese tallow tree (*Sapium sebiferum*), and Pepper Tree (*Schinus terebinthifolius*).
- (6) Clearing by hand of native vegetation within any shoreline shall be limited to 25 feet in width as measured parallel to the shoreline. Hand clearing of vegetation within the buffer zone is permitted if to provide access to the shoreline and shall be limited to 25 feet in width.
- (7) Permitted stormwater structures limited to outfall structures such that the installation of the structures does not adversely affect the function of the wetland.
- (8) Cleared primitive trails four feet or less in width having no structural components, introduced substrate materials (e.g., flagstone, mulch, gravel, sand, etc.), or other improvements.
- (9) Utility crossings where support structures are not sited within the wetland or upland buffer areas.
- (10) Repair or maintenance of ditches, water retention areas, public road and other rights-of-way, and similar drainage systems providing such work is limited to that needed to restore the site to original design specifications.
- (11) Repair or maintenance of ditches or dikes related to bona fide mosquito control activities providing such work is limited to that needed to restore the site to original design specifications.
- (12) Activities within artificial wetlands created as part of a man-made treatment system.

(13) Constructing fences where:

- a. No dredge or fill activity is required beyond that needed to insert fence posts into the substrate;
- b. Neither natural water flow nor navigational access is hindered;
- c. Fencing does not extend beyond 25 feet into open waters; i.e., those waters naturally devoid of emergent plant stands.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-6. Violations.**

The following remedies and penalties shall apply to violations of this section:

- (1) Where unauthorized removal or destruction of wetland vegetation has taken place in an otherwise undisturbed wetland or buffer area, it shall be replaced by the violator to best recreate original conditions as described by information from approved permits, or based on surrounding undisturbed natural wetland vegetation.
- (2) A stop work order shall be issued for all sites in violation where any construction has been previously authorized. No further city permits shall be issued for the subject site, nor any attendant inspection made, until such violations are corrected or a restoration mitigation plan has been approved by the appropriate jurisdictional agency. This shall include a certificate of occupancy for any attendant structure.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-7. Variances and appeals.**

Variances and appeals to this section shall be considered as follows:

- (1) Variances shall be considered based on the procedures of chapter 129 of this land development regulation.
- (2) Appeals shall be considered based on the procedures of chapter 102 of this land development regulation.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-8. Shoreline protection regulations.**

The purpose of this section is to protect the city's lakes by regulating land use and development within the immediate lake drainage basin. This section considers lakes as "wetlands" and thus supplements previous sections in protecting these habitats.

(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-9. Maximum impacts and minimum distance setbacks of lakefront structures.**

(a) Lakes shall be protected from upland development by limiting structure impact in proportion to the site drainage slope. Development shall be limited to 3,000 square feet per acre where the surrounding area natural slope is greater than 15 percent. Impervious surface shall be no more than 4,500 square feet per acre where slopes of ten to 15 percent occur. This regulation pertains to existing contiguous lots under the same ownership, the combination of which will meet these maximum impact.

(b) Erosion control plans are required for all subdivisions and construction sites where (1) the on-site natural slope exceeds ten percent, or (2) construction occurs within 400 feet of the lake's waterline during the time of development. Such plans must also establish a protective buffer zone to preserve wetlands and native plant communities pursuant to chapters 109 and 115 of this land development regulation.

(c) The buffer zone established in chapter 109 of this regulation coincides with a portion of the required setback on a developable lot; however, no structure shall be permitted within ten feet of the upland margin of the buffer.

(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-10. Clearing limitations.**

(a) *Setbacks.*

(1) *Principal structures.* Construction shall be located no closer than 50 feet from the ordinary high water line, mean high waterline, or jurisdictional wetland line. On vacant lots in "existing development" if 50 feet cannot be met (based on dimensions of the lot), a setback based on an average shoreline and wetland setback may be approved.

(2) *Accessory structures, additions, paved parking areas, pools, or replacement structures.* Accessory structures, additions, paved parking, pools, areas or replacement structures except for water dependent structures such as docks, boat ramps and seawalls shall be placed no closer than 50 feet from the ordinary high waterline, mean high water line, or jurisdictional wetland line, or no closer than the setback established by the existing principal structure.

(3) *Septic tanks.* The city shall require a 100-foot setback, or a setback as far landward as possible based on the depth of the lot, from the ordinary high water line of lakes and wetlands for the installation of septic tanks and drainfields in addition to the requirements of chapter 10D-6, FAC.

