

Summary of Ordinance

This Ordinance amends the following sections of the Lake County Code, Land Development Regulations:

- Section 7.00.05, entitled *General Requirements* (Wekiva River Regulations)
- Section 6.12.01, entitled *Connection Requirements*
- Section 17.04.01, entitled *Alternative Options* (Rural Conservation Subdivision)
- Chapter II, entitled *Definitions*

The purpose of these amendments is to require enhanced nutrient-reducing onsite sewage and disposal systems or distributed waste treatment systems when regional sewer services are not available.

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

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: SECTION 7.00.05 ENTITLED *GENERAL REQUIREMENTS*; SECTION 6.12.00 ENTITLED *CONNECTION REQUIREMENTS*; SECTION 17.04.01 ENTITLED *ALTERNATIVE OPTIONS*; CHAPTER II, ENTITLED *DEFINITIONS*; MANDATING ADVANCED SEPTIC SYSTEMS FOR NEW DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2023, the Florida Legislature passed House Bill (HB) 1379, which required new septic systems in specified areas to use Enhanced Nutrient-Reducing Onsite Sewage Treatment and Disposal Systems (ENR-OSTDS). These regulations apply to new construction permits for lots of one acre or less in certain impacted areas, including Basin Management Action Plan (BMAP), Pollution Reduction Plan (PRP), and Reasonable Assurance Plan (RAP) areas; and

WHEREAS, Lake County has three BMAP areas: The Upper Ocklawaha River BMAP, the Wekiva BMAP, and the Silver Springs BMAP; and

WHEREAS, Lake County Comprehensive Plan Objective IX-3.1, entitled *Provision of Central Sewer Facilities*, states that Lake County shall guide the orderly growth and development

1 of the County by coordinating service delivery with the municipalities, private enterprise, and
2 individuals; and
3

4 **WHEREAS**, Policy IX-3.3.3, entitled *Advanced and Enhanced Onsite Wastewater*
5 *Treatment*, requires the County to coordinate with federal and state agencies to minimize the
6 impact of onsite wastewater disposal systems within springsheds, areas of aquifer vulnerability,
7 and surface waters and wetlands. Further, new development outside of wastewater utility service
8 areas, not on central sewer, must comply with onsite performance-based treatment systems within
9 environmentally sensitive areas including, but not limited to, the Wekiva Study Area (WSA),
10 consistent with state requirements; and
11

12 **WHEREAS**, Policy IX-3.3.3 also requires the County to adopt Land Development
13 Regulations that require advanced or enhanced onsite wastewater treatment and disposal systems
14 within the WSA and other environmentally sensitive areas to achieve discharge limits established
15 by the state; and
16

17 **WHEREAS**, Policy IX-3.3.4, entitled *Onsite Wastewater System Replacement*, requires
18 that a failing existing wastewater treatment system be replaced with a performance-based system
19 when required under state rules provided that central systems are not available; and
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21 **WHEREAS**, Policy I-2.3.8, entitled *Potable Water and Sanitary Sewer*, prohibits central
22 sewer systems within the Ferndale Community and Policy I-3.3.28, entitled *Sewage Treatment*
23 *and Disposal Facilities*, states that Lake County shall encourage the development of sewage
24 treatment and disposal facilities that utilize the best available technology in order to minimize
25 detrimental effects to the environment within the Wekiva River Protection Area; and
26

27 **WHEREAS**, Policy I-4.4.6, entitled *Septic Tank Provisions*, imposes stringent
28 requirements on the use of septic tanks within the Green Swamp Area of Critical State Concern
29 and Policy I-6.3.7, entitled *Wastewater Standards in the Lake Apopka Basin Overlay District*,
30 mandates Advanced Wastewater Treatment Systems within the overlay district; and
31

32 **WHEREAS**, the Board has determined that it is in the best interest of the health, safety
33 and welfare of the residents of Lake County, Florida, to require Advanced Treatment Systems or
34 Central Systems in unincorporated areas regardless of whether such properties are within a BMAP
35 or other area identified as environmentally sensitive under the Comprehensive Plan.
36