(b) *Average shoreline and wetland setbacks.* Existing principal structures may be used to establish an average shoreline and wetland setback in areas where existing structures do not conform to shoreline and wetland setbacks established elsewhere in this section. Once established by the director of development services, the average shoreline and wetland setback shall be used as the minimum shoreline and wetland setback on the side of the wetland or water body from which existing structures were used to establish the average setback. The applicant shall provide information concerning existing structures, within a relevant distance from a proposed structure, as required by the director of development services, and reviewed for an appropriate fee.

(c) *Clearing limitations of the shoreline.* Clearing of shoreline vegetation for creation of a beach or

any other purpose is prohibited without a permit from the state department of environmental protection. A tree removal permit from the city will also be required if any wetland trees are to be removed.

(d) *Prohibition of waste disposal.* Disposal of any wastes, including yard waste, is prohibited within wetlands, water bodies, and upland buffer zones.

(e) *Upland buffer zones.* Upland buffer zones shall be established in conformance with non-isolated wetland standards set out in section 121-3 for vegetation occurring within the 100-year floodplain in aquatic systems.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-11. Waste disposal.**

(a) On-site household sewage waste disposal may be permitted on lakefront lots provided that facilities do not occur on hydric soils (as defined for Lake County by U.S. Department of Agriculture's Soil Conservation Service), and are located no less than 100 feet upland from the St. Johns River Water Management District jurisdictional wetland line.

(b) If sewer is not available, developments of ten lots or more shall 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.

(c) Existing on-site waste disposal facilities sited within 400 feet of OHWL shall be cleaned according to (1) development density, (2) site slope, and (3) proximity to shoreline.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-12. Permit required.**

New development or substantial improvements to existing development at a shoreline shall provide copies of all state and federal regulatory agency permits to the city prior to construction or clearing. These regulatory agencies include, but are not limited to, U.S. Army Corps of Engineers (ACOE), St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Regulation (FDER), and the Florida Department of Natural Resources (FDNR). Compliance with "best management practices" (BMPs) and erosion control methods shall be necessary for all shoreline development, to limit chemical and sediment pollutant discharge to the adjacent water body.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-13. Buffers.**

(a) A protective buffer zone of native upland vegetation shall be established around lakes and artificial reservoirs in the city pursuant to section 121-5 of this chapter. Development shall be prohibited from this zone which shall be preserved as a conservation easement pursuant to section 121-15.

(b) The edge of the buffer zone shall extend no less than 50 feet upland of the OHWL or the wetland lines as defined by SJRWMD criteria, whichever is located farthest landward.

(c) Native vegetation shall be preserved, restored or otherwise maintained within a belt no less than ten feet wide and shall be sited immediately landward of the OHWL or the SJRWMD wetland line (whichever extends farther landward). This native vegetation belt shall not be subject to mowing, trimming, dumping, grazing, logging, chemical spraying or other disturbance except as provided by section 121-3 of this land development regulation.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-14. Wholly owned lakes and open water bodies.**

If the lake or open water body is wholly owned and contained within a single lot or parcel, the buffer may be modified to allow for greater lake access. In this case, the upland buffer shall be located such that not less than an average of 25 feet of total upland buffer with a minimum of ten feet exists along the perimeter of the wetland littoral zone.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-15. Conservation easement.**

All areas preserved, created, or conserved under this section shall be recorded with the Public Records of Lake County as a conservation easement in accordance with F.S. ch. 704.06.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-16. Conservation standards.**

Standards for construction within shoreline areas are stated within chapter 115, Development Design Standards, of this land development regulation.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-17. Purpose and intent (soil and substrate protection).**

The purpose of this section is to guide land-clearing and grading activities to minimize soil erosion and avoid impacts to adjacent properties and natural areas. This section is also intended to comply with Policies 1.4.1 and 2.2.1 of the city's comprehensive plan conservation element.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-18. Permit requirements for clearing.**

No clearing shall take place on any subject property until after a development order has been issued by the city.  
(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-19. Erosion control required.**

(a) Erosion control plans will be required for all subdivisions and building sites in areas sited on or immediately above (within 50 feet) a slope of ten percent or more or upslope of nearby aquatic habitats, or within 400 feet of shorelines (SJRWMD's jurisdictional line).

(b) Standard practices shall be used to prevent erosion and off-site soil deposition via water and air currents. Factors affecting erosional rates for a site include soil characteristics, plant cover, topography, and climatic conditions. The following principles must be considered when planning and undertaking construction within a development:

- (1) Plan the development to fit topography, soils, and drainage patterns;
- (2) Minimize the extent of area exposed at one time and the duration of exposure;
- (3) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
- (4) Apply erosion control practices to minimize erosion from undisturbed areas;
- (5) Apply perimeter controls to protect the disturbed area from off-site runoff and to trap eroded material on-site to prevent sedimentation in a downstream area;
- (6) Stabilize the undisturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and
- (7) Implement a maintenance and follow-up program.

(Source: Fla. Admin. Code 40 C-4, Appendix 1. Applicant's Handbook, Management and Storage of Surface Waters, St. Johns River Water Management District, April 1990.)  
(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-20. Erosion and sediment control plan.**

(a) An erosion and sediment control plan must be submitted to the city manager with the development permit application. The plan must include consideration of the site-specific erosion potential, including slopes, soil erodability, extent and type of plant cover, and runoff characteristics. Projects with larger exposed areas, long duration of construction, steep slopes, erosive soils or close proximity to streams, lakes or other wetlands, will require more detailed and comprehensive plans. The following information must be included in the plan and shall be shown on the construction or alteration plans or other appropriate documents.

- (1) The existing and proposed topography mapped to scale;
- (2) The distribution of soil types as identified and mapped to scale by the U.S. Department of Agriculture's Soil Conservation Service for Lake County. A table describing the erodability potential for each soil type as determined by the service shall also be included;
- (3) The schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation, earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include the estimated starting date and duration. Description must include limits of area by each phase; and

- (4) Specific erosion control measures shall be described and illustrated on construction plans or detail sheets for each phase. Such information shall include the following:
  - a. Estimated date of installation and removal for erosion control elements;
  - b. Thorough descriptions of the materials used in the construction of erosion control elements. Descriptions should include any references to industry- or government-approved standards and design specifications associated with each element;
  - c. Placement and function of each type of erosion control element;
- (5) No more than 15 days may elapse between site clearance and construction commencement; no more than 30 days may elapse between construction completion and the beginning of ground cover restoration.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-21. Prohibited practices.**

The burial of rubbish, logs, lumber, building materials, underbrush, trash or other matter known to degenerate and subsequently allow the land to settle is hereby determined to be a change or modification to the land grade for which no permit shall be issued.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-22. Exemptions.**

No part of this section shall restrict land clearing as a consequence of:

- (1) Duly authorized landfills;
- (2) Bona fide agriculture operations; however, if a site is cleared for crop production, then any planting must occur at the onset of the subsequent growing season. If a site is cleared for livestock production, then the site must be subject to grazing for a two-year period;
- (3) Previously established silviculture;
- (4) Maintenance of utility easements and access roads;
- (5) Limited burying as approved as part of the construction of landscaped berms and similar features in non-buildable areas;
- (6) Land surveys and geologic sampling surveys, so long as clearing is restricted to a five-foot wide path;
- (7) Selective removal of monocultural growths of nuisance vegetation including Air-Potato (*Dioscorea* spp.), Wild Grape (*Vita* spp.), Cattails (*Typha* spp.), Primrose Willow (*Ludwigia* spp.), Wild Taro (*Colocasia esculenta*), Elephant-Ear (*Xanthosoma sagittifolium*), Giant Reed

(Phragmites spp.), Paragrass (*Brachiaria mutica*), Punk Tree (*Melaleuca quinquenervia*), Elderberry (*Sambucus canadensis*), Chinaberry (*Melia azedarach*), Chinese Tallow Tree (*Sapium sebiferum*), Castor Bean (*Ricinus communis*), and Pepper Tree (*Schinus terebinthifolius*);

- (8) Removal of dead or seriously damaged trees or shrubs that may pose a threat to public health, welfare or safety.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-23. Standards for land adjacent to streams, ponds, lakes and wetlands.**

(a) Any construction proposed in or around streams, ponds, lakes, marshes or other aquatic habitats must be legally permitted by all appropriate environmental regulatory agencies prior to issuance of a city development order. Furthermore, land clearing activities within 400 feet of a lake waterline (i.e., the water's edge as it occurs at any time during the construction period); or within 400 feet of a wetland line as established by St. Johns River Water Management District criteria shall be especially diligent to minimize soil erosion and control sedimentation in the disturbed area.

(b) The property owner or his agent must implement all erosion and sediment control measures necessary to retain sediments on-site and prevent violations of water quality standards as specified in Chapters 17-3 and 17-4, Fla. Admin. Code. Turbidity barriers must be installed wherever disturbed soil or substrate particles may be dispersed into a receiving wetland, water body or surrounding buffer area. Buffer zones shall be provided around shorelines and wetlands as required by this chapter. However, buffer zones are designed to protect post-development wetlands and are not expected to mitigate disturbances during the construction period.