37 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
38 Lake County, Florida, as follows:
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40 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
41 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
42 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
43

44 **Section 2. Amendment.** Section 7.00.05, Lake County Code, Appendix E, Land
45 Development Regulations, entitled *General Requirements*, pertaining to the Wekiva River
46 Protection Area shall be amended to read as follows:

7.00.05 General Requirements

- A. Lot Configuration. To promote protection of Environmentally Sensitive areas, Development Shall utilize the concept of Clustering of units, concentrating units on those portions of a Parcel of Land farthest away from publicly owned Conservation or preservation Lands, and from the Surface Waters and Wetlands of the Wekiva River System and the Wekiva River Protection Area; where possible, Development, so long as such configuration would have less impact on natural resources than if Developed at lower densities under its overlay district zoning classification; and so long as all other requirements of the Lake County Comprehensive Plan, Lake County Land Development Regulations set forth in the Lake County Code, regulations of the St. Johns River Water Management District, regulations of the Florida Department of Environmental Regulation and Chapter 369, Florida Statutes, the Wekiva River Protection Act are met.
- B. Lot Width. Minimum width of Lots, parcels or Tracts, however designated, be one hundred fifty (150) feet measured along the property line or lines contiguous to any Street, Road, highway or Easement for ingress or egress, however stated.
- C. Setbacks.
1. Property adjacent to state, federal and County secondary highways Shall maintain a fifty-foot Setback from the highway Right-of-Way for any Structure. Property adjacent to Roads other than state, federal and County secondary highways Shall maintain for any Structure a Setback of sixty-two (62) feet from the centerline of the Roadway or twenty-five (25) feet from the Road Right-of-Way, whichever is greater.
 2. In the case of Easements for ingress or egress, whether public or private, where such Easements have been legally created, the Setback Shall be sixty-two (62) feet from the centerline of such Easement.
 3. The Building Line from any rear or side property line Shall be:
 - a. Single-family Dwelling Units Twenty-five (25) feet.
 - b. Farm Accessory Structures Twenty-five (25) feet except as otherwise provided herein.
 4. For double-Frontage property, the house address shall be designated as the front of the property, and the front Setback requirements set forth in Sections 7.00.03, E., 1. shall be applied on the Street considered the house address Street. Double Frontage Shall mean: Property adjacent to two (2) dedicated Rights-of-Way or two (2) ingress and egress Easements or a dedicated Right-of-Way and an ingress and egress Easement whether public or private.
 5. Land proposed to be Developed on the Wekiva River, Blackwater Creek, Sulphur Run, Seminole Creek, and Lake Norris Shall adhere to the following minimum Setback requirements from Wetlands and water bodies for all Development Activity proposed within the Wekiva River Protection Area, as appropriate:

- (1)a. Those Lands subject to the Setback requirements of the St. Johns River Water Management District, established pursuant to ~~F.S. §Section~~ 373.415, ~~Florida Statutes~~, Shall conform to said Setbacks.
- (2)b. Where Setbacks for such Development Activity are not regulated by the St. Johns River Water Management District, the following minimum Setbacks Shall be established: two hundred (200) feet from the Ordinary High Water mark or fifty (50) feet from associated Wetlands, whichever is farther.
- D. Wetlands. Wetlands in the Wekiva River Protection Area Shall be protected pursuant to Chapter 6.01.00 of this Code.
- E. Survey Required. For the proposed Development within the Wekiva River Protection Area as defined in Chapter 369, Part ~~III~~, Florida Statutes, an environmental survey Shall be conducted in accordance with a County-approved methodology to assess the impacts of Development on ground and Surface Water Quality, quantity and hydrology, native and endangered vegetation and wildlife species, Wetlands and associated Uplands before granting approval of any proposed Development.
- F. Preservation of Natural Habitats. Preserve natural habitats essential to any animals or plants designated pursuant to ~~F.S. §§ 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code and Section F.S. § 581.185 (5) (a) and (b) Section 581.185~~ Fla. Admin. Code, 68A-27 and 5B-40, partially as they apply to the Wekiva River Protection Area. The preservation of such habitat Shall ensure sufficient habitat exists for feeding, nesting, roosting, resting, traveling and migration, so as to maintain Viable Populations of those species listed.
- G. Native Vegetation. Native Vegetation within the Wekiva River Protection Area and the One Hundred-Year Floodplain within the Wekiva River Protection Area Shall be preserved to the greatest extent possible. Therefore, Clearing of Native Vegetation Shall be limited to only those areas approved in accordance with a vegetation survey and protection plan submitted to, and approved by, Lake County, with the exception of those activities necessary for normal yard Maintenance and those areas devoted to agricultural and silvicultural uses as follows:
1. Agricultural Uses. Recognizing Agriculture as an important and necessary economic activity within Florida and Lake County, adequate and appropriate Land and water Shall be reserved for its continuance. Agriculture is also recognized as a legitimate and productive use of Lands within the Wekiva River Protection Area.
 - a. All Lands within the Wekiva River Protection Area presently in use for a particular form of Agriculture, such as grazing, row crops, fruit production or other agricultural uses of comparable agronomic or cultural intensity, may continue to be used in the same manner.
 - b. The Clearing of Land for commercial agricultural use within the Wekiva River Protection Area will be Permitted, provided that the following conditions are met and approved by the Board of County Commissioners.