(c) If construction is permitted to occur in open water areas, then turbidity control must extend through the entire water column to surround only the minimum area needed for construction. Turbidity barriers must remain in place at all locations until construction is completed and soils are stabilized and vegetation re-established. Thereafter, the property owner will be responsible for removal of the barriers.

(d) The property owner or his agent is encouraged to use appropriate best management practices (BMPs) for erosion and sediment control as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management, Florida Department of Environmental Regulation, 1988, or its subsequent replacement document.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-24. Groundwater and wellhead protection.**

(a) *Purpose and intent.* The purpose of this section is to protect the existing and future public potable water resources through implementation of best management practices (BMPs) and regulation regarding water consumption and location of development in relation to wellheads and designated high recharge areas. It is the intent of this section to prohibit land uses adjacent to water supply wells which have the potential to endanger the public health and safety affecting groundwater quality and quantity.

(b) *Permitting.* A city permit is required for land development near any existing municipal or community water wells and in the designated high recharge areas within the incorporated boundary of the city, except gas stations that meet department of environmental protection regulations or other agencies regulation

requirements. Permits from the state department of environmental regulation, and other regulatory agencies as required, shall also be submitted to the city prior to final approval. All permit applications shall include sufficient information and documentation such as maps, plans and specifications signed and sealed by a professional engineer registered in the state.

(c) *Performance criteria and standards.* All development near existing municipal or community water wells and in designated high recharge areas shall be planned, designed, constructed and maintained to meet the performance criteria and standards as described herein.

- (1) Land development and types of land uses near groundwater supplies shall conform to the restrictions of the state department of environmental regulation and other regulatory agencies.
- (2) Impervious surface areas, including roof and pavement, within the development are limited to 25 percent in designated high recharge areas, per wellhead protection Map E-8. The impervious surface limit may be increased to 50 percent for infill location in developed areas.
- (3) On-site waste disposal system (septic tank) is restricted, per wellhead protection Map E-8. On-site waste disposal systems approved by the state and local regulatory agencies having jurisdiction are permitted only where public sewer service is unavailable and is not included in the current five-year capital improvement program.
- (4) No community or public wellfield shall be constructed in the 100-year flood zone or in areas that are subject to localized flooding.
- (5) The construction and operation of public drinking water supply wells shall be in accordance with state department of environmental regulation and other regulatory agencies.
- (6) The city's wellfield protection area covers all land depicted by year 2010, per wellhead protection Map E-8. The following land use activities are strictly prohibited within the wellfield protection area:
  - a. Landfills.
  - b. Facilities for the bulk storage, handling or processing of hazardous or toxic substances, except for facilities that meet FDEP or other regulations.
  - c. Feedlots or other concentrated animal waste.
  - d. Wastewater treatment plants; wastewater percolation ponds.

(Ord. No. 01-02, § 2, 2-15-01)

### **Sec. 121-25. Floodplains.**

(a) *Purpose and intent.* The purpose of this section is to regulate developments in floodplains to protect the health, safety and welfare of the public. The intent of this section is to provide criteria on development and construction on floodplains and to protect the property and environment of the community.

(b) *Permitting.* A city permit is required for development and construction activities within the floodplains. Existing infrastructure within the floodplains that undergo remodeling, alteration or repairs without providing additional impervious areas do not require a floodplain permit application.

(c) *Performance criteria and standards.* All development and construction activities within the floodplains shall be planned, designed, constructed and maintained to meet the performance criteria and standards as described herein.

- (1) *Infrastructures:* Construction of buildings within five-, ten- and 20-year floodplains is prohibited. Construction of buildings within 100-year flood level, shall have the finish floor elevated a minimum of 18 inches above the 100-year flood level or application of flood-proofing material. All development or construction activities must not reduce or alter the capacity of the floodplains to store, convey, or purify surface water, recharge groundwater, or perform other significant water management functions.
- (2) *Displacement volume:* Development shall not result in an increase in the 100-year flood elevation. No fill shall be allowed to be placed in the 100-year floodplain without an equal volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the seasonal high water table and below the 100-year flood elevation established for that area. The velocity of flood flow must not be adversely altered on any watercourse.
- (3) *Flotational movement:* All structures, including buried septic or storage tanks, shall be anchored to resist flotation, collapse, or lateral movement.
- (4) *Pollutants:* No development shall be allowed that poses a significant threat of releasing harmful quantities of pollutants to surface water or groundwater during flooding. Wastewater and potable water systems must be designed and located to prevent infiltration or contamination of surface water up to the flood protection elevation. Well casings shall be elevated three feet above the base flood in order to prevent water inflow or infiltration.
- (5) *Stormwater runoff:* The post-development stormwater runoff and peak if discharge shall not exceed pre-development conditions based on the storm events of the floodplains.
- (6) *Vegetation buffer:* A buffer shall be established for vegetation within the 100-year floodplain associated with riverine systems. The buffer shall not be developed and the vegetation shall not be cleared within the area of 25 to 50 feet landward from the seasonal high water mark of riverine systems based on the significance of environmental sensitivity.
- (7) *Floodways:* Floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles and erosion. Encroachments, including fill, new construction and improvements are prohibited unless demonstrated by a registered professional engineer that the encroachments shall not result in any increase in flood levels, or divert flood flow course.
- (8) *Streams:* Encroachment is prohibited within a distance of the stream bank equal to two times the

width of the stream at the top of the bank, or 20 feet each side from the top of the bank, whichever is greater, for areas where small streams exist, but without established base flood elevations or regulatory floodways. The exception will be demonstration by a registered professional engineer that the encroachments shall not result in any increase in flood level of a base flood discharge.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-26. Wildlife habitat, wildlife corridors, and listed species.**

(a) *Wildlife corridors.* Wildlife corridors may exist within the city. These may be composed of mammal, amphibian, avian or reptilian corridors. The director of development services may designate that an appropriate width of land shall be designated as a wildlife corridor through a project if a preliminary environmental assessment reveals that a wildlife corridor exists across a piece of undeveloped property. The property owner or developer shall incorporate preservation measures of the wildlife corridor in order to uphold the conservation section of the comprehensive plan of the city.

(b) *Wildlife habitat.* Wildlife habitat may exist within the city. At the discretion of the director of development services, a preliminary environmental assessment may be undertaken to determine the types of wildlife habitat exist on the subject property. Upon discovery of the type(s) and size(s) of wildlife habitat, the director of development services may require a management or mitigation plan is warranted due to the size, intensity, and potential impact of the development to the wildlife habitat. If the wildlife habitat is that of S-1 or S-2, as defined by the Florida Natural Areas Inventory (FNAI), a management or mitigation plan shall be required and reviewed by the appropriate local, state, or federal agency.

(c) *Listed species.* Listed species may exist within the city. A preliminary environmental assessment and threatened and endangered species survey are required on parcels greater than 1.0 acres to determine the presence or absence of listed species. These studies are not required for the development of an individual single family residential lot in a platted subdivision. If listed species are present and their habitat is potentially impacted by proposed development, then the developer shall submit a management plan to the director of development services for review. The plan shall meet or exceed the guidelines established by the state fish and wildlife conservation commission for the each species impacted. If state or federal permits are required, they shall be submitted to the director of development services prior to the final approval of the development. Listed species shall be defined by the list maintained by the state fish and wildlife conservation commission, Florida's endangered species, threatened species, and species of special concern, as amended periodically.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-27. Open space preservation.**

The director of development services may designate an appropriate amount of impervious surface area be left as open space for each development, excluding individual single family dwelling units. This amount shall not be less than 20 percent. Areas of pervious pavement utilized as overflow parking or other utility areas shall not count towards open space preservation, but may count towards impervious area.

(Ord. No. 01-02, § 2, 2-15-01)

#### **Sec. 121-28. Appeals.**

(a) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the city in accordance with chapters 104 and 102 of this land development regulation.

(b) An application for appeal of said decisions shall be presented in accordance with chapter 102 of this land development regulation on matters of interpretation and to the code enforcement board on matters of enforcement.

(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-29. Administration and enforcement.**

The director of development services shall administer and enforce the provisions of this chapter. Any violation of the provisions set forth herein shall be brought to the property owner's attention by a certified letter from the director of development services. The property owner shall be given 30 days to correct the violation. A violation of this chapter shall, in addition to other appropriate sanctions, be enforced in accordance with the code enforcement board procedures as set out under chapter 104 of the City Code of Ordinances.

(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-30. Penalties.**

Penalties shall be in accordance with the requirements set forth in chapter 2 of the City Code of Ordinances.

(Ord. No. 01-02, § 2, 2-15-01)

**Sec. 121-31. Relation to comprehensive plan.**

This chapter, designed to preserve and protect trees within the city, fulfills the requirements of the city comprehensive plan, Volume 3: Goals and Recommendations, as follows:

(1) Policy 4.2.10 Future Land Use Element.

(2) Policy 1.1.3 Conservation Element.

(3) Policy 2.2.1 Conservation Element.

(Ord. No. 01-02, § 2, 2-15-01)