- (1) A notice of intent Shall be provided to Lake County prior to any Clearing for agricultural uses. This notice of intent Shall include as a minimum: a description of the Land to be converted including the area, location, vegetation; ~~the~~ surface hydrologyhydrolicaleconditions; the crop or livestock enterprise intended; and a time schedule for the proposed activity.
- (2) An agricultural plan Shall be presented demonstrating the suitability of the Land for the proposed use. Such a plan may be prepared directly by the Applicant, a consultant, or the U.S. Department of Agriculture, Soil Conservation Service. The plan Shall conform to Best Management Practices recommended by the U.S. Department of Agriculture, Soil Conservation Service.
- (3) Approval Shall have been received by any regulatory agencies having jurisdiction.

2. Silviculture in Wekiva River Protection Area. Silviculture is recognized as a legitimate and productive use of Lands within the Wekiva River Protection Area.

- a. All areas currently in use for the production of pine Trees, or other Trees not found in Wetlands, may continue to be used in the same manner.
- b. Before harvesting cypress, or other species of Trees found in Wetlands areas, for all parcels of Land one (1) acre or more, cumulative over a one (1) year period from date of initial harvesting, a notice of intent must be approved by the Board of County Commissioners. At a minimum, the notice of intent Shall include a description of the Land to be harvested, including the area, location, vegetation, surface hydrological condition and a time schedule ~~forefor~~ the harvesting activity.
- c. A harvesting plan Shall be presented demonstrating the suitability of the Timber for harvesting. Such a plan may be prepared directly by the Applicant, the Florida Division of Forestry, or a consultant.
- d. The harvesting plan Shall conform to the most current Best Management Practices recommended by the Florida Forest Service of the Florida Department of Agriculture and Consumer ServicesFlorida Division of Forestry.

H. Water and Wastewater Systems. Water and wastewater systems must comply with the requirements of Section 6.12.01 of these regulations.~~Central WaterSystems. Central Sewer Systems Shall be required within the Wekiva River Protection Area, as defined in Chapter 369, Part III, Florida Statutes, where such provision is shown to be economically feasible or environmentally necessary. Upon receipt of justification from the Applicant that central sewer is not necessary, the County Shall make the final determination as to the need for central sewer.~~

~~The Development of a regional Sewage treatment system is encouraged in order to augment the feasibility and desirability of providing central Sewage treatment facilities consistent with policies in the Potable Water Sub-element for service to occur within the Mt. Plymouth Sorrento Urban Compact Node when densities are such that centralized services are feasible.~~

~~The provision of a central Sewer System within the Wekiva River Hydrologic Basin Protection Zones Shall be required by the year 2000 or earlier if feasible. Such provision Shall be through public or private sources, or a combination thereof and Shall be utilized where sufficient Density can be attained (making centralized facilities cost effective) through application of the Density point rating system (in a clustered Development).~~

- I. Water Conservation. In order to conserve supplies of potable water, Lake County Shall restrict the use of potable water for Landscape irrigation consistent with policy of the Lake County Comprehensive Plan, or employ and/or conserve Native Vegetation, or use other species with drought-resistant properties in their Landscaping to the greatest extent practicable. Native or drought-resistant plants include, but are not limited to, those in the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable guidelines prepared by the Florida Department Agriculture and Consumer Services, FWCC, the water management districts or other federal or state agency.
- J. Wastewater Treatment and Reuse. Lake County Shall require that the disposal of Effluents from all wastewater treatment plants comply with State, Federal, Regional and local regulations.

Section 3. Amendment. Section 6.12.01, entitled *Connection Requirements*, Lake County Code, Appendix E, Land Development Regulations, shall be amended to read as follows:

6.12.01 Connection Requirements.

- A. Central Water System.
1. New development within the Urban Future Land Use series shall connect to a public water system, when available. A public water system is considered available when the lines are within three hundred (300) feet of the property to be developed, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement, unless otherwise exempted as provided for in this subsection.
 2. Where a public water system is not available, new development exceeding a density of one unit per net acre shall provide a central water system, unless a waiver to the mandatory connection is granted by the Board of County Commissioners.
 3. The construction of a single-family dwelling unit on a parcel not part of a subdivision shall not be required to connect to a public water system if required to annex into a municipality.

4. Existing development, or development granted a waiver or otherwise exempt from the mandatory connection requirement, shall be required to connect to a public water system if:
 - a. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or
 - b. The private potable water system fails, and replacement is required, the property is within the Urban Future Land Use series, and a public water system is available; or
 - c. The private system is relocated, and the property is within the Urban Future Land Use series.

B. Regional or Central Sewer System Connection Required.

1. All new developments within all Future Land Use Categories must be connected to a regional sewer system if they meet the following thresholds:
 - a. An expected flow of at least 100,000 gallons per day (GPD); or
 - b. A density greater than one (1) unit per net acre.
2. If a regional sewer system is not available, a central system and/or a Distributed Wastewater Treatment System (DWTS) having a capacity of at least 100,000 GPD or more may be permitted on a temporary basis until such time as a regional system becomes available. The temporary system shall be staffed by a Florida licensed wastewater treatment plant operator in accordance with state regulation and code. These temporary facilities shall be planned, designed, and constructed so they either serve as the nucleus of a future regional system, or can act with minimal modification as a lift station when connected to a regional system, or can be abandoned when merged into a regional sewer system constructed at another location.
3. A regional wastewater system is considered available when the lines are within one thousand (1,000) feet of the property to be developed, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement, unless otherwise exempted as provided for in this Section.

BC. Advanced Treatment Septic Systems~~Central Sewage System.~~

1. For developments not required to connect to a regional or central system under subsection B above, including individual lots of record, an Enhanced Nutrient-Reducing Onsite Sewage Treatment and Disposal System (ENR-OSTDS) or Distributed Wastewater Treatment Unit (DWTU) shall be required. If an advanced treatment septic system is used it shall be permitted in accordance with applicable state law and administered by the agency designated by the State of Florida. Conventional septic systems shall not be permitted for new development or to replace an existing system of any kind.

~~New development within the Urban Future Land Use series shall connect to a regional/subregional wastewater system; when available. A~~

~~regional/subregional wastewater system is considered available when the lines are within one thousand (1,000) feet of the property to be developed, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement, unless otherwise exempted as provided for in this subsection.~~

~~2. Where a regional/subregional wastewater system is not available, new development exceeding a density of one unit per net acre shall provide a regional/subregional wastewater system, unless a waiver to the mandatory connection is granted by the Board of County Commissioners.~~

~~32. The construction of a single-family dwelling unit on a parcel not part of a subdivision shall not be required to connect to a regional/subregional wastewater system if required to annex into a municipality; provided, however, the installation of an ENR-OSTDS, DWTU, or DWTS will still be required.~~

~~3. All DWTS or DWTU systems used in lieu of connection to regional sewer systems shall be permitted, installed, and operated in compliance with Chapter 403, Florida Statutes. All ENR-OSTDS, DWTU, and DWTS systems will meet or exceed all applicable performance standards adopted by the state. If the state has not set a performance standard, then the system must achieve a sixty-five percent (65%) nitrogen reduction to be considered an advanced treatment septic system.~~

~~4. The owner(s) of an existing conventional septic system for which a connection to a regional/central sewer system is not available must replace the existing conventional septic system with an advanced treatment septic system should the existing system require replacement for any reason, including, but not limited to, existing system failure, relocation, or redevelopment of the property.~~

~~4. Existing development, or development granted a waiver or otherwise exempt from the mandatory connection requirement, shall be required to connect to a regional/subregional wastewater system if:~~

~~a. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or~~

~~b. The private system fails, and replacement is required, the property is within the Urban Future Land Use series, and a regional/subregional wastewater system is available; or~~

~~c. The private system is relocated, and the property is within the Urban Future Land Use series.~~

D. Reconnection Required. Existing development, or development granted a waiver or otherwise exempt from the mandatory connection requirement, shall be required to connect to a regional or central wastewater system if:

1. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or

2. The private system fails, and replacement is required, the property is within the Urban Future Land Use series, and a regional-or central wastewater system is available; or

3. The private system is relocated, and the property is within the Urban Future Land Use series.

E. Onsite Sewage Treatment and Disposal Systems (OSTDS). Pursuant to Section 381.0065(1), Florida Statutes, every OSTDS, except approved on-site graywater systems, are required to connect to a publicly owned or investor-owned sewage system within three hundred sixty-five (365) days after notification that such a system is available for connection. It shall be the responsibility of the central or regional sewage system utility service provider to timely give such notification to affected property owners.

Section 4. Amendment. Section 17.04.01, Lake County Code, Appendix E, Land Development Regulations, entitled *Alternative Options*, pertaining to Rural Conservation Subdivisions, shall be amended to read as follows:

17.04.01 ~~Alternative Options~~Water and Wastewater Requirements. Water supply and sewage disposal facilities to serve these subdivisions must be provided as set forth in Section 6.12.01 of these regulations. ~~may be provided using various alternatives, including:~~

A. ~~Connection to a public water supply and/or sewage disposal system operated by a municipality or water or sewer authority. System extensions are permitted only in accordance with applicable water and sewer, and land use policies.~~

B. ~~If a public water supply or public sewage disposal system is not available, a central water system and/or distributed wastewater system designed, constructed, and maintained in conformity with all applicable state, federal, and local rules, and regulations shall be allowed~~

C. ~~If public utilities are not available and the developer asserts that utilizing a central water system or distributed wastewater system is not feasible, individual wells and septic tanks located on each lot may be allowed if the Board of County Commissioners grants a waiver to the connection requirements at a public hearing. Any waivers granted hereunder are only valid until:~~

1. ~~The Board of County Commissioners has determined that the existing method of providing water and wastewater is endangering the environment, public health, safety, or welfare; or~~

2. ~~The private system fails, and a replacement is required, the property is within the distance established in these regulations to be considered available; or~~

3. ~~The private system is relocated.~~

Section 5. Amendment. Chapter II, Lake County Code, Appendix E, Land Development Regulations, entitled *Definitions*, is hereby amended to read as follows:

(Definitions to be added in the appropriate location based on alphabetical order)

Distributed Wastewater Treatment System (DWTS). See Section 403.814, Florida Statutes.

Distributed Wastewater Treatment Unit (DWTU). See Section 403.814, Florida Statutes.

Enhanced Nutrient-Reducing Onsite Sewage Treatment and Disposal System (ENR-OSTDS). See Section 403.031(5), Florida Statutes.

Regional Sewer System. A system having a minimum capacity of 500,000 gallons per day (GPD) or greater.

(All other definitions shall remain unchanged)

Section 6. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 7. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 9. **Effective Date.** This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2025.

Filed with the Secretary of State _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This ____ day of _____, 2025.

Approved as to form and legality:

Melanie Marsh, County Attorney